

Appendix 2: Rushcliffe Borough Council 'Decision Statement on the Gotham Neighbourhood Plan'



Gotham Neighbourhood Plan Decision Statement

19 September 2019

Gotham Neighbourhood Plan Decision Statement

1. Summary

- 1.1 The draft Gotham Neighbourhood Plan has been examined by an independent Examiner, who issued his report on 31 July 2019. The Examiner has recommended a number of modifications to the Plan and that, subject to these modifications being accepted, it should proceed to referendum. Rushcliffe Borough Council has considered and decided to accept all the Examiner's recommended modifications and, therefore, agree to the Gotham Neighbourhood Plan proceeding to a referendum within the Parish of Gotham.

2. Background

- 2.1 In 2017, Gotham Parish Council, as the qualifying body, successfully applied for its parish area to be designated as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish of Gotham was designated as a Neighbourhood Area on 6 April 2017.
- 2.2 The plan was submitted to Rushcliffe Borough Council on the 29 July 2018 and representations were invited from the public and other stakeholders, with the 6 week period for representations commencing in November and closing on 4 January 2019.
- 2.3 The Borough Council appointed an independent Examiner; Robert Yuille, to examine the Plan and to consider whether it meets the 'Basic Conditions' and other legal requirements, and whether it should proceed to referendum.
- 2.4 The Examiner has now completed his examination of the Plan and his report was provided to Rushcliffe Borough Council on the 31 July 2019. He has concluded that, subject to the implementation of the modifications set out in his report, the Plan meets the prescribed Basic Conditions and other statutory requirements and that it should proceed to referendum.
- 2.5 Having considered all of the Examiner's recommendations and the reasons for them, the Borough Council has decided to make the modifications to the draft Plan, as set out at Appendix A, in order to ensure that the Plan meets the Basic Conditions and other legal requirements.

3. Decisions and Reasons

3.1 The Examiner has concluded that, with the inclusion of the modifications that he recommends, the Plan would meet the Basic Conditions and other relevant legal requirements. The Borough Council concurs with this view and has made the modifications proposed by the Examiner in order to ensure that the Plan meets the Basic Conditions and for the purpose of correcting errors in the text, as set out at Appendix A. Deleted text is shown as ~~struck through~~ and additional text is shown as underlined text, unless otherwise indicated.

3.2 As the Plan, with those modifications set out at Appendix A, meets the Basic Conditions, in accordance with the requirements of the Localism Act 2011 a referendum will now be held which asks the question:

“Do you want Rushcliffe Borough Council to use the Neighbourhood Plan for Gotham to help it decide planning applications in the neighbourhood area?”

3.3 The Borough Council has considered whether to extend the area in which the referendum is to take place, but agrees with the Examiner that there is no reason to extend this area beyond the Neighbourhood Plan area (the Parish of Gotham). The referendum will be held in the Parish of Gotham on Thursday 14 November 2019.

Date: 19 September 2019

Appendix A: Proposed Modifications to the draft Gotham Neighbourhood Plan

Please note that deleted text is shown as **~~struck through~~** and additional text is shown as **underlined** text, unless otherwise indicated. Page numbers refer to those within the illustrated version which shows the proposed modifications as tracked changes.

Proposed modification number (PM)	Page no./ other reference	Modification	Decision	Reason for decision
PM1	Title Page	<i>Gotham Neighbourhood Plan <u>2017 – 2028</u></i> Delete June 2018	Accept	For clarity
PM2	Page 18 Policy GS1a)	Delete the final part of the last sentence of the existing policy: <i><u>Planning applications which will result in the closure and diversion of a public right of way will not be permitted unless it can be demonstrated that satisfactory alternative provision can be made and that they would result in net gains in terms of amenity and convenience.</u></i>	Accept	For clarity and to meet Basic Conditions.
PM3	Page 18 Policy GS1b)	Delete existing policy. Replace with: <i><u>Developments which harm designated wildlife sites and ancient woodlands in the Plan area will not be supported. Other developments which include provision for, or contribute to, the establishment and retention of a network of green infrastructure within the parish will be</u></i>	Accept	For clarity and to meet Basic Conditions

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		<u>looked on favourably. Proposals which contribute towards new links and/or enhancement of the existing green infrastructure network will be supported. Proposals should consider opportunities to retain, enhance and incorporate features which are beneficial for wildlife and habitat creation through their landscape proposals and design.</u>		
PM4	Page 20	Delete the land East of Gypsum Way/The Orchards from Map 2b of the Plan.	Accept	Consistency with emerging Local Plan Part 2 which allocates the land as a housing site (Basic Conditions)
PM5	Page 20	Delete GOT5b from Map 2b of the Plan.	Accept	Compliance with NPPF which requires early consultation with landowners of proposed local green spaces (Basic Conditions)
PM6	Page 18 Policy GS1c)	Amend Policy as follows: <u>Within designated local green-spaces the protective policies set out in Green Belt policies will be given additional weight applied and to the effect that very special exceptional circumstances would need to be</u>	Accept	For clarity and consistency with the NPPF (Basic Conditions).

Proposed modification number (PM)	Page no./ other reference	Modification	Decision	Reason for decision
		<p><i>demonstrated for non-Green Belt inappropriate uses to be allowed. In the case of any form of housing development it would need to be shown that no alternative sites are or will become available within Rushcliffe and/or the Greater Nottingham Housing Market Area and even where this is the case it will need to be shown that the harm from very marginal under provision of land for housing would be a greater harm than the development of the green space concerned.</i></p>		
PM7	Page 31 Policy H1	<p>Amend Policy as follows:</p> <p>The Neighbourhood Plan will recommend the allocation of land for housing made up of parts or the whole of sites as shown in Map 4. <u>The sites listed in Appendix One are those to which priority should be given in any review of the Part Two Rushcliffe Local Plan or any review of the Neighbourhood Plan.</u></p> <p>Brownfield The former Royal British Legion Building up to 11 dws (Any development must include provision to create viable access to GOT1 and GOT3)</p>	Accept	For clarity and consistency with NPPF (Basic Conditions)

Proposed modification number (PM)	Page no./ other reference	Modification	Decision	Reason for decision
	Page 7	<p>Possible brownfield sites depending on owners future business plans NCT Bus Depot (included in the plan) up to 19 dws</p> <p>Greenfield Got 1 Land behind the Royal British Legion Building up to 20 dws Got 3 Land north of Kegworth Road/Home Farm (east) up to 20 dws Got 9 Land at Gladstone Av. (extant planning permission) 3 dws Got 10 Glebe land at Nottingham Road (part thereof) up to 12 dws Got 12 Ashcroft Moor Lane (self-build)</p> <p>Deleted sites to be put in Appendix One.</p> <p>New section of paragraph 2.1 to be added as follows:</p> <p><u>The Plan includes recommended allocations which are supported by the local community. These recommended sites are set out in Appendix One. It should be noted that, unlike the rest of the Neighbourhood Plan, Appendix One does not form part of the development plan, as defined by Section 38 of the Planning and Compulsory Purchase Act 2004. These</u></p>		

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	<p data-bbox="450 676 562 703">Page 24</p> <p data-bbox="450 1114 562 1141">Page 26</p>	<p data-bbox="683 331 1305 579"><u>sites are identified on Maps 1 and 4 and in Chapter 6. It will be for either the Parish Council or Borough Council and the review of either the Neighbourhood Plan or Local Plan to determine which, if any, of the recommended sites at Appendix One are ultimately allocated for development.</u></p> <p data-bbox="683 624 1178 651">New paragraph 6.5 to read as follows:</p> <p data-bbox="683 695 1305 979"><u>In accordance with planning legislation, the Plan recommends housing sites which may be allocated within future reviews of the Neighbourhood Plan or Local Plan. These do not form part of the development plan as defined by Section 38 of the Planning and Compulsory Purchase Act 2004, but are identified in this chapter and in Appendix One.</u></p> <p data-bbox="683 1024 1193 1051">New paragraph 6.14 to read as follows:</p> <p data-bbox="683 1096 1305 1310"><u>As set out in paragraph 6.5, this Neighbourhood Plan only recommends housing sites which will be allocated through the future review of either this Neighbourhood Plan or the Local Plan. Therefore, until they are allocated they do not form part of the development plan.</u></p>		

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	<p data-bbox="450 416 562 448">Page 26</p> <p data-bbox="450 1310 562 1342">Page 27</p>	<p data-bbox="680 331 1196 363">New paragraph 6.15 to read as follows:</p> <p data-bbox="680 405 1308 1203">In the past, sites tended to be suggested for allocation through the Strategic Housing Land Availability Assessment (SHLAA) as entire fields or aggregations of entire fields. This is sometimes called planning by field boundaries. These are carried through into local plans and eventually developed on the ground. The boundaries thus formed then make no real sense in planning or design terms. The Neighbourhood Plan will take <u>recommends</u> a different approach. Given the context for numbers and type of housing, the Green Space Network and the structure of the village we see parts of the following <u>recommended housing sites in Appendix One</u> having <u>the</u> potential for housing (numbers refer to the Rushcliffe Further Options document). A Plan extract from the Rushcliffe BC document is included in Background Paper Seven. We see a real advantage in having a number of small sites in terms of choice and steady delivery through the Plan period.</p> <p data-bbox="680 1230 1196 1262">New paragraph 6.16 to read as follows:</p> <p data-bbox="680 1303 1308 1367">To supplement this resource the 'Further Option' sites have been looked at in detail to see if they</p>		

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	Page 41 Appendix 1	<p>are appropriate for allocation in the Rushcliffe Local Plan. The results of the exercise are set out in Background Paper Seven. There are two main greenfield sites GOT 01 and GOT 03, supplemented by known infill sites GOT 09 and GOT12. All sites are vacant, available (in the SHLAA) and can be delivered in the next 5 years. The following sites should be allocated <u>a priority for housing allocation for development in any future review of the Rushcliffe Location Neighbourhood Plan or Local Plan.</u></p> <p>The following Appendix should be added.</p> <p><u>Appendix 1: Housing Sites to which priority should be given in any review of the LPP2 or Neighbourhood Plan</u></p> <p><u>Brownfield</u></p> <p><u>The former Royal British Legion Building - up to 11 dwellings</u></p> <p><u>(Any development must include provision to create viable access to GOT1 and GOT3)</u></p>		

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		<p><u>Possible brownfield sites depending on owners future business plans</u></p> <p><u>NCT Bus Depot (included in the plan) - up to 19 dwellings</u></p> <p><u>Greenfield</u></p> <p><u>Got 1 Land behind the Royal British Legion Building - up to 20 dwellings</u></p> <p><u>Got 3 Land north of Kegworth Road/Home Farm (east) - up to 20 dwellings</u></p> <p><u>Got 9 Land at Gladstone Av. (extant planning permission) - 3 dwellings</u></p> <p><u>Got 10 Glebe land at Nottingham Road (part thereof) - up to 12 dwellings</u></p> <p><u>Got 12 Ashcroft – Moor Lane (self-build) - 1 dwelling</u></p>		
PM8	Page 32 Policy H3	<p>Amend Policy as follows:</p> <p><i>The priorities for affordable housing to meet the needs of Gotham are the provision of bungalows and one bed room flats. In the light of the likely mismatch between demand</i></p>	Accept	Consistency with NPPF and Local Plan (Basic Conditions)

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		<p><i>and supply in Gotham, priority for allocation of affordable housing in Gotham should be given to Gotham residents <u>where this is possible, for instance within exception sites.</u></i></p>		
PM9	Page 36 Policy T1	<p>Amend Policy as follows:</p> <p><i>The priority within the village is the safety and convenience of residents. Traffic speed will be restricted to defined limits by traffic calming at such sites as the entrance to the village at Nottingham Road, the Curzon St/Kegworth Rd junction, the Square and the entrance to the village from East Leake.</i></p> <p><i>The amount of traffic passing through the village and the existing issues with parking will be a consideration in assessing development proposals within Gotham, but also elsewhere such as Clifton South and East Leake. <u>and will take into account wider cumulative impacts.</u></i></p> <p><i>Traffic Regulation Orders and other means may be used to deal with congestion and parking on Leake Road and Kegworth Road/Hall Drive at school arrival and departure times.</i></p>	Accept	To meet Basic Conditions

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PM10	Page 38 Policy VC1	Amend Policy as follows: <i>Within the whole Village Centre Regeneration Area shown on Map 6 strict design policies will apply a high standard of design will be required including landscaping schemes that will make a positive contribution to the village.</i>	Accept	For clarity
PM11	Page 40 Policy FL1	Delete Policy FL1. <i>Policy FL1 Flood Risk</i> <i>In the preparation of development briefs referred to in Policy H2 the risk of flooding to the development and/or to sites elsewhere will be a key criterion in deciding areas to be allocated for housing and the quality of housing involved</i>	Accept	Policy is no longer required
PM12	Page 40 Policy FL2	Delete existing Policy FL2 <i>Through the normal planning process the Parish Council will seek to ensure the rate of development in the village does not exceed the capacity of the sewage works.</i> Replace with	Accept	For clarity

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		<p><u>Where required, applications for development shall be accompanied with documentation demonstrating that there will be no adverse impact on the existing sewage capacity of the village or specify the measures that will be undertaken to ensure that its impacts can be adequately addressed.</u></p>		
PM13	Page 41 Policy F1	<p>Delete Policy F1</p> <p>Policy F1. Allocation of Funds Any funds derived from CIL or equivalent should be reserved for the implementation of policies as set out in this Neighbourhood Plan and within the list of types of infrastructure where planning contributions may be sought as set out by the Parish Council to further the aims of the Neighbourhood Plans.</p>	Accept	For clarity