

**PLANNING COMMITTEE – 18 OCTOBER 2017**

<b>Subject:</b>	<b>Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2) – Revised Publication Version</b>
<b>Corporate Director(s)/Director(s):</b>	David Bishop, Deputy Chief Executive/Corporate Director of Development and Growth
<b>Portfolio Holder(s):</b>	Councillor Jane Urquhart, Portfolio Holder for Planning, Housing and Heritage
<b>Report author and contact details:</b>	Peter McAnespie, Partnerships and Local Plans Manager Ph: 0115 876 4068 email: <a href="mailto:peter.mcanespie@nottinghamcity.gov.uk">peter.mcanespie@nottinghamcity.gov.uk</a>
<b>Other colleagues who have Provided input:</b>	N/A
<b>Wards affected:</b>	<b>All</b>
<b>Date of consultation with Portfolio Holder(s):</b>	<b>?</b>
<b>Relevant Council Plan Key Theme:</b>	
Strategic Regeneration and Development	<input checked="" type="checkbox"/>
Schools	<input type="checkbox"/>
Planning and Housing	<input checked="" type="checkbox"/>
Community Services	<input type="checkbox"/>
Energy, Sustainability and Customer	<input type="checkbox"/>
Jobs, Growth and Transport	<input checked="" type="checkbox"/>
Adults, Health and Community Sector	<input type="checkbox"/>
Children, Early Intervention and Early Years	<input type="checkbox"/>
Leisure and Culture	<input type="checkbox"/>
Resources and Neighbourhood Regeneration	<input checked="" type="checkbox"/>
<b>Summary of issues (including benefits to citizens/service users):</b>	
<p>Once adopted, the Land and Planning Policies Development Plan Document (LAPP) will form the second part of the City Council's Local Plan for Nottingham City, alongside the Nottingham City Aligned Core Strategy (Local Plan Part 1), which was adopted in September 2014.</p> <p>The LAPP contains detailed Development Management Policies and Site Allocations, to guide future development in the City up to 2028. Importantly, it establishes how the housing and employment and provisions included in the Nottingham City Aligned Core Strategy (2014) will be implemented.</p> <p>The Local Plan will form the statutory Development Plan that all planning authorities must prepare by law. Various changes (including some significant amendments) are proposed to the LAPP prior to its submission for examination, and therefore it is proposed that the LAPP be Published again to allow further representations to be made, but only in respect of the proposed changes.</p> <p>The draft LAPP, Schedule of Changes and related documentation can be found at <a href="http://www.nottinghamcity.gov.uk/revisedpublication">www.nottinghamcity.gov.uk/revisedpublication</a>.</p>	
<b>Recommendation(s):</b>	
<p><b>1</b> That Planning Committee note the publication of the Local Plan Part 2: Land and Planning Policies Document (Revised Publication Version) for a six week period which commenced on 29<sup>th</sup> September and ends 10th November 2017, to allow formal representations to be made.</p>	

## **1 REASONS FOR RECOMMENDATIONS**

- 1.1 Production of a Local Plan is a statutory requirement. If no Development Plan is in place, the government's default presumption in favour of sustainable development will apply to relevant planning applications, which means that planning applications will be determined having regard to the National Planning Policy Framework, without the benefit of applying locally determined planning policies.
- 1.2 The City Council's adopted Statement of Community Involvement states that Planning Committee should be consulted on the publication of the City's Local Plan.

## **2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 2.1 Planning legislation requires the City Council to produce a Local Plan. In Nottingham, the Local Plan will comprise the Local Plan Part 1: The Nottingham City Aligned Core Strategy (adopted September 2014) and, on adoption, the Nottingham City Land and Planning Policies Development Plan Document, Local Plan Part 2 (LAPP).
- 2.2 Whilst the Nottingham City Aligned Core Strategy contains the overarching strategic planning policies for the City (and the aligned authorities of Gedling and Broxtowe) the Part 2 Local Plan contains detailed Development Management policies and Site Allocations for Nottingham City. Prior to its adoption, the Local Plan is required to go through a number of formal and informal consultation stages. Publication represents the first formal stage of preparation, and follows extensive informal consultation on the 'Call for Sites', 'Issues and Options', 'Additional Sites' and 'Preferred Option'. All of the informal consultation responses received have been used to inform and shape the Part 2 Local Plan as it has evolved.
- 2.3 The Proposed Changes and the Revised Publication version of the Local Plan were approved for consultation by a Leader's Key Decision on 8<sup>th</sup> September 2017. The Part 2 Local Plan has now been formally published for a statutory six week period which commenced on Friday 29<sup>th</sup> September and will end at 5:00pm on Friday 10<sup>th</sup> November. During this period, individuals and interested parties are able to make representations on the Part 2 Local Plan, which will be considered by an independent Planning Inspector appointed by the government as part of a Public Examination.
- 2.4 The LAPP contains 59 Development Management policies and 79 Site Allocations, with a set of Development Principles for each site.
- 2.5 The 59 Development Management Policies are arranged into the following sections in the document:
  - Climate change
  - Employment Provision and Economic Development
  - Role of the City, Town, District and Local Centres
  - Regeneration
  - Strategic Regeneration Sites
  - Housing Size, Mix and choice
  - Design and Enhancing Local Identity
  - The Historic Environment
  - Local Services and Healthy Lifestyles

- Community Facilities
- Managing Travel Demand
- Green Infrastructure Parks and Open Space
- Biodiversity
- Minerals
- Telecommunications
- Land Contamination, Instability and Pollution
- Hazardous Installations
- Developer Contributions
- Site Allocations

2.6 All of the Site Allocations and City-wide land use designations and constraints have been mapped on the accompanying Policies Map.

2.7 Following Executive Board approval on 17 November 2015, the LAPP was published in January 2016, to allow formal representations to be made. A total of 967 representations were received from 164 different organisations and individuals, including statutory bodies, neighbouring county, district and parish councils, the development industry, utility companies, interest groups and members of the public. The Report of Consultation on the LAPP (Publication Version) is available at [www.nottinghamcity.gov.uk/revisedpublication](http://www.nottinghamcity.gov.uk/revisedpublication). A separate six week consultation was held to allow formal representations on a new site, the Imperial Tobacco Horizon Factory, as a LAPP allocation for employment uses. This additional consultation closed on 9 November 2016 and resulted in a total of 49 representations from 16 different organisations. Details of this are also in the Report of Consultation on the LAPP (Publication Version).

2.8 The changes proposed to the draft LAPP address comments raised in representations, make factual updates (for instance removing fully completed sites) and increase clarity. In addition, further changes are proposed to address:

- (a) new Government Policy as expressed in the Housing White Paper, February 2017, and in other policy announcements;
- (b) confirmation of the HS2 Safeguarding Direction, which impacts on a LAPP site allocation (PA16 Nottingham Business Park North);
- (c) a review of the delivery of LAPP site allocations, which has confirmed that some are undeliverable within the lifetime of the Plan (to 2028). In addition, the capacity of all sites to accommodate development has been reviewed, and the quantum of housing and employment delivery has been updated where necessary.

2.7 All these changes are included in the Schedule of Changes (Schedule of Changes to the Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2), Publication Version, July 2017), which includes changes made to the Policies Map. The majority of these changes are considered to be relatively minor, and do not alter the strategy or broad policy approach of the LAPP. However, some, including the site changes, are considered to be significant in that they could impact on the soundness of the LAPP.

2.8 As such it is necessary to undertake further consultation on these changes, prior to submitting the LAPP for Examination, in order that the Council can be assured that it considers the LAPP to be Sound prior to its Submission. To ensure this further round of consultation does not open up matters which have already been consulted upon to further representations, consultation will be limited to the changes only as set out in the Schedule of Changes. A 'track changes' version of

the LAPP will also be available so that the changes can be seen in the context of the LAPP as a whole. All the consultation documentation can be found at [www.nottinghamcity.gov.uk/revisedpublication](http://www.nottinghamcity.gov.uk/revisedpublication).

2.9 The following supporting documents were prepared alongside the Publication Version of the LAPP and will be available during the consultation period on the Revised Publication Version, including updates to them in the form of addendums where necessary. The Sustainability Appraisal is a legal requirement of Plan Preparation. These documents, and the LAPP, can also be viewed at: [www.nottinghamcity.gov.uk/revisedpublication](http://www.nottinghamcity.gov.uk/revisedpublication).

- **Sustainability Appraisal Report and Addendum:** The Sustainability Appraisal has been prepared to fulfil the requirements of the Planning and Compulsory Purchase Act (2004), and the requirements of the EU Strategic Environmental Assessment Directive. The report assesses the economic, social and environmental impacts of all of the policies and site allocations contained in the LAPP, and evaluates reasonable alternatives to these.
- **Site Assessment Document and Addendum:** These documents provide detailed assessments of each site put forward during the LAPP preparation process in terms of planning history, land use, constraints, transport and accessibility, etc.
- **Report of Consultation:** This document details the consultation comments received at the previous Publication Version stage and how these have been addressed in changes to the LAPP.
- **Background Papers:** There are 7 Background Papers in total (Climate Change, Transport, Sustainable, Inclusive and Mixed Communities, Employment Provision and Economic Development, Green Belt, Retail and Minerals) which contain background evidence and the national policy context for specific policies in the LAPP. Addendums to these Background Papers have been prepared where necessary.
- **Infrastructure Delivery Plan:** This document sets out the infrastructure requirements for the City over the plan period, and has been updated to account for the changes to the LAPP where necessary.
- **Equalities Impact Assessment and Addendum:** These documents assesses the impact of the LAPP policies on Protected Characteristics.

### Summary of Proposed Changes

2.10 Appendix 1 shows the key changes to the LAPP. It should be noted that this is not a complete list of changes to the LAPP. A complete list can be found at [www.nottinghamcity.gov.uk/revisedpublication](http://www.nottinghamcity.gov.uk/revisedpublication).

### What Happens Next?

2.11 All representations received will be considered and technical drafting changes may be proposed if any factual or minor inaccuracies emerge. These will not be consulted upon again. However, if any further Main Changes (changes which may impact upon the soundness of the Local Plan) are proposed in response to the representations or other key factors, then it is likely that these will need to be subject to further consultation.

## **The Examination**

- 2.12 Assuming that there is no need for further substantial changes to the LAPP, the draft LAPP will be considered by City Council, along with all the supporting documents and representations received (both those received during the first consultation period and any received as a result of the changes consultation), prior to being submitted to the Government to allow an independent Examination by an Inspector. The Inspector will examine the 'soundness' of the whole plan, taking into account all the representations. The Examination is likely to include a public hearing session, when parties making representations may, at the Inspector's discretion, present their views in person.
- 2.13 If the Inspector recommends further changes which are considered necessary to make the Local Plan sound, these will be subject to a period of further consultation, and further hearing sessions may also be required.

## **Adoption**

- 2.14 At the end of the Independent Examination, the Inspector will issue a report that will declare the LAPP sound or unsound. If sound, the City Council can adopt the LAPP. If the LAPP is found to be unsound, then it cannot be adopted.
- 2.15 It is anticipated that if the LAPP is found sound, the City Council will adopt it late 2018.

## **3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 3.1 There were no other options considered in making these recommendations. Production of a Local Plan is a statutory requirement. If no Development Plan is in place, the government's default presumption in favour of sustainable development will apply to relevant planning applications, which will restrict the City Council's ability to make decisions on these planning applications.

## **4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)**

- 4.1 The production of a Local Plan is a statutory requirement for the Council. There are no direct financial implications from the submission of a Local Plan and the work has been undertaken using current existing resources earmarked for this purpose and presents no financial pressure on the Council.

## **5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)**

- 5.1 As indicated in the main body of the report, the Council is under a statutory duty to produce a Local Plan of which the LAPP is part. Requirements relating to the production and adoption of the local plan are prescribed by regulations. The approval of such documents is not the sole function of the Executive and only full Council can approve the submission of the LAPP for independent examination. Whilst there are risks that the Plan (or parts of it) could be found to be unsound or challenged on adoption the LAPP has been the subject of legal advice during its preparation to seek to ensure its compliance with the law and planning policy. Although the LAPP has already been through one period of consultation it is

prudent to carry out a further consultation on the proposed changes (especially those which may affect the Plan's soundness), to strengthen the Council's position at the submission stage.

## **6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISIONS RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE)**

- 6.1 Property has been fully consulted as appropriate throughout the preparation of the Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2), The LAPP contains a number of sites owned by the City Council the development of which will increase the provision of new homes and employment opportunities, assist in regeneration and generate capital receipts for the Council.

## **7 SOCIAL VALUE CONSIDERATIONS**

- 7.1 The Local Plan addresses a wide range of social value considerations. It contains policies aimed at addressing housing need and providing affordable housing, policies which support economic and job growth, and policies aimed at enhancing health and wellbeing through adequate provision of open space, protecting the environment and controlling hot food take-aways.

## **8 REGARD TO THE NHS CONSTITUTION**

- 8.1 N/A

## **9 EQUALITY IMPACT ASSESSMENT (EIA)**

- 9.1 Has the equality impact of the proposals in this report been assessed?

No

An EIA is not required because:  
(Please explain why an EIA is not necessary)

Yes

The EIA is available at [www.nottinghamcity.gov.uk/revisedpublication](http://www.nottinghamcity.gov.uk/revisedpublication), and due regard will be given to any implications identified in it.

## **10 LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT (NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT INFORMATION)**

- 10.1 Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2), Revised Publication Version, July 2017. (Shows the proposed changes as track changes to the original Publication Version, January 2016)
- 10.2 Schedule of Changes to the Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2), Publication Version, July 2017.
- 10.3 Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2), Publication Version, January 2016.
- 10.4 The Land and Planning Policies Sustainability Appraisal Report, January 2016, and addendum, July 2017.

- 10.5 Report of Consultation for the Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2) Publication Version, (Draft Regulation 22 Statement), July 2017.
- 10.6 The Land and Planning Policies Site Assessment Document, January 2016 and addendum, July 2017.
- 10.7 Climate Change Background Paper, January 2016
- 10.8 Retail Background Paper, January 2016 and addendum, July 2017.
- 10.9 Transport Background Paper, January 2016 and addendum, July 2017.
- 10.10 Sustainable, Inclusive and Mixed Communities Background Paper, January 2016 and addendum, July 2017.
- 10.11 Employment Provision and Economic Development Background Paper, January 2016 and addendum, July 2017.
- 10.12 Minerals Background Paper, January 2016 and addendum, July 2017.
- 10.13 Green Belt Background Paper, January 2016.
- 10.14 Infrastructure Delivery Plan, July 2017.

## **11 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT**

- 11.1 Department for Communities and Local Government, National Planning Policy Framework, March 2012
- 11.2 Nottingham City Council, Local Plan Part 1: The Nottingham City Aligned Core Strategy, September 2014