

Tollerton Neighbourhood Plan Examination

on behalf of Rushcliffe Borough Council



Examiner's clarifying questions to Rushcliffe BC and Tollerton PC

I thank the Borough Council and Urban Imprint (on behalf of the Parish Council and the TNPG) for their responses to my questions EQ1–3.

I am clearer now about the relevance of supporting documents (EQ1) and about the position in relation to the Plan's reference to a conservation area (EQ3). However, as for the important question of how the strategic allocation is to be handled in the TNP (EQ2), the responses indicate a considerable difference of opinion.

Before I can make progress with my report, I need to have greater clarity on this issue.

For reference, my question EQ2 was:

The second question is about the relationship between the NP and the "Sustainable Urban Extension" based around the airfield. The councils will be aware that representations made on behalf of developers take the view that the Plan should (effectively) not cover ground which is to be set out in the master plan for the SUE.

Having considered the matter, and noted the scope of LP1 policies 3 and 25 (as well as generic policies in LP2), I am inclined to agree with the objections on this issue, for the reasons they give, but also because any unnecessary duplication would be confusing. I would appreciate the councils' observations on this matter, focusing in particular on the specific points raised by Savills, one of which is reference to the preparation of a supplementary planning document in relation to the SUE – what is the position here?

Question 4 (EQ4) – The Sustainable Urban Extension

My understanding has been that the master plan has not been completed and that a supplementary planning document has not been drafted. This seems to be the central issue for the Parish Council: according to UI, *"a primary concern of the community is that the SUE will come forward in ad hoc phases and will lack an overarching, carefully considered masterplan. ... no SPD or draft has been published to date [and] TPC have not been invited to be part of the process of preparing this SPD."*

On a straightforward reading of LP1 Policy 25 and the supporting material, it would be a prerequisite for a master plan and SPD to be in place before any planning application for development within the SUE is determined. Paragraph 3.25.5, for example, states clearly that *"The Council would expect that from the outset there should be a comprehensive scheme for the site as a whole and for its entire development, rather than one that just deals with that element of development expected by 2028, and that planning permission would be granted on this basis"*.

RBC's response, dated 5 December 2023, to my question EQ2 included the following: *"The Borough Council has therefore committed to work with all of the major landowners and developers within the strategic allocation on a masterplan (in accordance with Core Strategy Policy 25) and infrastructure delivery plan for the whole of site, which it is intended will form the basis of an SPD"*.

This does not explain where the process is up to, nor how it relates to the timing of any decision on pending or future planning applications. An application for the first phases of the development of the SUE (20/03244/OUT), involving up to 2,250 dwellings, is awaiting determination, having been submitted to RBC in December 2020.

However, my own search of the RBC website has revealed that this application has been recently updated as a result of what the applicants refer to as “extensive discussions with stakeholders”. Of particular relevance is the accompanying planning statement, dated November 2023. Table 1 includes the comment: *“The Site has been subject to a masterplanning process including the preparation of a wider site comprehensive framework plan, and a suite of thematic parameter plans.”* This (and many other references throughout this document) suggests that the exercise has now been completed. Paragraph 4.33 of the statement, for example, reads: *“Overall, it can be seen that the masterplan for the Allocation Site including for the Proposed Development can be seen as being in compliance with Policy 25. This is a thoroughly well planned first phases of the SUE within the context of a comprehensive vision and planning for the SUE overall.”*

My interpretation of UI’s comments to me is that they have seen the delay with the master plan/ SPD (combined with what they consider to be deficiencies in the consultation process) as necessitating the inclusion in the TNP of policies relating to the SUE: *“As a result, a primary purpose of the TNP is to reinforce the need for a comprehensive masterplan for the site and to ensure that the input of local residents and stakeholders is taken into account”*. In other words, the lack of progress on satisfying the requirements of LP1 Policy 25, combined with the submission of a major planning application, had led the Parish Council to conclude that there is a need to fill the vacuum.

In replying to my question EQ2, RBC (like UI for the Parish Council) make no reference to the updated planning application. They say that while they have *“no objections to the neighbourhood plan expressing aspirations for the development, including what it would wish to see on the site and potential improvements to connectivity, specific requirements in respect of, for example, the location of facilities within the site (such as sports pitches) and any green buffer within the site would, in accordance with Core Strategy Policy 25 be best left to the master-planning process”*.

This could be read as a substantial watering down of what Policy 25 and its supporting material actually says – but has it been overtaken by events? Given the numerous references to the master-planning exercise in the material accompanying the updated planning application, I need clarification from RBC on the following:

- Does it consider the requirements of paragraph 3.25.5 of Policy 25 have now been met? If so, would it please refer me to any formal resolutions on the matter and summarise any consultation with the local community that has been carried out.
- If the Council does not consider that the Policy 25 requirements have yet been met, is it able to confirm that no significant planning applications for the development of land within the SUE will be determined until they are? In this case, is it also able to provide an estimate of when that stage will be reached, together with a brief note of what steps remain to be taken.
- Policy 25 refers to the need for a master-planning exercise, but with no mention of an SPD. Paragraph 3.25.16, however, says that the delivery of the policy will be through “Supplementary Planning Documents (e.g. master-plans)” as if the two vehicles were the same. If they are, or are to be, separate documents, does this in practice mean that the intended developers would take the lead in drawing up a master plan, including consultation

with all local interests, and that this would be followed by the formal adoption¹ by RBC of an SPD, again with appropriate levels of local involvement?

If RBC says that the master-planning process has been (or is close to being) formally completed in the terms envisaged by Policy 25, then it would be reasonable for me to consider making recommendations which sought to remove from the NP any unnecessary duplication (or indeed conflict) in terms of the planning policy framework. If the process is some way off from completion, I am likely to conclude that it would be reasonable to allow the TNP to act as an advocacy document (in so far as its policies relate to the SUE), with proper regard being had to whatever stage the master planning has reached. In either scenario, I will be recommending the inclusion of a clear explanation in the Plan of the relationship between the Local Plan, the master plan/SPD and the NP itself, for the benefit of the community and other users of the document.

I would be grateful for an indication of how much time RBC would need in order to respond to these points. While none of them is directed at the Parish Council/TNPG specifically, I would also be happy to receive any further observations they may have.

I would ask that, in addition to placing a copy of this note and the responses on the examination webpage, RBC make them available directly to Savills and Stantec (for Vistry) for their information.

I note the various views about the possibility of a hearing to explore these issues. At this stage I am open minded about that option, while being aware that “the general rule is that the examination of the issues by the examiner is to take the form of the consideration of written representations”.

David Kaiserman
Independent Examiner
11 December 2023

¹ In other words, in accordance with the Town & Country Planning (Local Planning) (England) Regs 2012, Part 5, Regs 11-14