

**David Kaiserman**  
Independent Examiner  
Penny O'Shea Consulting

Date: 4<sup>th</sup> December 2023

Our Ref: 20-025-ltr-001

**Re: Response to Examiner's clarifying questions submitted on behalf of the qualifying body,  
Tollerton Parish Council**

**Dear Examiner**

Thank you for your recent correspondence and the queries you have raised regarding the examination of the Tollerton Neighbourhood Plan (TNP). Thank you for granting an extension of time to consider our response. Please do not hesitate to contact us should you wish to discuss further any of the matters set out below or have additional queries, our details can be found in the footer.

Please find below our response to each of the three questions on behalf of the Tollerton Neighbourhood Plan Group (TNP) and Tollerton Parish Council (TPC). This response has been prepared separately to any that might be prepared by Rushcliffe Borough Council (RBC).

**Question 1 (EQ1) – Status of supporting documents**

The majority of documents within the submitted Core Documents List are baseline or evidence documents that demonstrate, in addition to the regulation 15 documents, that the TNP is based on a series of consultation exercises and studies prepared both for the neighbourhood plan and by RBC. This is a requirement of the basic conditions. However, some documents should also be treated as a strong material consideration in the determination of planning applications in the TNP area in their own right, these are listed below:

- Design Guidelines for Tollerton – prepared by AECOM, April 2019
- Tollerton Heritage and Character Assessment – prepared by AECOM, April 2017
- Tollerton Character, Heritage and Conservation Strategy

The remaining documents are 'evidence documents' that collectively form the basis on which the TNP policies have been prepared.



## Question 2 (EQ2) – The Sustainable Urban Extension

This question has two parts:

- Should the TNP cover ground which is to be set out in the masterplan for the sustainable urban extension (SUE)?
- What is the position of the supplementary planning document (SPD) referenced in Local Plan Part 1 policy 25?

Firstly, it is important to note that the TNP is not a neighbourhood plan that seeks to restrict development. It is based on recognition from the community, TNPG and TPC that the SUE has been allocated as part of the Local Plan Part 1 (LP1) and so the focus is on ensuring that the development that comes forward is of a high standard of design and makes a positive contribution to the parish and local area.

A primary concern of the community (raised numerous times as part of the consultation on the neighbourhood plan) is that the SUE will come forward in ad hoc phases and will lack an overarching, carefully considered masterplan. Whilst the existing development plan policies require the production of a masterplan and link this to the production of an SPD, no SPD or draft has been published to date despite the LP1 parent policy being adopted in 2014. Furthermore, TPC have not been invited to be part of the process of preparing this SPD. This is somewhat at odds with the approach advocated in paragraph 128 of the NPPF.

Meanwhile a planning application has been submitted (planning reference 20/03244/OUT submitted in December 2020) that is of a poor standard in terms of the information provided and in terms of design and layout. This application is considered premature in policy terms as no masterplan has been prepared. Consultation has been undertaken by land promoters separately<sup>1</sup> but not on any overarching masterplan nor on the emerging SPD. The images provided, in particular by Taylor Wimpey and Barwood Land, have been of consistently poor standard, lack detail and have not included the site as a whole. It is therefore understandable that TPC, TNPG and the wider community have been and remain extremely concerned and unclear on what is being proposed.

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. The TNP policies do not deviate from the requirements of LP1 policy 25 and only seek to reinforce the broad framework provided in accompanying Figure 6 and provide additional levels of specificity to secure the elements described are of a high design standard. This approach is strongly supported by National Planning Policy Framework (NPPF)

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<sup>1</sup> Vistry Group, promoters of southern portion of SUE, website launched in October 2023:

<https://www.landnorthoftollerton.co.uk/our-proposals/>, Taylor Wimpey and Barwood Lane, promoters of remainder of allocation, website launched in 2020: <https://consultwithyou.co.uk/gamstonfields/consultation/proposals#nav>



paragraph 127 that confirms that the TNP is the correct mechanism through which to achieve this:

*'Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, **both through their own plans and by engaging in the production of design policy, guidance and codes** by local planning authorities and developers.'*

Through multiple rounds of consultation (see submitted Consultation Report) the TNP has collated ideas from the community on how the SUE could come forward in a sensitive manner and make the most of certain opportunities that are available. The key point here is that neighbourhood plans should be community led and based on consultation. Therefore, the remit from the community has been for TNPG and TPC to seek to do all it can to positively influence how the SUE comes forward. A neighbourhood plan that is silent on the SUE would not be responding to the consultation carried out, completely at odds with the Local Plan policy context and is very unlikely to receive support at referendum. There is an opportunity here to continue to engage the community with the process, to demonstrate that their views matter and that neighbourhood planning can give them the ability to positively influence how development comes forward in their area. This is entirely in line with the purposes of neighbourhood planning and the approach advocated in the NPPF.

The Local Government Association states, within Neighbourhood Planning a Guide for Councillors, that:

*'Neighbourhood planning provides a statutory right for local people and businesses to plan for the future of their places in a sustainable and fair way. Crucially, it is designed to enable local people and communities to strongly influence how development will occur locally. Neighbourhood planning has the potential to:*

- *give communities a bigger say over the type, location, size, pace and design of development coming forward (including infrastructure, housing and commercial development)*
- *tackle long term trends or challenges affecting communities*
- *foster progressive relationships between communities, developers and local authorities*
- *provide neighbourhoods with more influence on delivery and implementation.'*

Whilst inevitably there is some crossover in terms of topics with Local Plan Part 2 (LP2), the basic conditions require compliance with the strategic policies of the existing development plan – i.e. those within the LP1. The policies of the TNP provide a locally specific application of the policies within the development plan. We do not consider this to be duplication and the inclusion of these policies, rather the provision of further policy guidance on the look and feel of these elements. It is crucial for residents to see that their key concerns have been incorporated into the TNP.



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We have worked closely with RBC to ensure that the TNP does not exceed the remit of what a neighbourhood plan can influence. RBC have provided comments throughout the process and have at no stage suggested that the TNP should be silent on matters pertaining to the SUE.

The National Planning Practice Guidance (Paragraph: 036 Reference ID: 41-036-20190509) confirms that neighbourhood areas can include land allocated in strategic policies as a strategic site and that the NP '*must be in general conformity with, and plan positively to support, the strategic policies of the development plan*'. This has been the aim of the TNP throughout and we consider the policies achieve this. The TNP has not sought to design the masterplan nor to provide a specific development brief.

We have reviewed the regulation 16 responses received from those promoting various parcels of the SUE which are directly referred to as part of your considerations. Whilst these letters assure support for the TNP they essentially conclude that all references to the SUE are inappropriate and all matters pertaining to how the SUE comes forward should be removed and handled solely through Local Plan policies and the preparation of the SPD. We consider that this approach directly conflicts with the purposes of neighbourhood planning and the national agenda that stresses the importance of engaging communities in the planning process. The TNP should instead be seen as a great opportunity to understand the wishes of the community and to incorporate local understanding and perspective into the design overall encouraging a positive experience of planning for local people and longer term support. The policies in the TNP have been drafted with that in mind, and the guidance included within them should be used to shape the final SPD masterplan.

The list below sets out how the TNP seeks to positively influence the SUE and why this is appropriate within the remit of neighbourhood planning:

- Policy 1: Climate Change
  - o The purpose of this policy is to reinforce principles of good design and encourage more sustainable patterns of development and living across the parish. All of these policy objectives are based on sound best practice and should be sought by all developers of all scales, but particularly those promoting the SUE given the significant opportunity the development has to positively influence climate adaptation.
  
- Policy 2: The Village Centre
  - o This policy does not conflict with LP1 policy 25. It reinforces the provision of a new village centre using the language of the LP1 and 2 'Centre of Neighbourhood Importance' to clarify the status that the future centre should have and how it would fit into the retail hierarchy within the Borough. It is crucial to the community and TNPG that such facilities within the SUE provide a range of retail and community services and are accessible by sustainable modes for new occupants of the SUE but also by existing residents of the



parish and surrounding area. This is a specific policy requirement that does not exist elsewhere in the development plan.

- Policy 4: Facilitating new businesses
  - o The purpose of this policy, in relation to the SUE, is to recognise the role that the site currently has in housing some larger scale organisations (that provide employment for local people) that would otherwise have to move out of the parish to find large enough premises. The role of such organisations in local employment and economic activity is valued and there is an appetite for their retention.
  
- Policy 6: New community and retail facilities
  - o The policy seeks to encourage the delivery of new community and retail facilities to ensure vitality within the parish and to reinforce sustainable patterns of activity. The reference to a preference for new sports pitches to be positioned near to the canal is not in conflict with LP1 policy 25, nor Figure 6, and seeks to reinforce a belt of recreational and leisure activity in this location. The SPD Framework that has only recently become available reinforces this positioning also, therefore there is no apparent conflict resulting from this policy.
  
- Policy 7: The Green Buffer at Gamston Fields
  - o The green buffer is a concept originating from LP1 policy 25. Figure 6 refers to 'enhanced green infrastructure'. This TNP policy is strongly supported by existing residents of Tollerton parish. The policy does not seek to conflict with Figure 6 of policy 25 but provides a greater level of specificity on how this zone could come forward and contribute to the area. The policy refers to areas for a nature reserve, tree planting and biodiversity enhancement with a primary purpose being to provide a valuable area of natural landscape that reinforces individual characters of Tollerton and for the new settlement created by the SUE. Reference to recreational facilities refers to land within the allocation to the north east that as previously mentioned (see TNP policy 6) incorporates open space and sport / recreational facilities. This is largely no longer land that is within the Green Belt (taken out as part of the allocation) and provision of such elements as part of the delivery of the SUE is crucial to ensure new occupants are well served by facilities that will promote health and wellbeing. The hope is that these areas within the green buffer will make a substantial positive contribution to the wellbeing of all new and existing parish residents. It should also be noted that some land within the TNP green buffer is outside of the SUE allocation but is under the same ownership as land within the south of the allocation. This offers the opportunity to deliver the aims of TNP policy 7 and maximise the development potential of land within the SUE allocation and its contribution to biodiversity net gain. An



opportunity that should be welcomed. None of the policy aims for this land conflict with Green Belt policy, or seek to reduce the identified developable area as identified in LP1 policy 25.

- Policy 8: Local character

- The airport has existed within Tollerton Parish since the 1930s and has a rich military history. The airport forms part of the identity of the area and it is an asset that many local residents, including across the wider Nottingham area, will be sad to lose. The intention of policy 8 is to ensure that some of this cultural heritage is retained as the site comes forward. This could be in the form of street names or public art that reinforces and acts as a reminder of the former role of the site. Architectural elements of the existing buildings on site may be reflected in new buildings in the new neighbourhood centre. There are a wide variety of ways in which this cultural heritage can be incorporated into the design in imaginative ways. The pillboxes are listed and thankfully will be retained however, alone they do not tell the story of the site and should be accompanied by further explanation, such as interpretation installations. The concern is that the erasure of the site's former use and character will lead to a generic housing led development that is indistinguishable from any other. This is another opportunity for the SUE that the TNP seeks to secure. No evidence has been provided by those promoting the site, nor by RBC that such considerations have been factored into their work. The TNP seeks to secure this via development plan policy.

- Policy 10: Landscape character

- Linked to the response above on policy 8, is the identification of key views and vistas within Map 4 that accompanies policy 10. The intention of this policy, in relation to the SUE, is to identify opportunities for existing key views to be incorporated into the design and layout of the development. The intention is not to prevent development. TNP evidence base recognises the important contribution of landscape setting to the character of Tollerton as a parish. This policy seeks to ensure that that landscape setting remains part of the character of the area for those who live in the SUE and that its visual amenity and wellbeing benefits are maximised.

- Policy 13: Sustainable modes and accompanying Aspiration

- The aspiration does not require compliance with the same tests as a policy. Public transport is a topic of crucial importance to the community but in our experience does not sit neatly within the remit of a neighbourhood plan, hence why this element is presented as an aspiration. It recognises and reflects that this matter is important to the community and to the long term success of the delivery of the SUE. It does not conflict with LP1 policy 25 and is supported by Nottingham County Council (NCC) who confirm developer



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contributions towards public transport will be sought (see regulation 16 response). TNPG strongly agree with the comments from NCC and agree that their comments should be incorporated into the policy and aspiration including the requirement for provision of a Public Transport Strategy to deliver these aims.

- Policy 16: Design in new development
  - o This policy is crucial in relation to the SUE as it reinforces the importance of the provision of a comprehensive masterplan for the allocated site as a whole. Whilst LP1 policy 25 seeks this to be achieved via an SPD, the TNPG and TPC had throughout the NP process, seen no evidence of it being produced. The production of an SPD is not the only mechanism via which a masterplan could be provided. This is especially true as planning applications have been submitted prior to the preparation of the SPD undermining public confidence in the community inputting into a masterplan for the site. We have no guarantee of when this SPD might be produced nor what its content will be nor of whether it has taken account of the aspirations of local residents. The existing way in which this process is being handled (the LPA and the site promoter preparing this behind closed doors post the submission of a planning application) appears to be in conflict with the national design agenda. As the National Design Guide states: *'Local communities can play a vital role in achieving well-designed places and buildings and making sure there is a relationship between the built environment and quality of life. Communities can be involved in design processes through approaches such as co-design, design workshops and other engagement techniques, so that places and buildings reflect local community preferences, improve their quality of life and fit well into their surroundings'*. The community see the TNP as the best opportunity available to engage in the process. This allocation in practice will operate as a new settlement within the Parish, due to its segregation from the wider Nottingham conurbation by the A52. We strongly request a design code is required to ensure that the principles of the masterplan are implemented within the detailed design of the proposal.

The above provides a summary of how we consider each policy of the TNP to be appropriate within the context of development plan policies within the Local Plan and the live planning application relating to the allocated SUE. As set out above, we wish to strongly highlight the importance of inclusion of these policies within the TNP for multiple reasons.

- 1- There has been a distinct lack of real engagement with residents, the TNPG, and TPC in the preparation of the emerging SPD and the planning application that has been submitted. Responses from those promoting the development have not reassured the group that meaningful engagement will take place or that the wishes of the community as set out within the draft TNP will be taken into account. The community,



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TNPG and TPC want reassurance that these matters will be incorporated and the policies set out above are the only assurance available.

- 2- The TNP policies are based on sound urban design principles and the wishes of the community. They are not overly demanding, or unreasonable, for a proposal of this size and would make a significant contribution to the SUE coming forward in a way that is truly responsive to its context. It is therefore disappointing that responses from those promoting the site demonstrate an unwillingness to incorporate any of these ideas when they are based on good design, local knowledge of the site and reinforce the national design agenda. A site of this size needs to be delivered under the guidance of a masterplan and that does not appear to be forthcoming. Currently, the approach being taken by the land promoters' conflicts with national policy and guidance in this respect. As a result, their comments on this neighbourhood plan should be afforded limited weight in the examination.

### **Question 3 (EQ3) – Conservation area**

It is correct that there is no designated Conservation Area within the neighbourhood plan area. We expect this confusion has arisen due to the wish to recognise the historic core of old Tollerton as a heritage asset and the collective contribution to character that this part of the village makes (centring around the cenotaph and Tollerton Hall on Tollerton Lane). It would be more appropriate to refer to this as the 'historic core' within Policy 9 and Appendix B. A map could be provided that indicated this area to ensure maximum clarity, the map at Figure 4 in the Tollerton Heritage and Character Assessment April 2017, may be appropriate.

Finally, we understand that there has been a request for the examination of the neighbourhood plan to take place in public via a hearing. We did not consider this necessary however, if you do continue to consider that the TNP should be silent on matters pertaining to the SUE we would like the opportunity for the above matters to be discussed in further detail in public. Please do not hesitate to contact me should you wish to further clarify any of the matters addressed within this letter or if you have any additional queries.

Yours sincerely



**Jo Gregory**

MTCP (Hons), MSc (UD), MRTPI

Director: Planner and Urban Designer

[jo@urbanimprint.co.uk](mailto:jo@urbanimprint.co.uk)



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