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Report on the Calverton Neighbourhood Plan 2016- 2028

An Examination undertaken for Gedling Borough Council with the support of Calverton Parish Council on the November 2016 submission version of the Plan.

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Main Findings - Executive Summary

From my examination of the Calverton Neighbourhood 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 – Calverton Parish Council;
- The Plan has been prepared for an area properly designated – the parish of Calverton as shown on page 14 of the Plan;
- The Plan specifies the period to which it is to take effect – 2016-2028; 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

Calverton Neighbourhood Plan 2016- 2018 (The Plan)

- 1.1 The Plan relates to the parish of Calverton which is located some seven miles to the north east of Nottingham in the Greater Nottingham Green Belt. The character of the village of Calverton, a former colliery village, is split between the southern part which includes the historic core and the northern part in which the majority of post war development is located.
- 1.2 Work on the Plan commenced after Calverton Parish had been formally designated as a neighbourhood area in January 2013. The Plan has been prepared by a Neighbourhood Plan Working Group acting on behalf of Calverton Parish Council.

The Independent Examiner

- 1.3 I have been appointed as the examiner of the Plan by Gedling Borough Council (the Borough Council) with the agreement of the Calverton Parish Council (the Parish Council).
- 1.4 I am a chartered town planner and former government Planning Inspector with considerable experience in examining development plans. I am an

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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

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the Plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified Plan is submitted to a referendum; or
 - (c) that the Plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 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) ('the 2004 Act'). 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').
- 1.7 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 Conditions

- 1.8 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.
- 1.9 Regulation 32 of the 2012 Regulations prescribes a further basic condition for the Plan. This requires that it should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) 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 the area, not including documents relating to excluded minerals and waste development, includes the Aligned Core Strategy for Greater Nottingham 2014 (the ACS) all the policies of which are deemed to be strategic for the purposes of this examination. The saved policies of the Gedling Borough Replacement Local Plan 2005 are also deemed by the Borough Council to be strategic as was confirmed at the Hearing (see paragraphs 2.6-2.7 below).
- 2.2 The emerging Gedling Local Planning Document has been submitted for examination. This plan is the subject of a number of outstanding objections including objections from the Parish Council to a number of proposed housing sites. The Plan is not required to be in conformity with an emerging plan but the aim is that the two should be complementary and conflicts between them minimised. Having regard for these factors and the advice in the Planning Practice Guidance (PPG)¹, I have taken the emerging Local Plan into consideration in this examination.

¹ PPG Reference ID 41-009-20160211.

2.3 The planning policy for England is set out principally in the National Planning Policy Framework (the Framework). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

Submitted Documents

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

- the Calverton Neighbourhood Plan 2016 -2028, Submission Plan November 2016;
- The plan on page 14 of the Plan which identifies the area to which the proposed neighbourhood development plan relates;
- the Consultation Statement, November 2016;
- the Basic Conditions Statement, November 2016;
- all the representations that have been made in accordance with the Regulation 16 consultation;
- the Strategic Environmental Assessment (SEA) Screening Statement & Habitats Regulation Assessment (HRA) (November 2016) prepared on behalf of the Parish Council;
- The Statement of Common Ground requested by me and prepared by the Parish Council, the Borough Council and Nottinghamshire County Council;
- Further evidence submitted by the Borough Council and Parish Council in relation to Policy NE4 – Setting of Calverton²; and
- The Position Statement produced by the Borough Council for the Hearing session.

Site Visit

2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 8 August 2017 to familiarise myself with it, and visit relevant sites and areas referred to in the Plan and evidence.

Written Representations with or without Public Hearing

2.6 The expectation is that examinations of this sort will be dealt with by written representations³ and I received no requests to the contrary from

² The Parish Council states that the further evidence submitted by the Borough Council contains new issues which do not form part of that Council's original representations. The Parish Council is of the opinion that I should not consider these new issues. It would seem to me that it might give rise to unnecessary risk of challenge if I were to disregard any evidence at this stage that may be relevant to the examination. I gave the opportunity for further and fuller evidence to be produced and, in such circumstances, it is not unusual for consequential and supplementary points to emerge relating to the matter at hand.

³ Paragraph 9(1) of Schedule 4B to the 1990 Act.

the Parish Council or representors. In this instance, however, I considered that the disagreements between the Parish Council and the objectors (including the Borough Council) were so fundamental that a hearing session was necessary to receive oral representations to gather and consider the evidence necessary to ensure adequate examination of the issues and reach a conclusion on whether the Plan should proceed to referendum⁴.

- 2.7 This hearing was held on 11 July 2017. **Appendix 1** sets out the issues dealt with at the Hearing.

Modifications

- 2.8 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. These are set out in **Appendix 2**. Included at **Appendix 3** are a number of Factual Updates and Minor Revisions proposed and agreed by the Parish Council, Borough Council and County Council. I agree that these should be made.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Plan has been prepared and submitted for examination by the Neighbourhood Plan Working Group on behalf of the Parish Council. The Parish Council is a qualifying body for the whole parish which was designated as the Calverton Neighbourhood Area by the Borough Council on 16 January 2013.
- 3.2 It is the only neighbourhood plan for the plan area and does not relate to land outside the designated neighbourhood area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2016 to 2028.

Neighbourhood Plan Preparation and Consultation

- 3.4 The *Calverton Neighbourhood Plan Consultation Statement* (November 2016) sets out the steps taken to consult on the Plan. These consultations built on responses gleaned from an earlier Masterplan exercise which, although not part of the neighbourhood planning process, provided relevant information.

⁴ In accordance with paragraph 9(2)(1) of Schedule 4B to the 2004 Act.

- 3.5 Further consultations on the Plan itself were carried out via questionnaires (both online and paper), drop in sessions, the local newspaper and letters to statutory and other consultees both statutory and otherwise. This led to the consultation exercise carried out under the terms of Regulation 14 of the 2012 Regulations between July and September 2016, an exercise which elicited 107 responses all of which were considered by the Parish Council and, where it was considered appropriate, modifications were incorporated into the Submission Version of the Plan. The requirements of Regulation 14 have, therefore, been met.
- 3.6 The Submission Version of the Plan was the subject of a further round of consultations carried out under Regulation 16 of the 2012 Regulations which took place in February and March 2017 and gave rise to 48 responses on planning matters all of which I have taken into account in preparing this report.
- 3.7 I am satisfied that the Plan has been publicised in a manner likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area, having due regard to the advice on plan preparation in the PPG, and that the Plan has met its legal requirements in this respect.

Development and Use of Land

- 3.8 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

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

Human Rights

- 3.10 There is no suggestion that the Plan breaches Human Rights (within the meaning of the Human Rights Act 1998), and from my independent consideration I see no reason to consider that it does.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Plan was screened for SEA by a consultant acting for the Parish Council – the result being that it was found unnecessary to undertake SEA. Having read the SEA Screening Statement, I support this conclusion.
- 4.2 The Plan was further screened for HRA. The reason for this is that Calverton is in the Sherwood Forest Area which is a potential Special

Protection Area (pSPA) as it is important for the breeding of nightjar and woodlark which are both ground nesting species. I note that the ACS, which sets the maximum housing figure for Calverton, was the subject of a HRA Assessment and it was concluded that any significant effects were capable of mitigation. The emerging local plan proposes less housing for Calverton than the maximum figure in the ACS which reduces the potential impact on nesting sites. The HRA Assessment for that emerging plan concluded that a potential impact could arise if proposals for development were made north of the Oxtan Road. No such proposals are contained in the Plan. The HRA Screening Statement for the Plan concludes a HRA is not required. I support this conclusion.

- 4.3 The statutory consultees were all consulted on the HRA/SEA screening document but did not respond at the Regulation 16 stage.

Main Issues

- 4.4 I have approached the assessment whether the Plan complies with the Basic Conditions 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 of the Plan

General Issues of Compliance - National Policy and the Development Plan

- 4.5 There are four groups of policies in the Plan relating to *Sustainable Growth; Infrastructure Services and Facilities; Built Environment; and Natural Environment*. In broad terms, and subject to more detailed comments made later in this report when dealing with individual policies, I am satisfied these groups of policies are in keeping with national policy insofar as this seeks to achieve sustainable development by, amongst other things, delivering a wide choice of high quality homes, supporting a strong competitive economy, requiring good design, promoting healthy communities, meeting the challenge of climate change and flooding, conserving and enhancing the historic environment and conserving and enhancing the natural environment.
- 4.6 Similarly these groups of policies are, subject to more detailed comments made later in this report, in generally conformity with the strategic policies in the development plan which contains a similar range of policies dealing with sustainable growth and places for people. At this broad level, therefore, the requirement of the Basic Conditions that the Plan should have regard to National Policy and be in general conformity with strategic policies of the development plan are met.

General Issues of Compliance – Sustainable Development.

- 4.7 The broad amount of housing growth considered sustainable in Calverton is set out in the ACS, Policy 2, which indicates that up to 1,055 new dwellings will be located in the village. Details of the amount and location of housing in Calverton will be determined through the emerging local plan and these are not matters which the Calverton Neighbourhood Plan purports to deal with – other than to seek to ensure the comprehensive development of the 'North West Quadrant Urban Extension', a site which it is proposed to allocate for housing and safeguarded land in the emerging local plan.
- 4.8 However, it is clear from the written and verbal evidence before me that there is disagreement between the Parish Council and the Borough Council as to where housing should be located in the village. The Parish Council considers that all new housing should be located at the 'North West Quadrant Urban Extension'. The emerging local plan proposes to allocate an additional two sites (H14 and H15) on lower ground to the south of the village. Other parties propose other housing sites and argue that the amount of housing proposed in the village is too low. The forum for discussion of such disagreements is, of course, the examination into objections to the emerging local plan and it is for the Inspector conducting that examination to reach a conclusion on these matters. It is not part of my remit to comment on such matters and I will not do so. It is also relevant to note that the Calverton Neighbourhood Plan is likely to come into force before the emerging local plan is adopted.
- 4.9 This is the background against which **Policy NE4** of the Plan has to be considered. This policy proposes a Southern Ridge Area (SRA) designation which, while it falls somewhat short of being a total ban on development, would, as was accepted by the Parish Council at the Hearing, preclude any significant amounts of development such as a housing allocation of any size. Sites H14 and H15, and other sites being promoted for housing at the examination into objections to the emerging local plan, are in the proposed SRA.
- 4.10 This raises the question of whether the SRA would undermine the spatial strategy set out in the ACS which seeks allocate a substantial amount of housing in the village. The Parish Council say not, as all the required housing could be accommodated at the 'North West Quadrant Urban Extension' and there are sites outside the SRA which are being promoted for housing through the examination into objections to the emerging local plan which could help accommodate the housing required.
- 4.11 Numerically these points are correct but, as has been established, decisions as to the amount and location of housing should properly be made by the Inspector conducting the examination into the emerging local plan. If the SRA designation, which would preclude housing sites, were to become a policy in the development plan this would be a material change

in circumstances that that Inspector would be bound to take into account. It would be a matter for her as to the weight she accorded to this point but it would inevitably influence her decision.

- 4.12 The Parish Council considers that it is perfectly legitimate for it to seek to guide the location of future housing development. There is no doubt that this is the case but the correct place to do so is, as it is doing, through the examination into objections to the emerging local plan. It should not be done by proxy through a plan which does not purport to grapple with the complex question of the comparative merits of alternative housing sites, a question which goes beyond whether a particular area is valued by local people for its accessibility, heritage, natural environment, topography and landscape.
- 4.13 I am, of course, aware of the strong local support for the proposed SRA designation and the protection it would provide, but this is not an unprotected area in planning terms. The majority of the proposed SRA is either in Green Belt or in a Conservation Area, it includes Sites of Importance for Nature Conservation and parts of it form the setting of Scheduled Ancient Monuments.
- 4.14 I am also aware that there is no legal requirement for the Plan to be consistent with strategic policies in the emerging local plan. There is, however, an expectation that the two plans will complement each other and differences between them will be minimised. As the two plans stand at present, that is not the case.
- 4.15 With these points in mind I am of the opinion that the proposed SRA designation could constrain the options open to the Inspector at the examination into objections to the emerging local plan when she seeks to determine where new housing sites should be located in the village. In this respect, it is not in general conformity with Policy 2 of the ACS, it does not have sufficient regard to the need to boost significantly the supply of housing land as set out in the Framework and does not contribute to sustainable development. **Policy NE4** of the Plan does not, therefore, meet the Basic Conditions and it, together with its supporting text, should be deleted. (**PM1**)

Specific Issues of Compliance of the Plan's Policies

Policies in the Growth Section of the Plan

- 4.16 **Policy G1** seeks to achieve the comprehensive development of the area referred to as the 'North West Quadrant Urban Extension'. The suggestion was made that this policy was too inflexible and too prescriptive in that it did not allow parts of the site to come forward before the preparation of

an overall masterplan. While it might be technically possible for sites to come forward in isolation I can see no reason why, in this instance, a piecemeal approach towards the development of what would be a very significant site in the village, is to be preferred to a comprehensive approach – particularly where there is no significant evidence to suggest that a comprehensive approach would inhibit the timely development of the site.

- 4.17 **Policy G1** refers to highway access links but is not entirely clear as to what this means. I recommend that in the interests of clarity⁵ these links should be defined more precisely as indicated in **PM2**. Similarly, the policy refers to open frontages in its sixth bullet point but does not specify what the policy seeks to do with these. It should be made clear that policy seeks their retention and the reasons for this should be set out in the supporting text, which should also make clear that it is not the intention of this designation to preclude road, pedestrian or cycle links to Park Road. (**PM3 & PM4**). In the interests of clarity each policy notation on the policies map should be clearly identified. (**PM5**)
- 4.18 The other policies in the *Growth* section of the Plan deal with developer contributions (**Policy G2**); with the village centre (**Policy G3**); with employment (**Policy G4**); and with housing mix (**Policy G5**). All the policies in the *Growth* section, including Policy G1, are consistent with the strategic policies in the development plan and the Framework which seek variously to ensure that development is supported by the required infrastructure (ACS Policy 18, Framework paragraph 157); that the vitality of centres is retained (ACS Policy 6 and paragraphs 23 and 40 of the Framework); that viable employment sites are retained (ACS Policy 4, paragraph 22 of the Framework); and that residential development should provide a mix of housing tenures, types and sizes which reflects local demand (ACS Policy 8 and paragraph 50 of the Framework). They, therefore, meet the Basic Conditions.

Policies in the Infrastructure, Services and Facilities Section of the Plan

- 4.19 This section of the Plan contains eight policies which seek to maximise the use of sustainable transport (**Policy ISF1**); resist the loss of existing, and ensure the provision of new, parking (**Policy ISF2**); seek contributions to mitigate and minimise any negative impacts of development on the highway network (**Policy ISF3**); seek to ensure that residential development provides the required community facilities and services (**Policy ISF4**); safeguards land for community facilities (**Policy ISF5**); safeguards land for educational purposes (**Policy ISF6**); seeks to avoid

⁵ PPG Reference ID: 41-041-20140306 advises that policies 'should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications'.

the loss of community assets (**Policy ISF7**); and seeks to resist the loss of allotments unless replacement land of equivalent quantity and quality is provided (**Policy ISF8**).

- 4.20 These policies are consistent with the ACS and the Framework insofar as they seek the delivery of sustainable transport networks (ACS Policy 14 and paragraph 34 of the Framework); allow for the setting of local car parking standards (paragraph 39 of the Framework); ensure that the transport network is supported and not compromised (ACS Policy 15 and paragraph 58 of the Framework); ensure that development meets the reasonable cost of new infrastructure which it creates a need for, and more specifically to plan positively for community facilities (ACS Policy 19 and paragraph 70 of the Framework); support new, extended or improved community facilities where they are needed (ACS Policy 12 and paragraph 28 of the Framework); protect and guard against the loss of valued facilities and services (ACS Policy 13 and paragraph 70 of the Framework). It follows, I am satisfied that Policies ISF1 – ISF8 meet the Basic Conditions.

Policies in the Built Environment Section of the Plan

- 4.21 This section of the Plan contains policies which set out design principles (**Policies BE1 And BE2**); seek improvements to the public realm (**Policy BE3**); seek the provision of adequate parking (**Policy BE4**); and seek to safeguard heritage assets (**Policy BE5**).
- 4.22 In the interests of clarity **Policy BE1** needs to be modified to establish that its aim is to ensure the provision of adequate landscaping rather than the maintenance of buffer zones or gaps. (**PM6**)
- 4.23 **Policy BE5** seeks to give local expression to policies dealing at a more general level with the protection Heritage Assets but in doing so omits a key element of those other policies (for example paragraphs 128 – 136 of the Framework), which is that any harm to Heritage Assets should be balanced against benefits that might come from development. In order to meet the Basic Conditions reference to this balancing exercise should be included in Policy BE5 as shown in **PM7**.
- 4.24 These two modifications apart, the policies in this section are consistent with the ACS and the Framework insofar as they – set out design and landscape principles (ACS Policies 10 and 16 together with paragraph 58 of the Framework); seek to ensure that development makes a positive contribution to the public realm thus integrating itself into the natural, built and historic environment (ACS Policy 10 and paragraph 61 of the Framework); and allow for the setting of local parking standards

(paragraph 39 of the Framework). With the modifications proposed the policies will, therefore, meet the Basic Conditions.

Policies in the Natural Environment Section of the Plan

- 4.25 **Policy NE1** proposes the designation of ten areas of Local Green Space. The Framework states (paragraph 78) that the policy for such spaces should be consistent with Green Belt. In other words, that inappropriate development should not be approved, except in very special circumstances. Policy NE1 is not consistent with this as it allows for the development community uses, leisure and recreation – a range of uses which goes beyond the range of uses identified as being not inappropriate in the Framework (paragraphs 89 and 90).
- 4.26 In this respect, **Policy NE1** does not have regard to national policy and thus fails to meet this Basic Condition. It should, therefore be modified to make clear that inappropriate development will be allowed only in very special circumstances (**PM8**).
- 4.27 Six of the proposed Local Green Spaces are wholly in Green Belt (Land North of Park Road, Land South of Main Street, Land East of Bonner Hill, Land South of Crookdole Lane, Land West of Hollinwood Lane and Land South of Dark Lane). While there is no objection in principle to this, consideration should be given to what additional local benefit would be gained by such a designation (Planning Policy Guidance 37-010-20140306).
- 4.28 Having read the assessment of these various spaces contained in Appendix 1 to the Plan together with the assessment of these spaces by the Borough Council in its Position Statement for the Hearing, and having visited each of the sites, I can see no evidence that the proposed designation of five of these sites (Land South of Main Street, Land East of Bonner Hill, Land South of Crookdole Lane, Land West of Hollinwood Lane and Land South of Dark Lane) as Local Green Spaces would give any tangible additional local benefit over and above their existing status as Green Belt sites. Thus, these proposed designations do not have regard to national policy and thus fail to meet this Basic Condition. They should be deleted as shown in **PM8**.
- 4.29 In coming to this conclusion I have taken account of the fact that there are views into and out of the Calverton Conservation Area from two of these sites (Land South of Main Street Land East of Bonner Hill). However, in addition to being in Green Belt, parts of these sites are

themselves in the Conservation Area, a designation that safeguards the views in question.

- 4.30 There is a proposal in the emerging local plan to take the sixth proposed Local Green Space out of the Green Belt the (Land North of Park Road) and designate part of it as safeguarded land within the 'North West Quadrant Urban Extension'. The land is used for a variety of formal and informal recreational purposes and is the site of the village hall. It is close to the community it serves; it is of special significance to the community; and is local in character and does not comprise an extensive tract of land.
- 4.31 The Borough Council support this designation but favour attaching a caveat to part of the site indicating that it may be considered for development in the future. I do not agree. There is an expectation in national policy (paragraph 76 of the Framework) that Local Green Spaces will endure beyond the end of the plan period. Moreover, like the Parish Council, which owns the site and confirms that it will not be developed, I consider in its current range of uses it could play an important role in the 'North West Quadrant Urban Extension'. I can see no objection, if the local community wishes it so, to providing it with protection on a par with that provided to Green Belt sites. I consider that the designation of this site fully meets the criteria of paragraph 77 of the Framework and thus satisfies the Basic Conditions.
- 4.32 Land at St Wilfrid's Church is not within Green Belt. In seeking to designate this land as a Local Green Space the Parish Council lay emphasis on the contribution it makes to the character and appearance of Main Street and the need to preserve or enhance its openness and tranquillity. However, the site is in Calverton Conservation Area – a designation which seeks to achieve these very ends. No additional local benefit would, therefore, be gained by designating this land as a Local Green Space. Such a designation would not, therefore, meet the Basic Conditions and should be deleted. (**PM8**)
- 4.33 The remaining three sites (Land West of Seely Avenue, Land South of Collyer Road and Land West of Mansfield Lane) are outside the Green Belt and within the built up area of the village, close to the communities they serve. I am satisfied that they are of special significance to the community and that they are all local in character and not extensive tracts of land. I note that all of these sites are already protected by planning policy (they are Protected Open Spaces) but this designation does not provide the same type of protection as would a Local Green Space. The designation of these sites meets the Basic Conditions.
- 4.34 **Policy NE2** seeks to protect Open Space, an aim that, in general terms, is consistent with the ACS and the Framework which also seek to protect

green infrastructure (ACS Policies 16 and 17 and paragraph 114 of the Framework). For the most part, the areas it is proposed to designate as Open Space are uncontentious.

- 4.35 There are however, two exceptions and that is the Open Space proposed on Land West of Renals Way and Land Along Dark Lane. These consist of two parcels of adjoining land; the first being a triangle of land off Renals Way; and the second a strip of land running north south along the east side of the Dark Lane housing site.
- 4.36 Dealing with the Land West of Renals Way first – it is not disputed that this forms part of a wider area of land having an extant planning permission for housing (Ref:5/15/913) granted in 1972 – a planning permission that, much amended, forms the basis of the existing development off Renals Way. This planning permission shows four housing plots on the triangle of land in question. The question is whether the extant planning permission can still be implemented?
- 4.37 The Parish Council considers that it cannot and point to the fact that there are two Group Tree Preservation Orders on the site (Tree Preservation Orders which the Parish Council understands were made since the granting of the extant planning permission) and two public footpaths cross the site (footpaths which were registered after the granting of the extant planning permission).
- 4.38 Access to the four plots in the extant planning permission would pass through the belt of oak trees within the Group Tree Preservation Orders on the eastern boundary of the triangle of land. At my site inspection, I saw that there could be sufficient space between these trees for such accesses although they would pass within the crown spread of the trees. It may, therefore, be possible to provide such accesses while ensuring the long-term retention of these trees.
- 4.39 The dwelling shown on plot 84 is crossed by Footpath 40 while footpath 41 crosses the house on plot 87. The dwellings shown on plots 85 and 86 are not affected by footpaths, although Footpath 40 crosses plot 85. The owners of the land are advised that a Stopping Up Order could be obtained for Footpath 40 as it is duplicated by another footpath (Footpath 15) running close by the site. No such order has yet been applied for.
- 4.40 It is not for me to determine whether such a Stopping Up Order would be justified but I cannot rule out the possibility that it would, in which case three of the plots on the land in question (plots 84, 85 and 86) could be developed. Even if this were not to be the case one of the plots (plot 86) could be developed in accordance with the extant planning permission

- 4.41 The possibility that access can be gained to these plots in accordance with the extant planning permission cannot, therefore, be ruled out nor can the possibility that Footpath 40 could be stopped up. Although the extant planning permission is some 45 years old, it remains capable of implementation and the fact that the owner of the land has gone to the length of objecting to this designation indicates that there is a reasonable prospect of it being developed in the future (in terms of the owner's intent). Under such circumstances it would be inappropriate to designate the Land West of Renals Way as open space and reference to it in Policy NE2 should be deleted (**PM9**).
- 4.42 Turning now to the Land along Dark Lane. This consists of a footpath running between two hedges and an adjoining strip of land within the Dark Lane housing site. The Dark Lane housing site has an extant planning permission for housing (Ref: 2012/1503) which is now being implemented.
- 4.43 In this instance, however, the land which it is proposed to designate as Open Space is shown as open space within the extant planning permission. That being so I can see no objection to its designation as Open Space being confirmed in the Plan. I note that this open space will accommodate an above ground Sustainable Urban Drainage System along with water attenuation areas, underground storage areas and other drainage features, but see no reason why the proposed designation would hinder or handicap the construction of these. Such a designation would not apply retrospectively and would not preclude the implementation of works already permitted.
- 4.44 In the interests of clarity a footnote should be added to Policy NE2 stating that the Open Space Designation on Land along Dark Lane refers to the open space shown in planning permission Ref: 2012/1503 and the adjoining footpath. (**PM10**).
- 4.45 **Policy NE3** seeks to ensure the provision of sustainable drainage systems and avoid surface water flooding in the village. Such an approach is consistent with the ACS (Policy 1) and the Framework (paragraph 103) which similarly give priority to sustainable drainage systems and the reduction of surface water run off.
- 4.46 I have already recommended a modification to delete **Policy NE4** in paragraph 4.15 above.
- 4.47 **Policy NE5** seeks the protection, promotion and enhancement of green infrastructure. This is entirely in accord with the approach taken towards green infrastructure in the Framework (paragraph 114) and the ACS (Policy 16).

- 4.48 **Policy NE6** seeks to ensure the conservation and enhancement of biodiversity in all planning applications for major development and any planning applications relating to a specified range of designated sites. This is in accord with the Framework (paragraph 109) which seeks to minimise the impact of development on biodiversity and, where possible provide net gains; it is also consistent with the ACS (Policy 17) which has similar aims.
- 4.49 With the proposed modifications to the natural environment policies, I consider that the Basic Conditions will be met.

5. Conclusions

Summary

- 5.1 The 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 the neighbourhood plan, and the evidence documents submitted with it, along with the other evidence detailed in paragraph 2.4 above and the discussions held at the Hearing on 11 July 2017.
- 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 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.
- 5.4 The Parish Council, ably assisted by its professional adviser, has put a great deal of thought and hard work over a long period into preparing what is a readable and clearly presented plan in which they have striven to represent the strongly held views of the local community. They are to be commended for this.

R J Yuille

Examiner

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Appendix 1: Hearing Agenda

CALVERTON NEIGHBOURHOOD DEVELOPMENT PLAN (CNP) ISSUES FOR DISCUSSION AT THE PUBLIC HEARING TUESDAY, 11TH JULY 2017

STATEMENT OF COMMON GROUND

1. In response to a request from me, Calverton Parish Council, Gedling Borough Council and Nottinghamshire County Council have produced a statement of common ground. This is a very useful document which appears to narrow down the differences between these parties in relation to Policy NE4 and the Southern Ridge Area (SRA) notation. Is that correct?
2. Does this mean that there is no substantial disagreement between these parties on matters such as Policy G1 (Comprehensive Development), Policy NE1 (Local Green Space), Policy NE2 (Open Space), Policy BE5 (Heritage Assets) or the accuracy of the 'Retention of Employment' boundary shown on the Policies Map?
3. We will then run briefly through the modifications proposed in the statement of common ground.

POLICY NE4. SOUTHERN RIDGE AREA

Background

1. The CNP does not seek to allocate housing sites. The broad amount of housing growth considered appropriate for Calverton is set out in the Aligned Core Strategy (ACS) which in Policy 2 indicates that up to 1,055 new dwellings will be located in the village. Details of the amount and location of housing in Calverton will be determined through the emerging local plan (the Gedling Local Planning Document).
2. The Parish Council considers that all new housing should be located on one site to the north west of the village. The emerging local plan proposes to allocate an additional two sites (H14 and H15) on lower ground to the south of the village within the proposed SRA. The forum for discussion of such disagreements is the examination into objections to the emerging local plan and it is for the Inspector conducting that examination to reach a conclusion on this matter. It is not part of my remit to comment on this matter and I will not do so.
3. My role is, amongst other things, to determine whether the CNP has regard to The Framework, whether it is in general conformity with strategic policies in the development plan, which in this instance are the policies in the ACS and whether it makes a contribution to sustainable development. There is no legal requirement for the CNP to be consistent with strategic policies in the emerging local plan but there is an expectation that the two plans will complement each other and differences between them will be minimised. It is, therefore, relevant to ask a number of questions about the emerging local plan.
4. Has it yet been determined which policies in the emerging local plan are strategic?
5. Are sites in the proposed SRA (other than H14 and H15) being promoted for housing through the examination into the emerging local plan?
6. The emerging local plan is proposing less housing growth in Calverton than the maximum figure in the ACS. Is this being challenged through the examination into the emerging plan?

SRA

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1. It is stated that the proposed SRA is not a landscape designation. What sort of designation is it and what is its purpose?
2. Does the SRA undermine the Spatial Strategy set out in the ACS?
3. There is a suggestion in the representations that the proposed SRA designation is specifically designed to challenge the emerging local plan by providing blanket protection for an area which includes sites being proposed for housing in that plan. Is this correct?
4. In part, the proposed SRA would overlay the Green Belt. Are there examples in the emerging local plan of other similar designations overlaying the Green Belt?
5. What is the difference between the proposed SRA and Green Belt? What would the former achieve that the latter cannot or would the former simply duplicate the latter?
6. The proposed SRA includes part of the built-up area of Calverton. What is the justification for this and how consistent is this with the presumption in favour of sustainable development?
7. How robust is the evidence underpinning the proposed SRA designation?
8. What is the purpose of including the Dark Lane site within the SRA when that site has planning permission for housing?

POLICY NE1 LOCAL GREEN SPACE

1. What is the size of each of the proposed Local Green Spaces. Do any of these amount to extensive tracts of land?
2. Some of the proposed Local Green Spaces are in the Green Belt. What would the former designation achieve that the latter could not or would the former simply duplicate the latter?
3. Is Policy NE1 consistent with the policy for Green Belts?
4. A Local Green Space is proposed within the proposed North West Quadrant Urban Extension. Would such a designation complement or conflict with the comprehensive planning of this area?

POLICY NE2 OPEN SPACE

1. It is proposed to designate land west of Renals Way as Open Space. Is this land the subject of an extant planning permission for housing?

POLICY G1 COMPREHENSIVE DEVELOPMENT

1. Is Policy G1 too inflexible and too prescriptive?

POLICIES MAP

1. The boundary of the 'Existing Employment Area' shown on the Policy Map differs from the 'Retention of Employment Boundaries' shown on the emerging local plan's Policy Map. Why is this?

STRATEGIC ENVIRONMENTAL ASSESSMENT(SEA) SCREENING STATEMENT & HABITAT REGULATIONS ASSESSMENT (HRA) NOVEMBER 2016

1. Does the SEA Screening Statement & HRA dated November 2016 relate to the Submission Version of the CNP also dated November 2016?
2. Can I have copies of the letters sent to the statutory consultees referred to in paragraph 18 of the SEA Screening Statement and HRA?

Appendix 2: Modifications

Proposed modification number (PM)	Page/Para	Modification
PM1	Pages 54 – 57, Policy N4 and supporting text.	Policy NE4 and its supporting text should be deleted.
PM2	Page 23, Policy G1	<ul style="list-style-type: none"> • Highway access links <u>including to/from the existing village road network and the feasibility of links to/from the B6356 B6386 Oxton Road</u>
PM3	Page 24, Policy G1	<ul style="list-style-type: none"> • Retention of The interrelationship and open frontages between new development and North Green and Park Road.....
PM4	Page 22, para 2.7	<p>Land along the western edge of the housing area should be retained as an open space landscape buffer in order to protect occupants of the new housing from the negative visual and acoustic impacts of the lorry park. This will also protect the amenity and setting of existing properties on North Green. <u>Land adjacent to North Green and along Park Road are identified on the Policies Map as open frontages to be retained. North Green is an atypical area of housing that has always had a distinctly rural character relative to the principal built-up area of Calverton. In terms of Park Road, the principal purpose is to ensure that the existing roadside hedging and trees are retained as far as possible. This notation is not intended to prevent highway access and other pedestrian/cycle linkages being created to Park Road.</u></p>
PM5	Policies Map	<ul style="list-style-type: none"> • North West Quadrant Urban Extension (<u>Policy G1</u>) • Existing Employment Areas (<u>Policy</u>

		<p>G4)</p> <ul style="list-style-type: none"> • <input type="checkbox"/> Education Sites (Policy ISF6) • <input type="checkbox"/> Allotments (Policy ISF8) • <input type="checkbox"/> Local Green Space (Policy NE1) • <input type="checkbox"/> Open Space (Policy NE2) • <input type="checkbox"/> Land Safeguarded for Community Facilities (Policy ISF5) • <input type="checkbox"/> Village Centre (Policy G3) • <input type="checkbox"/> Southern Ridge Area • <input type="checkbox"/> Conservation Area (Policy BE5) • <input type="checkbox"/> Retain Open Frontage (Policy G1)
PM6	Page 41, Policy BE1	... (d) Buffer zones <u>Areas</u> between new and existing development should include adequate landscaping and physical separation to maintain identity...
PM7	Page 47, Policy BE5	Proposals for the change of use of listed buildings and development affecting or within the curtilage of listed buildings requiring planning permission will be required to demonstrate that the proposal does not adversely affect the significance of the heritage asset or the setting of the listed building <u>unless the public benefits of so doing outweigh the harm.</u>
PM8	Page 51, Policy NE1	<p>The following sites are designated as Local Green Spaces:</p> <ul style="list-style-type: none"> • Land North of Park Road (William Lee Memorial Park and Adjacent Land) • Land West of Seely Avenue (Ramsdale Avenue Park) • Land South of Main Street (James Seely Park, Cricket Ground and Rookery) • Land East of Bonner Hill • Land at St Wilfrid's Church • Land South of Crookdole Lane • Land South of Collyer Road • Land West of Mansfield Lane (Cemetery) • Land West of Hollinwood Lane (Calverton Miners Welfare Sports Ground and Adjacent Land)

		<ul style="list-style-type: none"> • Land South of Dark Lane <p>Proposals for sustainable development within these sites will only be permitted where it relates to community use, leisure and recreation. All proposals must demonstrate that they have a genuine need to be located within the Local Green Space and will not adversely affect the tranquillity of the Local Green Space or existing users. All proposals must demonstrate that they are of an appropriate scale, layout and design.</p> <p><u>The policy taken towards development in these areas is consistent with that taken towards development in Green Belt. Inappropriate development will not be allowed other than in very special circumstances. Development should not adversely affect the tranquillity of the Local Green Spaces.</u></p> <p>Proposals adjacent to these sites will need to demonstrate that they will not harm the setting of the Local Green Space and where possible enhance access to the Local Green Space for people and wildlife.</p>
PM9	Page 52, Policy NE2	<p>Delete from Policy</p> <ul style="list-style-type: none"> • Land West of Renals Way <p>Delete as Open Space on the Policies Map.</p>
PM10	Page 52, Policy NE2	<ul style="list-style-type: none"> • Land along Dark Lane* <p><u>*This refers to the open space shown in planning permission Ref: 2012/1503.</u></p>

Appendix 3: Factual Updates and Minor Revisions (as requested)

Page/Para	Modification
Page 22, para 2.8	2.8 Based on the 'North-West Quadrant Urban Extension' being the main location for growth, the Parish Council will seek to ensure <u>that the</u> that developer contributions are sought for a safety improvement scheme at the junction of Oxton Road and Flatts Lane. Any re-connection of Hollinwood Lane to Oxton Road should be <u>is</u> avoided, and <u>that</u> no vehicular through link to North Green should be <u>is</u> created."
Page 25 Policy G2	<p>Policy G2 – Developer Contributions</p> <p>Developer Contributions in the form of a Planning Obligation where appropriate will be sought to ensure that infrastructure provision within Calverton can accommodate the impact of new development. Developer Contributions will be sought towards:</p> <ul style="list-style-type: none"> • Education provision (nursery, primary, secondary, 16-18) • Primary GP healthcare provision • Village centre environmental improvements • Safety improvement scheme at the junction of Oxton Road and Flatts Lane
Page 28, para 5.6	5.6 Where an applicant contends that the site is no longer needed for employment use, they will be expected to demonstrate that the site has been marketed for employment use for a continuous period of at least six <u>twelve</u> months and at a fair market price reflecting the employment use."
Page 29, Policy G5	...Planning permission will be granted for developments which provide bungalow and other types of accommodation for elderly and disabled people as part of the above provision. Proposals <u>for major development</u> that do not include a mix of

	dwelling sizes and tenures and accommodation suitable for elderly and disabled people will be refused...
Glossary, page 66	<u>Major development - means (a) housing development involving 10 or more dwellings or having an area of 0.5 hectares or more where the number of dwellings is unknown; or (b) any development involving the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or (c) any development carried out on a site having an area of 1 hectare or more.</u>
Policies Map	<i>The Village Centre boundary on the Policies Map be amended to exclude the property 30 Main Street and associated curtilage.</i>