

Tollerton Neighbourhood Plan 2016-2030

A report to Rushcliffe Borough Council

**David Kaiserman BA DipTP MRTPI
Independent Examiner**

17 January 2024

Executive summary

I was appointed by Rushcliffe Borough Council on 26 October 2023, with the agreement of Tollerton Parish Council, to carry out the independent examination of the Tollerton Neighbourhood Plan 2016-2030.

The examination was completed solely on the basis of the written representations received, no public hearing appearing to me to have been necessary.¹ I made an unaccompanied visit to the area covered by the Plan on 23 November 2023.

The Plan relates to the largely rural Parish of Tollerton, which lies about four miles south-east of Nottingham. The population of the Parish was 1883 at the 2011 Census; while it has experienced some growth since then, this is due to increase significantly over the next decade or so, as a result of the allocation in the Rushcliffe Local Plan of land at the existing Nottingham City Airport for a mixed-use development intended to deliver some 4000 new homes. The submitted version of the Neighbourhood Plan includes many policies and other references which relate to this important proposal. However, since its implementation is to be guided by a Supplementary Planning Document (incorporating a masterplan) currently being prepared by RBC, I consider it necessary to recommend significant changes to the Plan in order to avoid unnecessary duplication or confusion.

Subject to this and a number of other recommendations, I have concluded that the Tollerton Neighbourhood Plan is capable of meeting all the necessary legal requirements at this stage of its preparation. With that proviso, I recommend that it should proceed to referendum.

¹ Two separate requests for a hearing were made during the course of my examination, and I refer to this under "Procedural Matters".

Contents

Executive summary	1
Introduction	3
Procedural matters	3
A brief picture of the neighbourhood plan area	4
The basic conditions and the Basic Conditions Statement	5
Other statutory requirements	5
National policy	6
The existing development plan for the area	7
The consultation exercise (Regulation 14)	7
General observations about the Plan	8
The Sustainable Urban Extension and the Neighbourhood Plan	9
Representations received (Regulation 16)	12
The policies	12
Policy 1: Climate change.....	12
Policy 2: The village centre	13
Policy 3: Supporting existing businesses Policy 4: Facilitating new businesses.....	14
Policy 5: Existing facilities	15
Policy 6: New community and retail facilities	16
Policy 7: The green buffer at Gamston Fields	16
Policy 8: Local character Policy 9: Heritage assets Policy 10: Landscape character	17
Policy 11: Local green spaces	18
Policy 12: Biodiversity enhancement	19
Policy 13: Sustainable modes	19
Policy 14: Junction improvements	20
Policy 15: Tollerton Housing Strategy	20
Policy 16: Design in new development	21
Other matters: supporting documents	21
Monitoring and review	22
Conclusions on the basic conditions	22
Formal recommendation	22
Appendix 1 – Summary table of recommendations	23

Introduction

1. This report sets out the findings of my examination of the Tollerton Neighbourhood Plan 2016-2030 (the TNP), submitted to Rushcliffe Borough Council (RBC) by the Tollerton Parish Council (TPC) in June 2023. The Neighbourhood Area for these purposes is the same as that of the Parish boundary.
2. Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to help local communities shape the development and growth of their area, and this intention was given added weight in the National Planning Policy Framework (NPPF), first published in 2012. The current edition of the NPPF is dated December 2023, and it continues to be the principal element of national planning policy. Detailed advice is provided by national Planning Practice Guidance on neighbourhood planning, first published in March 2014.
3. The main purpose of the independent examination is to assess whether the Plan satisfies certain “basic conditions” which must be met before it can proceed to a local referendum, and whether it is generally legally compliant. In considering the content of the Plan, recommendations may be made concerning changes to both policies and any supporting text.
4. In the present case, my examination concludes with a recommendation that, subject to a considerable number of substantial amendments, the Plan should proceed to referendum. If this results in a positive outcome, the TNP would ultimately become a part of the statutory development plan and thus a key consideration in the determination of planning applications relating to land lying within the TNP area.
5. I am independent of the Parish Council and do not have any interest in any land that may be affected by the Plan. I have the necessary qualifications and experience to carry out the examination, having had 30 years’ experience as a local authority planner (including as Acting Director of Planning and Environmental Health for the City of Manchester), followed by over 20 years’ experience providing training in planning to both elected representatives and officers, for most of that time also working as a Planning Inspector. My appointment has been facilitated by the independent examination service provided by Penny O’Shea Consulting.

Procedural matters

6. I am required to recommend that the Tollerton Neighbourhood Plan either
 - be submitted to a local referendum; or
 - that it should proceed to referendum, but as modified in the light of my recommendations; or
 - that it not be permitted to proceed to referendum, on the grounds that it does not meet the requirements referred to in paragraph 3 above.
7. In carrying out my assessment, I have had regard to the following principal documents:
 - the submitted TNP
 - the Consultation Report (June 2023)
 - the Basic Conditions Statement (June 2023)
 - the Strategic Environmental Statement/Habitats Regulations Assessment (May 2023)
 - the Environmental Assessment Statement (June 2023)
 - the representations made to the TNP under Regulation 16
 - selected policies of the adopted development plan for the area
 - relevant paragraphs of the NPPF
 - relevant paragraphs of national PPG

- responses to four clarifying questions I raised with RBC and TPC (EQ1–4).
8. I carried out an unaccompanied visit to the Plan area on 23 November 2023, when I looked at its overall character and appearance together with its setting in the wider landscape and those areas affected by specific policies or references in the Plan.
 9. It is expected that the examination of a draft neighbourhood plan will not include a public hearing, and that the examiner should reach a view by considering written representations². A central issue for me in the present case has been how the TNP should handle references to the “Sustainable Urban Extension” provided for in the Rushcliffe Local Plan (see paragraphs 24ff below). Taylor Wimpey UK Ltd and Rockspring Barwood Gamston Ltd sought a hearing to explain their view that it would be unnecessary for the Plan to cover the SUE, since it is being progressed through a master-planning exercise. The Parish Council have asked for a hearing in the event that I would be minded to accept that argument. After submitting questions to the Parish and Borough Councils about the relationship between the Local Plan, the master-planning exercise and the policies in the TNP, and having received their detailed responses, I have concluded that I have all the information and comment that I need in order to make appropriate recommendations on the issue, and thus that a hearing session would not be needed.
 10. I have addressed the policies in the order that they appear in the submitted Plan. My recommendations for changes to the policies and any associated or free-standing changes to the text of the Plan are highlighted in ***bold italic print***.

A brief picture of the neighbourhood plan area

11. Tollerton is a small, mainly rural, parish on the south-eastern edge of the Nottingham/West Bridgford urban area, but separated from it by the Rushcliffe element of the Nottingham-Derby Green Belt, the boundaries of which are drawn tightly around the main part of the village itself. The Green Belt also separates Tollerton from its other major feature, the Nottingham City Airport and associated businesses, in the north-eastern part of the Parish, and an adjacent hospital complex. The airport currently provides facilities for light aircraft and helicopters, and is home to the local air-ambulance service and the Air Cadets. Nearby is Tollerton Park, described as “a residential park home estate”, detached from any other development.
12. The surrounding flat or gently undulating landscape is dominated by open fields, affording several long views from certain vantage points, and there are many fine hedgerows and banks of trees scattered around the Parish. The main part of the village (which includes a primary school, a pub, a small commercial parade and the Methodist Church) is a compact layout of residential streets similar in character, and dating primarily from the twentieth century. This contrasts markedly with the linear, mainly “ribbon” development along Tollerton Road, which is “washed over” by the Green Belt – this displays a wider range of dwelling types and historical features, including St Peter’s Church and Tollerton Hall. Further, detached ribbon development exists along Cotgrave Lane and on the western side of Cotgrave Road. The northern boundary of the Parish is formed by the disused Grantham Canal, an important recreational and ecological resource for the area.

² Paragraph 9(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

13. The population of the Parish at the 2011 Census was 1883, a figure which is known to have increased since that date³. That growth has been of an organic nature – however, the position is set to change rapidly over the next few years as a result of the allocation in the Rushcliffe Local Plan Part 1: Core Strategy of the land at and around the airport for the development of around 4000 new dwellings and employment space, together with a new neighbourhood centre, in preparation for which the Green Belt boundary has been amended. This strategic allocation is a matter to which I will return later in my report.

The basic conditions and the Basic Conditions Statement

14. I am not required to come to a view about the “soundness” of the Plan (in the way which applies to the examination of local plans). Instead, I must principally address whether or not it is appropriate to make it, having regard to certain “basic conditions”, as listed at paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The requirements are also set out in paragraph 065 of the relevant PPG. In brief, all neighbourhood plans must:
- have regard to national policy and guidance (Condition a);
 - contribute to the achievement of sustainable development (Condition d);
 - be in general conformity with the strategic policies in the development plan for the local area (Condition e);
 - not breach, and otherwise be compatible with, EU obligations, including human rights requirements (Condition f);
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017; and
 - comply with any other prescribed matters.
15. The Basic Conditions Statement (BCS) begins by setting out the statutory requirements governing the preparation of neighbourhood plans, before considering (in a straightforward tabular format) how each of these has been satisfied by the TNP as submitted. While this is entirely satisfactory in its own terms, ***I recommend that the wording of the basic conditions as it appears in the table adhere to that used in the relevant legislation.*** This is to avoid any confusion in the minds of the reader – for example, the TNP does not have to be “in conformity with the Rushcliffe Local Plan”, but more particularly it must be “in general conformity” with its “strategic policies”.
16. Appendix 2 to the BCS contains two tables setting out the TNP’s compliance with NPPF objectives and relevant policies in the Rushcliffe LP Core Strategy. It also includes the Strategic Environmental Assessment and related assessment under the Habitats Regulations, together with the relevant consultation responses. I consider it to be a comprehensive and accessible account of the way the basic conditions have been considered in the making of the Plan, so far as its land-use planning issues are concerned.

Other statutory requirements

17. A number of other statutory requirements apply to the preparation of neighbourhood plans, all of which I consider have been met in this case. These are:
- that the Parish Council is the appropriate qualifying body (Localism Act 2011) able to lead preparation of a neighbourhood plan;
 - that what has been prepared is a Neighbourhood Development Plan, as formally

³ A online search of the Office for National Statistics shows the population at the 2021 Census to have been 2000.

defined by the Localism Act; that the plan area does not relate to more than one Neighbourhood Area; and that there are no other neighbourhood plans in place within the area covered by the plan;

- that the plan period must be stated. In the case of the TNP this is 2016 to 2030;
- that no “excluded development” is involved (this primarily relates to development involving minerals and waste and nationally significant infrastructure projects).

18. An examination of this kind would require me to bear in mind the particular duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of “preserving or enhancing the character or appearance” of any conservation area. However, while the existence of a conservation area is noted both in the “explanation” element of the TNP’s Policy 9 and in Appendix B, RBC and TCP have confirmed (following my clarifying question EQ3) that this was an error. ***I therefore recommend that this be corrected.***
19. A screening report is required in order to determine whether a neighbourhood plan needs to be accompanied by a Strategic Environmental Assessment (SEA), under the terms of the Environmental Assessment of Plans and Programmes Regulations 2004. It is the qualifying body’s responsibility to undertake any necessary environmental assessments, but it is the local planning authority’s responsibility to engage with the statutory consultees.
20. An SEA Screening Determination statement⁴ was published on behalf of RBC by Urban Imprint Ltd in June 2023, following the publication of a screening report the previous month⁵, prepared by RBC on behalf of the Parish Council.
21. In the formal determination, RBC concludes that the TNP is unlikely to have any significant environmental impacts, meaning that an SEA is not required. The same applies in relation to the Habitat Regulations. Full details of the considerations which support the assessment are set out in the statement, and I have been given no reasons to question any of the conclusions reached. They are also supported by Natural England and Historic England (the Environment Agency had no comment to make), as statutory consultees in the process.
22. It is a requirement under the Planning Acts that policies in neighbourhood plans must relate to “the development and use of land”, whether within the Plan area as a whole or in some specified part(s) of it. Subject to some detailed reservations, I am satisfied that that requirement is generally met.

National policy

23. National policy is set out primarily in the NPPF, a key theme being the need to achieve sustainable development. The NPPF is supported by Planning Practice Guidance (PPG) on neighbourhood planning, an online resource which is continually updated by Government. I have borne particularly in mind the advice in paragraph 041 of the PPG that a policy in a neighbourhood plan should be clear and unambiguous, concise, precise and supported by appropriate evidence. In addition, I have had regard, where appropriate, to the requirement set out in the NPPF itself, at paragraph 16f), that “plans should ... serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area” [for example, those already in place in the relevant local plan].

⁴ The title given to this document is “Environmental Assessment Statement”.

⁵ The full title of this document is “Strategic Environmental Assessment and Appropriate Assessment/Screening Opinion Report”

The existing development plan for the area

24. The principal element of the current development plan for the area is the Rushcliffe Local Plan. This is in two parts: the Core Strategy (LP1), adopted in December 2014, and the detailed land and planning policies (LP2), adopted in October 2019.
25. LP1 includes two policies of particular relevance to the Neighbourhood Plan: Policy 3 is the spatial strategy for Rushcliffe, and this establishes that while Tollerton itself is not seen as a “key settlement”, and therefore development in the village proper will be limited to that needed to meet local needs, provision is made for a significant new development to the east of Gamston/north of Tollerton (within the Parish/TNP area), intended to provide around 2500 homes by 2028 and a further 1500 beyond that period. In addition, significant new employment and appropriate retail uses are proposed. Further detail about this strategic mixed-use allocation is given in LP1 Policy 25 and its associated Figure 6.
26. To avoid any confusion with descriptions of this land associated with the current marketing of individual elements of it, I will refer to it in this report as the Sustainable Urban Extension (SUE), which is how it is described in the Local Plan. ***In addition to my principal recommendation about how the SUE is handled, I recommend that any remaining references in the TNP to “Gamston Fields” be replaced with this term.***
27. In addition, LP1 Policy 4 reaffirms the long-standing significance of the Nottingham-Derby Green Belt, while at the same time accommodating the SUE. Policy 4 also maintains the present position in relation to Tollerton itself, namely that it is an “inset” village within the Green Belt, the boundary being drawn tightly around the existing built-up area.
28. I deal with the detailed implications of these LP policies, and other aspects of the relationship between the TNP and RLP, in the body of this report.
29. I note from RBC’s website that work is underway on the Greater Nottingham Strategic Plan (GNSP), being prepared jointly by Nottingham City Council, and Broxtowe, Gedling and Rushcliffe Boroughs. When completed, this would replace Rushcliffe LP1. The GNSP is at a relatively early stage of its preparation, and I am satisfied from all that I have read that it has no significance for the TNP, and therefore for my report and recommendations.

The consultation exercise (Regulation 14)

30. Regulation 14 requires the Parish Council to publicise details of their proposals “in a way that is likely to bring [them] to the attention of people who live, work or carry on business in the area”, and to provide details of how representations about them can be made. Regulation 15 requires the submission to the local planning authority of a statement setting out the details of what was done in this respect, and how the qualifying body responded to any matters which arose as a result of the consultation process.
31. The Consultation Report, dated June 2023, begins by setting out the background to the plan-making process, including who was involved and how the community was kept informed of progress. It charts the initial “issues and options” stage, beginning in March 2017, which then led to consultation on the emerging policies and the more formal Regulation 14 stage which ran for six weeks between March and May 2022. The Consultation Report includes a total of 11 appendices which contain a wealth of detail on how stakeholders were encouraged to engage with the process. I am satisfied that the requirements of Regulation 14 have been met.

General observations about the Plan

32. I have noted that the Parish Council appointed consultants Urban Imprint to assist in the Plan's preparation and publication.
33. The submitted document is well laid out and in an accessible and easy-to-read format, much assisted by clear maps and attractive photographs. The policies themselves are clearly differentiated from the straightforward "explanations", by being set out in bold text within boxes. **Accessibility would, however, be considerably improved by the paragraphs being numbered, and I recommend that this be done.**
34. After a brief explanation of the basic context for the neighbourhood plan and its intended value to the local community, there is a short introduction to the key physical features of the Parish; a summary of its demography; and a comment on the Plan preparation process. These are followed by a statement of the vision for Tollerton:
- "Tollerton is a vibrant community with a rich history and heritage surrounded by farmland with views of open countryside, hills and woodland. This Neighbourhood Plan seeks to protect this special character and safeguard it for existing and future residents. Key assets, valued by residents, are given protection whilst opportunities for sympathetic enhancement and development are identified and encouraged. The parish will need to evolve in response to climate change and the proposed new settlement within the strategic allocation to the east of Gamston/north of Tollerton known as Gamston Fields – this plan aims to make the most of these opportunities for the parish whilst conserving its rural setting".*
35. Nine specific objectives are then set out, which may be summarised as ensuring that development respects its particular context; establishing a vibrant village hub; promoting healthy, sustainable and safe travel for all; protecting important green spaces; supporting local businesses; encouraging community facilities; and ensuring that the SUE project succeeds as a new settlement which nonetheless remains well connected with Tollerton itself. No additional land is allocated for development within the NP area.
36. As a context for the policies, "Map 2" is a simple representation of what is described as the spatial strategy for Tollerton. It depicts the three main elements of the future form of the Parish – the village centre, the SUE (described as the "strategic housing allocation") and the substantial green buffer separating the two – and the principles of the routes (including for leisure) which connect them. Map 2 is difficult to relate to Figure 6 on page 150 of LP1, which shows the principles of the proposed development of the SUE. **I recommend that, depending on the approach taken to my main recommendation about how the SUE is handled, any discrepancies between the two be removed, and that Map 2 be retitled "Diagram 1".**⁶
37. A helpful table then relates each of the Plan's 16 policies to the relevant objective. This is followed by the policies themselves, comments on intended monitoring and review, and relevant maps. I make reference to all of these elements of the document later in my report.
38. I have no concerns about the relationship of any aspects of the Plan to national land-use policy, and nor is there any conflict with the strategic policies in the Local Plan. However, I have found it necessary to make a large number of recommendations for the amendment or

⁶ I would point out that the version of this diagram which appears as Appendix 2 is slightly different in that the latter includes the location of Tollerton Hall. This discrepancy should also be removed.

deletion of policies where I consider them to be insufficiently clear or precise, or where it is important to avoid unnecessary duplication with (especially) local plan policies. The most significant of these involves the inter-relationship between the Plan's policies and ongoing work in relation to the planning framework intended to guide the development of the SUE, which I will now address.

The Sustainable Urban Extension and the Neighbourhood Plan

39. As noted earlier, LP1 Policy 3 (at section 2) provides for a major allocation to the east of Gamston/north of Tollerton, to contain around 2,500 homes (as well as significant employment provision) by 2028, and up to a further 1,500 beyond that date. Much more detail concerning the delivery of the SUE is given in LP1 Policy 25 and the accompanying Figure 6, with the explanatory paragraphs making it clear that progress will depend on a comprehensive master-planning exercise in order to establish all the relevant development parameters. Paragraph 3.25.5, for example, states that *“The Council would expect that from the outset there should be a comprehensive scheme for the site as a whole and for its entire development, rather than one that just deals with that element of development expected by 2028, and that planning permission would be granted on this basis”*.
40. I have been told that an outline planning application has been submitted to RBC by Savills on behalf of Taylor Wimpey and Barwood Land, and that one is being prepared by Stantec on behalf of the Vistry Group, in both cases proposals which are intended to take account of current work on the masterplan. Savills also refer to work being done on the preparation of a Supplementary Planning Document (SPD). Both the representations on behalf of these developers (Savills' in considerable detail) suggest that it is unnecessary for the TNP to include reference to matters which are being progressed through the master-planning exercise. I do not accept that this should be the case as a matter of principle – but I do take the view that any overlap or duplication should be avoided where there is the potential for confusion, especially given the ground already covered by LP1 Policies 3 and 25 and related development management policies in LP2.
41. I raised this matter with the Borough and Parish Councils, as a result of which RBC, in its second response⁷, confirmed that:
- notwithstanding numerous elements of Savill's representations which might suggest otherwise, the Borough Council do not consider that the requirements of LP25 paragraph 3.25.5 have yet been met;
 - in addition to incorporating a masterplan to control the mix and distribution of uses across the whole site, the SPD's other functions are to establish the infrastructure requirements of the development and to provide all necessary supplementary guidance in relation to such matters as the historic environment and design quality;
 - while work on the SPD has been delayed for a number of reasons, “many elements of [it] are close to completion in draft”. The expectation is that it will be published for consultation by mid-2024, and hopefully adopted in the autumn, and they confirm that the Parish Council would naturally be fully involved in that process; and
 - they “do not intend to determine relevant planning applications [within the SUE] until after the SPD is in place ... however long it takes”.
42. RBC concludes by saying “Consequently, it should not be perceived that there is some sort of guidance ‘vacuum’ in satisfying the requirements of LP1, which therefore necessitates being

⁷ There were two approaches from me on this: EQ2 and supplementary questions in EQ4.

filled by the neighbourhood plan. It is neither appropriate [n]or necessary for the neighbourhood plan to include very specific details in respect of the design and layout of the SUE, when this will more correctly come via the SPD”.

43. This is a much firmer line on the matter than that taken by the Council in its initial response to my questions and goes a lot further than the scope of their formal representations under Regulation 16, which did not raise any significant matters of principle. In that respect, I have decided to treat their latest views as superseding their earlier ones.
44. Urban Imprint, for the Parish Council, make the following points (these extracts being taken from their two separate responses to my questions):
- the remit from the community requires the TNP “to do all it can to positively influence how the SUE comes forward. A neighbourhood plan that is silent on the SUE would not be responding to the consultation carried out, completely at odds with the Local Plan policy context and is very unlikely to receive support at referendum”;
 - they agree with RBC that the requirements of LP1 paragraph 2.25.5 have not yet been met, adding, however, that this has “increased concerns that the masterplan process is underway behind the scenes”. They say there has been a lack of local engagement in the preparation of the emerging SPD and “responses from those promoting the [revised Barwood] development have not reassured the group that meaningful engagement will take place or that the wishes of the community as set out within the draft TNP will be taken into account. The community, TNPG and TPC want reassurance that these matters will be incorporated and the policies set out above are the only assurance available”;
 - that “there remains a concern that the LPA will be under considerable pressure to determine the [revised Barwood] application”;
 - that in these circumstances it is appropriate that the TNP “seeks to reinforce the broad framework set out within LP1 Policy 25” and to highlight priorities for the community and how the policy framework should be implemented”; and
 - “as it appears an SPD masterplan will not be forthcoming in the short to medium term the TNP should be allowed to operate as an ‘advocacy’ document to provide some assurance for the community ...”.
45. It would clearly not be appropriate for me to comment on what comes across from these exchanges as a lack of communication between the various parties here. My primary role in dealing with the future planning framework for Tollerton is simply to ensure that there are not, in effect, two competing versions of it, at least as far as the SUE is concerned.
46. I fully accept the basic principle that (amongst other things) neighbourhood plans provide the opportunity for local communities to influence the way local plan policies are interpreted and applied on the ground. In addition, they can add important detail to those policies at the local level. In this case, however, if the SPD/masterplan for the SUE were to be launched on the community a short time after the completion of the Neighbourhood Plan, the scope for confusion or misinterpretation would be considerable, and this would not be in the interests either of local residents and businesses or of landowners/developers. To that extent, if references to the SUE were not substantially modified, their purpose would be unclear and the requirements of NPPF paragraph 16f) (referred to in my paragraph 23) would not be met - and consequently basic condition a) would not be satisfied.
47. I see no reason not to take at face value RBC’s assurances, about both the timing of the SPD and their approach in the interim to the determination of planning applications relating to land within the SUE. I am also satisfied that, even if there were to be some further delay in

publishing and adopting the SPD, the existing local planning framework provided by both the Local Plan and the NPPF is clear and robust enough to avoid any significant problems. I do not therefore share the Parish Council's view that the uncertainty over precisely when the SPD will be available is sufficient to justify including within the TNP a raft of overlapping policies relating to the SUE area.

48. In the light of the above, ***I recommend that a new policy be included at an appropriate (but early) point in the Plan along the following lines:***

"THE SUSTAINABLE URBAN EXTENSION

In order to reflect Policies 3 and 25 of part 1 of the Rushcliffe Local Plan, this Neighbourhood Plan allows for the development of land in the northern part of the Parish as a Strategic Urban Extension, the boundaries of which are shown on Map ... This area will provide for the development of around 2,500 homes and related employment provision (together with a new neighbourhood centre and community facilities) by 2028, and up to a further 1,500 dwellings beyond that date. The detailed requirements for the satisfactory development of this area are not included within this Plan, but will be established by means of a master-planning exercise, accompanied by a formally adopted Supplementary Planning Document to be prepared by Rushcliffe Borough Council, in consultation with the Parish Council and the wider community".

I also recommend that, in order to avoid duplication and potential ambiguities, all references to the approach to the development of this area currently set out in the individual policies of the submitted TNP be removed, and that the detail shown on Map 4 be revisited with that in mind.

49. A related issue is the extent of the Green Belt within the TNP area, something which will have considerable significance in terms of the location of any new development other than that provided for in the SUE. There is at present nowhere within the Plan which explains this; and while the origins of the policy implications lie both at national and local plan level, I consider it important for users of the Plan to be made aware of. ***I therefore recommend the inclusion of a further policy:***

"GREEN BELT

In order to reflect Policy 4 of Part 1, and Policy 21 of part 2, of the Rushcliffe Local Plan, the whole of the area within the Neighbourhood Plan, with the exception of the proposed Strategic Urban Extension and the main built-up area of Tollerton village (as shown on the Adopted Policies Map at page 24) lies within the Green Belt. Planning applications for development within the Green Belt will be determined in accordance with paragraphs 152–156 of the National Planning Policy Framework."

I recommend that a brief explanation of national policy be included, to assist users of the Plan. This might include reference to the fact that the TNP does not propose to alter the boundaries as shown in the Local Plan.

Representations received (Regulation 16)

50. Of the three statutory consultees, the Environment Agency recommended some amendments to Policies 1, 7, 12 and 15; and Natural England have comments in particular about Policies 1, 6, 13 and 15. I have seen no response from Historic England.
51. Sport England, National Highways and the Coal Authority had no directly relevant comments to make, and Ramblers Nottinghamshire offered support. The British Horse Society are concerned that the Plan makes no reference to the benefits of equestrian activity; and the Canal and Rivers Trust suggest small amendments to strengthen the references to the Grantham Canal. Nottinghamshire County Council support the Plan's approach to the SUE, but have some comments about Policies 13 and 14.
52. It should be noted that many of the representations made by these public bodies (as well as a number by RBC) take the form of detailed comments or suggestions which either have no implications for the basic conditions or which I consider would be satisfactorily addressed (or rendered irrelevant) if my recommendations are accepted. Where this is the case, I have made no specific references to them in my report, and am content for the Parish Council to take on board any that they consider would be of value (Severn Trent Water, for example, suggest the addition of policies covering the preferred drainage hierarchy, sustainable drainage systems (SUDS), "blue green corridors", flood resilience schemes within local green spaces, protection of water resources and water efficiency, all of which I consider fall into this category).
53. Representations were also made on behalf of three commercial companies. Messrs Boyer act for Harworth Group plc, who are promoting land off Melton Road in Tollerton, which they consider suitable for the development of around 475 dwellings. They support the TNP, subject to a small number of detailed comments, none of which it is necessary for me to address.
54. The other two representations are from Messrs Savills on behalf of Taylor Wimpey and Barwood Land, and Stantec UK Ltd, acting for the Vistry Group. These companies are, with others, involved in the delivery of the SUE. Their principal concerns are addressed in the previous section of this report.

The policies

Policy 1: Climate change

55. This policy requires "development of all scales" to be accompanied by a statement showing how it meets 10 specific objectives designed to reflect the community's commitment to reducing its carbon footprint. Clearly this approach is supported at national and local planning policy level, and there can be no objection in principle to the issue's being addressed in a neighbourhood plan, so long as it adds something to what is already provided for elsewhere.
56. In this case, the TNP omits any reference to the significant coverage of this important issue which is already present in LP1, in particular in Policies 2, 10, 11, 14 and 16. Moreover, by seeking to apply its provisions across the board ("whether it is a residential extension or several new dwellings and services", to quote from the explanation), Policy 1 goes considerably further than the preamble to LP1 Policy 2 which has similar expectations "*unless it can be clearly demonstrated that full compliance with the policy is not viable or feasible*".
57. Given this assessment, I have concluded that Policy 1 adds little, if anything, to the existing policy framework for the area, and potentially is in conflict with an important element of it.

I therefore recommend that Policy 1 be replaced with the following: “As required by Policy 2(1) of the adopted Rushcliffe Core Strategy, all development proposals will be expected to contribute towards the mitigation of, and adaptation to climate change, and to comply with national and local targets on reducing carbon emissions and energy use, unless it can be clearly demonstrated that full compliance with the policy is not viable or feasible. Applicants for planning permission will be expected to show that the detailed provisions of Core Strategy Policy 2 have been taken into account when submitting their proposals”.

58. I have noted some detailed suggestions for amendments to the policy made by the Environment Agency (on water efficiency measures) and Natural England (on nature-based approaches to adaptation and mitigation), but given the above recommendation do not think it necessary to comment further on them.

Policy 2: The village centre

59. Land uses which allow for the growth of the village centre are supported by this policy, subject to a number of appropriate safeguards. However, some aspects of it require clarification.
60. The first point relates to terminology. Policy 2 and Map 3a refer to the area to which the policy applies as “a Centre of Neighbourhood Importance (CNI)”. The accompanying explanation states that this term “is a recognised tier of local centres within the Rushcliffe Local Plan”. While this is true, its inclusion here is misleading. LP2 Policy 26 identifies 11 CNIs, but they are all in either West Bridgford or Keyworth. Development within them is supported, subject to a range of considerations set out in parts (2) and (3) of the policy, which are different from those set out in TNP Policy 2.
61. It is not within the scope of the Neighbourhood Plan to make *de facto* modifications to the Local Plan, and while I have no reason to think that this was actually intended, ***I recommend that the term ‘Centre of Neighbourhood Importance’ be replaced with “village centre”.***
62. The third paragraph of the policy is confusing. Its first sentence suggests that its scope is intended to be limited to “the diversification of existing public buildings and sites for additional community uses”. It is not clear what purpose this serves, however, given the fact that the first paragraph of the policy already deals with the approach to community and social uses within the village centre; and nor is it clear why specific reference is made to the Methodist Church grounds (as distinct from any other land within the centre). In addition, the specific requirements in relation to this land (that proposals for its redevelopment would need to be accompanied by evidence of how they “benefit the community and meet an existing need”) are very vague, notwithstanding the requirement to have regard to the terms of Policy 6. An additional expectation, that “all proposals must be supported by evidence of meaningful community consultation”, is also difficult to pin down or indeed to justify.
63. Furthermore, the Methodist Church is listed as a Community Facility on Map 3a, and so it falls within the scope of Policy 5: this introduces a new and different range of requirements if proposals affecting its future were to come forward.
64. ***I recommend either that the third paragraph of Policy 2 be deleted or (if considered necessary) that it be replaced by a separate sub-policy dealing specifically with the Church and its grounds, including any appropriate cross-reference to Policy 5.***

Policy 3: Supporting existing businesses

Policy 4: Facilitating new businesses

65. Given the close relationship between these two policies, it is convenient to deal with them together.
66. Policy 3 seeks to protect and support existing businesses in the Parish, subject to consideration of the impact on local amenity, including parking and traffic. This broad objective is clearly one which meets national and local planning policies. There are, however, some difficulties with the wording which need to be addressed.
67. The second sentence of the policy reads: “Where the expansion and diversification of existing premises and farms would protect existing businesses, this will be permitted.....”. The criteria for limiting the applicability of this to those proposals which would “protect” existing businesses are not clear, and nor is the requirement that such development must “actively promote and protect the local character and identity of the parish” – something which appears to me too onerous, and is in any event too vague to be capable of implementation. This second requirement is adequately covered by other policies in the Plan, such as 8, 9, 10 and 16. I would also point out that much of the ground covered by the policy is already dealt with in LP2 Policies 1 and 15.
68. The first sentence of the second part of Policy 3 deals with the redevelopment of brownfield land for new premises for existing businesses. It is not clear either why it is necessary to separate out previously developed land from other land in the Parish which might be suitable for employment uses, nor why the policy should not cover establishment of *new* businesses. In addition, “the creation of new premises should seek to establish a staircase of different sizes and types, to cater to a range of businesses” is something which would not be practicable in many cases, and the need for which is not included in the explanation to the policy.
69. The third sentence of this paragraph reads: “All proposals must ensure high-quality communication infrastructure connectivity, especially broadband, subject to appropriate landscape and visual impact”, This is a sensible requirement, but it is not clear why it should not apply equally to all new development, for example new businesses (the subject of Policy 4).
70. Policy 4 supports the principle of new local businesses, including homeworking. In addition to the broad requirement for development to respect the rural character of the Parish, the purposes of the Green Belt and local amenity, “all new businesses should be in a location that is accessible by public transport or via the walking or cycling network”. While I appreciate the intention here, this is too imprecise to be of practical value in the development management process.
71. Schemes consisting of “major” development would be required to submit a full movement strategy, with smaller proposals having to include relevant information in a Design and Access Statement. However, paragraph 030 of the relevant PPG (“Making an Application”)⁸ makes it clear that design and access statements would only be required (other than in certain specified cases) where major development⁹ is involved, and it would be inappropriate for the TNP to follow a different approach.

⁸ ID: 14-030-20140306

⁹ Defined in Article 2 of the Town and Country Planning (Development Management Procedure (England)) Order 2015

72. As with Policy 3, many aspects of these factors overlap with other policies both in the Local Plan and the TNP itself.
73. ***Taking all this into account, I recommend that Policies 3 and 4 be deleted and replaced with a single new policy as follows:***

“SUPPORTING THE LOCAL ECONOMY

Development involving new businesses or the expansion of existing ones (including homeworking) will be supported in principle, subject to account being taken of other relevant policies of this Plan and Policies 1 and 15 of the Rushcliffe Local Plan (part 2). In particular, proposals will be required to demonstrate that

- there is adequate provision for parking and servicing***
- there is no harmful impact on residential amenity***
- there is no harmful impact on the visual qualities of the Parish.***

In addition,

- a travel plan and car parking strategy will be required to accompany planning applications for all major developments (as defined in Section 2/Part 1 of the Development Management Procedure Order)”.***

Policy 5: Existing facilities

74. ***I recommend that the title of this policy be changed to “Existing community facilities”, the better to reflect its intended scope.*** It relates to a total of 16 existing community facilities within the Parish, the locations of which are shown on Maps 3a and 3b¹⁰.
75. The first paragraph of the policy begins with the following requirement: “All development proposals that affect existing community facilities must demonstrate the protection and enhancement of their community role”. It is unclear precisely what is being sought of an applicant for planning permission in these circumstances, but I do not see it as adding to what is covered by the third paragraph (as I suggest it be amended – see below). In addition, there is a requirement for proposals which would actually secure the retention of these assets “[to be] supported by a strong business case and long term business plan”. In my view, this cannot reasonably be insisted upon, even if its justification were clear – in other words, I am not convinced that the absence of such material could justify the refusal of planning permission.
76. The principal objective of the policy is clearly set out in the third paragraph, i.e. to seek to ensure the future of these community facilities, or to secure equivalent provision elsewhere. LP2 Policy 30 covers much the same ground.
77. ***I recommend that Policy 5 be reworded as follows: “Development that would result in the loss of, or have a negative impact on, the existing community facilities¹¹ listed in the explanation to this policy, and whose locations are shown on Maps 3a and 3b, will not be granted unless the criteria set out in Local Plan Part 2 Policy 30 are met. Community-led schemes to provide or retain such facilities will be particularly encouraged”. I also recommend that the explanation to Policy 5 be expanded by setting out the terms of LP2 Policy 30, for information.***

¹⁰ I note that no. 16 (the Air Cadets HQ) is not shown on Map 3b: this omission should be rectified.

¹¹ I have not included the phrase “now or in the future”, on the grounds that it is too open-ended and imprecise.

Policy 6: New community and retail facilities

78. This policy includes an eclectic list of new activities, such as cafes, a grocers/local produce store, changing-rooms, public transport facilities etc., the establishment of which would be supported in principle, but whose logic or rationale is unclear beyond its apparently constituting a “wish-list” of amenities based on the comments of residents during the survey stages. While I can understand the desire to enhance the range of shops and other facilities, the policy has little practical value in terms of how development management (an essentially reactive process) actually functions. Much of the ground covered by the policy is in any event already provided for under Policy 2, at least as far as the village centre is concerned.
79. In addition, the policy introduces a requirement for there to be “an identified local demand” for the activities concerned (or “a recognised local need”) before they could be supported: why it should be necessary for this to be demonstrated, or how it is to be achieved, is not clear. Moreover, activities not included in the list “will only be considered acceptable where the applicant has clearly identified an existing gap in provision and where it [is] supported by a long-term business plan”: the same comments apply to this provision.
80. Neither of these onerous requirements can be justified in terms of national or local strategic policy or guidance. Further, given the likely limited scale of new retail proposals in the village (beyond what might form part of the SUE), the reference in the policy to a need for “sequential testing” is unnecessary; and the requirement for all services and facilities to be “easily and widely accessible for residents” is too vague to have any practical value. It also seems inappropriate for all proposals to be “appropriate to the rural character and setting”, given the fact that many on the list are likely to be located within the built-up area of the Parish.
81. The policy is essentially a list of aspirations. However, given its range and significance in terms of the consultation exercise, I accept that it should be given some prominence. ***I recommend that the present policy be replaced with the following: “Proposals for new or expanded shops, services and community facilities will be supported in principle, subject to compliance with other relevant policies of the Plan. Particular encouragement is given to proposals located within or adjacent to the village centre”.*** [I have included a reference to the expansion of existing facilities but would have no objection if the Parish Council considered that to be unnecessary].

Policy 7: The green buffer at Gamston Fields

82. Policy 7 is cross-referenced to Map 4, which shows various elements of the landscape network, including a band of land running east from the Parish boundary at the A52, across Tollerton Road and along the southern perimeter of the airfield. This specific area is shown on the accompanying key as a “green buffer”, which the policy says is primarily for biodiversity enhancement in the form of a nature reserve. Its wider purpose is stated as ensuring the separation and openness of land between Tollerton and the strategic allocation, although it is not clear from the various maps whether the area involved lies wholly within the SUE site.
83. The location of the green buffer as shown on Map 4 differs substantially from what is shown in Map 2 by not including land lying to the immediate north and west of the village proper. There is also a significant area of land shown on Map 4 on the eastern periphery of the airfield, shaded differently, which appears as an extension to the designated green buffer, but which is not referenced in the key (although it is shown in schematic form as part of an area of “enhanced green infrastructure”), on LP2 Figure 6.

84. This is a confusing picture. RBC has also drawn attention to the matter, and because it is intimately related to the SUE *I recommend that Policy 7 and Map 4 be revisited in the light of the observations above and my general recommendation on the way the SUE is addressed in the Plan.*

Policy 8: Local character

Policy 9: Heritage assets

Policy 10: Landscape character

85. I have grouped these three policies together because there is considerable overlap between them, as well as duplication with local plan policies. Essentially, they seek to ensure that all new development respects (and where appropriate enhances) the physical qualities of Tollerton that the Plan considers important, whether they relate to its built form, its heritage or its broader landscape.
86. Policy 8 (but not the other two) is cross-referenced to Appendix B, which itself is an overview of three background studies dealing broadly with character, heritage and conservation. Appendix B lists 10 features of the built environment and six relating to the landscape which are considered to be of particular significance. It says that “those proposing development in the Parish should review these [background] documents in full and demonstrate how they have been taken into account”, in addition to the TNP’s policies themselves. As written, this is an onerous requirement (especially for small-scale schemes).
87. The explanation to Policy 8 adds further, and in some cases overlapping, detail by specifying seven features which make a specific contribution to the character of the Parish. It also includes a reference to the need to comply with Policy 16, which deals with the design of new developments.
88. Policy 9 deals specifically with heritage assets as set out in Appendix C. Some of these appear to be the same as those listed in Policy 8, but this is not always clear. Appendix C identifies the listed buildings in the Parish, as well as a number of non-designated heritage assets which are said to meet “local listing” tests set by RBC. No explanation of the background to this is given. Reference is also made in the explanation to the policy to the importance of “the conservation area” but, as previously noted, RBC has confirmed (following my request for clarification) that Tollerton does not have a conservation area.
89. Policy 10 is restricted to considering the need to respect the landscape features of the Parish. As mentioned above, the relevance of Appendix B is only referred to under Policy 8, but it clearly is also important in the context of Policy 10. However, the policy itself includes a list of seven key landscape features which varies in detail from that given in Appendix B. In addition, specific features shown on Map 4 are said to make “particularly important contributions to the landscape”, but it is not clear how precisely they relate to the list in the policy or the appendix.
90. There is clearly no conflict with national or local policies in terms of the broad objectives here, but as it stands this part of the Plan is unwieldy and confusing. I also draw attention to the fact that the Local Plan already covers much (if not most) of the ground: see LP2 Policy 28 (conserving and enhancing heritage assets), which includes (for example) detailed advice on the way non-heritage assets should be handled at paragraphs 9.13-9.15; LP2 Policies 1(4) (development requirements in relation to scale, density, height, massing, design, layout and materials); 1(7) (effect on landscape character); 1(9) (heritage etc); 34 (green infrastructure and open space assets); and Policy 37 (trees and woodlands).

91. ***In the light of the foregoing, I recommend that Policies 8, 9 and 10 be replaced with a single new policy. Given the range of issues involved, I have not attempted to substitute my own detailed wording to replace them. Instead, I confine myself to recommending that a more concise approach be adopted which takes into account the following guidelines to improve understanding and the general utility of the Plan:***
- ***the replacement policy should begin with a general statement to the effect that all new development will be expected to respect, and where practicable, enhance the physical and heritage attributes of the Parish, in accordance with relevant parts of Local Plan Part 2 Policies 1, 28, 34 and 37;***
 - ***that, as required by national policy, only material which clearly adds substance or necessary detail to relevant Local Plan policies be included (such as references to specific assets or types of asset); and***
 - ***there should be greater clarity in the relationship between the content of the policies, their supporting material, the maps and the material in the appendices, to reflect the specific issues to which I have drawn attention, with note being taken of my recommendations below relating to the Plan's appendices.***
92. One specific issue covered by Policy 10 is the desire to protect key views and vistas (as well as three visual “gateways” marking the entrance to the urban parts of the Parish). The viewpoints are not listed or described in either the Plan or appendices to it, although I have noted that Schedule C to the “Character, Heritage and Conservation Strategy” supporting document lists 10 locations which are said to contribute to the openness of the village. It is not possible clearly to relate these to the vectors shown on Map 4, something which is needed for the policy to be capable of implementation.
93. ***I recommend that, in addition to the wider changes I have referred to above, an appendix is added to the Plan which effectively would form a key to the viewpoints shown on Map 4. In doing this, I draw attention to the fact that several of them appear to relate to views into a block of land (described on the map as being important to the setting of the village) south of the A606, beyond the Parish/Neighbourhood Plan boundary, and therefore outside the scope of its policies.***
94. To respond to a representation from the Canal and River Trust, ***I also recommend that the Grantham Canal be shown on Map 4 as a “green” resource in its own right*** (it is identified as a wildlife corridor, but not named).

Policy 11: Local green spaces

95. Policy 11 gives effect to NPPF paragraphs 105–107: *“The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them ... Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period. The Local Green Space designation should only be used where the green space is:*
- a) in reasonably close proximity to the community it serves;*
 - b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
 - c) local in character and is not an extensive tract of land.”*

96. These requirements are summarised in the explanation to Policy 11, and the areas of land to be protected are shown on Map 5. Appendix D sets out the assessment of the sites against the NPPF criteria. Some matters require clarification, however. The policy itself lists 12 sites for protection, whereas Map 5 actually enumerates only eight. This is because “The Pinfold” and the two linear verges are not numbered; land at Melton Road is not shown on the map at all; and the Grantham Canal (which is said to fulfill the criteria for LGS) is not included either in the policy or on Map 5. ***I recommend that these apparent anomalies be rectified.***
97. I have some reservations about the necessity of including land which is clearly incidental to the design of roads (such as the undeveloped area in the middle of a roundabout, or narrow grassed verges separating the highway from the footpath) – but this is not specifically noted in national policy, and I have concluded that it is not an issue which needs any further comment.

Policy 12: Biodiversity enhancement

98. This policy supports proposals “that incorporate the protection and enhancement of the green and blue infrastructure network identified in Map 4”. Map 4 does not, in fact, show any elements of blue infrastructure, usually understood to mean water elements such as rivers, canals, ponds, wetlands, floodplains etc. ***I recommend that this anomaly be rectified. In addition, for clarity, I recommend that the opening phrase of the policy be changed to “Proposals that incorporate the protection or enhancement.....”.***
99. The policy goes on to expect proposals of all scales to deliver a minimum of 10% biodiversity net gain. In principle, this supports LP1 Policy 17 and gives effect to NPPF paragraphs 180d and 185. The Environment Act 2021 makes the achievement of a net gain mandatory; however, this requires amendments to the town and country planning legislation, something which the available information suggests is not likely to happen until the early part of 2024. The new legislation, when it comes into effect, provides for a minimum gain of 10%¹², and it is not limited in its applicability to major development (unless changes are made by the Secretary of State). Policy 12 is therefore in alignment with the current position.

Policy 13: Sustainable modes

100. ***I recommend that the title of this policy be amended to “Sustainable modes of transport and movement” to better reflect its scope.*** It is a very broad requirement for all development to seek to reduce reliance on the private car. It is made more specific by identifying those localities (clearly shown on Map 6) where the policy supports improvement to connectivity generally. While the policy to a large extent covers the same ground as LP1 Policy 14, it thereby adds necessary detail. Nottinghamshire County Council (NCC) has made some observations about the delivery of this objective, which do not necessitate a recommendation from me.
101. The policy states that “proposals that enhance existing routes through improved quality or connecting/creation of the network will be *supported*”, but the explanation puts a somewhat different construction on this by saying that the policy “*requires* all new developments (excepting householder applications) to be well connected to existing walking and cycling routes” [my emphases]. This second, more stringent requirement is too inflexible and may well not be deliverable in many cases. ***I recommend that the first sentence of the first paragraph of the policy commence with the phrase “Where practicable, and as appropriate to its scale and character, development should seek to reduce ...”, and that the second***

¹² Environment Act 2021, Sch 14 Part 1 (which inserts a new Schedule 7A into the 1990 Town and Country Planning Act).

sentence of the first paragraph of the explanation be deleted.

102. To respond to a representation by the British Horse Society, ***I also recommend that the first paragraph of the policy should be amended to read: "... opportunities to make walking, cycling and horse-riding a practical and safe option should be encouraged"***.
103. The Canal and River Trust consider that the Grantham Canal is valuable as a traffic-free walking and cycling route. I imagine it is unlikely that the Parish Council would disagree with that assessment, and ***I recommend that its route be shown on Map 6.***
104. The policy is followed by an "aspiration" in relation to developer contributions aimed at enhancing bus services, with an appropriate note explaining that this goes beyond a land-use policy. NCC has made a suggestion about how this is worded.

Policy 14: Junction improvements

105. The beginning of this policy reads: "The improvement of the parish's streets is encouraged through works that prioritise more vulnerable road users. Development will be required to consider the needs of the most vulnerable road users first, using the following road user hierarchy....." There then follows a list of six modes of transport, designed to reflect the overall strategic objective of seeking "to improve sustainable and active modes of travel" (to quote from the explanation to the policy).
106. There are two problems with this. Firstly, the policy does not actually deal with junction improvements (although a number of locations where these are supported are shown on Map 6). In any event, these would not appear to have any clear land-use implications: a proposal for a new *route* (irrespective of mode) might well have, but improvements to existing junctions generally would not.
107. Secondly, the policy appears to place a requirement on applicants for planning permission to adopt the hierarchy, but it is unclear how, or in what circumstances, this is to be done.
108. Map 6 shows the location of seven junctions requiring improvement (three of which being described as "major"), and also four places where "improved crossings" are advocated. It is not clear how these relate to the list of junctions shown in Appendix E, most of which highlight road safety concerns.
109. ***I recommend that Policy 14 be deleted. Where elements of the strategy shown on Map 6 would involve the creation of new routes, reference to these should be retained in a replacement policy. All other elements of the policy as currently drafted should be treated as an appropriately worded "aspiration", serving as advocacy in respect of discussions with the local highway authority¹³ and Highways England, as appropriate. Reference to horse-riders should be made in the list of vulnerable road users.***

Policy 15: Tollerton Housing Strategy

110. The first part of this policy requires the design of all new housing (including extensions and alterations) "to respond to its context....". This very general phrase is similar to what is contained in the first paragraph of Policy 16 (Design in new development"), ***and (subject to account being taken of my recommendations in relation to Policy 16 itself) I recommend that it be deleted.***

¹³ NCC has made some detailed observations on this subject.

111. The remainder of the policy encourages a mix of different dwelling types, including well-integrated affordable housing and the need to adopt sustainable methods of construction, energy and water use, together with the need for electric vehicle charging points. No explanation is given for resisting plans “to replace an existing bungalow with a significantly larger dwelling”: this intention needs in any event to take account of recent changes to the permitted development regime, which in many cases would allow this to happen without planning permission. ***I recommend either that this reference be removed or that it be accompanied by an addition to the explanation to the policy that indicates the current statutory position.***

Policy 16: Design in new development

112. There is some uncertainty over the types of development to which this policy is meant to apply: the first paragraph lists aspects of the local character to which all new development needs to respond, and the second paragraph adds four further criteria which would be relevant only in the case of any “major” new development. The explanation to the policy states that it only relates to “larger” housing sites, but it is not clear if the two terms are meant to have the same meaning for development management purposes. The third paragraph relates solely to the SUE and would be rendered redundant if my principal recommendation in relation to it were to be accepted.

113. ***I recommend that the first two paragraphs of Policy 16 be reconsidered in the light of these uncertainties, while also taking into account the fact that Policy 10 of Local Plan part 1 and elements of LP part 2 Policy 1 cover much of the same ground. The third paragraph of the Policy should be deleted.*** [See also my further recommendation in relation to the reference to Appendix B, below].

Other matters: supporting documents

114. The Plan document includes five appendices (A–E) relating to shopfront guidance, character summary, heritage assets, local green spaces and junction improvements¹⁴. The relevance of these is clear, since they are all referenced at some point within the Plan policies themselves. However, I have noted that there is also a list of 15 “supporting documents” on RBC’s website relating to the TNP: some of these seem on the face of it to be of some significance (for example, “Neighbourhood Design Guidelines for Tollerton”), whereas others are clearly historical or merely contextual in nature.

115. I sought clarification from the Councils (EQ1) on the relevance of these documents, primarily to understand which of them are intended to be “material considerations” in development management terms. RBC explained that the supporting documents appearing on the website are essentially part of the evidence base for the Plan: they have not been subject to any consultation and do not constitute “supplementary planning documents”. However, RBC added that development proposals should, where relevant, have regard to the Strategy for Character, Heritage and Conservation 2017, the Tollerton Design Guidelines 2019 and the Tollerton Heritage and Character Assessment 2017 (all of which are described in Appendix B to the Plan as “studies” carried out by AECOM). The Parish Council agree with this summary.

116. Appendix A to the Plan is guidance in relation shop front design. Appendix B is much more wide-ranging and sets out the key features of the Parish both in terms of the built and “green” environment. Both seem to me to be relevant to the application of Policy 16. ***I therefore***

¹⁴ I note that Appendix E is not listed on the contents page, something which is easily corrected.

recommend that, in any re-wording of Policy 16 to be considered following my last recommendation, the phrase “taking regard of Appendix B” at the end of the existing first paragraph be deleted and replaced with a new sentence, reading: “Where appropriate to their scale and location, proposals for development should have regard to the guidance set out in Appendices A and B of this Plan”. If this is done, there would be no need for the modification to Appendix B suggested by RBC.

Monitoring and review

117. It is the practice in many neighbourhood plans for clear guidance to be given on the circumstances where (or when) a review might be undertaken. However, this is not a statutory requirement, nor is it the subject of Government policy beyond guidance that communities are encouraged to keep plans up to date.

118. Part 8 of the TNP concludes that the existing monitoring arrangements established by RBC for the Local Plan will be sufficient for most TNP policies. However, flexibility is sensibly maintained by including a commitment to monitor “key indicators” and any relevant changed circumstances which might suggest the need for a review in whole or in part.

Conclusions on the basic conditions

119. I am satisfied that the Tollerton Neighbourhood Plan makes appropriate provision for sustainable development. I conclude that in this and in all other material respects, subject to my recommended modifications, it has appropriate regard to national policy. Similarly, and again subject to my recommended modifications, I conclude that the Plan is in general conformity with the strategic policies in the development plan for the local area. There is no evidence before me to suggest that the Plan is not compatible with EU obligations, including human rights requirements.

Formal recommendation

120. I have concluded that, provided that the recommendations set out above are followed, the Tollerton Neighbourhood Plan would meet the basic conditions, and therefore recommend that, as modified, it should proceed to a referendum. Finally, I am required to consider whether the referendum area should be extended beyond the neighbourhood plan area, but I have been given no reason to think this is necessary.

David Kaiserman

David Kaiserman BA DipTP MRTPI
Independent Examiner

17 January 2024

Appendix 1 – Summary table of recommendations

Examiner's report paragraph	NP reference	Recommendation
15	(Basic Conditions Statement)	References to basic conditions should adhere to the legislation.
18	Policy 9 explanation and Appendix B	Remove references to a conservation area.
26	several	Replace any references to "Gamston Fields" with "Sustainable Urban Extension" or "SUE".
33	throughout	Number the paragraphs.
36	Map 2	Remove any discrepancies with LP1 Figure 6. Retitle map as Diagram 1.
48	general	Include new policy explaining the relationship between the Plan and the references to the SUE in the Local Plan. Remove all references to the approach to the development of the SUE in the TNP's individual policies, and reconsider detail shown on Map 4.
49		Include new policy to explain continued relevance of Green Belt policies and add brief explanation of national policy.
57	Policy 1	Replace with new wording to link with Core Strategy Policy 2(1).
61	Policy 2	Replace "Centre of Neighbourhood Importance" with "village centre".
64	Policy 2	Delete third paragraph or replace as suggested.
73	Policies 3 and 4	Delete both policies and replace with a new one headed "Supporting the Local Economy" with wording as recommended.
74	Policy 5	Amend title of policy.
77	Policy 5	Reword policy as suggested.
81	Policy 6	Reword policy as suggested.
84	Policy 7, Map 4	Revise in the light of recommendation relating to the SUE.
91, 93, 94	Policies 8,9,10 Map 4	Replace three existing policies with a new policy taking into account guidelines as recommended. Add new appendix relating to Map 4. Add reference to Grantham Canal in Map 4.
96	Policy 11	Rectify apparent anomalies between the policy, Map 5 and Appendix D.

98	Policy 12	Address discrepancy with Map 4 and adopt minor change of wording.
100	Policy 14	Amend title of policy.
101	Policy 13	Amend wording.
102, 103	Policy 13	Add reference to horse-riding; add Grantham Canal to Map 6.
109	Policy 14	Delete policy but retain elements as an aspiration.
110, 111	Policy 15	Remove or amend two references as suggested.
113, 116	Policy 16	Reconsider first two paragraphs and delete the third. Include references to Appendices A and B.