

**Tollerton Neighbourhood Plan
Regulation 15 Submission Draft**

Rushcliffe Borough Council response

October 2023

Thank you for inviting the Borough Council to comment on the submission draft of the Tollerton Neighbourhood Plan as part of its duty to advise and assist. The following comments relate to whether, in the view of the Borough Council, the policies and proposals contained within the submission draft of the Tollerton Neighbourhood Plan meet the basic conditions for a neighbourhood plan to proceed to referendum.

In terms of the relationship between the Tollerton Neighbourhood Plan and the Borough Council's own Local Plan, it is necessary for the neighbourhood plan and its policies to be in general conformity with the strategic policies contained within the Local Plan. This legal requirement is highlighted by national guidance, which also advises that neighbourhood plans must positively support the delivery of these strategic policies. The Rushcliffe Local Plan is made up of two parts: the Local Plan Part 1: Core Strategy (2014) whose policies are all strategic; and the Local Plan Part 2: Land and Planning Policies (2019) which contains a number of strategic and non-strategic policies.

Ref	Page	Policy/ section	Basic condition test/ Factual correction/ Clarity	Comment	Suggested amendment
1	9	The Spatial Strategy for Tollerton. First Paragraph	Conformity	The last sentence identifies that the green buffer between Tollerton and the strategic allocation will be maintained and enhanced. The area of land between the allocation and Tollerton is not in the ownership of any of the landowners within the allocation, therefore it is unreasonable to expect the strategic allocation to enhance green infrastructure in this location.	Reword the last sentence of the paragraph to be aspirational in nature.
2	12	Policy 1 bullet 9	National policy (para 152)	In terms of the reuse of materials on site as a result of demolition where practicable, any explanatory text needs to identify the planning mechanism the LPA could consider using in order to implement this part of the policy. It could also cause issues in relation to viability and building regulations, however it is noted that the bullet is caveated with where practicable.	As stated in the comment.
3	13	Policy 2 third paragraph	National policy	It is stated that such uses will be permitted. There, however, may be reasons such as impact of neighbours amenity, or highways	Add subject to local amenity to paragraph 3.

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				safety, for example, where such uses may not be appropriate in all cases	
4	14	Policy 3	National Policy	<p>The support for the redevelopment of brownfield land for existing businesses is supported. As a significant area of the parish is green belt, there needs to be care how this is phrased.</p> <p>In addition, other than broadband, the inclusion of what other types of communication infrastructure would be of benefit in the supporting text? The wording of this part of the policy is open ended and would lend support in principle to 5G telecommunications masts where a planning application is required, for instance.</p>	<p>Consider adding the following to the end of the first sentence of the second paragraph:</p> <p><i>'subject to compliance with other policies in this document and the policies within the Development Plan for Rushcliffe'.</i></p> <p>May wish to list specific types of communications infrastructure in the explanatory text.</p>
5	15	Policy 4 third para	Conformity	Whilst it is acknowledged that some business development gained planning permission around the existing airport buildings prior to the adoption of the Rushcliffe Core Strategy, in particular policy 25, the remaining buildings not in business	Remove reference to the existing commercial hub at Gamston Fields and the reuse of existing buildings on site for business use.

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				use are located away from the area identified as the broad location for employment development in the indicative masterplan contained within policy 25. Whilst this would not preclude the reuse of such buildings for business, strictly speaking, this element of Policy 4 is not in general conformity with policy 25 of the Core Strategy.	
6	17	Policy 6	National policy.	<p>The first sentence of the policy adds an additional test that is contrary to national policy, where the needs test has been replaced by a sequential test and potentially an impact test. The same applies for the second paragraph after the bulleted list referring to needs.</p> <p>In addition paragraph 89 of the NPPF allows for small scale rural development of all types without a sequential test.</p>	<p>Consider rewording in line with the NPPF requirements for main town centre use – In the first paragraph remove reference to meeting a local need and in the second paragraph remove reference to meeting an existing gap in provision.</p> <p>Consider amending paragraph one “and pass sequential testing <i>where required by the NPPF</i>”.</p>
7	18	Policy 7	National Policy Conformity	The wording of Policy 7 suggests that the Green Buffer referred to falls outside the	Amend the extent of the Green Buffer designation on Map 4 to exclude all the

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			with Local Plan	<p>Strategic allocation at Gamston Fields (Strategic Allocation East of Gamston/North of Tollerton) but, from Map 4, it is not clear that this is the case. Map 4 shows the Green Buffer overlapping with strategic allocation.</p> <p>Due to this there is concern that Policy 7 conflicts with Local Plan Part 1 (Core Strategy) Policy 25. Figure 6, which accompanies Policy 25, shows an indicative area of 'Enhanced Green Infrastructure'. This covers a similar area to the Green Buffer identified on Map 4, but is an indicative area and without a precise boundary line. Whereas, the Green Buffer identified on Map 4 is referred to as an 'allocation' and seems to have a precise boundary line.</p> <p>For Policy 7 to determine the precise extent of any 'green buffer' area within the strategic allocation is not appropriate and would conflict with Core Strategy Policy 25.</p>	<p>land that falls within the east of Gamston/north of Tollerton strategic allocation.</p> <p>Alternatively, Policy 7 and Map 4 need to be made clear that any part of the Green Buffer within the strategic allocation is indicative and the exact extent of it will be established through the separate masterplanning process for the site.</p> <p>Reword the final sentence of Policy 7 as follows:</p> <p>"The land allocated is located outside of the Gamston Fields housing strategic allocation <u>and</u> will continue to be designated as Green Belt".</p>

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				<p>Paragraph 3.25.13 of the Core Strategy identifies that the distribution of development within the strategic allocation will be a matter for the master planning process. This is being led by the Borough Council and is currently ongoing, with the intention that the masterplan will be part of a Supplementary Planning Document.</p> <p>While identification of land beyond the strategic allocation as part of the Green Buffer would not directly conflict with the Local Plan policies , much of the land that is covered by Policy 7 is likely to be in the ownership of landowners who have no land interests within the area covered by the strategic allocation. Therefore the potential delivery of tree planting and other biodiversity enhancements on such land would be beyond their control and it would be unreasonable in planning terms for the site to provide enhancements in these</p>	

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				<p>locations as part of a planning application for the strategic allocation.</p> <p>The final sentence of Policy 7 appears to have a word missing and, instead of reference to housing allocation, it would be more accurate to refer to a strategic or mixed use allocation</p>	
8	19	Policy 8 third para.	Conformity	The requirement for all planning applications to include a statement on design cannot be delivered as it is not part of the Council's local validation requirements. However, the policy can encourage all planning applications to address design.	Consider rewording to reflect encouragement rather than a requirement.
9	19	Policy 8 fourth para	Conformity with Local Plan	Nottingham city airport is listed as a cultural facility even though it forms part of the strategic allocation and is identified in the masterplan in the local plan as suitable for development. In addition policy 25 of the Core Strategy already requires the listed pillboxes and their interrelationship to be	Consider rewording or removing reference to the airport.

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				incorporated into the overall design of the Gamston fields development.	
10	20	Policy 9 first para	Legal	<p>There is no lawful foundation to require enhancement and there is plenty of case law establishing that the minimum requirement to 'preserve' is always sufficient.</p> <p>Planning application requirements are defined through validation checklists. Refusing an application due to the absence of a heritage statement would likely be unreasonable.</p> <p>Demonstrating community benefit is abstract and not defined, whereas the NPPF refers to public benefit.</p>	<p>Reword first paragraph of policy 9 to 'and demonstrate how it will <i>preserve or enhance</i>'.</p> <p>Reword must "provide" a heritage statement to "should".</p> <p>Reword and demonstrate "community benefit" to "public benefit".</p>
11	20	Policy 9 supporting text	NPPF	The second paragraph conflicts with the NPPF. Securing the optimum viable use of a heritage asset is specifically quoted in the NPPF as a public benefit that can be balanced against harm – the second	Consider rewording to "will be supported where <i>the public benefit can demonstrated to balance against the harm to heritage asset</i> , as per the requirements of the NPPF.

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				paragraph seems to suggest that securing use will only be supported where the significance of a heritage asset is also retained.	
12	21	Policy 10 second para	Conformity with policy 10 of Core Strategy	Within the second paragraph, concern has been raised in relation to the inclusion of the term “not limited to” as it could lead to all manner of issues being cited in response to a planning application depending on an objector’s grievance in relation to it.	Remove not limited to and review the list to see if all main considerations are there and amend and add to as necessary. The Greater Nottingham Landscape Character Assessment may assist in developing a fuller closed list.
13	23	Policy 11	Clarity	There are 12 Green Spaces listed within the policy, but 8 Green Spaces are indicated on Map 5. The policy should be updated to align with Map 5, including the removal of Land at Melton Road. In addition, the assessment of the Green Spaces at Appendix D includes Canal – liner route. This has not been included in Map 5 or Policy 11, so should be removed.	Consider rewording to reflect this.

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15	26	Policy 14 third para	National Policy	The list of road improvements at Appendix E and referred to in the third paragraph are aspirational and not as a result of transport assessment work, particularly in relation to the strategic allocation East of Gamston (Gamston Fields), therefore it is considered that the plan can support such improvements, it cannot prioritise them.	Substitute prioritised for supported.
16	27	Policy 15 third para	National Policy	Outside of building regulations, the planning system is unable to insist on a reduction in energy consumption through construction and occupancy of land and buildings. See previous comments to policy 1 and policy 1's approach in relation to locally sourced materials.	Consider rewording or removing.
17	32	Map 2	Conformity with Policy 25 of the Core Strategy	The new connection proposed between the two village centres indicated on the map could be outside of the Gamston Fields applicant's control, and will only be required to be delivered through the planning process	Consider amending plan accordingly.

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				<p>if Nottinghamshire County Highways require it. This connection may be aspirational.</p> <p>The proposed new connection is also indicated to go through the green buffer. If the area is for biodiversity net gain or ecology enhancements, having a footpath could conflict with the ecology biodiversity and ecology aspirations.</p>	
18	34	Map 4	Conformity with policy 25 of the Core Strategy	<p>Comments relating to the Green Buffer are made above in relation to Policy 7. In addition to these, the purpose of the area shaded in lighter green is not clear. It is not included as part of the legend for Map 4. It is assumed it is part Green Buffer where, as referenced in Policy 7, the land be may be appropriate for recreational facilities including grass sports pitches that serve both Tollerton village and the strategic allocation. The plan needs to be clear in this respect.</p>	<p>Amend plan to identify and clarify the purpose of the lighter green area .</p> <p>Identify that the route of the wildlife corridor which crosses the strategic allocation is indicative only.</p>

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				<p>There is concern that the proposed wildlife corridor shown on Map 4 which crosses through the strategic allocation conflicts with Core Strategy Policy 25. As referred to above (see Policy 7 comments), paragraph 3.25.13 of the Core Strategy identifies that the distribution of development within the strategic allocation will be a matter for the master planning process. This is being led by the Borough Council and is currently ongoing, with the intention that the masterplan will be part of a Supplementary Planning Document. It is this process that should determine the specific configuration of all land uses within the strategic allocation.</p>	
19	40	Appendix C	<p>Conformity with policy 11 historic environment</p> <p>National Policy</p>	<p>Notwithstanding the general comment in relation to policy 9, the following comments relate to individual proposed non-designated heritage assets:</p> <p>Chestnut Farm – one outbuilding has been converted to a dwelling. All other buildings</p>	<p>With regards to Barn End Manor Farm, consider renaming to Manor Farm Farmhouse – with some context provided by converted/rebuilt former outbuildings</p>

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				<p>are new builds in the style of barn conversions built as recently as the early 2000s (planning reference 02/00703/FUL).</p> <p>Barn End Manor Farm - The former farm buildings are largely rebuilt – 2 of the 3 dwellings completely rebuilt and the third (fronting a gable to the roadside) was partially rebuilt during conversion. The Farmhouse should be a non-designated asset and perhaps note that the largely rebuilt outbuildings lend some context and help interpretation but are arguable no longer old buildings given the scale of rebuilding.</p> <p>Old Post Office, 157 Tollerton Lane – there is no record to suggest this building has been a post office. There have been several post offices in Tollerton, including at 202 Tollerton Lane and 165 Tollerton Lane.</p> <p>The Pinfold is at least a third re-site and rebuild, the latest being as recent as 2011. On that basis it is considered that there is no</p>	<p>Chestnut Farm, Old Post Office 157 Tollerton Lane, and The Pinfold should be removed from the list.</p>

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				architectural or historic merit in it being included as a non-designated heritage asset.	