



Calverton Neighbourhood Plan 2016-2028

Independent Examination of the Calverton Neighbourhood Plan

Statement of the Qualifying Body – Calverton Parish Council

Anthony Northcote *HNCert LA(P), Dip TP, PgDip URP, MA, FGS, ICIOB, MInstLM, MCMI, MRTPI*



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Background

1. Calverton Parish Council (CPC) as the Neighbourhood Plan qualifying body met with Gedling Borough Council (GBC) as the Local Planning Authority and Nottinghamshire County Council (NCC) as the Highway Authority on Monday 24th April 2016. The purpose, at the request of the Independent Examiner, was to seek to produce a statement of common ground.
2. All parties agreed that the main areas of dispute between the parties related to:
 - Policy G1 (Comprehensive Development)
 - Policy BE1 (Design and Landscaping)
 - Policy NE4 (Setting of Calverton)
3. Following discussions, CPC, GBC and NCC agreed eleven modifications set out in the Statement of Common Ground that would address the respective comments of GBC and NCC on the relevant Policies and text of the Calverton Neighbourhood Plan. As such all parties agreed to recommend these modifications to the Independent Examiner for his consideration.
4. Following discussions the parties were unable to agree any common ground regarding Policy NE4 and the Southern Ridge Area notation. This relates to wider areas of dispute between CPC and GBC regarding the ongoing Gedling LPD Examination.
5. There are 50 comments on the Calverton Neighbourhood Plan (NP) which can be broken down as follows:
 - General Comments - 11
 - Support - 35
 - Object - 4
6. The main objections are from Langridge Homes; Gedling Borough Council; Nottinghamshire County Council; and Northern Trust. Langridge Homes and Northern Trust are developers with landholding interests in Calverton and elsewhere in Gedling Borough. CPC would respectfully draw the attention of the Independent Examiner to the supporting

representations, particularly those from local residents who will be directly affected by the content of the NP.

The GBC Representation on Policy NE4

7. CPC considers it important for the Independent Examiner to explore the wording of the representation submitted by GBC and the difference between it and the case now being advocated by GBC.
8. The representation stated:

Headline

“Proposed Policy NE4 and CNP Policies Map ‘Southern Ridge Area’ is contrary to housing allocations H14 and H15 set out in Policy LPD 66. Furthermore, the proposed Policy NE4 largely duplicates existing Green Belt policy”

Policy NE4

“1.53. Policy NE4 sets out protections for the ‘Southern Ridge Area’ as identified on the CNP Policies Map. Policy LPD 66 allocates two housing sites which are situated within the ‘Southern Ridge Area’ - namely housing allocation H14 (Dark Lane - 70 homes - has planning permission) and housing allocation H15 (Main Street - 75 homes). Policy NE4 permits development which does not impact views of the Southern Ridge Area. In the case of both of these housing allocations, but in particular with regards to H15, Policy NE4 and the ‘Southern Ridge Area’ is contrary to NPPF Paragraph 16, which sets out that communities should ‘develop plans that support the strategic development needs set out in Local Plans’.

1.54. The Aligned Core Strategy 2014 provided clear direction to potential housing development in the village which included land which is now identified as housing allocation H15 Main Street. The Council is of the view that Policy NE4 - Setting of Calverton’ of the Calverton Neighbourhood Plan is in conflict with emerging LPD Policy 66 Calverton. The emerging LPD Policy 66 Calverton specifically allocates site H15 - Main Street for residential development. However Policy NE4 - Setting of Calverton prevents development within and on the edge of Calverton where the development will adversely affect the views of the Southern Ridge Area. Specifically at paragraph 21.2, the draft Neighbourhood Plan states that the Parish Council considers that the area including this site is not suitable to be developed and is therefore clearly in conflict with the LPD policy.

1.55. Paragraph 21.1-21.2 of the CNP acknowledges that land towards the southern edge of Calverton ‘lacks topographical constraints’. The basis for the CNP’s objection to development in the ‘Southern Ridge Area’ includes issues such as ‘lack of support from the local community’, and ‘other issues’ which are not justified in the evidence (see above comments for BE1). Calverton Parish have illustrated the subjective justification for including the ‘Southern Ridge Area’ in the CNP Evidence Southern Ridge Area Document (see below comments in Other Submission Documents).

1.56. It is furthermore worth considering that, with the exception of Policy LPD 66 housing allocations H14 and H15, the majority of proposed ‘Southern Ridge Area’ is situated within the Green Belt. The allocation of the ‘Southern Ridge Area’ will simply duplicate the policy approach of protecting the area from inappropriate development, in accordance with Green Belt policy. As such, the Council considers that designating the ‘Southern Ridge Area’ would be inappropriate as it is contrary to housing allocations set out in the LPD, and unnecessarily duplicates policy protections which already exist within the area.”

Policies Map

“1.62. As set out in this response, the Council has outlined the following issues with regards to the CNP Policies Map:

- ‘Southern Ridge Area’ presents a major concern for reasons identified in comments for Policy NE4...”

The Purpose of Examination

9. As the Independent Examiner will fully appreciate the requisite test for Neighbourhood Plans in terms of meeting basic conditions is a different test to that of soundness which applies to Local Plans. The Calverton Neighbourhood Plan is the first NDP in Gedling to reach Examination and as such it is clear that officers at GBC are still getting to grips with the Neighbourhood Plan procedures.
10. The Parish Council do not consider that the GBC representation on Policy NE4 focusses on the 5 basic conditions (a; d; e; f; and g) described in Planning Practice Guidance:

The relevant basic conditions are:

- a) *“having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan);*
 - d) *the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development;*
 - e) *the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);*
 - f) *the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations; and*
 - g) *prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).”*
11. Of these basic conditions, d; f; and g do not appear to be matters of dispute between CPC and GBC. The crux of the differences in views appear to relate to basic conditions a) (conformity to NPPF and PPG) and e) (conformity to development plan).
 12. In relation to the GBC representation made on the Calverton NDP only highlights the following references to the basic condition(s) having not been met in their view:
 - a) conformity to NPPF and PPG - NPPF Paragraph 16
 - e) conformity to development plan - An unspecified reference to the Aligned Core Strategy but no policy is identified

Basic Condition a)

13. PPG gives further advice on this basic condition as follows:

*“What does having regard to national policy mean?
A neighbourhood plan or Order must not constrain the delivery of important national policy objectives. The National Planning Policy Framework is the main document setting out the government’s planning policies for England and how these are expected to be applied.”*
14. The terminology ‘having regard to national policies’ (see [paragraph 9\(1\) of Schedule 4B to the Town and Country Planning Act 1990 \(as amended\)](#)) is in our view and experience of Neighbourhood Plans crucial.

Basic Condition e)

15. PPG gives further advice on this basic condition as follows:

“What is meant by ‘general conformity’?”

When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with*
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy*
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy*
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach”*

16. The terminology ‘general conformity with the strategic policies contained in the development plan’ in the basic conditions (see [paragraph 9\(1\) of Schedule 4B to the Town and Country Planning Act 1990 \(as amended\)](#)) is in our view and experience of Neighbourhood Plans crucial.

17. NPPF paragraph 156 identifies strategic priorities as being policies to deliver:

- “the homes and jobs needed in the area*
- the provision of retail, leisure and other commercial development*
- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)*
- the provision of health, security, community and cultural infrastructure and other local facilities*
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape”*

18. PPG goes on to provide further advice:

“How is a strategic policy determined?”

Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective*
- whether the policy seeks to shape the broad characteristics of development*
- the scale at which the policy is intended to operate*
- whether the policy sets a framework for decisions on how competing priorities should be balanced*
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan*
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan*
- whether the Local Plan identifies the policy as being strategic”*

19. Calverton Parish Council remain of the view that having regard to paragraph 156 of the NPPF ‘strategic policies’ are intended to be those delivering growth and infrastructure without adverse impacts. What may often be termed to be development management policies are not in our view the types of policies which should be deemed ‘strategic’. There remains an outstanding objection to the Gedling Local Planning Document on this issue which the Inspector is yet to reach her conclusion on.

20. GBC as the Local Planning Authority has defined the policies and allocations contained within the Aligned Core Strategy (ACS) to be ‘strategic’ for the purposes of Neighbourhood Planning. None of the Saved policies of the 2005 Gedling Local Plan have been designated as ‘strategic’ for the purposes of neighbourhood planning. As such

in relation to testing the basic conditions the Independent Examiner only has to judge 'general conformity' with the ACS.

Status of the Gedling Local Planning Document

21. In terms of meeting the basic conditions test the emerging Gedling LPD has no status in relation to the independent examination of the Neighbourhood Plan.
22. The Gedling LPD is subject to significant levels of unresolved objection both at the overall plan level and at the Calverton settlement level. The Examination is currently underway and a further Hearing Session on housing supply and distribution is to be held on Tuesday 16th May 2017. The Inspector also still has to determine whether further examination hearings are required in response to comments on evidence submitted during the Examination Hearings, she has invited from CPC and the Calverton Preservation and History Society. The CPC comments were submitted to the Programme Officer on Friday 12th May 2017. At this time no party can be certain when the Examination into the Gedling LPD will come to an end or indeed whether the Inspector will consider the Gedling LPD to be sound.
23. GBC have already identified that main modifications are required, this will require public consultation and is likely in the view of CPC to result in a need for modifications examination hearings. As an example GBC have acknowledged that the Gedling LPD fails to include any policy on the provision of Gypsy and Traveller accommodation. All parties will be aware how sensitive a modification on this topic is likely to be, as such CPC respectfully suggest that a need for a modifications examination hearing(s) is inevitable in the case of the Gedling LPD.
24. The timescale likely to be involved in completing the LPD examination is therefore unknown but is likely to be a significant further period. Looking at the recent experience of similarly contested Part 2 plans containing site allocations, that we have some knowledge of, in Broadland; East Riding; Ipswich; and North Lincolnshire - the periods from submission to being found sound was respectively 18 months; 26 months; 23 months; and 19 months. As such we cannot envisage a decision on soundness in 2017.
25. We consider that it is likely that the examination and decisions under Regulations 17 to 19 of The Neighbourhood Planning (General) Regulations 2012 on the Calverton NDP will be completed before the Gedling LPD is anywhere near being finalised.
26. The evidence base for the Gedling LPD is also subject to significant levels of unresolved objection and as such cannot be considered to be represent definitive evidence on many topics yet. Those unresolved objections include fundamental elements of the Gedling LPD evidence base including:
 - the Sustainability Appraisal (and the 3 Addendums);
 - the Site Assessment Document (and the 2 Addendums);
 - the Green Belt Assessment; Impact of Possible Development Sites on Heritage Assets Document (and the Addendum); and
 - Landscape and Visual Analysis of Potential Development Sites Document (and the Addendum).
27. In addition even if the Gedling LPD were to proceed to adoption, CPC have indicated to GBC and the Inspector holding the Examination that CPC consider the obligations of submission set under Regulation 22 of The Town and Country Planning (Local Planning) (England) Regulations 2012 have not been met. In addition CPC has indicated to GBC and the Inspector holding the Examination that CPC consider any plan adopted following the current hearing sessions would be unsafe and open to challenge under s278 of the Town and Country Planning Act 1990 on the grounds of procedural unfairness. Whilst the position of CPC at the point of any adoption of the Gedling LPD cannot be predetermined at this

time, CPC did undertake a legal challenge to the ACS and has a track record of actively using all available mechanisms to represent the interests of the Calverton community.

28. Whilst the Calverton NDP and the Qualifying Body have sought to take into account the Gedling LPD as an emerging Local Plan, the Basic Conditions Statement is clear about its lack of statutory position with regard to the basic conditions at this point.
29. The Gedling LPD comment in paragraph 2 is highly pertinent, it states: *“The Local Planning Document includes more detailed planning policies that will work with the strategic policies set out in the Aligned Core Strategy and includes detailed policies for development management and the allocation of non-strategic development sites.”* If this is interpreted strictly then it would appear to be suggested that in any event the emerging LPD as a whole document should not be deemed 'strategic' for the purposes of Neighbourhood Planning. The LPD suggests that the LPD does not include strategic policies or strategic allocations.

Policy NE4 and the ‘Southern Ridge Area’

30. The case of GBC is now slightly different to that put forward in their original representations; it can now be summarised in headline form as follows:
- ❖ Proposed Policy NE4 and CNP Policies Map ‘Southern Ridge Area’ is contrary to housing allocations H14 and H15 set out in Policy LPD 66. Furthermore, the proposed Policy NE4 largely duplicates existing Green Belt policy;
 - ❖ The area of the ‘Southern Ridge Area’ which covers the existing part of the village south of Main Street means that Policy NE4 is also contrary to ACS Policy A, paragraph 15 of the NPPF and Policy H7 of the 2005 Gedling Replacement Local Plan; and
 - ❖ The evidence base document does not meet the requirements of Planning Practice Guidance
31. Of these 3 headlines, items 2 and 3 are new issues which did not form part of the original representation of GBC. It is our understanding of The Neighbourhood Planning (General) Regulations 2012 that the Independent Examiner only has a legal right to consider under Regulation 17(d) representations made under Regulation 16. The Regulations apply Schedule 4B of the Town and Country Planning Act 1990 (applied by section 38A(3) of the Planning and Compulsory Purchase Act 2004). As items 2 and 3 did not form part of the original representation of GBC, CPC requests the Independent Examiner to not consider these parts of the GBC case.
32. As we identified earlier, GBC as the Local Planning Authority has defined the policies and allocations contained within the Aligned Core Strategy (ACS) to be 'strategic' for the purposes of Neighbourhood Planning. None of the Saved policies of the 2005 Gedling Local Plan have been designated as 'strategic' for the purposes of neighbourhood planning. As such in relation to testing the basic conditions the Independent Examiner in our view only has to judge 'general conformity' with the ACS.
33. CPC consider that Policy NE4 is justified and appropriate for the NP, is supported by evidence and clear local support. As such no changes are considered necessary to meet the basic condition tests. If the policy and designation were to be deleted from the NP, based on the strong views of the local community CPC consider that there would be a strong risk of the NP then being rejected at Referendum.
34. CPC will set out its arguments in response to each of the GBC 'headlines' in turn, notwithstanding our position that items 2 and 3 should not be considered by the Independent Examiner, CPC must protect its position in case the Independent Examiner does not agree with our statutory interpretation above:

❖ Proposed Policy NE4 and CNP Policies Map 'Southern Ridge Area' is contrary to housing allocations H14 and H15 set out in Policy LPD 66. Furthermore, the proposed Policy NE4 largely duplicates existing Green Belt policy

35. The issues at dispute here relate to the Southern Ridge Area designation, GBC consider that Policy NE4 does not conform to LPD site allocations H14 and H15. This is fundamentally an irrelevant point given that as an emerging plan it has no bearing on assessment of basic conditions.
36. GBC also consider the policy is unnecessary as the area is covered by Green Belt policy, this is actually incorrect as the Southern Ridge Area includes all of the parts of the village to the south of Main Street and Bonner Lane, and these areas are not protected by the Green Belt. Policy NE4 is therefore relevant to built development proposals but within and outwith the village.
37. Green Belt designation seeks to protect the openness of the Green Belt, it does not prevent appropriate development coming forward that the NPPF in paragraphs 89 and 90 concludes not to be inappropriate. Policy NE4 is looking to protect views into and out of the village; the setting of the historic hill forts; and the iconic landscape backdrop to the village. This is a fundamentally different policy objective to that of Green Belt policy. It is possible that a proposal for example an agricultural building could be deemed acceptable against Green Belt policy but its proposed siting would adversely affect views into or out of the village.
38. GBC do not appear to understand the overarching policy difference between Green Belt designation and the purpose of Policy NE4. Green Belt is a strategic planning tool to prevent the unrestricted sprawl of large built-up areas, in this case Greater Nottingham and to assist in safeguarding the countryside from encroachment. Policy NE4 is about the protection of the setting of Calverton, which is considered to be the iconic landscape backdrop to the village. The policy seeks to ensure that the interrelationship between the village and the landscape backdrop called the 'Southern Ridge Area' is maintained without further visual interruptions to the continuity of the ridgeline. Green Belt policy alone could not resist a development proposal that constitutes appropriate development but completely removes a visual connection between the village and the landscape backdrop.
39. In relation to the NP the position of GBC appears to be that as a consequence of the presence of the Green Belt there is no need for any other policies to provide a framework towards new development and planning applications in the Green Belt. This position is just untenable and is completely undermined by the emerging Gedling LPD, which for example proposes policies on Landscape Character & Visual Impact; Greenwood Community Forest & Sherwood Forest Regional Park; Historic Landscapes, Parks & Gardens; and Agricultural & Rural Diversification.
40. The purpose of Policy NE4 is a policy with a locally distinctive purpose, but is similar in general thrust to a policy on Landscape Character & Visual Impact. As such given that GBC acknowledge that a policy on Landscape Character & Visual Impact is required in the emerging Gedling LPD in addition to Green Belt designation then by direct comparison Policy NE4 is both necessary and appropriate in addition to Green Belt designation.
41. CPC considers that Policy NE4 is in general conformity with Policy 10 of the ACS which states:

"All new development should be designed to:

 - a) make a positive contribution to the public realm and sense of place;...*
 - c) reinforce valued local characteristics;...*

Development will be assessed in terms of its treatment of the following elements:...

 - i) the potential impact on important views and vistas, including of townscape, landscape, and other individual landmarks, and the potential to create new views;..."*

42. The NPPF in paragraph 109 identifies that:
“The planning system should contribute to and enhance the natural and local environment by:
- *protecting and enhancing valued landscapes...”*
43. The inter-relationship between the village and the rising ridgeline to the south is a highly valued landscape to local residents as demonstrated in the Southern Ridge Area evidence base. The NPPF in paragraph 109 does not restrict protection to designated landscapes, it is more open in its terminology by referring to valued landscapes.
44. One of the core principles in the NPPF is that planning should recognise the intrinsic character and beauty of the countryside. PPG identifies that local plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. This includes designated landscapes but also the wider countryside.
45. CPC also considers that Policy NE4 is in general conformity with Policy 16 of the ACS which states:
“...Landscape Character is protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment. Criteria for the assessment of proposals and any areas of locally valued landscape requiring additional protection will be included in part 2 Local Plans...”
46. This is in our view further supported by paragraph 3.16.5 of the ACS which states:
“Where appropriate, land surrounding the built up areas will be targeted to provide a significant resource for communities and provide a context for the landscape setting of the urban area.” Together with paragraph 3.16.8 of the ACS which states:
“Landscapes and features within them form an important part of the Green Infrastructure network and Landscape Character Assessments have informed the preparation of the Aligned Core Strategies by providing details on how the different landscape types can be protected, conserved or enhanced. Criteria to assess the impact of development proposals on the landscape will be included in part 2 Local Plans prepared by the Councils.”
47. GBC now accept that there is no obligation for the NP to comply with an emerging development plan under the relevant basic conditions. The Calverton NP has been underway since designation of the neighbourhood area in January 2013. The ACS was adopted in September 2014, GBC undertook Masterplanning work in Calverton and other key settlements during 2013 and 2014. Work on the NP and the emerging Gedling LPD has been going along in parallel, the NP was developed on the basis of the evidence base available on the emerging Gedling LPD which until the time of Publication Draft at the end of May 2016 was entirely focused on development being located in the ‘North West Quadrant’.
48. CPC have a number of objections to the emerging Gedling LPD, this includes an objection to the proposed site H15. Site H14 was first allocated in the 2005 Gedling Replacement Local Plan and now has planning permission and construction has commenced. The issue of housing supply and distribution, and how much and where housing should be identified in Calverton are matters which are subject to significant levels of objection. There are objections from numerous parties not just CPC to housing overall including from other Parish Councils, Ashfield District Council as a neighbouring LPA, landowners and developers. There is a collective view from the rural parishes of Calverton, Ravenshead, Linby and Papplewick that the Gedling LPD does not plan properly for the rural parts of the Borough.
49. We have set out already commentary on the status of the emerging Gedling LPD, in particular the fact that both the plan content and the evidence base on which it is based is subject to significant levels of unresolved objection both at the overall plan level and at the Calverton settlement level. The GBC position assumes somewhat arrogantly that the

Inspector will conclude following Examination that the proposals in the emerging Gedling LPD will be unchanged.

50. Evidence is still being produced for the emerging Gedling LPD, the latest document to be produced by GBC was added to the Examination Library on the 9th May 2017. Since the Submission of the NP on the 14th November 2016 the emerging LPD has seen three Schedule of Changes to LPD published for consideration. In addition the Examination Library has seen a total of 61 new items of evidence added during the Examination Hearings. This new evidence includes Addendums to the Sustainability Appraisal; Addendums to the Site Assessment Document; and Addendums to the Impact of Possible Development Sites on Heritage Assets Document.
51. Housing is very much an unresolved issue at present the Examination Hearing on Tuesday 16th May 2017 will consider a Revised Housing Background Paper Addendum; and a proposed revised Policy LPD 63 which deals with housing supply and distribution.
52. As GBC acknowledge it is the purpose of the LPD examination to determine the robustness of this evidence and the soundness of proposed allocations. We cannot however agree with their contention that the justification provided for allocation is also relevant in considering whether the 'Southern Ridge Area' should be in the NP. The Independent Examiner is not appointed to reach any views of the robustness of the evidence base of the emerging Gedling LPD.
53. Planning Practice Guidance (Reference ID: 41-055-20140306) is explicit about the role of the Independent Examiner:
"When considering the content of a neighbourhood plan or Order proposal, an independent examiner's role is limited to testing whether or not a draft neighbourhood plan or Order meets the [basic conditions](#), and other matters set out in [paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 \(as amended\)](#). The independent examiner is not testing the soundness of a neighbourhood plan or examining other material considerations."
54. GBC appear to be seeking the Independent Examiner to reach conclusions and judgements on matters outside of his statutory role in relation to the NP.
55. GBC seek to argue that there is a possibility that the proposed Policy NE4 and 'Southern Ridge Area' could potentially undermine the distribution and location intended and set out in the ACS would not be in accordance with the adopted strategic plan.
56. The ACS sets out a broadly urban centric approach, Policy 2 in section 3(c)(vi) identifies Calverton for up to 1,055 dwellings. The emerging Gedling LPD through Policy 63 has chosen deliberately to vary the spatial distribution approach of the ACS. LPD Policy 63 proposes more housing in the urban area and less in the key settlements which includes Calverton. LPD Policy 63 originally proposed a housing figure of 740 dwellings for Calverton, now 765 dwellings in document EX/105 which is to be considered at the Hearing Session on the 16th May 2017.
57. The issue of whether or not the emerging Gedling LPD meets the strategic requirements of ACS Policy 2 therefore remains an unresolved issue. This is a strategic aspect on which the Inspector will have to reach a decision on soundness. As the level of housing supply and the spatial distribution is still being debated, this has profound implications for any proposed site allocations.
58. The evidence base for the emerging Gedling LPD involved the Masterplanning process which demonstrated that the strategic requirements of the ACS could be met in Calverton through the development of the 'North West Quadrant'. The emerging Gedling LPD proposes to

remove this entire area from the Green Belt, but then suggests that only part will be allocated for housing with the remainder being safeguarded.

59. As such there are numerous issues for the LPD Examination to address, this includes whether or not exceptional circumstances have been demonstrated to release sites from the Green Belt. CPC undertook a legal challenge to the ACS [2015] EWHC 1078 (Admin), although this challenge was unsuccessful. However the obiter given by Mr Justice Jay in that case regarding the interpretation of the NPPF is highly relevant to the LPD Examination. Mr Justice Jay was clear that in the two stage approach it would still be necessary for each site proposed in the Part 2 Local Plan (in this case the emerging Gedling LPD) to demonstrate exceptional circumstances for release.
60. It is the case of CPC that having regard to the Green Belt Assessment no exceptional circumstances have been demonstrated to justify the release of site H15. The 'North West Quadrant' was identified in the Green Belt Assessment as the most appropriate location to release from the Green Belt. The Inspector has got to consider whether the legal arguments put forward by CPC mean that site H15 can even be considered for allocation. The imbalance of the distribution of safeguarded land is also a significant unresolved area of objection for the Inspector to reach a conclusion on.
61. How the Green Belt Assessment, the Sustainability Appraisal and the Site Assessment process interrelate is a significant unresolved area of objection for the Inspector to reach a conclusion on.
62. GBC refer to the indicative plan setting out the broad location of future development in Appendix A of the ACS (Strategic Site Schedules) on page 195. The ACS diagram is in the view of CPC irrelevant to this issue. The ACS diagram is part of the Infrastructure appendix, the ACS did not consider the allocation of any sites in Calverton. It did allocate some strategic sites including Top Wighay Farm and North of Papplewick Lane within Gedling Borough. However in relation to and strategic locations which includes the Key Settlements such as Calverton the ACS did not undertake any site based evidence to demonstrate which areas of land or sites will be appropriate for Green Belt release. Policy 2 of the ACS is clear that 'strategic locations' will be allocated through part 2 Local Plans. As such the diagram on page 195 of the ACS has no policy status and as such is immaterial in the view of CPC with regard to the consideration of basic conditions.
63. The emerging Gedling LPD evidence base documents referred to by GBC, namely the Site Selection Document - Main Report (May 2016); Site Selection Document - Appendix C - Calverton (May 2016); and Site Selection Document - Addendum 2 (March 2017) are all contested documents subject to significant objection. The latest of these documents has been published subsequent to the Hearing Sessions held to date, the Inspector still has to reach a decision on whether to hold a further hearing session on this latest document along with other evidence base documents submitted during the Hearings. GBC has on numerous occasions published evidence documents the day before the relevant Examination Hearing Session, the Inspector has acknowledged that this has substantially prejudiced CPC and as such invited CPC to submit comments on this evidence which was done by the deadline of the 12th May 2017. The Inspector will now consider as per her invitation to CPC whether to hold further Hearing Sessions on this late evidence.
64. GBC considers that the CNP does not meet condition (a) or (e) on the grounds that it:
 - *"Potentially undermines the spatial strategy adopted in the Aligned Core Strategy;*
 - *Does not accord with NPPF Paragraph 16, 1st bullet, which states that communities should 'develop plans that support the strategic development needs set out in local plans' (i.e. the Aligned Core Strategy); and*
 - *Does not accord with NPPF Paragraph 184, which states that 'neighbourhood plans and orders should not promote less development than set out in the Local Plan or*

undermine its strategic polities’ (i.e. the spatial strategy of the Aligned Core Strategy).”

65. CPC does not agree, the NP has been developed specifically to facilitate the strategic development requirements of the ACS. Whilst CPC and the local community sought to resist the level of growth proposed for Calverton through the ACS, once that argument was lost, both CPC and the local community have sought to produce a NP which seeks to ensure that the growth for Calverton is balanced against the necessary infrastructure requirements.
66. The NP is also based on significant levels of public engagement which has also identified the key priorities of the local community to protect the Southern Ridge Area and to direct the growth to the most suitable parts of the village. The North West Quadrant was universally identified as the preferred location for housing through community engagement as indicated in the photo below:



67. GBC also refer to another contested part of the emerging LPD evidence base, namely ‘The Assessment of Impact of LPD Development Sites on Scheduled Monuments (January, 2017)’. This document is another which has been published during the Hearing Sessions, this document was another published the day before the relevant Examination Hearing Session. As we identified previously the Inspector has acknowledged that the publication of this late evidence has substantially prejudiced CPC and as such invited CPC to submit comments on this evidence which was done by the deadline of the 12th May 2017. The Inspector will now consider as per her invitation to CPC whether to hold further Hearing Sessions on this late evidence.
68. English Heritage (as it was then) submitted comments on the planning application regarding site H14 (Dark Lane) to GBC in which consideration was given to the harm that development would have on the designated heritage assets of the conservation area and the scheduled ancient monument at Fox Wood. Calverton Parish Council shares the position of English Heritage (now Historic England) that the hillside constitutes the setting of the Iron Age hillfort at Fox Wood and that this setting will be harmed by the Dark Lane development.

69. In addition to this evidence document being disputed with regard to its robustness and conclusions, it also has not been subject to any consultation with statutory consultees or to public consultation. As such we do not know whether Historic England is content with the conclusions. Had the document formed part of the original Publication evidence base then bodies such as Historic England would have been able to provide an expert view which would help to inform the Examination. We are aware that the Calverton Preservation and History Society, who are an important local consultation body, consider that the evidence document fundamentally misinterprets the impact of the LPD Development Sites on the Scheduled Monuments in Calverton. As such once again the position of GBC is somewhat arrogant in predetermining that the Inspector will find the emerging Gedling LPD evidence base to be robust and sound.
70. Cockpit Hill (Ramsdale) SAM lies at the top of the hill, the local topography which can be seen by looking at the contours on the map overleaf. Hollinwood Lane follows a valley up the rising hill clearly drawing a visual connection between the proposed site H15 and the SAM. Both Cockpit Hill SAM and Fox Wood SAM are sited in prominent locations whose presence is enhanced as a feature in the landscape by them being located in areas of trees. Both of these monuments were strategically located on the ridgeline and therefore their locations make a substantial contribution to their significance. The importance of the visual, spatial and historic associations between the Cockpit Hill site and the Fox Wood site also need to be considered in relation to development to the south of Calverton.
71. Calverton Parish Council do not consider that these conclusions are based on fact, there is a direct visual relationship between site H15 and the SAM as can be seen in the photos below:



— Site H15 Boundary

-  Cockpit Hill SAM
-  Visual Connection along Hollinwood Lane

72. The intervisibility along Hollinwood Lane between the historic village street pattern running along Main Street, and the ridgeline monument and the intervening rising landscape, relates to the pattern of historic development with the village sitting in the 'valley' below the ridge. The historical undeveloped countryside character along Hollinwood Lane heading north towards the SAM is considered important.
73. The conclusions reached in this evidence document contains numerous contradictions and inconsistencies reached between sites and between the conclusions the documents reaches and recent decisions taken on planning applications by GBC. The findings in relation to Calverton are not only disputed by CPC but also by the Calverton Preservation and History Society, Persimmon Homes and Northern Trust. As such it cannot be relied upon in any way to inform the Independent Examination of the NP.
 - ❖ The area of the 'Southern Ridge Area' which covers the existing part of the village south of Main Street means that Policy NE4 is also contrary to ACS Policy A, paragraph 15 of the NPPF and Policy H7 of the 2005 Gedling Replacement Local Plan; and
74. As this area of concern did not form part of the original representation of GBC, CPC requests the Independent Examiner not to consider these parts of the GBC case. Notwithstanding our position that items 2 and 3 should not be considered by the Independent Examiner, CPC must protect its position in case the Independent Examiner does not agree with our statutory interpretation above.
75. There has been strong support throughout the NP process for protection of the 'Southern Ridge Area' and we draw attention to the supporting representations from local residents who support the designation. The northern boundary of the 'Southern Ridge Area' has been drawn along the line of Main Street and Bonner Lane through the village in both of the consultations under Pre-Submission and Submission. During both consultations no representations have been received regarding the designation overlapping part of the village from any party. GBC has had plenty of opportunity to consider the NP and to raise this issue now once the NP has commenced Independent Examination is fundamentally unreasonable.
76. It should be noted that the southern boundary of the 'Southern Ridge Area' has been drawn along the Parish boundary as the NP cannot cover matters beyond the designated plan area. As the area of Arnold to the south is unparished there is no legal mechanism through which the plan area could have been extended beyond the Parish boundary.
77. There is strong intervisibility between Main Street and Bonner Lane and the ridgeline landscape backdrop. The NP Southern Ridge Area Evidence document includes photos from within the village that clearly demonstrates that intervisibility. Open areas within the village together with road alignments, public footpaths and unregistered paths help to bring the countryside into the heart of the historic core of the village. Figure 2 in the NP Southern Ridge Area Evidence document identifies 8 access points into the Southern Ridge.
78. In response to Planning Application 2012/1503, the Reserved Matters application for the Dark Lane (H14) site, English Heritage as it was then clearly referred to there being a rural relationship between the scheduled ancient monument (on higher ground) and the conservation area.

79. There is potential for new development within the existing village built up area to adversely affect views of the Southern Ridge Area Views. The views of the rising land to the south are important to the character and appearance of the southern side of the village. The location of two ancient hillforts (Scheduled Ancient Monuments) on the ridgeline constitute a significant part of the local historic environment. As ancient hillforts, these designated heritage assets have an intentional relationship with the topography that should be respected by maintaining the integrity of their rural setting and their salience as landscape features; any development that further detracts from their visual prominence would be harmful to the setting of the conservation area and the village.

80. The Calverton Conservation Area Appraisal describes the connection between Main Street and the 'Southern Ridge Area' in paragraph 2.2 as:

"While Main Street is today a busy thoroughfare, its gently meandering course, that widens and narrows on its way through the village, remains a distinctive section of Calverton. It affords often tightly defined views of historic cottages, with wider vistas of the still open countryside climbing up the ridge to the south of the village. While there are obvious modern interventions, the visual links along its length serve to underline a sense of historic continuity and give the village a clear sense of character among its expansive modern developments."

81. The Conservation Area Appraisal describes the character and form of the conservation area as:

"Although the Conservation Area covers almost the entire, not insignificant, length of Main Street, it nonetheless forms a coherent linear whole. Windles Square and the few historic buildings around it still remain as the original outliers of this core area. While now effectively urbanised, the area retains something of a rural feel, helped by the less encompassing modern development on the south side of the village. Although containing some business premises, these areas are primarily residential with nearly all of the old framework knitters' premises in particular now given over to housing... Indeed, this road pattern also included several paths and tracks running out into the open countryside and between the roads running into the village. Vestiges of pathways remain today, running out from Burnor Pool, and in the walkways between Spindle View, Neville Road and Brickenall Road. The most obvious surviving track is Woods Lane, running into Dark Lane. This is shown clearly on 1890 maps of the area as a reasonably significant route out of the village and still follows its original dog-leg pattern around old field boundaries"

82. In addition the Conservation Area Appraisal describes the landscape setting as:

"Calverton's massive expansion has meant that the historic village no longer exists within its original rural context. Even so, Calverton's setting in the valley of the Dover Beck and the distinctive rolling topography of this Dumble Farmland give much of the Conservation Area a strong sense of rural enclosure. The ever present southerly views from the Conservation Area as the land rises up to the ridge and Fox Wood, along with those out into the Mature Landscape Areas east of the village from Windles Square, contribute significantly to this atmosphere. As open land only cuts into the village core now at the James Seely Playing Field, any development in these areas would seriously compromise Conservation Area's semi-rural setting."

Enclosed in 1779, the fields around Calverton have since lost many of their smaller, more ancient subdivisions. Strong historic hedge boundaries, however, can still be seen all around the village, many following semi-irregular patterns. While outside the Conservation Area, these are an important feature of the village's hinterland and contribute strongly to its historic agrarian character."

The village boundary has been defined in the Gedling Borough Replacement Local Plan. The clear demarcation of the limits of expansion to 2011 to the south of the Conservation Area is significant for the continued protection of views out of the village."

83. Perhaps most importantly the Conservation Area Appraisal describes the key views and vistas as:
“Other significant vistas are up to and down from the wooded ridge and the roads on the south side of Calverton. This side remains largely undeveloped countryside and contributes strongly to the rural setting of the village in general and of the historic properties on the south side of Main Street in particular. Indeed, many of these properties are located either side of, often narrow, historic trackways running in from the rural fringe, from the ends of which can be seen views into the countryside beyond. Key among these views are those from the end of Woods Lane/Dark Lane, The Avenue, Little Lane and Burnor Pool.”
84. The GBC Calverton Conservation Area Appraisal in the view of CPC supports both the principle of the ‘Southern Ridge Area’ and Policy NE4 and the inclusion of the land south of Main Street and Bonner Lane within the village in the designation boundary.
85. The suggestion by GBC that the policy place an unnecessary additional test on developers, householders or business wishing to develop and is therefore contrary to ACS Policy A (Sustainable Development) and paragraph 15 of the NPPF is incredulous. If you apply this principle then it would appear to suggest that GBC contend that no policies are necessary in any part of the development plan beyond ACS Policy A, as any policy has the potential to resist or restrict development. We have demonstrated earlier how we consider Policy NE4 to be in conformity with the NPPF and the ACS.
- ❖ **The evidence base document does not meet the requirements of Planning Practice Guidance**
86. As this area of concern did not form part of the original representation of GBC, CPC requests the Independent Examiner not to consider these parts of the GBC case. Notwithstanding our position that items 2 and 3 should not be considered by the Independent Examiner, CPC must protect its position in case the Independent Examiner does not agree with our statutory interpretation above.
87. Planning Practice Guidance (Reference ID: 41-040-20160211) offers advice on the evidence base for a NP, it states: *“Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.”*
88. CPC considers that the evidence document produced is proportionate and appropriate to support Policy NE4. GBC fundamentally misunderstand the purpose of Policy NE4, it is not a landscape designation as they suggest.
89. GBC also refer to the Landscape and Visual Analysis of Potential Development Sites (2016), again this evidence document for the emerging Gedling LPD is disputed by CPC and other parties with regard to its robustness and conclusions. Again this is a matter on which the Inspector is yet to reach any conclusion, as such it cannot be used to justify the position of GBC.
- ### **Other Matters Raised by GBC**
90. Calverton Parish Council do not consider that all of the comments made by GBC and/or NCC relate to the issue of non-compliance with the Basic Conditions. Following the Statement of Common Ground it would appear that the following minor issues remain for consideration:

- Park Road Paragraph 2.8 (Re-connecting Hollinwood Lane and Oxtan Road)
- Park Road Paragraph 2.9 (Masterplan)
- Policy G2 (Developer Contributions)
- Policy NE1 (Local Green Space)
- Policy BE5 (Heritage Assets)
- Paragraph 16.7 (Heritage)
- Policies Map

91. The GBC comments on paragraph 2.8 and the NCC comments on paragraph 2.9 are not considered to relate to matters necessary for further consideration.

92. The NCC comments on policy G2 in relation to developer contributions towards improved public transport services and infrastructure is not considered to be locally specific to Calverton. The village already has real time displays and suitable shelters in key locations, it also benefits from a high frequency commercially run bus service. It would be inappropriate for developer contributions to subsidise a commercially run bus service. NCC have provided no evidence to identify that such developer contributions are necessary and would meet the statutory tests.

93. The GBC comments on paragraph 15.6 is not considered to raise any material issues. It would be inappropriate to make any changes in relation to paragraph 16.7 as the evidence which GBC refer to is disputed and until the Inspector reaches a conclusion on the LPD representations it cannot be deemed to be necessarily correct.

94. The GBC requested changes to the Policies Map raises the following response:

- Local Green Space designation conflicts with safeguarded land designation North of Park Road - The safeguarded land designation is not in an 'adopted' plan, in any event the land in question is within the control of CPC and is either part of the open pace or nature area which would need to remain undeveloped in any wider development of the safeguarded land
- Boundaries of Existing Employment Areas in the LPD and NDP do not match - the LPD employment area boundary is not in an 'adopted' plan, however in any event the boundaries are meant to be intentionally different. The NDP boundary includes all of the Calverton Business Park including the NCC County Supplies Depot and neighbouring premises which lie to the north-west of Hoyle Road which the emerging LPD excludes for some unknown reason

95. In relation to Policy NE3 none of the Local Green Space identified is considered by CPC to be an 'extensive tract of land'. Some Local Green Space allocations set out in the NP are situated within the Green Belt, and GBC argue that they are therefore already protected from inappropriate development. The Gedling LPD is reviewing the Green Belt and at this stage it cannot be certain what land will be removed from the Green Belt as such CPC consider the use of Local Green Space designation is appropriate.

96. In addition the policy approach of Green Belt and Local Green Space are different, in particular Green Belt policy permits 'appropriate' development for example agricultural development. Local Green Space is a tool designed specifically for Neighbourhood Plans and is similar but different in approach than Green Belt policy. It may actually resist development for reasons such as the local significance the space gives to the community which Green Belt designation may not be in a position to resist. Paragraph 76 of the NPPF confirms this: *"By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances."* The areas identified meet the requirements of Paragraph 77 of the NPPF:

- *"where the green space is in reasonably close proximity to the community it serves"*

- *where the green area is 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*
- *where the green area concerned is local in character and is not an extensive tract of land”*

97. CPC in drawing up the NP has reached a view of what open space should be identified as open space and which should be identified as Local Green Space. CPC consider that it has applied national policy correctly and reached the correct conclusion on each of the areas.
98. GBC argue that Policy BE5 duplicates existing policy and should therefore be deleted, ACS Policy 10 is not considered to provide a comprehensive policy framework to protect heritage assets. Heritage is an important planning issue in Calverton and any NP would not in the view of CPC be complete without addressing this topic. Policy BE5 is considered by CPC to be locally distinctive to the heritage assets in the NP area which includes 3 of the 9 Scheduled Ancient Monuments and the setting of a fourth. There are outstanding objections to the approach of the emerging Gedling LPD including from the Calverton Preservation and History Society, as such the policies may or may not be deemed sound in their Publication Draft form.
99. GBC has made comments on Policy NE5, however as their concerns relates to the conformity with the emerging Gedling LPD there is no matter in the representation to actually consider.

Commentary on Matters in the Statement of Common Ground

100. The NP seeks to facilitate growth whilst making development in Calverton including in the ‘North West Quadrant’ acceptable in principle. NPPF paragraph 184 identifies that neighbourhood plans should plan positively to support the strategic policies, which in this case include to deliver the growth of Calverton. NPPF paragraph 185 also makes it clear that neighbourhood plans will be able to shape and direct sustainable development in their area.
101. It would appear that GBC and to a lesser extent NCC are seeking to remove all locally distinctive aspects from the NDP. The NPPF in paragraph 16 identifies that neighbourhood planning is an integral element of sustainable development, the NPPF states: *“The application of the presumption will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:*
- *develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development*
 - *plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”*
102. Neighbourhood planning is about adding locally distinctive value to a community, it is not necessary for NDPs to mirror Local Plans or to slavishly adhere to the NPPF; PPG or the Local Plan.

Policy G1

103. The issue in dispute here relates to access to the overall site including the safeguarded land. The NDP Policy G1 is focussed on the long-term comprehensive development of the entire ‘North West Quadrant’.
104. All of the Masterplanning work done to date on the overall ‘North-West Quadrant’ has been premised on the basis of a new access being created to Oxtan Road in addition to access onto Park Road or elsewhere to link into the existing village road network. The developer who owns the part of this area which is being suggested through the emerging

LPD for allocation intends to pursue a planning application incorporating an access from Oxton Road and has undertaken pre-application consultation and evidence on this basis.

105. Policy G1 focusses upon the need to look comprehensively at the overall 'North-West Quadrant' in the long-term. It is not clear yet from the emerging LPD what parts of the quadrant will be allocated and what parts may become safeguarded land. This is a disputed aspect of the emerging LPD both on a site level and on a spatial distribution level.
106. Oxton Road now has a 50mph speed limit and the introduction of the traffic lights at the Flatts Lane junction has further reduced traffic speeds. Whilst the introduction of traffic lights have improved road safety at the Oxton Road/Flatts Lane junction the adverse impact on physical highway capacity on Flatts Lane has not been addressed. The previously approved housing on Flatts Lane contains insufficient off-street parking which has resulted in substantial levels of on-street parking on Flatts Lane. This effectively reduces the highway capacity of Flatts Lane to a single carriageway road with passing places. Flatts Lane already serves as one of the main access/egress routes to the main bulk of the village.
107. Additional development in the overall 'North-West Quadrant' could see anywhere between 400 and 1,000 dwellings built over the longer term, this will generate a level of growth of the village somewhere in the region of between a quarter and a third in housing numbers. As such this level of growth is considered to be substantial such that a masterplan should consider access in strategic terms, through creation of both access to/from the village and to/from the wider highway network.
108. The Masterplan taking account of consultee responses, local opinion and specialist input from URS staff, concluded on page 73 that:
*"Based on the northwest being the preferred location for growth, we recommend that developer contributions are sought for safety schemes at the junction of Oxton Road and Main Street, Oxton Road and Flatts Lane, and a possible safety scheme on Whinbush Lane. We recommend that both re-connections (Gravelly Hollow with the A614 and Hollinwood Lane to Oxton Road) be avoided, as this has the potential to increase levels of traffic on Main Street.
Development to the northwest of the village offers significant potential for car journeys to Nottingham and elsewhere to be routed away from the village centre, thus minimising through traffic at the village centre. These movements should be encouraged through an appropriate number of connections from the new development onto Oxton Road. Currently, Oxton Road is at national speed limit, but with new accesses provided, it becomes an edge-of-settlement road, and consideration could be given to reducing the speed limit accordingly, probably to 40 miles per hour."*
109. As this is part of the Gedling LPD evidence base which GBC contend remains relevant; in the absence of any other evidence the NDP can only realistically identify that a masterplan for the overall 'North West Quadrant' should include consideration of access to/from Oxton Road. The Statement of Common Ground now confirms an agreed position and recommended modification between CPC, GBC and NCC.

Policy BE1 (and Open Frontages to the 'North West Quadrant')

110. The issues at dispute here relate to the relationship between new development and the existing form of the village. This includes both aspects of the policy BE1 and the open frontage to be retained contained with the North West Quadrant.
111. The North West Quadrant fronting onto Park Road contains substantial hedge and tree planting and a wide verge which currently forms the character and appearance of Park Road. Removal of these features would adversely affect the character and appearance of Park Road and would result in a development like that constructed on Flatts Lane which is universally criticised by local residents as how not to plan a new housing site.

112. CPC considers that both Policy BE1 and the open frontages are in general conformity with Policy 10 of the ACS which states:
“All new development should be designed to:
a) make a positive contribution to the public realm and sense of place;
b) create an attractive, safe, inclusive and healthy environment;
c) reinforce valued local characteristics;...
Development will be assessed in terms of its treatment of the following elements:
a) structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and the layout of spaces;
b) permeability and legibility to provide for clear and easy movement through and within new development areas;...
f) impact on the amenity of nearby residents or occupiers;...
i) the potential impact on important views and vistas, including of townscape, landscape, and other individual landmarks, and the potential to create new views;...”
113. CPC does not agree that these requirements are contrary to the objective of requiring new development to integrate into the existing community. This is not just only a sub-objective to Objective A (Growth) but it is also a sub-objective to Objective C (Environment). Integration is not purely a physical juxtaposition aspect which GBC and NCC seem to suggest, successful integration has a spatial dimension but it also has important social and environmental dimensions. For new development to successfully integrate it has to be accepted by the local community and not destroy the built and natural environment aspects which currently make up the community.
114. GBC consider that both Policy BE1 and the open frontages in Policy G1 are contrary to paragraph 57 of the NPPF. Paragraph 57 relates to high quality and inclusive design, we consider that the NDP has had regard to the NPPF as required. In particular the NPPF in paragraphs 56 to 60 which attaches great importance to the design of the built environment; promoting local distinctiveness; establishing a strong sense of place; and incorporating green and other public space as part of developments.
115. CPC consider that GBC has misinterpreted Policy BE1, criteria b) and c) do not relate to the issue of the inter-relationship between existing and proposed development as GBC suggest. The criteria a); b); and c) apply to how an overall development sits in the general landscape. Criterion d) is the only criterion that refers to the inter-relationship between existing and proposed development.
116. There are numerous examples of new developments which have successfully integrated into existing communities whilst incorporating buffers including landscaping between existing and new development. Such examples include sites in Ollerton, a similar former colliery village in Newark and Sherwood. In that adopted Local Plan, Policy OB/Ho/1 (Ollerton & Boughton - Housing Site 1) and Policy OB/MU/1 (Ollerton & Boughton - Mixed Use Site 1) require existing roadside hedges and features to be retained and other buffer features to existing development to be retained. As that Local Plan has been found to be sound and in conformity with national policy we do not see how the NDP can be deemed out of conformity with the NPPF.
117. Following discussions it was clear that GBC and NCC were reading this policy and the concept of open frontages differently to that intended. As such the Statement of Common Ground now confirms an agreed position and recommended modifications between CPC, GBC and NCC.

Commentary on Matters Raised by Other Parties

118. Langridge Homes object to Policies NE1; NE2; and NE4. The issues raised in relation to Policy NE4 have been addressed earlier in our response to the GBC representation.

119. The objection to Policy NE1 relates only to the identification of Local Green Space of land to the south of Dark lane. This lies to the south of a site known as H14 in the emerging Gedling LPD, although this site allocation is effectively settled as it is a site which already has planning permission. Dark Lane is however a highly controversial development which was subject to objection by English Heritage (as it was then) for the adverse impact it would have on the character and appearance of the Conservation Area and the setting of the Fox Wood Scheduled Ancient Monument.
120. This area is an important part of the setting of the Calverton Conservation Area, providing an important area of green space near to the dense village centre. It also makes an important visual contribution to Dark Lane. It also provides a key view and vista identified in the Calverton Conservation Area Appraisal. This area is an important part of the setting of the southern side of and approach to the village. This Local Green Space plays an important role in the village which will become even more important once the Dark Lane area is developed. It also plays an important role in protecting the setting of the Fox Wood SAM to the south.
121. The objection to Policy NE2 relates only to the identification of open space on land adjoining Renal's Way. The claim of Langridge Homes that it has planning permission to build 5 dwellings relates to the remaining 5 plots from a 1972 planning permission. The last planning activity on this site was in 2008 when plot 76 obtained consent for a different house type but has not been implemented. The last property was built on this overall development quite some time before then. Given the passage of time and the fact that the site is substantially treed we do not consider that the site can realistically be developed under the 1972 permission. Any fresh application would need to have regard to how the land has been used over the time since Renal's Way was developed. The site is also well utilised by local people, this can be seen on the 3 paths across the area which are well defined and are designated Rights of Way. Two of these Rights of Way have been designated just over 5 years ago. The open space designation here runs into the Dark Lane open space which GBC specifically support.
122. Northern Trust have an omission site which they are seeking to get allocated in the emerging Gedling LPD. GBC and CPC are not in support of development of their site at this time, although it is part of the 'North-West Quadrant'.
123. Northern Trust refer in relation to Policy G1 to conformity with the Saved Policies of the Gedling Replacement Local Plan and the emerging Gedling LPD. As we have identified earlier none of the Saved policies of the 2005 Gedling Local Plan have been designated as 'strategic' for the purposes of neighbourhood planning by GBC. Consequently there is no obligation for conformity to that dated plan, there is also no obligation to conform to the emerging Gedling LPD. The masterplan approach in Policy G1 is supported by the main developer of the 'North West Quadrant', Persimmon Homes, GBC and NCC. Indeed GBC have undertaken a previous masterplan on the whole 'North West Quadrant'. Due to the scale of growth for Calverton, the need for infrastructure, and the need to ensure that any safeguarded land is not sterilised requires a policy on comprehensive development which Policy G1 brings.
124. Northern Trust object to Policy G2 - Developer Contributions; Policy G5 - Housing Mix; Policy ISF4 - Infrastructure Provision; and Policy NE6 - Biodiversity. They consider them to be inflexible and they claim conflict with policies 8 and 17 of the ACS. Policies G2 and G5 are supported by GBC and NCC subject to some recommended modifications as set out in the Statement of Common Ground.
125. The wording of Policy ISF4 is already considered to be sufficiently flexible to take account of the infrastructure requirements that apply at the time of an application. The NP has a relatively short plan period until 2028 as a consequence of the short plan period

of the emerging LPD. Given that the actual level of growth for Calverton is not yet determined by the emerging Gedling LPD, the ACS growth indication which is around 30% growth of the village by 2028 must be planned for. Growth of that level over such a short period cannot be accommodated within existing infrastructure. No other developers, landholders or infrastructure providers have any concerns with the policy.

126. Policy NE6 has raised no concerns with GBC, NCC or any other parties. Given the fact that almost any site likely to be allocated for housing in Calverton will bring the settlement closer to the Sherwood Forest SAC a strong approach towards biodiversity and compensatory habitat is considered appropriate.
127. Consequently CPC do not consider that any changes are required to the NP in response to the representations from Langridge Homes or Northern Trust.

Anthony Northcote *HNCert LA(P), Dip TP, PgDip URP, MA, FGS, ICIOB, MInstLM, MCMI, MRTPI*

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Planning Advisors to Calverton Parish Council and the Calverton Neighbourhood Plan

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