

CITY COUNCIL - 8 SEPTEMBER 2008

REPORT OF THE PORTFOLIO HOLDER FOR NEIGHBOURHOOD REGENERATION

NOTTINGHAMSHIRE AND NOTTINGHAM JOINT STRUCTURE PLAN – SAVED POLICIES

1 SUMMARY

1.1 The Planning and Compulsory Purchase Act 2004 states that policies within old style Structure Plans will be automatically 'saved' (i.e. remain in force) for 3 years from the date of their adoption. It follows that, under the terms of this Act, the policies in the Nottinghamshire and Nottingham Joint Structure Plan (JSP) are due to expire in February 2009.

1.2 If the structure plan authorities wish to 'save' policies pending the adoption of East Midlands Regional Spatial Strategy (RSS) they must advise the Regional Planning Body to request the Secretary of State's agreement to issue a direction to save them. The Council's Executive Board endorsed the proposed approach on 22 July 2008 and recommended that it be submitted to full City Council for approval.

2 RECOMMENDATIONS

IT IS RECOMMENDED that the schedule of policies detailed at Appendix 1 to the report be approved as the authorities recommended approach to saving the policies of the JSP.

3 BACKGROUND

3.1 The JSP was produced by Nottingham City and Nottinghamshire County Council and adopted on 16 February 2006. Under the Planning and Compulsory Purchase Act 2004, unless expressly replaced by a 'new' policy, 'old' development plan policies are saved for three years from which ever is the later of:

- the date of commencement of Section 38 of the Planning and Compulsory Purchase Act 2004 on 28 September 2004, or;

- the date the plan was adopted or approved.

3.2 The Secretary of State for Communities and Local Government may make a direction to save specific policies beyond the 3 year period.

3.3 Under the provision of the 2004 Act no further structure plans are to be prepared and it is intended that structure plans will be replaced by RSS's. The JSP was adopted in February 2006 and it was intended that it would be replaced by a review of the RSS. If the RSS review had met its original timetable, the RSS would have been adopted before the two Councils needed to consider saving policies.

3.4 Following the publication of the Inspectors report last autumn, the Secretary of State's proposed changes to the draft RSS are awaited. At the time of writing this report, the Government Office had advised that the consultation period on the proposed changes is likely to be between July and October. Following the consultation period, consideration will then be given to the responses made. There is no guarantee that the RSS will be adopted before the February end date of the JSP. To ensure there is no strategic planning policy vacuum for Nottinghamshire and Nottingham pending the adoption of the RSS, it will be necessary to extend the life of a number of JSP Policies.

4 PROPOSALS

4.1 Following discussions with the structure plan authorities, the Regional Assembly may make a request to the Secretary of State to extend the life of a number of JSP policies. This request should be received by the Government Offices 6 months before the end date of the JSP. Such requests would be considered in the light of the following criteria set out in Planning Policy Statement 11;

- the saved policies are consistent with national planning policies and are in general conformity with the regional spatial strategy;
- the saved policies address an existing strategic policy deficit and do not duplicate national or local policy;

- the operation of policies to be saved for longer than three years is not materially changed by virtue of other policies in the old plan not being saved; and
- even where policies are non-compliant with one or more of the above, the Secretary of State considers that it is appropriate for the policies to be saved for longer than three years.

5 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

None.

6 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

Nottinghamshire and Nottingham Joint Structure Plan (February 2006).

Protocol for Handling Proposals to save Adopted Local Plan, Unitary development Plan and Structure Plan Policies Beyond the 3 Year Saved Period, Department for Communities and Local Government (DCLG), 2006.

Executive Board Report 22nd July 2008.

**COUNCILLOR CLARK
PORTFOLIO HOLDER FOR NEIGHBOURHOOD REGENERATION**

APPENDIX 1. JSP Policies to Save (July 2008)

JSP Policy	Draft RSS (Sept 2006) Policy Coverage	Save Policy?
1/1 – Sustainable Development	1 – Regional Core Objectives 3 – Promoting Better Design	Yes – gives strength to saved biodiversity policies.
1/2 – Nottingham Derby Green Belt	Three Cities Policy 2 – partial coverage	Yes – there needs to be adequate protection of the whole of the Nottingham Derby Green Belt and clear guidance for review in those areas outside the Three Cities Sub-Area
1/3 – Planning Contributions		Yes – the policy coverage in the emerging RSS is wholly inadequate
2/1 – Sustaining Biodiversity	3 – Promoting Better Design 26 – Protecting and Enhancing the Region’s Natural and Cultural Assets 28 – Priorities for Enhancing the Region’s Biodiversity	Yes – A deficit regarding the incorporation of local biodiversity action plan priorities, particularly the Nottinghamshire BAP. Also, if the final version of the RSS did not contain policies

		equivalent to draft RSS policies 3, 26 and particularly 28, there would be a more general deficit regarding the protection of the county/region's natural heritage.
2/2 – Special Areas of Conservation	26 – Protecting and Enhancing the Region's Natural and Cultural Assets	No
2/3 – Sites of Special Scientific Interest	26 – Protecting and Enhancing the Region's Natural and Cultural Assets	Yes - If the final version of the RSS did not contain policies equivalent to draft RSS policies 26 and 31, there would be a deficit regarding the protection of the county/region's SSSIs, agricultural land and SAMs respectively.
2/4 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation and Local Nature Reserves	26 – Protecting and Enhancing the Region's Natural and Cultural Assets	No
2/5 – Protected Species	26 – Protecting and Enhancing the Region's Natural and Cultural Assets	No

2/6 – Wildlife Habitat Creation	3 – Promoting Better Design 28 – Priorities for Enhancing the Region’s Biodiversity	No
2/7 – Landscape Character	3 – Promoting Better Design 30 – Priorities for the Management and Enhancement of the Region’s Landscape	No
2/8 – Trees and Woodlands	29 – Regional Target for Increasing Woodland Cover	No
2/9 – Protection of Agricultural Land	26 – Protecting and Enhancing the Region’s Natural and Cultural Assets	Yes – If the final version of the RSS did not contain policies equivalent to draft RSS policies 26 and 31, there would be a deficit regarding the protection of the county/region’s SSSIs, agricultural land and SAMs respectively.
2/10 – Development in the Countryside		Yes – the countryside is not protected for its own sake at all in the draft RSS
2/11 – Scheduled Ancient Monuments and Other Sites of Archaeological Interest	26 – Protecting and Enhancing the Region’s Natural and Cultural Assets 31 – Regional Priorities for the	Yes – If the final version of the RSS did not contain policies equivalent to draft RSS

	Historic Environment	policies 26 and 31, there would be a deficit regarding the protection of the county/region's SSSIs, agricultural land and SAMs respectively.
2/12 – Historic Character	26 – Protecting and Enhancing the Region's Natural and Cultural Assets 31 – Regional Priorities for the Historic Environment	No
2/13 – River Corridors	33 – Regional Priorities for Strategic River Corridors	No
2/14 – Large Scale Energy Developments	38 – Regional Priorities for Energy Reduction and Efficiency - partial coverage	Yes – insufficient provision is made for dealing with proposals for large scale energy developments
2/15 – Renewable Energy Developments	39 – Regional Priorities for Renewable Energy	No
2/16 – Flood Protection and Flood Risk Management	35 – Regional Approach to Managing Flood Risk	No
2/17 – Control of Pollution	3 – Promoting Better Design 32 – Regional Approach to the Water Resources	No

	and Water Quality - partial coverage	
2/18 – Control of Hazardous Installations		No – sufficient provision in national guidance
2/19 – Waste Implications of major Development	37 – Regional Priorities for Waste Management	No
3/1 – Scale of Housing Provision	14 – Regional Housing Provision	Yes – although the draft RSS contains policies relating to housing provision, policies 3/1 to 3/4 are the only adopted housing figures for Nottinghamshire and Nottingham and without these there would be a strategic gap in housing policy
3/2 – South Nottinghamshire Sub-Area	Three Cities Policy 4	Yes – these are the only adopted housing figures for this sub-area and without these there would be a strategic gap in housing policy
3/3 – West and North West Nottinghamshire Sub-Area	14 – Regional Housing Provision	Yes – these are the only adopted housing figures for this sub-area

		and without these there would be a strategic gap in housing policy
3/4 – East Nottinghamshire Sub-Area	14 – Regional Housing Provision	Yes – these are the only adopted housing figures for this sub-area and without these there would be a strategic gap in housing policy
3/5 – Ensuring Urban Regeneration	18 – Regional Priorities for managing the Release of Land for Housing	No
3/6 – Rural Housing	5 – Regional Priorities for Development in Rural Areas	Yes – Whilst draft RSS Policy 5 Regional Priorities for Development in Rural Areas touches on the areas of concern for rural housing it does not adequately define the appropriate tests for rural housing. Nor does it provide a local enough perspective in relation to regeneration. Until Core Strategies are

		adopted Local Planning Authorities will not be able to sustainably manage development in rural areas without this policy
3/7 – Accommodation for Gypsies and Travellers	16a – Regional Priorities for Provision for Gypsies and Travellers	No
4/1 – Provision of Employment Land		Yes – there are no figures relating to the provision of employment land given within the draft RSS
4/2 – Criteria for New Allocations and Reviewing Existing Allocations and Commitments	20 – Regional Priorities for Employment Land - partial coverage	Yes – this policy provides a comprehensive approach for dealing with employment land
4/3 – Technology Transfer		No – this policy would be sufficiently addressed through the saving of policy 4/2
4/4 – Protection of Employment Sites and buildings	20 – Regional Priorities for Employment Land	No
4/5 – Rural Employment	5 – Regional Priorities for	No

	Development in Rural Areas	
5/1 – Integrating Public Transport	50 – Regional Priorities for Integrating Public Transport	No
5/2 – Light Rail	49 – Regional Priorities for Bus and Light Rail Services	No
5/3 – Passenger Heavy Rail	48 – Regional Heavy Rail Investment Priorities	No
5/4 – Measures to assist Cyclists, Pedestrians and People with Restricted Mobility	3 – Promoting Better Design 44 – Regional Approach to Behavioural Change	No
5/5 – Linear Routes		No – although no direct policy coverage is sufficiently addressed through policy 1 Regional Core Objectives and if policy 6/3 is saved
5/6 – Movement of Freight	53 – Development of a Regional Freight Strategy	No
5/7 – Traffic Reduction and Parking for New Development	43 – Regional Traffic Growth Reduction 46 – Regional Car Parking Standards	No
5/8 – Hierarchy of Roads		No
5/9 – Regional Trunk Road Investment Priorities	51 - Regional Trunk Road Investment Priorities	No
5/10 – Local Authority Road Schemes	52 – Regional Major Highway Priorities	No

5/11 – Access to Nottingham East Midlands Airport and Robin Hood Airport Doncaster Sheffield	54 – Regional Priorities for Air Transport	No
6/1 – Location of Recreation and Tourism Facilities	24 – Regional Priorities for Tourism 40 – Regional Priorities for Culture, Sport and Recreation	No
6/2 – Open Spaces and Playing Fields	40 – Regional Priorities for Culture, Sport and Recreation – partial coverage	Yes – the draft RSS does not specifically protect open spaces
6/3 – Recreational Routes		Yes – the draft RSS does not address recreational routes in policy
7/1 – Shopping and Central Area Hierarchy	8 – Regeneration of the Northern Sub-Area (only very generally) 13 – Development in the Three Cities Sub-Area (only very generally)	No
7/2 – Local Needs	5 – Regional Priorities for Development in Rural Areas	No
7/3 – Shopping Outlets in the Countryside		No - although this is not addressed in the draft RSS, providing policy 2/10 is saved this can be appropriately covered

		together with the essence of Policy 5 – Regional Priorities for Development in Rural Areas
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Policy 1/1 Sustainable Development	
Criteria	Justification
Is the policy in general conformity with national and regional Policy?	The policy is in general conformity with national and regional policy.
What strategic deficit will the policy address that is not already met by national and local policy?	The policy reflects the provisions of PPG2 and provides clear guidance for the undertaking of a review of the whole Nottingham Derby Green Belt. The draft RSS only has provision for the Green Belt in those areas where it falls within the Three Cities Sub Area (Three Cities policy 2). Without this policy there is inadequate protection of the whole of the Nottingham Derby Green Belt.
Will the meaning of the policy be materially altered if it is saved without other policies?	The meaning of the policy will not be materially altered if saved without other policies.
What other factors suggest this policy should be saved?	None.

Policy 1/2 Nottingham Derby Green Belt	
Criteria	Justification
Is the policy in general conformity with national and regional Policy?	The policy is in general conformity with national and regional policy.
What strategic deficit will the policy address that is not already met by national and local policy?	The policy reflects the provisions of PPG2 and provides clear guidance for the undertaking of a review of the whole Nottingham Derby Green Belt. The draft RSS only has provision for the Green Belt in those areas where it falls within the Three Cities Sub Area (Three Cities policy 2). Without this policy there is inadequate protection of the whole of the Nottingham Derby Green Belt.
Will the meaning of the policy be materially altered if it is saved without other policies?	The meaning of the policy will not be materially altered if saved without other policies.
What other factors suggest this policy should be saved?	None.

Policy 1/3 Planning Contributions	
Criteria	Justification
Is the policy in general conformity with national and regional Policy?	The policy is in general conformity with national and regional policy.
What strategic deficit will the policy address that is not already met by national and local policy?	This policy provides the context for the seeking and securing of planning contributions to deliver appropriate infrastructure, services and facilities associated with new development. There is no overarching planning obligations policy in the draft RSS. Without this policy coverage there would be a lack of a framework for seeking such contributions and for district councils to develop SPD relating to planning contributions where they do not have an appropriate up to date local policy. This policy will also be useful in informing the development of the proposed CIL.
Will the meaning of the policy be materially altered if it is saved without other policies?	The meaning of the policy will not be materially altered if saved without other policies.
What other factors suggest this policy should be saved?	None.

Policy 2/1 Sustaining Biodiversity	
Criteria	Justification
Is the policy in general conformity with national and regional Policy?	The policy is in general conformity with national and regional policy.
What strategic deficit will the policy address that is not already met by national and local policy?	A deficit regarding the incorporation of local biodiversity action plan priorities, particularly the Nottinghamshire BAP. Also, if the final version of the RSS did not contain policies equivalent to draft RSS policies 3, 26 and particularly 28, there would be a more general deficit regarding the protection of the county/region's natural heritage.
Will the meaning of the policy be materially altered if it is saved without other policies?	No. The meaning of the policy will not be materially altered if saved without other policies.
What other factors suggest this policy should be saved?	None.

Policy 2/3 Sites of Special Scientific Interest	
Criteria	Justification
Is the policy in general conformity with national and regional Policy?	The policy is in general conformity with national and regional policy.
What strategic deficit will the policy address that is not already met by national and local policy?	If the final version of the RSS did not contain policies equivalent to draft RSS policies 26 and 31, there would be a deficit regarding the protection of the county/region's SSSIs, agricultural land and SAMs respectively.
Will the meaning of the policy be materially altered if it is saved without other policies?	No. The meaning of the policy will not be materially altered if saved without other policies.
What other factors suggest this policy should be saved?	None.

Policy 2/9 Protection of Agricultural Land	
Criteria	Justification
Is the policy in general conformity with national and regional Policy?	The policy is in general conformity with national and regional policy.
What strategic deficit will the policy address that is not already met by national and local policy?	If the final version of the RSS did not contain policies equivalent to draft RSS policies 26 and 31, there would be a deficit regarding the protection of the county/region's SSSIs, agricultural land and SAMs respectively.
Will the meaning of the policy be materially altered if it is saved without other policies?	No. The meaning of the policy will not be materially altered if saved without other policies.
What other factors suggest this policy should be saved?	None.

Policy 2/10 Development in the Countryside	
Criteria	Justification
Is the policy in general conformity with national and regional Policy?	The policy is in general conformity with national and regional policy.
What strategic deficit will the policy address that is not already met by national and local policy?	This policy reflects the provisions of PPS7 and protects the countryside whilst also setting out the circumstances in which development may be considered appropriate. The draft RSS contains no policy to protect the countryside for its own sake and gives no steer as to what type of development may be acceptable in such a location. Without this policy, the open countryside will be at risk from inappropriate development.
Will the meaning of the policy be materially altered if it is saved without other policies?	The meaning of the policy will not be materially altered if saved without other policies.
What other factors suggest this policy should be saved?	If this policy is saved it will not be necessary to save policy 7/3 Shopping Outlets in the Countryside, as policy 2/10 will provide sufficient guidance together with national and regional policy to address this matter.

Policy 2/11 Scheduled Ancient Monuments and Other Sites of Architectural Interest	
Criteria	Justification
Is the policy in general conformity with national and regional Policy?	The policy is in general conformity with national and regional policy.
What strategic deficit will the policy address that is not already met by national and local policy?	If the final version of the RSS did not contain policies equivalent to draft RSS policies 26 and 31, there would be a deficit regarding the protection of the county/region's SSSIs, agricultural land and SAMs respectively.
Will the meaning of the policy be materially altered if it is saved without other policies?	No. The meaning of the policy will not be materially altered if saved without other policies.
What other factors suggest this policy should be saved?	None.

Policy 2/14 Large Scale Energy Developments	
Criteria	Justification
Is the policy in general conformity with national and regional Policy?	The policy is in general conformity with national and regional policy.
What strategic deficit will the policy address that is not already met by national and local policy?	Insufficient provision is made within the draft RSS for dealing with proposals for large scale energy developments. This policy provides clear guidance as to the circumstances in which such developments may be appropriate.
Will the meaning of the policy be materially altered if it is saved without other policies?	The meaning of the policy will not be materially altered if saved without other policies.
What other factors suggest this policy should be saved?	None.

Policy 3/1 Scale of Housing Provision	
Criteria	Justification
Is the policy in general conformity with national and regional Policy?	The policy is in general conformity with national and regional policy.
What strategic deficit will the policy address that is not already met by national and local policy?	The policy provides the overall housing provision figures for the whole of Nottinghamshire and Nottingham. Although the draft RSS contains figures for housing provision these do not yet form part of the development plan and so without this policy there would be a significant gap in the strategic approach to new housing development.
Will the meaning of the policy be materially altered if it is saved without other policies?	The meaning of the policy will not be materially altered if saved without other policies.
What other factors suggest this policy should be saved?	None.

Policy 3/2 South Nottinghamshire Sub-Area	
Criteria	Justification
Is the policy in general conformity with national and regional Policy?	The Policy is in general conformity with national and regional policy.
What strategic deficit will the policy address that is not already met by national and local policy?	The policy provides the breakdown of housing provision figures for the South Nottinghamshire Sub-Area. Although the draft RSS contains figures for housing provision these do not yet form part of the development plan and so without this policy there would be a significant gap in the strategic approach to new housing development in the Sub-Area.
Will the meaning of the policy be materially altered if it is saved without other policies?	Whilst the meaning of the policy will not be materially altered if saved without other policies, it is useful to also have policy 3/1 saved in order to provide the context for this policy.
What other factors suggest this policy should be saved?	None.

Policy 3/3 West and North-West Nottinghamshire Sub-Area	
Criteria	Justification
Is the policy in general conformity with national and regional Policy?	The Policy is in general conformity with national and regional policy.
What strategic deficit will the policy address that is not already met by national and local policy?	The policy provides the breakdown of housing provision figures for the West and North-West Nottinghamshire Sub-Area Sub-Area. Although the draft RSS contains figures for housing provision these do not yet form part of the development plan and so without this policy there would be a significant gap in the strategic approach to new housing development in the Sub-Area.
Will the meaning of the policy be materially altered if it is saved without other policies?	Whilst the meaning of the policy will not be materially altered if saved without other policies, it is useful to also have policy 3/1 saved in order to provide the context for this policy.
What other factors suggest this policy should be saved?	None.

Policy 3/4 - East Nottinghamshire Sub-Area	
Criteria	Justification
Is the policy in general conformity with national and regional Policy?	The Policy is in general conformity with national and regional policy.
What strategic deficit will the policy address that is not already met by national and local policy?	The policy provides the breakdown of housing provision figures for the East Nottinghamshire Sub-Area. Although the draft RSS contains figures for housing provision these do not yet form part of the development plan and so without this policy there would be a significant gap in the strategic approach to new housing development in the Sub-Area.
Will the meaning of the policy be materially altered if it is saved without other policies?	Whilst the meaning of the policy will not be materially altered if saved without other policies, it is useful to also have policy 3/1 saved in order to provide the context for this policy.
What other factors suggest this policy should be saved?	None.

Policy 3/6 Rural Housing	
Criteria	Justification
Is the policy in general conformity with national and regional Policy?	The policy is in general conformity with national and regional policy.
What strategic deficit will the policy address that is not already met by national and local policy?	Whilst draft RSS Policy 5 Regional Priorities for Development in Rural Areas touches on the areas of concern for rural housing it does not adequately define the appropriate tests for rural housing. Nor does it provide a local enough perspective in relation to regeneration. Until Core Strategies are adopted Local Planning Authorities will not be able to sustainably manage development in rural areas without this policy.
Will the meaning of the policy be materially altered if it is saved without other policies?	The meaning of the policy will not be materially altered if saved without other policies.
What other factors suggest this policy should be saved?	None.

Policy 4/1 Provision of Employment Land	
Criteria	Justification
Is the policy in general conformity with national and regional Policy?	The Policy is in general conformity with national and regional policy.
What strategic deficit will the policy address that is not already met by national and local policy?	There are no figures relating to the provision of employment land contained within the draft RSS and there is currently no other guidance indicating the level of employment land provision for the JSP area. Without these figures there will be a significant gap in the strategic approach to employment land.
Will the meaning of the policy be materially altered if it is saved without other policies?	Whilst the meaning of the policy will not be materially altered if saved without other policies, it is important that policy 4/2 Criteria for New Allocations and Reviewing Existing Allocations and Commitments (see below) is also saved to ensure that there is a context for implementing this policy.
What other factors suggest this policy should be saved?	None.

Policy 4/2 Criteria for New Allocations and Reviewing Existing Allocations and Commitments	
Criteria	Justification
Is the policy in general conformity with national and regional Policy?	The Policy is in general conformity with national and regional policy.
What strategic deficit will the policy address that is not already met by national and local policy?	Whilst the draft RSS sets out the Regional Priorities for Employment Land, policy 4/2 sets out clear criteria to be used by the district councils for reviewing existing allocations and making new allocations. This policy provides important information to influence allocations which is not reflected in the draft RSS, without this guidance a strategic approach to employment land would be difficult.
Will the meaning of the policy be materially altered if it is saved without other policies?	The meaning of the policy will not be materially altered if saved without other policies, however, if this policy is saved then it goes some way to addressing the matters covered by policy 4/3 Technology Transfer.
What other factors suggest this policy should be saved?	None.

Policy 6/2 Open Spaces and Playing Fields	
Criteria	Justification
Is the policy in general conformity with national and regional Policy?	The Policy is in general conformity with national and regional policy.
What strategic deficit will the policy address that is not already met by national and local policy?	Whilst the draft RSS has a policy Regional Priorities for Culture, Sport and Recreation (40), it does not go as far as protecting both public and private open space and playing fields. These are important resources which should not be eroded or lost unless it can be demonstrated that there is no long term need for them.
Will the meaning of the policy be materially altered if it is saved without other policies?	The meaning of the policy will not be materially altered if saved without other policies.
What other factors suggest this policy should be saved?	None.

Policy 6/3 Recreational Routes	
Criteria	Justification
Is the policy in general conformity with national and regional Policy?	The Policy is in general conformity with national and regional policy.
What strategic deficit will the policy address that is not already met by national and local policy?	Whilst the draft RSS has a number of policies relating to recreation and encouraging non-car modes of travel, it does not specifically promote recreational routes which can play a key role in meeting the objectives of the draft RSS. Policy 6/3 facilitates this and encourages the reuse of former transport features.
Will the meaning of the policy be materially altered if it is saved without other policies?	The meaning of the policy will not be materially altered if saved without other policies, however, if this policy is saved then it goes some way to addressing the matters covered by policy 5/5 Linear Routes of the JSP.
What other factors suggest this policy should be saved?	None.