APPENDIX 1

Report on Nuthall Neighbourhood Plan 2015 - 2030

An Examination undertaken for Broxtowe Borough Council with the support of the Nuthall Parish Council on the December 2017 submission version of the Plan.

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Date of Report: 2 October 2018

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From my examination of the Nuthall Neighbourhood Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Nuthall Parish Council;
- The Plan has been prepared for an area properly designated – Nuthall Parish shown on Map 1 of the Plan;
- The Plan specifies the period to which it is to take effect – 2015-30; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Nuthall Neighbourhood Plan 2015-2030

1.1 As explained in the Introduction to the Neighbourhood Plan, Nuthall lies to the north-west of the City of Nottingham. The Parish is bisected by the M1 motorway and includes Junction 26 which is accessed from the west and east by the A610, as illustrated on Map 7 of the Plan. The A6002 which is parallel to the M1 but crosses the eastern side of the Parish was, like the A610, heavily trafficked at the time of my site visit. These major roads are not easily crossed by pedestrians and cyclists, and the traffic on them generates high levels of noise. Residential properties and other buildings in Nuthall are mostly set back from the M1 and A610 as well as the A6002.

1.2 West Nuthall (the Larkfields character area as shown on Map 10), includes the old village centre, St Patrick's Church, the Methodist Church and Nuthall Parish Council Temple Centre. There are a number of listed buildings within Nuthall Conservation Area in West Nuthall, as indicated on Map 4. The three character areas in East Nuthall are separated by the M1 and A6002 from the historic core of the village. The layout of the four predominantly residential character areas, mostly with their own public houses, primary schools and local shops, indicates that each has a degree of self-containment. East Nuthall adjoins suburban areas of the City of Nottingham including Bulwell, Hempshill Vale and Cinderhill, whilst West

Nuthall is joined to Watnall within Greasley Parish, and Kimberley Parish, beyond the built-up area of Nottingham.

1.3 Although the Parish of Nuthall is marked by major transport infrastructure and quite intensively developed residential areas (providing some 2,500 homes in total according to the 2011 Census), two thirds of the land in the Parish is countryside and designated as Green Belt (see Map 6). Two working farms, at Redhill House and New Farm, shape the character of the countryside in the northern part of the Parish. A sizeable lake is located south of Kimberley Road. There is much woodland in Nuthall, as shown on Map 9, providing some screening from the detrimental visual impact of the M1 and other major roads.

1.4 Production of the Nuthall Neighbourhood Plan began in 2014, when an application for designation of the Parish as a neighbourhood area was submitted to Broxtowe Borough Council. The Parish Council established a Steering Group as described in the Consultation Statement, which carried out an early residents' survey to identify "Key Messages" for plan-making for Nuthall. The Plan was developed and modified following ongoing consultation with residents and other stakeholders, and submitted to Broxtowe Borough Council for examination on 17 January 2018.

The Independent Examiner

1.5 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Nuthall Neighbourhood Plan by Broxtowe Borough Council, with the agreement of the Nuthall Parish Council.

1.6 I am a chartered town planner and former government Planning Inspector, with prior experience examining Neighbourhood Plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

1.7 As the independent examiner I am required to produce this report and recommend either:

(a) that the Neighbourhood Plan is submitted to a referendum without changes; or

(b) that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum; or

(c) that the Neighbourhood Plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.8 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:

- Whether the Plan meets the Basic Conditions;

- Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended). These are:

  - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;

  - it sets out policies in relation to the development and use of land;

  - it specifies the period during which it has effect;

  - it does not include provisions and policies for 'excluded development';

  - it is the only Neighbourhood Plan for the area and does not relate to land outside the designated neighbourhood area;

  - whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum; and

- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.9 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

*The Basic Condition*s

1.10 The 'Basic Conditions' are set out in paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the Neighbourhood Plan must:

  - Have regard to national policies and advice contained in guidance issued by the Secretary of State;

  - Contribute to the achievement of sustainable development;

  - Be in general conformity with the strategic policies of the development plan for the area;

  - Be compatible with and not breach European Union (EU) obligations; and

  - Meet prescribed conditions and comply with prescribed matters.

1.11 Regulation 32 of the 2012 Regulations prescribes a further basic condition for a Neighbourhood Plan. This requires that the Neighbourhood Plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2017) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

2. Approach to the Examination

Planning Policy Context

2.1 The Development Plan for this part of Broxtowe Borough Council is the Aligned Core Strategy for Broxtowe, Gedling and Nottingham City, 2014, not including documents relating to excluded minerals and waste development. This is the Part 1 Local Plan document for Broxtowe Borough Council. Work is underway on the Broxtowe Part 2 Local Plan (the emerging Part 2 Local Plan) which was submitted for examination in July 2018. While there is no requirement for the Plan to be in general conformity with the strategic policies of the emerging Local Plan, it is important to minimise any conflict between the two documents, as set out in Planning Practice Guidance (PPG) Reference ID: 41-009-20160211.

2.2 The planning policy for England is set out principally in the National Planning Policy Framework (the Framework). The PPG offers guidance on how this policy should be implemented. A revised Framework was published during this examination on 24 July 2018, replacing the previous 2012 Framework. The transitional arrangements for local plans and neighbourhood plans are set out in paragraph 214 of the 2018 Framework, which provides 'The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019'. A footnote clarifies that for neighbourhood plans, 'submission' in this context means where a qualifying body submits a plan to the local planning authority under Regulation 15 of the 2012 Regulations. The Nuthall Neighbourhood Plan was submitted to the Council in early 2018. Thus, it is the policies in the previous Framework that are applied to this examination and all references in this report are to the March 2012 Framework and its accompanying PPG.

Submitted Documents

2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:

- the draft Nuthall Neighbourhood Plan 2015 - 2030, December 2017;

- Map 1 of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates;
- the Consultation Statement;
- the Basic Conditions Statement;
- all the representations that have been made in accordance with the Regulation 16 consultation;
- the Strategic Environmental Assessment screening opinion prepared by Broxtowe Borough Council; and
- Broxtowe Borough Council's and Nuthall Parish Council's joint response, dated 24 August 2018, to the questions raised in my letter of 10 August 2018[1].

Site Visit

2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 30 August 2018 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum. The Parish Council and Broxtowe Borough Council provided a joint written response to questions which I raised after reading the Regulation 16 consultation replies. I take account of the joint response statement, dated 24 August 2018, in examining the Neighbourhood Plan.

Modifications

2.6 Where necessary, I have recommended modifications to the Plan **(PMs)** in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have also listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

3.1 The Nuthall Neighbourhood Plan has been prepared and submitted for examination by Nuthall Parish Council, which is a qualifying body. The Plan applies to the whole Parish of Nuthall, which was designated as a Neighbourhood Plan Area by Broxtowe Borough Council on 17 September

[1] https://www.broxtowe.gov.uk/media/5364/questions-and-answers-to-examiner.pdf

2014. It is the only Neighbourhood Plan for Nuthall, and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

3.2 The Plan specifies clearly the period to which it is to take effect, which is from 2015 to 2030.

Neighbourhood Plan Preparation and Consultation

3.3 The Consultation Statement submitted with the Neighbourhood Plan explains that an application for designation of the Neighbourhood Plan Area was made to Broxtowe Borough Council in June 2014. A Steering Group was set up by the Parish Council to progress the Neighbourhood Plan. An initial Residents' Survey was designed to identify the issues and opinions of local people for planning the future for Nuthall. In addition to residents, schools, clubs, young people, those using community and sports' facilities, local farmers, landowners and developers, and business/retail representatives were invited to comment. Results of the survey fed into the production of a draft Neighbourhood Plan which was subject to consultation under Regulation 14 of the 2012 Regulations, from 3 December 2016 to 31 January 2017.

3.4 The draft Plan was put on display at the Parish Council offices, placed on the Parish website, published online and made available via social media. A launch event with local Councillors and 'drop-in' sessions enabled people to ask questions and make comments on the Plan. 27 responses were received from Statutory Consultees, land owner/developers and local residents. The Consultation Statement includes a summary of the comments made, and indicates that amendments to the draft Plan would be made in some cases. The amended Neighbourhood Plan was submitted and subject to public consultation by Broxtowe Borough Council, in line with Regulation 16 of the 2012 Regulations, between 26 February 2018 and 20 April 2018. 21 responses were received, and I take account of these in examining the Neighbourhood Plan. I am satisfied that the consultation process has complied with the relevant legal requirements and due regard has been had to the advice on plan preparation and engagement in the PPG.

Development and Use of Land

3.5 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

3.6 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

3.7 The Basic Conditions Statement states that the Plan must not discriminate unfairly or in a manner which is contrary to the Human Rights Act 1998. Broxtowe Borough Council has not contended that the Plan breaches Human Rights (within the meaning of the Human Rights Act 1998), and I see no reason to disagree.

4. Compliance with the Basic Conditions

EU Obligations

4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by Broxtowe Borough Council, which found that it was unnecessary to undertake SEA. However, a 'voluntary' Habitats Regulation Assessment (HRA) was undertaken, recognising that Nuthall lies within 15kms of Sherwood Forest, a potential Special Protection Area. Having read both Screening Reports, which concluded that the Nuthall Neighbourhood Plan would not have any significant negative effects on identified European sites, I support their conclusions. Natural England, in its response at Regulation 16 stage (letter of 19 March 2018), did not disagree.

Main Issues

4.2 I have approached the assessment of compliance with the Basic Conditions of the Nuthall Neighbourhood Plan under two main headings:
- General issues of compliance of the Plan, as a whole; and
- Specific issues of compliance of the Plan policies.

General Issues of Compliance

Structure and coverage of the Neighbourhood Plan

4.3 The first part of the submitted Plan provides useful information about Plan preparation (Foreword), and the location and character of the Parish (Page 4). It then defines a Vision and Objectives, before providing information about the Parish's history and present & future challenges. I accept that these sections provide a useful introduction, before the Plan sets out its planning policies. However, for clarity I consider that the Vision and

Objectives would be contextually more coherent if they were located at the end of this section, after the area's history, present & future challenges have been described, and immediately before the Neighbourhood Plan Policies. Proposed modification **(PM1)** would achieve this, and should be made to assist readers and users of the Plan, and contribute to the achievement of sustainable development.

4.4 The first part of the Plan includes seven maps which provide essential material as to the boundary of the designated Neighbourhood Plan Area, heritage assets, the extent of Green Belt land and transport infrastructure. Two historic maps are also presented, which provide information as to how the Parish has developed over time. I commend the Parish Council for the clarity and content of these maps, but note the request from Nottinghamshire County Council for an amendment to Map 7. As highway authority, the County Council stated that all A roads should be given the same classification. The Parish Council agreed that Map 7 should be modified accordingly, and I recommend that **PM5** be made, to have regard for national policy on highways and transport.

4.5 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. It has three roles (economic, social and environmental) which it should perform. I am satisfied that the Vision of the Steering Group has regard for this critical aspect of national planning policy. The two objectives follow from the Vision, and recognise the particular circumstances of Nuthall associated with the position of the M1 and proposed development of the HS2 rail system. The Woodland Trust commented that one of the objectives should be to protect and enhance the local landscape character, green and open spaces, ancient woodland, veteran trees, hedgerows and trees. I consider that the second objective should be extended to refer to these features more fully. **PM1** should include revised wording to objective 2, so that it does this and contributes to the pursuit of sustainable development.

4.6 After setting out the two objectives, the Neighbourhood Plan states "Key resident concerns are future Housing needs (and associated Transport infrastructure) .....". I find this sentence ambiguous, although the first criterion of Policy 1: New Housing offers some assistance in understanding it. The text on Page 5 should be modified, in my view, as in **PM1**, to indicate how the development management process should operate. The modification should be made to secure this and meet the Basic Conditions.

4.7 The final paragraph on Page 5 correctly advises that the Neighbourhood Plan will become part of the Development Plan for the Nuthall area on adoption. It also states that the policies will be monitored and reported on in Broxtowe Borough Council's annual monitoring reports. Given the prospect of significant change in the Parish in the future with the development of HS2, I consider that a commitment to regular monitoring

is essential for good planning in Nuthall. As the draft Broxtowe Part 2 Local Plan was submitted for examination in July 2018, there is also potential for change to strategic planning policy, which could affect the Parish. Even if the HS2 railway through Nottinghamshire is not scheduled for construction until the 2030s, after the end date for the Nuthall Neighbourhood Plan, ongoing monitoring should be undertaken. Then management and adaptation, if not major review of the Plan, can be initiated at the earliest opportunity to secure sustainable development.

4.8 On Page 7, it is incorrectly stated that Hempshill Hall has been demolished. In fact, I am advised that it has been restored and is a listed building, as shown on Map 3. **PM2** should be made to correct this and satisfy the Basic Conditions.

4.9 Pages 6 to 13 explain the history of Nuthall's development, graphically illustrated with old photographs and maps. The Plan is seeking to protect designated and non-designated local assets, and I am advised that Nottinghamshire County Council and Broxtowe Borough Council provide heritage updates, published on the Heritage Gateway. Historic England pointed out that there are assets in Nuthall on the heritage at risk register which require safeguarding. I consider that additional information should be added to Page 13 of the Plan having regard for Historic England's observations, to explain the source of the Parish Council's information on heritage assets. **PM3** should be made to contribute to the achievement of sustainable development.

Overall approach to planning for new housing and economic development, the Green Belt and transport

4.10 The NPPF expects local planning authorities to boost significantly their supply of housing (paragraph 47 onwards). Part 1 of the Greater Nottingham Aligned Core Strategy was adopted in 2014 and is the current Local Plan for Broxtowe. Its Policy 2.2 aims to direct new housing development to, or adjacent to, the main built up area of Nottingham, followed by locations at four key settlements for growth. Kimberley is identified as one of the four key settlements where up to 600 new homes are sought. The emerging Part 2 Broxtowe Local Plan includes site allocations, and paragraph 15.1 states that West and East Nuthall are included in the Kimberley sub-market. Policy 7 names three sites to be allocated for residential development in Kimberley, but none of these are in Nuthall.

4.11 However, Map 5 on Page 30 of the emerging Local Plan shows Housing Commitments in Nuthall, on land adjacent to Hempshill Hall. I am aware that permission was granted on appeal for 116 dwellings on this land in 2014, with a planning obligation which was modified on appeal in 2015. Appendix 1 of the Neighbourhood Plan refers to this site in the context of the Strategic Housing Land Availability Assessment (SHLAA). Given the

scale of development proposed, I consider that it should be referenced in the main body of the Plan, and propose that new text is added to Page 18, under Nuthall Present/Future Challenges, **(PM6)**, and after Policy 1: New Housing on Page 19, **(PM7)**, to explain that the site is a housing commitment.

4.12 I agree with Greasley Parish Council that additional information should be given about the position of Nuthall within the Kimberley sub-market, in the supporting text to Policy 1 **(PM7)**, as well as in Appendix 1 **(PM13)**. All these modifications should give appropriate emphasis in this Plan to the issue of boosting housing supply, having regard for national policy. They should also be made to secure general conformity with the Part 1 Local Plan and have regard for the emerging Part 2 Local Plan. **PM6**, **7** and **13** are necessary to meet the Basic Conditions for neighbourhood planning.

4.13 I have taken account of the representation from P&DG on behalf of Mr Turton, and the request that land at 121 Kimberley Road should be allocated for new housing. However, the site is not included in the draft Part 2 Local Plan. Policy 1 of the Neighbourhood Plan is supportive of proposals for new housing which meet its criteria, and I am satisfied that Broxtowe Borough Council should determine whether Mr Turton's proposal should be taken forward, through the development management process and/or the Part 2 Local Plan. In any event, Table 3: Housing Figures in the emerging Part 2 Local Plan shows that Kimberley has a supply of 532 built and potential new homes, and is therefore on track to meet its target for "up to 600 dwellings" by 2028. I am satisfied that the Nuthall Neighbourhood Plan need not include specific new allocations, having regard for Broxtowe's SHLAA 2017/18 and the achievement of sustainable development, as well as the need for general conformity with the adopted Local Plan.

4.14 Section 1 of the NPPF – Building a strong, competitive economy states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Wilson Bowden Developments Ltd criticised Nuthall Neighbourhood Plan's Vision and Objectives for not aiming to deliver "sustainable development", and for focusing on "locally expressed concerns" rather than the wider development needs of the area. Wilson Bowden argued that the needs of employment had been largely overlooked, and the Plan should acknowledge the forecast employment growth related to HS2, which it contends is expected to start influencing the locality well within the Plan period.

4.15 On the needs of employment, Policy 4 of the Part 1 Local Plan – Employment Provision and Economic Development – aims to strengthen and diversify employment offer across Greater Nottingham. Policy 9 in the emerging Part 2 Local Plan focuses on retention of existing good

quality employment sites, allowing for expansion, conversion or redevelopment for employment purposes. The emerging Local Plan lists employment sites which should be retained, and names Phoenix Park, Nuthall. Page 16 of the Neighbourhood Plan refers to "2 Business Parks on the borders of the Parish" which are "very closeby". This arguably conflicts with Appendix 1 Page 34, which acknowledges that Phoenix Park is "in the Parish itself". I propose **PM4** to remove the discrepancy and give more information about Phoenix Park. Additional text on Page 5 is also needed, as in **PM1**, to make the point that sustainable development includes encouraging economic development, which the Neighbourhood Plan should support whether or not it has been identified as a matter of key concern by residents.

4.16 Regarding HS2, the response to my letter of August 2018 agreed by the Parish Council and Broxtowe Borough Council stated that this is perceived to be a strategic matter. Part 1 of the Local Plan identified the vicinity of the proposed Toton station as a location for significant new economic development. The East Midlands HS2 Growth Strategy published in October 2017 includes an innovation campus around the station at Toton, with the main built-up area of Nottingham being the first location for new growth. I agree that Nuthall is quite distant from the proposed new station at Toton, so that the submitted Neighbourhood Plan need not be modified to provide for HS2-related employment growth. Future monitoring and review will indicate if any subsequent changes are required. As the HS2 line is not expected to open until 2033, modification of this Neighbourhood Plan now is not required, in my view.

4.17 Respondents to the Regulation 16 exercise also argued that new development needs in future could necessitate a review of Green Belt boundaries. There was support for the release of land in the northern part of the Parish above Sellers Wood. However, there is no indication in the adopted Local Plan or emerging Local Plan that these releases should be made. I consider that Green Belt review should be a strategic matter for Broxtowe Borough Council and/or Nottinghamshire County Council, and not be addressed in this Neighbourhood Plan.

4.18 It is clear from visiting Nuthall and from the submitted Plan that the position of the M1, Junction 26 and the heavy traffic flows through the Parish have a major effect on the local environment, and are a source of air pollution, noise and community severance. Paragraph 20.1 of the emerging Part 2 Local Plan indicates that Nottingham Road/Back Lane, Nuthall is an Air Quality Management Area, ie. an area where emissions from traffic give rise to high levels of pollution above national air quality objectives. Data from the Parish Profiles, based on the 2011 Census by Rural Community Action Nottinghamshire (RCAN) for Broxtowe Borough Council, show that Nuthall's residents have high levels of car ownership (49% have 2 or more cars in Nuthall compared with 32% nationally), and

many people travel long distances to work, presumably benefitting from close proximity to the M1.

4.19 At the bottom of Page 16 of the Neighbourhood Plan, it is stated that "*the travel to work ratio is therefore relatively high*". The Parish Council clarified, in its letter to me of 24 August 2018, that the majority of Nuthall residents who are in employment, travel out of the Parish to their place of work and not many people commute inwards. In **PM4**, I propose that the text is modified so that all readers can understand the point.

4.20 Whilst the Plan refers to the local highway-related problems (objective 2, Page 16 and Local Aspirations), it does not contain a positive policy promoting more sustainable transport. This is understandable as the M1 is part of the nationally significant strategic road network. The Highways Agency has responsibility for its operation and maintenance and Nottinghamshire County Council, as local highway authority, plans and maintains the roads which lead to it. I recognise that it is difficult for the Neighbourhood Plan to have much influence on the strategic transport network. However, national planning policy aims to promote sustainable development and encourage behavioural change so that people use public transport, cycling or walking in preference to the private car, wherever possible (section 4 of the NPPF). Paragraph 30 states that solutions to transport problems which support reductions in greenhouse gas emissions and reduce congestion should be encouraged. Policy 18: Infrastructure and paragraph 3.18.5 of the Part 1 Local Plan support sustainable transport modes, and emerging Policy 20 of the Part 2 Local Plan addresses air quality. It expects all new housing developments of 10 or more dwellings or 1,000 sqm or more commercial floorspace to incorporate electric car charging points.

4.21 I have taken account of the representations from the Kimberley, Eastwood, Nuthall Tram Action Group setting out the potential advantages of an extension to the tram network from Phoenix Park to Nuthall and beyond. I accept that such a scheme could contribute to reductions in traffic congestion on Junction 26. However, this is a substantive infrastructure project requiring a full assessment of its costs and benefits and wider impact. I am unable to recommend its inclusion in the Nuthall Neighbourhood Plan without appropriate background evidence, including support from the Parish Council and other stakeholders.

4.22 However, I consider that the Neighbourhood Plan should include more references to the harmful impact which private car (and goods vehicle) usage can have, covering air quality, noise and disturbance, as well as road congestion. I recommend modifications to Nuthall Present/ Future Challenges, Policy 1 and Local Aspirations on Page 27 so that the Plan is more positively in favour of sustainable transport and has regard for the NPPF, as well as being in general conformity with Policy 18 of the adopted Local Plan. **PM4**, **7** & **12** should be made accordingly.

4.23 I conclude that, with the modifications I have recommended, the Plan will have a clear structure and coverage of relevant local planning issues, with good illustrative maps, enabling readers and prospective users to understand how the Plan should be applied. Though modest in its expectations for future housing and economic development, I conclude that, subject to the proposed modifications, the Nuthall Neighbourhood Plan will contribute to the achievement of sustainable development as defined in the NPPF, will be in general conformity with the adopted Local Plan (and align with the emerging Part 2 of the Local Plan).

Compliance of the Plan policies

Policy 1: New Housing

4.24 Nuthall Neighbourhood Plan includes five policies, and I have considered whether each one meets the Basic Conditions for neighbourhood planning. Policy 1 addresses new housing, and I have already recommended that there should be modifications to the Plan to acknowledge that Nuthall is included in the Kimberley sub-market, and that there is a major site committed for housing development on land at Hempshill Hall. In my letter to the Parish Council in August 2018 I queried the case for seeking "a minimum of 20% of the houses" to be designed for the needs of elderly or limited mobility residents, whilst omitting to mention the need for affordable homes.

4.25 The Parish Council drew my attention to demographic data in Appendix 1 of the Neighbourhood Plan, which notes that 18% of the current population is aged 65 or over, 2% above the national average. That percentage is forecast to increase. Policy 8.1 of the adopted Local Plan says that Part 2 Local Plans should define a proportion of homes that should be capable of adaptation to suit the lifetime of its occupiers. Policy 15 of the emerging Part 2 Local Plan for Broxtowe Borough expects housing developments to ensure that the needs of all age groups (including the elderly) are met. Nuthall's Policy 1 is arguably more stringent than emerging Policy 15 but is in general conformity with its direction. I have also considered whether Policy 1 could conflict with paragraph 173 of the NPPF, regarding the need to consider the costs of any policy requirements and their effects on viability and deliverability. I support the Parish Council's ambitions to achieve more housing for elderly or infirm people, but shall modify the wording of Policy 1 to ensure that it is not too onerous and takes account of viability.

4.26 I have seen insufficient evidence to support the text on Page 19 which implies that affordable housing is not needed in Nuthall. The adopted Local Plan Part 1 sets a target of 30% for affordable housing in new developments in Broxtowe Borough. Recent studies relating to Kimberley sub-market show that sites of 10 dwellings or more should include 20% or

more affordable housing. The 20% or more target is included in emerging Policy 15 of the Part 2 Local Plan. Although the Parish Council seeks to avoid repeating policy in the Local Plan, I consider it necessary to refer to affordable housing in Policy 1 of the Nuthall Neighbourhood Plan, recognising the serious national problem of housing affordability, especially for younger people[2], so that prospective developers have a holistic view of requirements.

4.27 Highways England requested a requirement that significant development proposals should be subject to an appropriate Transport Statement or Transport Assessment. It stated that this could assist achievement of the first local aspiration on Page 27 of the Plan to ease congestion around Junction 26 of the M1. Section 4 of the NPPF – Promoting sustainable transport – favours greater use of sustainable transport modes, and supports the use of Transport Statements or Transport Assessments, which may lead to the use of Travel Plans. This approach goes beyond introducing new infrastructure, as mentioned in criterion i. of Policy 1, and I recommend a change to its wording, with supporting text, to have regard for the NPPF and the representation from Highways England. I shall also add supporting text to explain what might be meant by "environmental issues" in criterion ii. **PM7** to modify Policy 1, includes all the above proposed amendments, and is needed to achieve general conformity with the Local Plan, and have regard for the NPPF (as well as to be more consistent with the emerging Local Plan).

Policy 2: Nuthall Village Centre and Policy 3: Live Work Units

4.28 Map 8 in the Plan shows the extent of the village centre, opposite St Patrick's Church. It includes the Three Ponds public house and a hair studio alongside the bus stop for services between Nottingham and Eastwood. Policy 2 supports new retail and business development in individual units which do not exceed 250sqm. In its response of 24 August 2018 to my questions about the floorspace figure, the Parish Council and Borough Council stated that they would agree to an amendment to 280sqm. I consider that this would be appropriate for new premises in this non-town centre location, which is within the Nuthall Conservation Area. **PM8** would achieve this modification, which should contribute to the achievement of sustainable development, along with revised wording of criterion iv. to ensure that it has regard for wording in the Planning (Listed Buildings and Conservation Areas) Act 1990.

[2] Rural Community Action Nottinghamshire – Parish Profiles based on 2011 Census date – for Broxtowe Borough Council shows the affordability ratio for Nuthall (median house price as a ratio of median income) to be 10.3.

4.29 Policy 3: Live Work Units has regard for the NPPF's section 1 Building a strong, competitive economy, and planning proactively to meet the business needs of a 21st century economy, facilitating flexible working practices to integrate residential and commercial usage in the same unit (paragraphs 20 & 22 of the NPPF). The growth of live work units in Nuthall should have a beneficial, even if modest, effect on reducing traffic congestion and air pollution in the Parish. I support Policy 3 as written, which meets the Basic Conditions for neighbourhood planning.

Policy 4: New Open Spaces

4.30 Map 9 illustrates existing playing pitches, open spaces and woodlands in the Parish. At my site visit, I observed the proximity of the built-up areas in the Parish to woodlands and recreation/play areas as well as open farmland. Basil Russell Playing Field, with its tennis courts, football & cricket pitches, bowling green and children's play areas was in use at the time of my visit, and is accessible on foot and by bicycle from the neighbouring Larkfields area. New Farm Lane and the disused railway line provide a pleasant walking route towards the countryside in the north of the Parish, and towards Hempshill under the M1. I saw that the path along the former railway line is used by horse-riders and cyclists as well as pedestrians.

4.31 I fully support the thrust of Policy 4, to improve existing recreation and play areas and provide new open spaces, with appropriate access for cyclists and walkers. Due to the presence of the M1 motorway, Junction 26 and the busy A roads which lead to it, there is significant severance of West Nuthall from East Nuthall. With the construction of HS2 in the future, this separation is likely to be enhanced. Nottinghamshire County Council drew my attention to paragraphs 69-78 of the NPPF – Promoting healthy communities, and its own research into current and future health and wellbeing. The NPPF highlights the importance of environments which enable social interaction with clear and legible pedestrian routes and high quality public space. Therefore, criterion iii. which I assume should read "*Provision of new open spaces, recreational areas, routes appropriate for cyclists and walkers including dog walkers, in particular routes which link areas of population <u>within</u> the Parish*" is very important. Policy 4 would be strengthened if the existing footpaths and rights of way in Nuthall which connect the built-up areas to each other and the surrounding countryside were shown on Map 9. **PM10** should be made to assist those submitting planning applications to identify where "appropriate routes for cyclists and walkers" might be, and in order to contribute to the achievement of sustainable development.

4.32 The Woodland Trust was pleased to see Policy 4 and Map 9, but stated that any new development would need to respect Nuthall's distinctive landscape character, conserving mature trees and hedgerows so that there is no loss or degradation of ancient woodland, with planting of new

trees and woodlands. The Wildlife Trust suggested that the term 'Green Infrastructure Networks' would be an appropriate title to Policy 4, and that a new criterion for the protection and enhancement of wildlife habitats should be added. I consider that use of the term green infrastructure networks would helpfully demonstrate consistency with Policy 28: Green Infrastructure Assets, of the emerging Part 2 Local Plan which relates to *"a network of living multi-functional natural features, green spaces, rivers, canals and lakes that link and connect villages, towns and cities"*.

4.33 The Wildlife Trust also argued that Sellers Wood's status as a Site of Special Scientific Interest (SSSI) and Local Nature Reserve should be shown on the accompanying map, along with other local wildlife sites and ancient woodlands. I agree that the SSSI should be distinguished, with the addition of other local wildlife sites. I also support modification of Policy 4 with the addition of a new criterion for wildlife habitat protection, and explanatory supporting text. A reference to possible future funding from HS2 development to mitigate and compensate for damage and loss of wildlife habitats should be included in the supporting text, so that the matter is not overlooked in the long term, and so as to contribute to the achievement of sustainable development. As the Woodland Trust observed, Policy 4 should be modified so that it is more ambitious in seeking gains for wildlife and creating new habitats, having regard for the NPPF's paragraph 109. **PMs 9** and **10** to modify Policy 4, its supporting text and Map 9 should be made to ensure that the Basic Conditions are met.

4.34 Policy 4 seeks the provision of allotments when planning applications for development are made. However, there is no additional information as to where these should be provided, or how they might be maintained. I appreciate that, as the Neighbourhood Plan does not allocate sites for development, it cannot identify sites for allotments precisely. However, some supporting text to confirm that sites should be suitable for cultivating plants and within easy walking distance of residential areas, should be added to Page 22. This would be achieved through **PM9**.

Policy 5: Design and the Historic Environment

4.35 Policy 5 has regard for paragraphs 56-68 of the NPPF, which state that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development and should contribute positively to making places better for people. Policy 5 refers to Map 10 and the identification of 4 distinct character areas in Nuthall. Based on my site visit, I consider the identification of these areas to be appropriate, and their definition should be helpful for those assessing potential new development. Policy 10 in the Part 1 Local Plan: Design and Enhancing Local Identity provides detail as to how all new developments should be designed, and how all elements of design should be assessed (covering structure, texture and grain; density and mix;

massing, scale and proportion, among other things). The emerging Part 2 Local Plan also contains a strong policy to promote good design, Policy 17: Place-making, Design and Amenity.

4.36 I appreciate that there is no need to repeat strategic policy in the Neighbourhood Plan. However, I consider that the application of Nuthall's Policy 5 would be strengthened if cross-references were added to the supporting text to refer to the above adopted and emerging Local Plan policies. Emerging Policy 17 advises developers that schemes for 10 or more dwellings require a design and access statement to be prepared. Design and access statements should address the 12 criteria in Building for Life, as set out in Appendix of the emerging Part 2 Local Plan. The criteria are endorsed by the Design Council and Home Builders' Federation. In addition, the last sentence on Page 25 of the Plan sets out policy to minimise and dispose of waste which would be more appropriately placed in Policy 5, in my view. **PM11** includes these amendments to the policy and supporting text, which are needed to strengthen the Plan's ability to contribute to the achievement of sustainable development, and having regard for national planning policy.

4.37 I conclude that, with the modifications set out above, Policies 1 to 5 in the Nuthall Neighbourhood Plan will be in general conformity with the adopted Local Plan, have regard for national policy (as well as the emerging Part 2 Local Plan), and contribute to sustainable development.

Other Matters

4.38 Local Aspirations are listed on Page 27, with no detail as to how these might be taken forward or realised. It is explained that they reflect the priorities of those who responded through the consultation exercises leading to the production of the Neighbourhood Plan. They cannot be achieved directly through this Neighbourhood Plan, although they are clearly initiatives which would benefit local people in Nuthall and enhance it as a place to live and work. The Basic Conditions Statement contains information relevant to aspiration no. 1. the easing of congestion around Junction 26 of the M1 motorway. The modifications I have proposed to Policy 1 should provide readers with more information as to how that aspiration might be addressed. In addition, the section on Local Aspirations should provide some supporting text to indicate how traffic congestion might be lessened. The Woodland Trust also sought a more ambitious statement on protecting and enhancing open green spaces under local aspiration no. 4, which I support.

4.39 The rationale for a country park, named as a local aspiration, is not explained in the Neighbourhood Plan. I am aware that Broxtowe Country Park is located immediately south of Nuthall Parish, and extensions to it may be feasible with the development of the HS2 rail network. Ideally, some supporting text to justify reference to a country park would have

been made, but its absence does not breach the Basic Conditions in my view. However, **PM12** should be made to expand on the local aspirations so that they can be taken forward and to help achieve sustainable development in the future.

4.40 I have already referred to the need for clarification in Appendix 1 as to the extent of the Kimberley sub-market for future housing provision. Modification is necessary, as in **PM13** for general conformity with the Local Plan (and will have regard for the emerging Part 2 Local Plan). I have also agreed that the definition of SHLAA on Page 30 should be explained more fully, also in **PM13**, having regard for national planning policy.

4.41 Nottinghamshire County Council put forward information about public transport services in Nuthall, suggesting that the details could be added to Appendix 1, Page 31. It also drew attention to the role of community transport and taxis in improving accessibility other than by private car. I agree that Appendix 1 should include this additional information, as in **PM13**, so as to contribute to the achievement of sustainable development.

4.42 The Parish Council agreed to add 'Borough boundary' to the legends of Maps 3,6,9 and 10, to make clear where the boundary exists. These additions would be made through **PM14**, which I support to add clarity.

5. Conclusions

Summary

5.1 The Nuthall Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on Nuthall Neighbourhood Plan, and the evidence documents submitted with it.

5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Nuthall

Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

5.4 I recognise the hard work that has gone into the production of this Plan by the Parish Council and its Steering Group over a number of years. The Parish is very unusual, if not unique, because of its location astride the M1 motorway and within the corridor of the proposed HS2 rail line. This makes neighbourhood planning for the future wellbeing and prosperity of all in its community complex. I congratulate the Parish Council for producing a Plan which seeks to address the local circumstances in a distinctive way, and provide a positive way forward for the next twelve years. The policies in the Nuthall Neighbourhood Plan should greatly assist development management decision-making related to land and property in the Parish.

Jill Kingaby

Examiner

Appendix: Modifications

Proposed modification number **(PM)**	**Page no./ other reference**	**Modification**
PM1	Page 5	Vision and Objectives Move the contents of this page to the end of page 18, so that it follows the section Nuthall Present/ Future Challenges. Objective 2. Add a new sentence to the end of this objective: ***New development should protect and enhance the local environment, green and open spaces, trees and ancient woodland.*** ~~Key residents concerns~~ ... ~~in any proposals.~~ ***In order to address residents' key concerns, and contribute to the achievement of sustainable development, any proposals for future housing development must take into consideration their likely impact on traffic levels and transport infrastructure in the Parish, on the health and wellbeing of the local community, and on the quality of the countryside. The Neighbourhood Plan supports sustainable economic growth and prosperity in the Parish to meet the needs of local businesses.*** Broxtowe Borough Council and its Planning Department ...
PM2	Page 7	The Church would have been ~~as~~ regarded as ... Second paragraph: (including Nuthall Lodge~~,~~ ***and*** Nuthall House~~, Hempshill Hall)~~ ...
PM3	Page 13	Add a new end paragraph as follows: ***Maps 4 and 5 show the designated Nuthall Conservation Area and listed buildings, and the non-designated but local interest buildings. Broxtowe Borough Council provides data on local interest buildings, which are maintained***

		and updated by Nottinghamshire County Council, and published on the Heritage Gateway.
PM4	Pages 15 and 16	Last paragraph on Page 15: The main road, Nottingham Road, links ..... (as shown on Map 7) ***and contributing to severance of the local communities in East and West Nuthall***. ***The large volumes of traffic on the M1 and A roads through Nuthall are a source of noise and air pollution, with Nottingham Road/ Back Lane designated as an Air Quality Management Area.*** If the HS2 proceeds ... The working population sits comfortably ....~~Very close by,~~ 2 Business Parks on the ***eastern*** border~~s~~ of the Parish ~~but within the City of Nottingham~~ ***including Phoenix Park*** provide sizeable job opportunities. There is no ***other*** industry in Nuthall, ... The travel to work ratio therefore is relatively high, ***meaning that a high proportion of local people travel out of the Parish to work on a daily basis and a small proportion of people from elsewhere go to work in Nuthall.*** ~~and i~~***I***n combination with Nuthall's role as a through route to all destinations, ~~there is~~ ***this gives rise to*** a major peak-time traffic problem.
PM5	Page 17	Map 7: Transport connections within the Parish Modify the Map so that all roads, currently shown as Primary road or A road, have the same classification and colour.
PM6	Page 18	Modify the fourth paragraph as follows: ***No sites are allocated for new housing development in the Nuthall Parish, but a housing commitment on land adjacent to Hemshill Hall is expected to provide 116 new homes.*** There are no brownfield sites in the Nuthall Parish itself ***available for major development,*** but the old ....

PM7	Page 19	Policy 1: New Housing New housing including changes of use **to housing** within .... i. The necessary infrastructure **and/or measures to deliver more sustainable transport usage** is provided ... ii. There are no ***adverse*** environmental ~~issues~~ ***effects*** or ~~other land use designations~~ ***conflicts with planning policy*** which indicate .... iii. The development ... iv. The development ... v. For development of 5 or more homes, a minimum of ~~the houses~~ ***the units*** should be designed to cater for the needs of elderly ~~residents~~ or those with limited mobility, ***subject to viability and the requirements to provide affordable housing.*** vi. The loss ... There is a need.... within the Parish. ~~There are not the same issues in relation to a lack of affordable housing ...elsewhere in Nottinghamshire.~~ ***The adopted Part 1 Local Plan (policy 8.5) sets a target for new affordable housing provision in Broxtowe of 30%. Nuthall is included in the Kimberley housing sub-market within Broxtowe, where the emerging Part 2 Local Plan seeks 20% or more affordable housing on sites of more than 10 units (Policy 15). Housing development proposals which are unable to satisfy the criteria in this policy, as well as deliver some affordable housing, should provide a viability assessment to demonstrate why such a scheme would not be deliverable.*** ***Nuthall includes a housing commitment for 116 new dwellings to be provided on***

		land adjacent to Hempshill Hall. Broxtowe's Strategic Housing Land Availability Assessment (SHLAA) indicates that t ~~T~~here is a good supply ... ***Major development proposals (for 10 or more dwellings) should be accompanied by a Transport Statement or Transport Assessment which demonstrates (possibly through a Travel Plan) how future residents will be encouraged to use sustainable transport modes, notably public transport, cycling and walking, and/or electric powered vehicles.*** ***Regarding environmental effects, much of the land in Nuthall lies in the Green Belt. Protected wildlife sites, the Conservation Area and listed buildings are among the other special features which should not be harmed by the provision of new housing.***
PM8	Page 20	Policy 2: Nuthall Village Centre Modify criterion to read: i. The development is ***of*** a scale .... should not exceed ~~250~~ ***280*** square metres. iv. Where physical alterations ... in a positive way to ***(ie. preserve or enhance)*** the character.....
PM9	Page 22	Policy 4: New ***and Enhanced Green Infrastructure Network*** ~~Open Spaces~~ Subject to ... iii. Provision of new open spaces, recreational areas, routes ***to connect green infrastructure*** appropriate for cyclists .... areas of population with***in*** the Parish. iv. The ***conservation of ancient woodland, mature trees and hedgerows, the*** creation of new woodland areas, ***and the planting of new trees.*** ***v. The creation of new wetlands, ponds, wildflower meadows, green lanes and field margins, and the enhancement of***

		existing ones, and ***vi. The provision of features to provide net gains for wildlife such as bat/bird boxes, urban drainage ponds and swales and native species planting.*** ***New allotments should be sited on land appropriate for plant-growing, within easy walking distance of residential areas.*** ***Nuthall includes the Sellers Wood Site of Special Scientific Interest and other local wildlife sites, as shown on Map 9, along with the Basil Russell Playing Fields and other areas of open space and woodland. It is important for the future health and wellbeing of local people, as well as for the natural environment, that green infrastructure is appropriately conserved and enhanced.*** It is particularly important ..... for cycling and walking. ***In the longer term, possible funding should be sought to mitigate and compensate for damage to and loss of wildlife habitats from development of the HS2 railway.***
PM10	Page 23	Map 9: Existing ***Green Infrastructure Network*** ~~playing pitches, open spaces, and woodland~~ ***in the Parish*** Show Sellers Wood (SSSI) and other local wildlife sites. Show existing public rights of way available to pedestrians and cyclists across the countryside in the Parish.
PM11	Page 24	Policy 5: Design and the Historic Environment Add criterion iii: ***Design of all new development and its construction should minimise the creation of waste, using recycled materials wherever possible. At the construction stage and when in operation, new development should***

		provide for the disposal of waste in a sustainable fashion. Add the following supporting text immediately after Policy 5: ***Developers should ensure that their proposals meet the requirements of Policy 10: Design and Enhancing Local Identity of the adopted Part 1 Local Plan for Broxtowe, and subsequent policy to promote good design in the Part 2 Local Plan.***
PM12	Page 27	Local Aspirations Below the four criteria and existing supporting text, add the following: ***Initiatives to promote greater use of public transport, cycling and walking, and traffic management measures across the wider area, provide a starting-point for the development of a strategy to ease congestion around J26.*** ***The aspiration for a Country Park reflects the aim to protect and enhance the local landscape character of Nuthall with its green and open spaces, ancient woodland, mature trees and wildlife habitats, so that they can be appreciated by local residents and visitors to Nuthall.***
PM13	Pages 29 - 31	Appendix 1: Supporting Background Evidence Paragraph below the graph: Dwelling type breakdowns At the time of writing, ***the Kimberley housing sub-market which includes Nuthall is expected to provide up to 600 new homes by 2028. This target was set in the adopted Part 1 Local Plan for Broxtowe (the Aligned Core Strategy)***; some 451 have been approved .... Kimberley Brewery. Further ~~agreement is~~ ***permissions are*** expected to be granted ~~to the balance of requirements~~ ***to provide up to 600 units*** on an infill basis .... SHLAA Insert the following before the

		existing 2 sentences: ***The Strategic Housing Land Availability Assessment (SHLAA) is a catalogue of sites within the borough (gathered through a number of sources) which are assessed on their ability to accommodate housing and the timescale at which housing delivery may be achieved.*** ***The SHLAA is a key piece of evidence used by the Borough Council to inform the choices of sites to consider for allocation. The assessment of each site is made irrespective of the level of housing provision that is needed (i.e. there are more sites in the SHLAA than needed to meet the housing requirement). Therefore, the inclusion of any site in the SHLAA does not guarantee that either planning permission will be granted or that the site will be allocated for residential development.*** <u>Public Transport</u> ~~For public transport ....County and national averages.~~ Nuthall is well served by frequent ..... of the Parish. ***Buses operate every 10 minutes between Nottingham and Eastwood with extensions to Heanor, Ripley or Alfreton every 20 minutes. Hourly bus services between Derby and Hucknall run through Nuthall, and trams operate every 7 minutes into the city from Phoenix Park on the eastern edge of Nuthall.*** ~~There is a Tram terminus~~ ... ~~coal mine to Nuthall.~~ However, the public transport to a hospital ..... <u>Recreational Facilities</u> Last paragraph: CO2 emissions, recycling rates .... deprived area'. ***This is due to sub-standard air quality and the lack of green landscape***

		in particular around junction 26 of the M1 motorway. The main cause of sub-standard air quality is emissions from cars.
PM14	9, 14, 23 & 26	Add Borough boundary to the legend of Maps 3,6,9 & 10.