

INDEPENDENT EXAMINATION OF THE GOTHAM NEIGHBOURHOOD PLAN

EXAMINER: Bob Yuille Msc Dip TP MRTPI

Ms Judy Raven
Clerk to Gotham Parish Council

Mr John Anderson
Gotham Parish Council

Mr John King
Rushcliffe Borough Council

Examination Ref: 03/RY/GNP

21 March 2019

Dear Ms Raven, Mr Anderson and Mr King

GOTHAM NEIGHBOURHOOD PLAN EXAMINATION

Further to my letter of 18th March 2019, I attach a list of questions for Gotham Parish Council and Rushcliffe Borough Council. As I have said previously, I would appreciate it if the Parish Council and Borough Council would prepare a Statement of Common Ground which would establish points on which they can now agree, and identify the main points on which they remain in disagreement. Possibly my questions will assist in this.

I would hope that the Statement of Common Ground and the answers to my questions could be completed by three weeks from the date of this letter, but would be willing to grant an extension if this is required.

Policy GS 1 Questions to Parish Council

1. Would the Parish Council please respond to the re-wording of Policy GS1a) and Policy GS1b) proposed by the Borough Council?
2. Policy GS1c). The advice is that landowners should be contacted at an early stage about proposals to designate any part of their land as Local Green Space¹. The owners of several proposed Local Green Spaces say that this has not been done. What consultations were carried out with landowners?
3. Where in national policy is there support for the idea expressed in Policy GS1c) that the Local Green Space designation gives additional weight to Green Belt policies?
4. All of the proposed Local Green Spaces are in Green Belt and, for the most part, would remain so if the Green Belt inset boundary proposed in the emerging Rushcliffe Local Plan Part 2 were adopted. What additional local benefit would be gained by designation of such sites as Local Green Space²?

¹ Planning Practice Guidance. Paragraph: 019 Reference ID: 37-019-20140306.

² Planning Practice Guidance. Paragraph: 010 Reference ID: 37-010-20140306.

5. A number of the proposed Local Green Spaces include surviving mediaeval ridge and furrow. Would the Parish Council please respond to the suggestion that none of these are particularly fine examples of their type and that they cannot be protected from being degraded by ploughing or being removed?

6. What is the area of each of the Local Green Spaces in hectares? Would the Parish Council respond to the suggestion that cumulatively they amount to an extensive tract of land?

Policy GS 1c) Question to both Parish Council and Borough Council

7. The proposed Local Green Space known as 'West' includes the site proposed to be allocated for housing in the emerging Local Plan. These two proposals are clearly in conflict. How do the Parish Council and the Borough Council propose to minimise this conflict as they are advised to do in the Planning Practice Guidance³?

Policy GS 1c). Question to the Borough Council

8. In its consultation response (Regulation 16), the Borough Council suggests that the proposed Local Green Spaces should be modified to exclude certain areas of land. Could these be shown on a plan?

Policy H 1. Questions for both the Parish and Borough Councils

9. The Parish Council states in its response of the 8th March 2019 that Policy H1 of the Neighbourhood Plan '*recommends*' sites for housing (including sites GOT01, GOT03 and GOT12) to the Borough Council for it to consider for allocation. This means that the Neighbourhood Plan does not actually make any housing allocations to meet the identified need for 60 or 70 houses⁴ but defers this decision to the Borough Council. Is this correct?

10. However, there is no indication that the Borough Council does propose to take GOT01, GOT03 or GOT12 out of Green Belt and allocate them for housing. In its representations on the Neighbourhood Plan the Borough Council recommends the deletion of these sites. In its emerging Rushcliffe Local Plan Part 2 (the emerging plan) the Borough Council proposes to inset (remove from Green Belt) the settlement of Gotham⁵ and the inset boundaries it proposes⁶ do not include sites GOT01, GOT03 or GOT12. These sites would remain in Green Belt and would remain unallocated⁷. The Borough Council proposes to allocate a different site in Gotham for some 70 houses⁸ (land East of Gypsum Way) and take this site out of Green Belt. Is this correct?

11. The emerging plan is currently being examined and Main Modifications are to be published. Its policies and supporting text could, therefore, change. However, I am not aware of any proposed Main Modifications that relate to or have a bearing on the Gotham Inset boundary or the proposed housing site East of Gypsum Way⁹. If I am wrong on this, please let me know and let me have the text of any relevant Main Modifications.

³ Planning Practice Guidance. Paragraph: 009 Reference ID: 41-009-20160211.

⁴ Paragraph 6.21 of the Plan.

⁵ Paragraph 6.2 of the emerging plan.

⁶ Gotham inset of the Policies Map of the emerging plan.

⁷ I acknowledge that there are sites referred to in Policy H1 of the Neighbourhood Plan which are within the proposed inset boundary and another site (Site GOT10) is a Rural Exception Scheme and would remain in Green Belt.

⁸ Policy 9 of the emerging plan and the Gotham inset of its Policies Map.

⁹ As far as I can see no such Main Modifications are contained in the list proposed by the Borough Council (Document EX/RBC/3) or in the letter of the 7th February 2019 by the Inspector examining the emerging plan. Further main modification will have been discussed at Hearing sessions and I have no knowledge of these. Hence my question.

12. In the Parish Council's response of 8th March 2019 it accepts that the '*...most likely outcome...*' of the examination of the emerging plan will be the '*...confirmation of GOT 5a...*' (which is another name for the site east of Gypsum Way). The situation appears to be, therefore, that the Neighbourhood Plan recommends the Borough Council remove a number of sites from the Green Belt and allocate them for housing when there is little evidence to indicate that this will happen. On the other hand, it makes no mention of a site on the edge of Gotham which, it appears, is likely to be taken out of the Green Belt and allocated for housing in the emerging plan. Is that correct?

Policy H 1. Questions to Gotham Parish Council

13. Would the Parish Council please respond to the suggestion that there are fundamental flaws in the Housing Site Assessment in that there is no clear or robust justification for the thresholds set in scoring sites; there is no objective technical evidence supporting the assessment; and there is no clear rationale as to why the sites to be recommended for allocation are suitable available and achievable?

14. Is the NCT Bus Depot site developable in the meaning of that term as defined in footnote 12 to paragraph 47 of the Framework?

15. Is the Former British Legion site, which has remained empty for some years, developable?

16. Is the site known as GOT09 developable, given that the planning permission on it has expired?

17. Should reference be made in the Policy H 1 to the fact that the site known as GOT10 is proposed for rural exception development?

Policy H 2. Question to Parish Council

18. Policy H 2 refers to Design Briefs. Would a Design Brief be justified on sites of more than 10 houses on which a Design and Access Statement would be required? Would a Design Brief be justified on smaller sites?

Policy H 3. Question to Gotham Parish Council

19. Would the Parish Council please respond to the suggestion by the Borough Council that the updated 2012 Strategic Housing Market Assessment indicates that there is a greater need for 2- and 3-bedroom properties than for small bungalows and one-bedroom flats?

20. The Borough Council considers that the statement in Policy H3 that '*...priority for allocation of affordable housing in Gotham should, where possible, be given to Gotham residents.*' is incompatible with its allocations policy - other than on rural exception sites. Regardless of local connections, all eligible applicants on the housing register could bid for affordable housing in Gotham. Would the Parish Council please respond to this point?

Housing General. Question to Gotham Parish Council

21. Paragraphs 3.2, 3.3 and 6.1 to 6.5 of the Neighbourhood Plan deal with the interpretation of the phrase '*...for local needs only...*' as used in Policy 3(1) and paragraph 3.3.17 of the Rushcliffe Local Plan Part 1. This is a matter on which the Parish Council and Borough Council appear to disagree. However, the question of where housing will be allocated in Gotham and how much housing will be allocated are matters for the emerging Local Plan. Any disagreement on these points should be, and presumably have been – aired through the examination of that emerging plan. Do paragraphs 3.2, 3.3 and 6.1 to 6.5 have any place in the Neighbourhood Plan?

Policy E 1. Question to Gotham Parish Council

22. Is the reference to Design Briefs in Policy E 1 necessary or justified?

23. Is the approach to the expansion and intensification of the British Gypsum site taken in Policy E 1 in general conformity with that taken in Policy 5.5 of the Rushcliffe Core Local Plan Part 1, which identifies this site as a Centre of Excellence and encourages its expansion?

Policy T 1. Questions to Gotham Parish Council

24. The first paragraph of Policy T 1 states that traffic speed will be limited by traffic calming measures at certain specified points. However, Traffic Regulation Orders are the province of the Highway Authority. While a Neighbourhood Plan can support the prospect of a Traffic Regulation Order, can it require one?

25. Policies in a Neighbourhood Plan can only apply within its designated area¹⁰. The second paragraph of Policy T 1 seeks to control the way that development proposals outside its designated area are dealt with. Would the Parish Council please comment on this point?

26. Paragraph 3 of Policy T 1 refers to the possibility of Traffic Regulation Orders and other means being used to deal with congestion and parking. The question asked above about Traffic Regulation Orders also applies to this paragraph. In addition, it is unclear what is meant by the term 'other means'. Would the Parish Council please clarify?

Policy VC 1. Questions to Gotham Parish Council

27. The first paragraph of Policy VC 1 refers to strict design policies that will apply within the Village Centre Regeneration Area, but does not specify what these are. Is this aspect of the policy sufficiently clear¹¹?

28. Is there a need to refer to a development brief, given that a scheme on the Royal British Legion Site is likely to require a Design and Access Statement?

29. What is meant by the term '...suitable interim treatment...' when discussing the Royal British Legion site? Does the Parish Council have reason to believe that the development of this site will be delayed?

30. Where will the Parish Council seek funding from to pay for further tree planting and so on?

Policy FL 1. Question to Gotham Parish Council

31. Policy FL 1 relates to the allocation of housing sites. Is this relevant as decisions on the allocation of housing sites will not be taken in the Neighbourhood Plan?

Policy FL 2. Question to Gotham Parish Council

32. Would the Parish Council please comment on the re-wording of this policy proposed by the Borough Council?

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter and any responses are placed on the Qualifying Body and the Borough Council websites.

Your sincerely

Bob Yuille

Examiner

¹⁰ Section 38A(2) of the Planning and Compulsory Purchase Act 2004.

¹¹ Paragraph 41 Reference ID: 41-041-20140306 states that a policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.