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By E-Mail

Dear Mr Kaiserman

Re Tollerton Neighbourhood Plan Examination

As requested, the following is the Borough Council's answers to the Examiners' questions.

Question 1 (EQ1) – Status of supporting documents

'Firstly, I would like some clarification as to which documents are intended to have a supporting role (and therefore which might be seen as material considerations in development management terms), as opposed to simply having been referred to for background.

The submitted TNP itself includes five appendices relating to shopfronts, character summary, heritage assets, local green spaces and junction improvements. These issues are dealt with within the Plan policies themselves, and the appendices contain further comment.

However, there is also a list of 15 "supporting documents" which appears on RBC's website relating to the TNP. Some of these are clearly of some significance (for example, Neighbourhood Design Guidelines for Tollerton, April 2019), whereas others would seem to be historical in nature. The only specific reference in the Plan to this supporting material is in the introduction to Appendix B, which deals with character considerations (and which, incidentally, refers to a document dealing with design guidelines dated 2017, not 2019).

I am considering making a recommendation designed to clarify which of these supporting documents are expected to be taken into account in the decision-making process in addition to the NP policies themselves, but I need the council's assistance on this. It would be helpful if TPC and RBC could provide a list of documents (other than the TNP itself) to which applicants for planning permission are expected to have regard when drawing up their plans, cross-referenced as appropriate to relevant policies in the Plan. An explanation of their status – in particular whether or not they can properly be described as being "Supplementary Planning Documents" [PPG on plan-making para 008] – would also be helpful.'

A. It is our understanding that the supporting documents are evidence documents that underpin the policies that are contained within the Tollerton Neighbourhood Plan. Whilst the supporting documents were made available for inspection on the Borough Council's website alongside the period of representation prior to the plan's examination, they have not been subject to any formal consultation in a similar manner to the neighbourhood plan itself.

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It is acknowledged that the Tollerton Design Guide does contain guidance that may assist in the assessment of planning applications, however the Borough Council has some concerns in respect of the guidance contained within Chapter 4, the Green Buffer Landscape Strategy, which correspond to the points already made in our existing representations relating to the buffer area. This area of land falls outside of the Land East of Gamston/North of Tollerton allocation. Whilst a buffer as depicted in the options put forward in the design guide may be acceptable in a Green Belt location, it must be stressed that it should not be expected that the strategic allocation delivers it as it falls outside of the allocation, and may not be under the same land ownership.

None of the supporting documents can properly be described as a Supplementary Planning Document (SPD). Under the Town and Country Planning (Local Planning) (England) Regulations 2012 (legislation.gov.uk), only Local Planning Authorities have the powers to produce SPDs, and there is a prescribed formal process in the legislation for their production. In the Borough Council's view, it is appropriate for the Strategy for Character, Heritage and Conservation 2017, the Tollerton Design Guidelines 2019 and the Tollerton Heritage and Character Assessment 2017 (which are all currently referenced at Appendix B of the plan) to be referred to as 'background and guidance' documents and for the plan to make clear that development proposals should have regard to this guidance where relevant. However, as sit separately to the neighbourhood plan and are not SPDs, they cannot be afforded more weight than this.

It is suggested that the first paragraph of Appendix B be reworded, as follows: "This summary sets out the basic elements of Tollerton's characteristics, heritage and natural environment to maintain and enhance. It provides an overview of the findings of the following background and guidance documents: Tollerton Parish Council's Strategy for Character, Heritage and Conservation 2017, and the Tollerton Design Guidelines 2019 and the Tollerton Heritage and Character Assessment 2017, both prepared by AECOM. Those proposing development in the parish should have regard, where relevant, to the guidance within these documents in conjunction with the relevant policies of the Tollerton Neighbourhood Plan."

Question 2 (EQ2) – The Sustainable Urban Extension

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 masterplan 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?

A In terms of the delivery of the strategic allocation, policy 25 of the Local Plan Part 1: Core Strategy states that the design and layout of the development will be determined through a masterplanning process, and the supporting text states that the parameters of the proposal and phasing requirements will be worked up through the masterplanning exercise. On this basis the Borough Council has commented on elements of the Neighbourhood Plan in how they relate to the strategic allocation in its representation (comment refs 1, 2, 5, 7, 9, 15, 17, and 18).

Turning to the representations made by Savills in relation to the production of a masterplan and the delivery of the site, the Borough Council's Local Development Scheme states that it is anticipated that further Supplementary Planning Documents (SPD) will be necessary in due course to amplify existing planning policy. The area covered by the strategic allocation is controlled by a number of landowners and developers, an outline planning application has already been submitted on part but not all of the site and the infrastructure requirements, phasing of its delivery and who delivers what is complicated. This situation has contributed to the delivery of this strategic allocation being a number of years behind where it was anticipated it would be by this stage. 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 a SPD akin to what was produced in support of the Melton Road Strategic Allocation . Whilst the Borough Council has 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 masterplanning process. The Parish Council will have opportunity to make formal observations during the production of the SPD.

Question 3 (EQ3) – Conservation area

I note that the Plan contains two references to a conservation area: in the explanation accompanying Policy 9 (although not in the policy itself), and in Appendix B. However, despite having looked at the relevant submission documents (including the two relating to character and heritage assets), and having searched RBC's website, I have been unable to find any evidence that Tollerton actually has a designated conservation area.

Would the Councils please explain the position?

A The Borough Council can confirm that no part of Tollerton is designated as a conservation area under S69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. There is a historic core to the village, together with an unregistered park and garden as depicted in figure 4 of the Tollerton heritage and character assessment (page 23). The Borough Council considers that it may be more accurate for the plan to refer to the historic core rather than the conservation area. It also may be beneficial for the plan to contain a brief description and a plan that depicts where the historic core is (the blue and part

of the pink area where it still forms the curtilage of Tollerton Hall of the previously mentioned figure 4).

Looking forward, the Borough Council is supportive of the designation of appropriate new conservation areas under the Act where these are community led in their preparation. If this is something of interest to the Parish Council then the Borough Council can pass on relevant contact details to the Parish Council in order to explain how this process works.

I trust that this reply will assist in the examination process.

Yours Sincerely

Planning Policy