

CITY COUNCIL - 11 FEBRUARY 2013

REPORT OF THE PORTFOLIO HOLDER FOR PLANNING AND TRANSPORTATION

NOTTINGHAM CITY ALIGNED CORE STRATEGY, SUBMISSION TO THE SECRETARY OF STATE

1 SUMMARY

- 1.1 The draft Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategies set a strategic planning framework for Nottingham City to 2028, including the broad scale and location of housing and economic growth over that period, together with supporting infrastructure and how environmental matters will be considered. The draft Core Strategy, Schedule of Changes and related documentation are available from Constitutional Services and at www.nottinghamcity.gov.uk/corestrategysubmission.
- 1.2 The draft Core Strategy has been prepared in partnership with Broxtowe and Gedling Borough Councils, and sets out a coherent and consistent strategic planning framework across the three local authority areas. Although Erewash and Rushcliffe Borough Councils (which are also part of the Housing Market Area) have decided to prepare separate Core Strategies, there has been continuing close working between all authorities, albeit the Rushcliffe Core Strategy has a different methodology to determine housing provision.
- 1.3 Core Strategies are part of the statutory Development Plan that all local planning authorities must prepare by law. Following several stages of formal and informal consultation, it is now proposed to submit the draft Core Strategy to the Secretary of State for independent examination. Submission is a decision for the City Council.

2 RECOMMENDATIONS

It is recommended that Council:

- 2.1 Approve the submission of the draft Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategies, along with the Schedule of Changes, and accompanying submission documents (as set out at paragraph 5.7), to the Secretary of State for

independent examination.

- 2.2 Request the Inspector to recommend any modifications which are necessary to make the draft Core Strategy sound, under section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended).
- 2.3 Grant delegated authority to the Corporate Director for Development to approve any necessary amendments to the submission draft Core Strategy of the types outlined in paragraph 5.5 of the report.

3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

- 3.1 Production of a Local Plan, of which the Core Strategy is part, is a statutory requirement. If no Local Plan is in place, the government's default presumption in favour of sustainable development will apply to relevant planning applications.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 There are no alternative options, production of a Local Plan, of which the Core Strategy is part, is a statutory requirement.

5 BACKGROUND

- 5.1 Planning legislation requires the City Council to produce a Local Plan. The draft Core Strategy is part of the Local Plan and provides the strategic vision for development across Nottingham City and the two partner local authority areas until 2028. Prior to its adoption, the document must go through a number of formal and informal consultation stages, and be submitted to the Secretary of State for independent examination. Submission follows extensive informal consultation on the Issues and Options (2009), the Option for Consultation (2010), the Housing Provision Position Paper and Policy 1: Climate Change (2011) and formal consultation on the Publication Version (2012) as authorised by Executive Board on 21 February 2012.
- 5.2 The Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategies - Publication Version was published in June 2012, to allow formal representations to be made. A total of 557

representations were received from 215 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 draft Core Strategy – Publication Version is available from Constitutional Services and at:

www.nottinghamcity.gov.uk/corestrategysubmission

Appendix 1, which has been circulated separately, provides a brief summary.

- 5.3 Some changes are proposed to the draft Core Strategy in order to address some of the representations, to bring the draft Core Strategy more closely into line with the National Planning Policy Framework (NPPF), and to make factual updates and increase clarity. These are included in the Schedule of Proposed Changes. Apart from the introduction of a policy on the presumption in favour of sustainable development (which the Inspectorate are requesting for all Core Strategies) the changes are considered to be relatively minor, and do not alter the strategy or broad policy approach of the draft Core Strategy. As such it is not envisaged that the changes require consultation prior to submission, but instead will be consulted on with any further changes the Inspector recommends during the course of the independent examination. A brief summary of the proposed changes is included in Appendix 1.
- 5.4 The draft Core Strategy is a strategic spatial planning document covering the period from 2011 to 2028, which will rely on the Nottingham City Land and Planning Policies Development Plan Document (DPD), which is currently in preparation, for its detailed implementation. It contains a shared ‘Vision’ setting out what the plan area will look like once the Core Strategy has been delivered, together with Spatial Objectives which indicate how the vision will be implemented. The detailed policies in the draft Core Strategy then set out a Delivery Strategy to achieve the vision.
- 5.5 The draft Core Strategy covers the areas of Nottingham City, Broxtowe Borough and Gedling Borough Councils, but formal approval of the City Council is only required for matters relating to the Nottingham City Council area. Gedling Borough Council will be considering the draft Core Strategy at its February meeting. However, due to the recent announcement that a station to serve High Speed Rail 2 is to be located at Toton Sidings within the Borough, Broxtowe Borough will be undertaking a short focussed

consultation to ensure the draft Core Strategy adequately reflects the implications for their area. They will therefore not be in a position to approve the draft Core Strategy until this process has concluded. As a result, parts of the plan relating to Broxtowe Borough may be subject to change, and there may also be a need to make further minor editing changes to ensure consistency and accuracy. Should one or more of the partner councils fail to agree their part of the draft Core Strategy, consideration of how to proceed will be required, which may necessitate redrafting the plan, possibly by preparing a document to cover Nottingham City matters only. During the course of the independent examination, it is also likely that the Inspector will recommend further changes he/she considers are necessary to make the Core Strategy sound. It is recommended that approval to make any necessary changes be delegated to the Corporate Director for Development.

5.6 Subject to approval by all the partner councils, the Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategy – Publication Version 2012 will be submitted to the Secretary of State, along with:

- Broxtowe Borough, Gedling Borough and Nottingham City - Schedule of Proposed Changes to the Aligned Core Strategies Publication Version, February 2013;
- Nottingham City Aligned Core Strategy Development Plan Document Statement Of Consultation (Regulation 19), June 2012;
- Nottingham City Statement of Consultation for the Aligned Core Strategy (Regulation 22), Part 1, February 2013;
- Broxtowe Borough, Gedling Borough and Nottingham City Statement of Consultation for the Aligned Core Strategies Publication Version (Regulations 22) Part 2, February 2013;
- Broxtowe Borough Council, Erewash Borough Council Gedling Borough Council Nottingham City Council Sustainability Appraisal Publication Version, June 2012 Broxtowe Borough Council, Erewash Borough Council, Gedling Borough Council, Nottingham City Council, Sustainability Appraisal Appendices, Publication Version, June 2012;
- Broxtowe Borough Council, Erewash Borough Council, Gedling Borough Council, Nottingham City Council Sustainability Appraisal Publication Version (Non Technical Summary), June 2012;
- Broxtowe Borough, Gedling Borough and Nottingham City

Sustainability Appraisal Report of the Aligned Core Strategies Publication Version Addendum, February 2013;

- Greater Nottingham Aligned Core Strategies Equality Impact Assessment Phase 1 Report, April 2011;
- Broxtowe Borough, Erewash Borough, Gedling Borough and Nottingham City Aligned Core Strategies Equality Impact Assessment Phase 2 Report, June 2012;
- Broxtowe Borough, Gedling Borough and Nottingham City;
- Equality Impact Assessment Phase 3: Report of the Proposed Changes to the Aligned Core Strategies Publication Version Report, February 2013;
- copies of all representations made on the Core Strategy – Publication Version;
- other relevant evidence, including a Habitats Regulation Assessment screening, Strategic Flood Risk Assessment, statements and background papers.

5.7 If approved by the City Council, formal submission of the draft Core Strategy is anticipated in May 2013 and will be the start of the independent examination process and an independent Planning Inspector will be appointed to consider the representations that have been made and to test its overall soundness and legal compliance. At this time, the Councils will notify the Inspector that they wish to request modifications under section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended), to allow the Inspector to recommend any changes to the draft Core Strategy to make it sound, rather than simply test whether it is sound or not. Part of this process will involve a Public Examination where the Inspector will hold round-table hearing sessions to discuss specific issues. He/she may invite further supporting evidence from the Councils and respondents as necessary. Participation in the hearing sessions will be at the discretion of the Inspector. The hearing sessions are currently expected to commence in September 2013.

5.8 Prior to the hearing stage, the Inspector is likely to hold a pre-hearing meeting with all interested parties. This is normally used to explain the arrangements for the hearing sessions. However, if at this stage the Inspector considers that there are likely to be any insurmountable issues of soundness or legal compliance, he/she may advise the Council not to proceed but to withdraw the draft Core Strategy and re-submit it at a later stage following any necessary re-drafting and consultation. In order to minimise the risk, all reasonable steps have been taken to ensure that the draft Core Strategy is sound prior to

submission, including carrying out a self-assessment of soundness and participating in an advisory visit from the Planning Inspectorate. Following the independent examination, the Inspector will publish a report which will set out whether or not the draft Core Strategy is sound. Where it is not considered to be sound the Inspector will suggest any further changes, agreed at the independent examination, which should be made to make it so. These will subsequently need to be approved by the Council before the Core Strategy can be adopted formally.

- 5.9 It is anticipated that if the Core Strategy is found sound, the Councils will adopt it in winter 2013/14.

6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

- 6.1 There are no direct financial implications from the report as the costs of this activity will be met from existing resources earmarked for this purpose.

7 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS)

- 7.1 As indicated in the main body of the report, the Council is under a statutory duty to produce a Local Plan of which the Core Strategy is part. Requirements relating to the production and adoption of Local Plan documents are prescribed by Regulations and both the proposed Core Strategy and documents listed in paragraph 5.6 are required to be submitted for independent examination. Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and the Council's constitution approval for submission to the Secretary of State can only be given by full Council.
- 7.2 There is a risk that the independent examination could conclude the draft Core Strategy is unsound. This would result in further work to the evidence base, redrafting the Core Strategy, and republishing for representations, before a further independent examination could be convened.

8 EQUALITY IMPACT ASSESSMENT (EIA)

- 8.1 Has the equality impact been assessed?

Yes – the EIA is detailed in Appendix 2 which has been circulated separately.

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

9.1 None.

10 **PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

10.1 Greater Nottingham Aligned Core Strategies, Issues and Options, 2009.

10.2 Greater Nottingham Aligned Core Strategies, Option for Consultation, 2010.

10.3 Greater Nottingham Aligned Core Strategies Housing Provision Position Paper and Draft Policy 1 Climate Change Report, January 2012.

10.4 Broxtowe Borough, Gedling Borough, Nottingham City Aligned Core Strategy, Publication Version, June 2012.

10.5 Broxtowe Borough, Gedling Borough and Nottingham City - Schedule of Proposed Changes to the Aligned Core Strategies Publication Version, February 2013.

10.6 Nottingham City Aligned Core Strategy Development Plan Document Statement Of Consultation (Regulation 19), June 2012.

10.7 Nottingham City Statement of Consultation for the Aligned Core Strategy (Regulation 22) Part 1, February 2013.

10.8 Broxtowe Borough, Gedling Borough and Nottingham City Statement of Consultation for the Aligned Core Strategies Publication Version (Regulations 22) Part 2, February 2013.

10.9 Broxtowe Borough Council, Erewash Borough Council, Gedling Borough Council, Nottingham City Council Sustainability Appraisal Publication Version, June 2012.

- 10.10 Broxtowe Borough Council, Erewash Borough Council, Gedling Borough Council, Nottingham City Council, Sustainability Appraisal Appendices, Publication Version, June 2012.
- 10.11 Broxtowe Borough Council, Erewash Borough Council, Gedling Borough Council, Nottingham City Council Sustainability Appraisal Publication Version (Non Technical Summary), June 2012.
- 10.12 Broxtowe Borough, Gedling Borough and Nottingham City Sustainability Appraisal Report of the Aligned Core Strategies Publication Version Addendum, February 2013.
- 10.13 Greater Nottingham Aligned Core Strategies Equality Impact Assessment Phase 1 Report, April 2011.
- 10.14 Broxtowe Borough, Erewash Borough, Gedling Borough and Nottingham City Aligned Core Strategies Equality Impact Assessment Phase 2 Report, June 2012.
- 10.15 Broxtowe Borough, Gedling Borough and Nottingham City Equality Impact Assessment Phase 3: Report of the Proposed Changes to the Aligned Core Strategies Publication Version Report, February 2013.

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