

Gotham Neighbourhood Plan – Comments of Rushcliffe Borough Council

April 2018

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
1	1.1	Factual	Any reference to the Neighbourhood Plan should be in the present tense and written as it would read as adopted	Suggest the following amendments to the second sentence: “ The Neighbourhood Plan will be part of <u>forms part of</u> the development plan for Gotham- Rushcliffe insofar as it relates to Gotham Parish <u>Gotham Parish</u> and is intended to supplement the Rushcliffe Borough Council (RBC) Local Plan, being in general conformity with the RBC Local Plan Part1 Core Strategy.
2	Second paragraph in chapter 1	Factual. Conformity	As above. This paragraph refers to a particular point in time rather than as at adoption. Local Plan Part 2 may have progressed significantly past the period where formal representation could be made by the time that the neighbourhood plan might be in a position to be subject to a successful examination and referendum.	Consider removing prior to submission

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
3	Third Paragraph in chapter 1	Factual	The examples of policies that are covered by the Local Plan could benefit from referring to actual titles of policies e.g. there is no specific policy on allotments, it may be better to refer to open space policies	Consider using the following text: The Neighbourhood Plan does not repeat in full policies that are already in the adopted Core Strategy or are proposed to be included in the Part 2 Local Plan, for example development within Green Belt, the protection of allotments <u>open space</u> , design and <u>amenity guidelines</u> etc.
4	Third Paragraph in chapter 1	Factual	Last sentence. It is unclear whether this relates to updating the neighbourhood plan or the Borough Councils Local Plan. If related to the Local Plan, it can only be amended through the preparation and review of it. The local plan covers over 50 parishes and the built up area of West Bridgford, and not just the Parish of Gotham. Any updates or amendments to policies within the Local Plan would have to respond to whether policies or proposals have not been working Borough wide. If it is in relation to updating the neighbourhood plan then the text should make this clear.	Consider using the following text, depending on whether it relates to the neighbourhood plan or local plan: Either: 'The Parish Council will also monitor the effectiveness of policies in the Rushcliffe Local Plan. <u>It may periodically review its neighbourhood plan where policies in the Local Plan have not been effective having regard to local circumstances.</u> ' and will make proposals for amendment or

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
				<p>modification where necessary.'</p> <p>Or:</p> <p>'The Parish Council will also monitor the effectiveness of policies in the Rushcliffe Local Plan, <u>and will respond to future consultations on the Borough Council's Local Plan where it is considered that they have not been effective.</u></p>
5	Fourth Paragraph Chapter 1	Factual	Final draft plan should read as it would as at its adoption	<p>Consider removing the following sentence from final draft plan:</p> <p>'The aim of the Parish council is to have an adopted Neighbourhood Plan by the end of 2018.'</p>
6	Fifth paragraph. Chapter 1	Factual	Would be helpful to identify where the supporting documents are held on the Parish Councils website.	<p>Consider the following additional text and footnote:</p> <p>'The Plan is based on a number of</p>

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
				background documents and these are available on the <u>Parish</u> Council's web site.' Insert footnote referencing website: http://gothamvillage.org.uk/
7	2.3	Factual	Fairham Pastures (Clifton South) now has a resolution to grant planning permission and is a housing allocation	Update position in relation to the status of the allocation
8	3.2 and last part of paragraph contained on page 8	Conformity National Policy	Paragraph is at odds with paragraph 3.3.17 of the Rushcliffe Core Strategy. This paragraph amplifies what is considered to be local needs. The paragraph states that: 'In other settlements, development will meet local needs only. Local needs will be delivered through small scale infill development or on exception sites	Suggest removal or rewording of this section. Rewording should reflect paragraph 3.3.17 of the Core Strategy, the Borough's five year supply position and requirement to address this issue within Local Plan Part 2 and where appropriate within Neighbourhood Plan's.

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			<p>(see Policy 8). Beyond this, where small scale allocations are appropriate to provide further for local needs, these will be included in the Local Plan Part 2: Land and Planning Policies Development Plan Document, including Neighbourhood Plans.'</p> <p>Whilst there is no further definition of local needs for other villages across the Borough. As explained in the recent preferred housing options consultation document, it was not originally expected that Local Plan Part 2 would need to allocate any sites for new housing at smaller 'other villages' because requirements would be met. However, it is now concluded that a number of other villages will need to accommodate some level of new housing on greenfield sites in order to help resolve the current housing shortfall. This is because it is not possible to allocate enough suitable land at the main Nottingham urban area (within Rushcliffe) and at the key settlements alone, which could deliver a sufficient number of new homes quickly enough to completely meet the shortfall. There instead needs to be a wider range of settlements and sites all delivering new housing development at</p>	

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			<p>the same time.</p> <p>Gotham has been identified following assessment work set out in the Identification of Additional Settlements Background Paper, February 2016. Whilst it is recognised that Gotham does not provide for a full range of facilities as is the case at West Bridgford and the key settlements, the basic level of facilities (e.g. schools; shops) that are available are judged capable of potentially supporting a relatively limited level of housing growth without compromising the strategy set out in the Core Strategy for the distribution of new housing.</p> <p>Housing delivery in the order of 100 to 200 dwellings in certain other villages is considered potentially appropriate, depending on factors including the overall size of the settlement, local character, environmental and conservation considerations and the availability of suitable sites for housing and their particular size and configuration.</p> <p>Whilst not part of the development plan at this stage, any housing proposals contained within Local Plan</p>	

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			<p>Part 2 would be strategic elements of the Borough Councils Local Plan should they be subject to successful examination and adopted. It is therefore considered that narrowing the definition of local needs to a parish level would be at odds with the housing elements of Local Plan Part 2, and also with national policy which requires the Borough Council to provide for an up to date 5 year supply of deliverable sites.</p> <p><u>Any objections in relation in relation to The Borough Councils approach to other villages should be made through the local plan process and not through the neighbourhood plan.</u></p>	
9	5.6 and GS1	Conformity National Guidance	<p>No objection to the principle of identifying local green space as such designations are supported by national planning practice guidance which states:</p> <p>What if land is already protected by Green Belt or as Metropolitan Open Land (in London)?</p> <p>If land is already protected by Green Belt policy, or in</p>	

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			<p>London, policy on Metropolitan Open Land, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.</p> <p>One potential benefit in areas where protection from development is the norm (e.g. villages included in the green belt) but where there could be exceptions is that the Local Green Space designation could help to identify areas that are of particular importance to the local community.</p>	
10	5.6 and GS1	National Policy Conformity	<p>Concerns are raised. The NPPG states the following:</p> <p>How does Local Green Space designation relate to development?</p> <p>Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that</p>	<p>Consideration should be given to the removal of this particular designation.</p> <p>Ensure that all landowners affected by proposed local green space designations have been consulted and any comments received have been considered prior to the submission of the neighbourhood plan to the Borough Council.</p>

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			<p>undermines this aim of plan making.</p> <p>The designation of particular sites as local green space, in particular the Borough Councils preferred housing option (GOT5a) would run contrary to this part of the guidance.</p> <p>It also states that:</p> <p>Does land need to be in public ownership?</p> <p>A Local Green Space does not need to be in public ownership. However, the local planning authority (in the case of local plan making) or the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.</p> <p>It is unclear whether early engagement has been undertaken with the relevant landowners from the consultation documentation.</p> <p>Furthermore the NPPG states:</p>	<p>More detailed consideration should be given to the quantity and extent of local green space against the designation criteria outlined in the NPPF</p>

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			<p>How big can a Local Green Space be?</p> <p>There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, paragraph 77 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently blanket designation of open countryside adjacent to settlements will not be appropriate.</p> <p>The quantity and extent of the proposed local green space designations could be perceived to amount to a blanket designation of the open countryside.</p>	
11	5.6 and GS1	Conformity National guidance	In terms of the proposed local green space designations, Background paper 1 explains that there would be a thorough review undertaken of the proposed local green space designations before further developing the plan. There is an absence of such a	Further assessment and analysis of the proposed sites against the criteria for designating local green space contained within paragraph 77 of the National Planning Policy Framework should be undertaken in

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			<p>review in order to support the proposed designations other than that contained within map 2b on page 16. Both the Radcliffe on Trent Neighbourhood Plan and East Leake Neighbourhood Plan local green space designations were subject to detailed consideration by their respective examiners.</p> <ul style="list-style-type: none"> • 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), tranquility or richness of its wildlife. • where the green area concerned is local in character and is not an extensive tract of land <p>Map 2b identifies a number of features that have been used to identify the proposed local green spaces.</p> <p>It is considered that all of the proposed sites are all</p>	<p>order to support them. Whilst there are numerous methodologies available on the internet in order to undertake such an assessment, one example (developed for North Dorset) can be found at http://ndp.gouthurst.co.uk/wp-content/uploads/2016/10/NDDC_Local_Green_Spaces_V3.0_FINAL.pdf</p>

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			<p>within or within close proximity to the core of the village.</p> <p>Areas with wildlife or recreational value can be determined based upon whether there is particular biodiversity interests or whether they have formal or informal designations (e.g. local wildlife site, Local Nature Reserve SSSI etc.)</p> <p>It is assumed that the proposed designation of areas of local green space that have been identified as containing ridge and furrow are intended to fall under the historic significance criterion. The identification of areas of ridge and furrow was based upon aerial surveys undertaken in the late 1940s and much has degraded since then through modern agricultural practices. In addition, none of the ridge and furrow around Gotham is considered worthy enough to be of such condition to be protected as a designated ancient monument. Finally it should be made clear that other than in the exceptional cases where Ridge and Furrow is scheduled and becomes of national importance, there is there is no way for the Borough Council to</p>	

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			<p>protect ridge and furrow from being ploughed up or removed. If these features are removed, do the proposed local green spaces have any other value which makes them different from all the other paddocks which surround the village?</p> <p>In terms of the other criteria not addressed in this and the previous representation (beauty, historic significance, tranquility)these are considered to be criteria that are a matter of planning judgement, however the propose.</p> <p>Finally, further clarification is required as to where view lines and Green Belt come into the assessment. Section 5.5 states that areas which meet one or more of the five aims have been included in the Green Network. It is considered that view lines or Green Belt importance are not criterion contained within paragraph 77 of the NPPF:</p>	
12	5.6 and GS1	National policy Conformity	<p>In terms of site specific observations, the follow comments are offered:</p> <p>Support the principle of identifying the recreation</p>	Further assessment and analysis of the proposed sites against the criteria for designating local green space contained

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			<p>ground as a local green space it falls under the recreation criterion. Careful consideration should be given as to whether to include any built development as this may unnecessarily restrict future improvement or adaption of the facility with the way the policy is currently worded. Similarly the physical structure of the primary school and the surrounding hardstanding are also identified as part of a local green space. This may limit opportunities to remodel extend or adapt the existing school buildings should they be considered necessary in future years. The built area and hardstanding would be better off being excluded from the proposed local greenspace designation.</p> <p>Support the principle of the identifying the allotment site and the cemetery as local green space as they provide open space and tranquillity opportunities, although these are already afforded protection under the NPPF as formal open space. Support the principle of identifying Gotham Nature Reserve and West of Hill Road as local green spaces as they have identified wildlife value, recognised by their status as a</p>	<p>within paragraph 77 of the National Planning Policy Framework should be undertaken in order to support them.</p>

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			<p>nature reserve and as a local wildlife site.</p> <p>In terms of the remaining proposed local green space designations, those that are proposed because of ridge and furrow should be supported by an assessment of the present condition of each feature, given the age of the survey work that the designations are based upon (see earlier comment). Comments from the Conservation and Design officer state that the identification of remnant ridge and furrow as ‘key features’ and an attempt to then designate them as local green space but no attempt to explain why or to make any assessment as to whether or not all such remains are of equal significance. Best practise in this area talks about making efforts to safeguard ‘the best’, the approach of this plan appears to be to seek protection of all examples which does not fit within the context of ‘best examples’. Even that ‘best examples’ quote is found in guidance on designation criteria for scheduled ancient monuments, a designation which would be appropriate and which would provide real protection for the best examples nationally for reasons directly appropriate to their historic interest and</p>	

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			<p>significance.</p> <p>The proposed Local Green Space East of Leake Road does not appear to fall within any of the criteria described of paragraph 77 of the NPPF.</p> <p>Lastly, land to the rear of the British Legion has not been identified as a Local Green Space even though it appears to meet three requirements. It is reasonably close proximity to the community it serves, provides informal recreational benefits (connecting to Gotham Hill, SSSI and neighbouring Memorial Hall Recreation Ground), contains priority scrub and grassland habitats, and is not an extensive tract of land.</p>	
13	GS1 Locally designated green spaces	National policy	National policy indicates that green belt policy should apply to such designations. Green Belt policy has two elements to it in relation to development management decisions. Firstly the test that is applied to planning decisions is to demonstrate very special circumstances and not very exceptional circumstances. Secondly there are exceptions listed in green belt policy where development may be permitted. This part of the policy	<p>Consider rewording to reflect national policy on green belt and reflecting the purposes on neighbourhood plans to provide policy for consideration of planning applications. One example that could be used is as follows:</p> <p>‘Local Green Spaces are identified map 3. These spaces will not be developed for other uses except in very special</p>

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			<p>is worded as such as to try and apply to plan making in terms of the borough Councils Local Plan and not to decision taking, which is what the scope of neighbourhood plans should be limited to.</p> <p>Furthermore the requirement to consider the existence of alternative sites within Rushcliffe and/or the Greater Nottingham Housing Market Area before determining whether these 'very exceptional circumstances' exist goes beyond the remit of the plan which is restricted to Gotham Parish. It would also be unreasonable to apply a policy which, due to the wide alternative site search area, would effectively prevent any housing in the Green Belt in all circumstances.</p>	<p>circumstances.</p> <p>These circumstances will not exist unless the harm to the purpose of the green space, the loss to the local community, and any other harm are outweighed by other considerations.'</p>
14	GS1 Footpaths and Bridleways	Legal	<p>The maintenance of footpaths and bridleways would be the carried out and ensured under the function of the County Council, or landowners themselves. As any neighbourhood plan policy should relate back to development management decisions. "<i>Closures and diversions will be resisted unless it can be shown there would be a net gain in terms of amenity and convenience</i>". Proposals that result in loss or diversion</p>	<p>Consider the following wording for the last sentence of a):</p> <p>'Planning applications which will result in the closure and diversion of a public right of way will not be permitted unless it can be demonstrated that satisfactory alternative provision can be made.'</p>

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			of footpaths should be considered against the wider public benefits as a more general term. This element of the policy risks rendering any closure or diversion of “The Green Network” to be unacceptable and therefore would stifle development that could offer other benefits (aside from amenity or convenience).	
15	GS1 Areas of biodiversity value	Legal	This part of the policy appears to focus on finding and allocating funding. It is not considered that this part of the policy is relevant to the Development Management purpose of the document, and could not be one which could be used in planning decisions taken by the Borough Council.	Consider inclusion in the supporting text to the policy instead if the Parish Council consider that they wish to contain a statement of intent in the plan in relation to this matter.
16	GS1 Recreation uses	Clarity	Would be more useful to consider the use of alternative text from a development management perspective.	Consider amending the text to read as follows, or in line with the following: ‘Where development for recreation or other

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
				<p>uses acceptable within the Green Belt is proposed; <u>planning permission will be granted for proposals for extra weight will be given to well- designed proposals that are sympathetic to the character of the area, and sustainable design of any buildings, hard areas and/or fences.</u>'</p> <p>Consider moving references to hard standing and boundary treatment to supporting text in order to explain that any proposal does not just refer to buildings themselves but to the overall scheme.</p>
17	Housing general	National policy	As it stands under the current National Planning Policy Framework, until the proposed inset boundary for Gotham as defined in Local Plan Part 2, issues and options has been subject to independent examination and adopted, the status of Gotham is that of a washed over village, therefore any proposals for housing allocations would be restricted to the Green Belt text of limited infilling. Further commentary is provided on a site by site basis. In terms of infill development, there is	

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			a borough wide allowance for infilling on brownfield sites to occur within its Core Strategy, therefore any proposals for brownfield development may not necessarily assist the Borough Council in addressing its housing shortfall. Any proposals for residential development on greenfield sites, including the development on garden land could assist the Borough Council in addressing its housing shortfall.	
18	6.8-6.12	Conformity National Policy	Reiterate comment number 8	
19	HS1	National policy	<p>Any sites that are considered to be limited infilling, or redevelopment opportunities could potentially be included as allocations within the neighbourhood plan.</p> <p>Any sites that are not considered to be limited infilling could not form part of the development plan as they would constitute inappropriate development in the Green Belt and the extent of Green Belt should only be altered during the preparation and review of a Local Plan. However, as with the example of the Keyworth</p>	Consider splitting the first part of the policy into allocations and recommendations for allocating through the Borough Councils Local Plan. Notwithstanding any site specific comments, it is considered that sites that do not constitute limited infilling or redevelopment opportunities are as follows:

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			Neighbourhood Plan, these sites could be recommendations to the Borough Council to consider allocating. It is considered that the policy would work better as two distinct sections.	Land behind former British Legion building Kegworth Road Home Farm (east) Glebe Land
20	HS1	Clarity	If the Glebe Land is intended to be a rural exception site then it is considered that this should be made clear in the policy.	
21	HS1	National policy	Former British Legion. No objection in principle, however the Former British Legion has been designated as an Asset of Community Value therefore any supporting text to the policy should make reference to this and why the site is now considered to be suitable for residential development in the Parish Councils view. As the site appears to be on the market then it is considered to be available for development. In terms of accessing neighbouring sites. It needs to be demonstrated that there is cooperation between landowners in order to prove that the sites are deliverable as a whole.	Further consideration as to the suitability of the proposal in relation to the sites identified biodiversity value. In order to demonstrate that the former British Legion, GOT3 and GOT1 are all deliverable in respect of the access, all landowners should be supportive of the proposal, including the landowner of the former British legion in relation to their land providing improved access to the other sites.

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
22	HS1	National Policy	NCT bus depot No objection in principle as a permissive policy for housing, although as recognised by the policy the site is not currently available for development as NCT requires it. It is considered that the policy would benefit from some reference to restoring the listed building within the site as part as a particular site specific issue for any proposals to address.	Suggested amendment would depend on if there is a response received on behalf of the landowner and the nature of the response.
23	HS1	National Policy. Conformity with policy 16 of the Core Strategy	GOT1 Land north of British Legion building. This site is unimproved neutral grassland within the Gotham Hills, West Leake & Bunny Ridge Line Focal Area and provides connectivity for grassland species. The site is likely to provide forage and roost habitats for bats and wild birds. The proposal could not be supported unless it can be shown that the need for development exceeds its importance as part of the biodiversity network. In addition, the site cannot be adequately accessed at	Further consideration as to the suitability of the proposal in relation to the sites identified biodiversity value. In order to demonstrate that the former British Legion, GOT3 and GOT1 are all deliverable in respect of the access, all landowners should be supportive of the proposal, including the landowner of the former British legion in relation to their land providing improved access to the other

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			present and is reliant on third party land. It is important in order to demonstrate that the site is deliverable and that all landowners are willing to cooperate.	sites.
24	HS1	National Policy	<p>GOT3 Land north of Kegworth Road/ Home Farm (East). Our records indicate that there has been no recent correspondence in relation to the site being available for development either through the local plan process or through the SHLAA process. Unless there is support from the landowner for the proposal it cannot be considered that the site is available for development as specified in the National Planning Policy Framework.</p> <p>In addition, the site cannot be adequately accessed at present and is reliant on third party land. It is important in order to demonstrate that the site is deliverable and that all landowners are willing to cooperate in this area.</p>	<p>Whether the proposal would require amendment would depend on if there is a response received on behalf of the landowner and the nature of the response.</p> <p>In order to demonstrate that the Former British Legion, GOT3 and GOT1 are all deliverable in respect of the access, all landowners should be supportive of the proposal, including the landowner of the former British legion in relation to their land providing improved access to the other sites.</p>
25	HS1	National Policy	<p>GOT9 Land at Gladstone Avenue</p> <p>No objection in principle however planning permission expired on 18.07.2011 and there have been no</p>	Amend Extant Planning Permission and replace with 'Planning permission previously granted for 3 dwellings'

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
		Factual	approaches to the Borough Council to renew it. It is therefore unclear whether the site is available for development under the definition contained within the National Planning Policy Framework at this stage.	Whether the proposal would require amendment would depend on if there is a response received on behalf of the landowner and the nature of the response.
26	HS1	National policy	<p>GOT10 Glebe Land at Nottingham Road</p> <p>No objection in principle for rural exception development given housing needs survey and the recognition that the site would remain in the Green Belt, subject to being available for development.</p>	Need confirmation of landowner support as a rural exception site as part of this round of consultation in order for it to be considered available for rural exception development.
27	HS1	National Policy	<p>GOT12 Ashcroft Moor Lane</p> <p>The proposal lies away from the settlement edge and beyond the proposed inset boundary for Gotham, therefore it would be difficult for the Borough Council to amend the Green Belt in order to accommodate one plot for self-build, in particular with the Neighbourhood Plan stating that there appears to be no specific evidence of a requirement locally. In addition, in a recent appeal decision, an Inspector concluded that even with an identified need, self-build plots were</p>	Consideration should be given to the removal of this site as a recommendation to the Borough Council as an proposed self-build plot unless a compelling argument can be made that such development constitutes very special or exceptional circumstances.

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			considered to be inappropriate development in the green belt.	
28	HS2	Design Briefs	<p>It appears an abortive exercise to require design briefs on small to medium size sites where all of the elements referred to as criteria would have to be addressed in a Design and Access statement and comply with the Borough Council's planning policies and the residential design guide. Operationally, it would be very difficult for the Borough Council to refuse a planning application solely on the grounds that it has not complied with a design brief that has yet to be developed and where a design and access statement demonstrates how a site has responded to its local context and how it has been developed in accordance with the residential design guide.</p> <p>It would be more objective to develop site specific policies where development proposals would be supported (for example, development adjacent to the property to the east of the site should be no more than</p>	Consideration should be given to develop criteria based development principles for sites.

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			two storeys, or the hedgerow to the north should be retained and enhanced).	
29	3.2-3.3, 6.1-6.2, 6.5, 6.8-6.10 and HS3	Conformity and factual	<p>For social and affordable rented properties the Borough Council's allocation policy which reflects statutory guidance on who should be given preference for social housing sets out how social housing allocations are made to eligible people. Other than for rural exception development, this allocations policy falls outside of the remit of a neighbourhood plan as it comes under separate legislation.</p> <p>Therefore other than when an allocation is identified as a 'rural exception site' where local people are given priority, and where the need is evidenced by a detailed housing needs survey in relation to types and tenures, all eligible applicants on the housing register, regardless of connections to the parish can bid for affordable housing in the parish. The property will be allocated to the person with the greatest housing need.</p> <p>The Greater Nottingham Strategic Housing Market</p>	It is considered that HS3 in its current form could not be applied and should not be included as a housing policy.

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			<p>Assessment (SHMA) evidence base and Housing Needs Update (2012), which evidences policy 8 of the Rushcliffe Core Strategy considers both backlog and future projected need across the whole of the borough. The policy position for affordable housing is based on this evidence and therefore any allocations sought via S106 applications should meet the wider need unless the site is restricted to a rural exceptions site scheme which should be evidenced by a parish housing needs survey.</p> <p>The updated SHMA 2012 sets out the evidence base for housing, including a model used to identify the type, tenure and size of the dwelling based on backlog and future projected need as set out in the evidence base. This will be wider than the study of dwelling size (background paper 6) which applies to Gotham residents only.</p> <p>In addition, outside of a relatively limited provision of intermediate housing, there is only a small pool of mortgage lenders that are prepared to lend money on properties that are intermediate properties where they</p>	

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			<p>have very restrictive local connection criteria, even if a cascade mechanism is included within any legal agreement.</p> <p>It is considered that the restriction to local people could lead to unintended consequences in terms of the intermediate properties. Such properties will not be attractive to affordable housing providers and any developer could apply to vary a S106 agreement in order to sell them on the open market if no affordable housing provider buys them due to there being no prospective purchasers able to obtain a mortgage.</p>	
30	E1	Factual Conformity	<p>The policy relates to British Gypsum rather than Employment in general.</p> <p>See previous comments in relation development briefs. In addition British Gypsums future operation requirements could be dependent on changes in technology and the nature of the business. Any criteria based policy should therefore strike a balance between its Green Belt location and the need to support British Gypsum as a centre of excellence as defined by policy</p>	<p>Consider renaming to British Gypsum Gotham and potentially identify on a plan.</p> <p>See previous comments relating to development briefs.</p> <p>Consider additional policy text in relation to reuse of existing buildings for employment use.</p>

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			<p>4 of the Rushcliffe Core Strategy.</p> <p>In addition it may be of benefit for the plan to support the reuse of any existing buildings for other employment uses subject to design, amenity, highways impacts, as British Gypsum operational requirements could contract in the future or no longer require the need for the site from an operational perspective.</p>	
31	T1	<p>Legal</p> <p>Conformity</p>	<p>Traffic Calming is only undertaken by Nottinghamshire County Council (NCC) where deemed necessary in order to mitigate against the effects of new development. The policy should be worded in a way that would support measures identified as being necessary by the County Council as the highways authority.</p> <p>Where new development requires a transport assessment, an assessment on the impacts on adjacent highway networks and cumulative impacts are considered by NCC in assessing developments, including developments in adjacent villages. It is also important to note that transport assessments cannot be</p>	The limitations of what can be required when considering planning applications should inform amendments to this policy.

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			<p>required on developments that would generate less than 30 vehicle trips per hour.</p> <p>Traffic Regulation Orders are determined and regulated by the County Council as highways authority, therefore such measures fall beyond the scope of what can be required in order as part of determining planning applications.</p>	
32	T2	Legal	<p>Policy would benefit from rewording so that it relates to the consideration of planning applications, otherwise it is considered to be superfluous or a statement of intent. In addition such proposals could be supported by the community.</p>	<p>Consider revising to relate to support development proposals that support or provide for improvements to foot and cycle provision between the village, the wider national networks and the Greater Nottingham conurbation where the proposed improvements are viable and deliverable.</p>
33	VC1 and supporting text	<p>Factual</p> <p>Legal</p> <p>Conformity</p>	<p>“Around the Square the emphasis will be on conservation of the existing character. However, the Parish Council will seek funding for further tree planting and additions to / improvement of street furniture.”</p> <p>As the draft plan does not define in any great detail</p>	<p>Further work or more detailed wording to support policy VC1 would be welcomed</p>

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			<p>what the existing character of the square to actually be, this policy is not underpinned by any context and is weak. This could potentially lead to disagreement between stakeholders, the planning department and the Parish Council when considering planning applications. It could lead to inconsistency in application of the policy when determining planning applications.</p> <p>See previous comments in relation to the requirement for development briefs.</p>	
34	FL1, FL2 and 10.2	<p>Legal</p> <p>Factual</p>	<p>The capacity or capability of any sewerage treatment works and associated networks are a matter for Severn Trent to provide comment, As a water company they have an obligation to provide water supplies and sewage treatment capacity for future development. As part of its response to its preferred housing sites consultation, Severn Trent have informed the Borough Council that they will complete any necessary improvements to provide additional capacity once they have sufficient confidence that a development will go</p>	<p>Any final draft version of the policy should be consider any comments provided by Severn Trent as the relevant utilities provider.</p> <p>Consideration should be given to reworking the policy requirement in line with the comments made.</p> <p>In relation to FL2, It could be phrased that</p>

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			<p>ahead.</p> <p>See previous comments in relation to development briefs.</p> <p>In terms of flood risk, none of the sites around Gotham are at risk of flooding from watercourses. Some of the sites have areas that have been subjected to past incidents of surface water flooding which we would usually expect a FRA to demonstrate that any risk can be mitigated through measures such as SuDs or discharging to watercourses where it will not increase the risk of flooding elsewhere.</p> <p>Finally, whilst the document is prepared on behalf of the parish council, it is for the Borough Council to use the neighbourhood plan in the determination of planning applications. The policy should therefore not contain the wording in relation ‘to the Parish Council will seek.’</p>	<p>‘applications for housing development / employment shall be accompanied with documentation demonstrating that there will be no adverse impact on the existing sewage capacity of the village or specify the measures will be undertaken to ensure that its impacts can be adequately addressed.</p>

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
35	F1	Legal Conformity	<p>There are specific legal requirements when it comes to the allocation of funding the community infrastructure levy. Where a neighbourhood plan is in place then 25% of the funding can be claimed by parish councils for infrastructure to support new development, whilst the remaining funding is required to go towards strategic infrastructure as defined by a regulation 123 list which is set by the Borough Council. In addition, the policy as worded runs contrary to policy 19 of the Core Strategy. This sets out the types of infrastructure where planning contributions may be sought. Finally, any contributions that are sought should meet the three legal tests as set out in Reg 122 of the CIL regulations which states:</p> <p>(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—</p> <p>(a) necessary to make the development acceptable in planning terms;</p> <p>(b) directly related to the development; and</p>	Consider rewording to list the infrastructure priorities where the parish councils element of CIL will be spent, should CIL be introduced.

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			<p>(c) fairly and reasonably related in scale and kind to the development.</p> <p>Therefore where the Borough Council seeks to secure planning contributions, it needs to be satisfied that any contribution meets these three tests.</p>	
36	General comment		<p>General comment from the Cultural Services Manager:</p> <p>The objective on page 9 below is supported</p> <p>To create a sustainable transport network by improving, enhancing and developing footpath, cycle and bus routes to shopping, jobs, schools in the village and elsewhere and the wider transport network including a cycle link across Clifton Pastures as part of the National Cycle Network.</p> <p>There is very little content in the plan relating to proposals for leisure and recreation provision. For</p>	

	Policy/ Paragraph	Basic condition test/ Factual correction	Comment	Suggested amendment
			<p>example what are the realistic aspirations and vision for provision of allotments, children’s play or sports pitches? By way of guidance, the Rushcliffe Playing Pitch Strategy (October 2017) available to download on the RBC website on page 68 refers to the various sports provision associated with the Village Hall Recreation Ground (e.g. football, cricket, tennis, netball and bowls) and identifies a number of recommended actions - are these supported and does the neighbourhood plan advocate use of the playing pitch strategy to determine outdoor sports priorities?</p>	