

## **CITY COUNCIL - 5 MARCH 2018**

### **REPORT OF THE PORTFOLIO HOLDER FOR PLANNING, HOUSING AND HERITAGE**

#### **NOTTINGHAM CITY LAND AND PLANNING POLICIES DEVELOPMENT PLAN DOCUMENT, SUBMISSION TO THE SECRETARY OF STATE**

## **1 SUMMARY**

- 1.1 The Land and Planning Policies Development Plan Document (LAPP) is a statutory Development Plan that all planning authorities must prepare by law. Once adopted it 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.
- 1.2 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 provisions included in the Nottingham City Aligned Core Strategy (2014) will be delivered.
- 1.3 The LAPP has undergone a number of formal and informal stages which have been approved by Executive Board. The most recent version, the Revised Publication was approved for consultation by a Leader's Key Decision on 8<sup>th</sup> September 2017. Consultation ran from 29<sup>th</sup> September to 10<sup>th</sup> November 2017. Representations received have been considered and the LAPP is now ready to be submitted to the Secretary of State for Examination.
- 1.4 Only Full Council can approve the submission of the LAPP for independent Examination. Consultation on the Revised Publication Version of the LAPP has resulted in some changes being proposed in response to comments made and to bring the LAPP up to date. These comments are not considered to be significant or to impact on the Soundness of the LAPP, and so a further round of consultation is not proposed at this time. These changes have been approved by the Portfolio Holder for Planning, Housing and Heritage in accordance with the Leaders Key Decision of 8<sup>th</sup> September, 2017. The Schedule of Changes will be submitted alongside the LAPP, and if the Inspector is minded to accept them, they will be published for Consultation alongside any other Main Modifications the Inspector recommends during the course of the Examination. The full list of further changes can be found in the Schedule of Changes and as track changes within the Submission version LAPP document, however Appendix 1 of this report sets out a summary of the principal changes proposed for submission.
- 1.5 The Submission version of the LAPP, and related documentation can be found at [www.nottinghamcity.gov.uk/submission](http://www.nottinghamcity.gov.uk/submission).

## **2 RECOMMENDATIONS**

- 2.1 To approve the submission of the Nottingham City Council Local Plan Part 2: Land and Planning Policies Document, along with the Schedule of Changes, and accompanying submission documents (as set out at paragraph 5.11), to the Secretary of State for independent examination.

- 2.2 To request the Inspector to recommend any modifications which are necessary to make the draft Local Plan sound, under section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended).
- 2.3 To grant delegated authority to the Chief Planner to approve any necessary amendments to the submission draft Local Plan of the types outlined in paragraph 6.5 of this Report.

### **3 REASONS FOR RECOMMENDATIONS**

- 3.1 Production of a LAPP 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. The Government also has powers to directly intervene in Plan making where Local Plans are not prepared or revised.
- 3.2 Under the City Council's constitution (and the relevant legislation), City Council approval is required to allow the LAPP to be submitted to the Secretary of State for Examination.

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

- 4.1 There are no alternative options, production of a Local Plan is a statutory requirement.

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

- 5.1 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 LAPP (Part 2).
- 5.2 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 LAPP contains detailed Development Management policies and Site Allocations for Nottingham City. Prior to its adoption, the LAPP is required to go through a number of formal and informal consultation stages. Submission represents a final formal stage of preparation when the LAPP is examined by an Independent Inspector who will consider the 'soundness' of the plan.
- 5.3 This stage follows extensive formal and informal consultation on the 'Call for Sites', 'Issues and Options', 'Additional Sites', 'Preferred Option', 'Publication' and 'Revised Publication'. All of the consultation responses received have been used to inform and shape the LAPP as it has evolved.
- 5.4 Most recently, the Revised Publication version of the Local Plan was approved for consultation by a Leader's Key Decision on 8th September 2017. A statutory six week public consultation then took place when statutory bodies, individuals and interested parties were able to make representations on the Local Plan.
- 5.5 The comments received and the Council's responses have been compiled and will be considered by an independent Planning Inspector appointed by the government as

part of a Public Examination. A summary of the main issues raised and the Council's responses to them can be found at Appendix 1.

- 5.6 The Report of Consultation on the LAPP is available at [www.nottinghamcity.gov.uk/submission](http://www.nottinghamcity.gov.uk/submission).
- 5.7 The LAPP contains 59 Development Management policies and 78 Site Allocations, with a set of Development Principles for each site.
- 5.8 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
- 5.9 All of the Site Allocations and City-wide land use designations and constraints have been mapped on the Policies Map.
- 5.10 The Submission version of the LAPP includes a number of proposed changes (See Appendix 1) from the Revised Publication version. These address comments raised in representations, make factual updates, and increase clarity.
- 5.11 A number of supporting documents have been prepared alongside the Submission Version of the LAPP and these will also be submitted to the Secretary of State. These documents, and the LAPP, can be viewed at <http://www.nottinghamcity.gov.uk/submission>.
- **Sustainability Appraisal Report and Addendums:** The Sustainability Appraisal is a legal requirement of Plan Preparation. It 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.
  - **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 8 Background Papers in total (Site Assessment, 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 Addendums:** These documents assess the impact of the LAPP policies on Protected Characteristics.

## 6 WHAT HAPPENS NEXT

- 6.1 On Council approval formal submission of the LAPP will take place as soon as practicable, starting the independent examination process. An independent Planning Inspector will then be appointed by the Secretary of State to consider the representations that have been made and to test the LAPP's overall soundness and legal compliance.
- 6.2 At the same time, the Council will notify the Inspector that it wishes 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 LAPP to make it sound, rather than simply test whether it is sound or not. Part of this process will involve an Independent Examination where the Inspector will hold round-table hearing sessions to discuss specific issues. He/she may invite further supporting evidence from the City Council and respondents as necessary. Participation in the hearing sessions will be at the discretion of the Inspector.
- 6.3 The hearing sessions are currently expected to commence in the summer of 2018. Prior to the hearing stage, the Inspector may 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 LAPP and re-submit it at a later stage following any necessary re-drafting and consultation.
- 6.4 In order to minimise this risk, all reasonable steps have been taken to ensure that the draft LAPP is sound prior to submission, including undertaking a Revised Publication consultation and carrying out a self-assessment of soundness.
- 6.5 The Council may need to make further minor editing changes to ensure consistency and accuracy prior to submission. In addition, during the course of the independent examination, it is also likely that the Inspector will recommend or ask the Council to suggest further changes which he/she considers are necessary to make the LAPP sound. It is recommended that approval to make any necessary changes be delegated to the Chief Planner.
- 6.6 Following the Examination, the Inspector will publish a report which will set out whether or not the LAPP 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 be reported back to Executive Board for approval and consulted on before the LAPP can be formally approved for adoption by Full Council.

## **7 ADOPTION**

- 7.1 If the LAPP is found to be unsound, then it cannot be adopted. It is anticipated that if the LAPP is found sound, the City Council will adopt it in late 2018.

## **8 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY)**

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

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

- 9.1 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.

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

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

No

Yes

Available at hyperlink [www.nottinghamcity.gov.uk/submission](http://www.nottinghamcity.gov.uk/submission), and due regard will be given to any implications identified in it.

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

- 11.1 None

## **12 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

- 12.1 Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2), Submission Version, March 2018. (Shows the proposed changes as track changes to the Revised Publication Version, September 2017).
- 12.2 Schedule of Changes to the Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2), Submission Version, March 2018.

- 12.3 The Land and Planning Policies Sustainability Appraisal Report, January 2016, and Addendum, September 2017 and Addendum 2, March 2018 Addendums.
- 12.4 Report of Consultation for the Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2) Publication Version, (Draft Regulation 22 Statement – Part 1), September 2017.
- 12.5 Report of Consultation for the Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2) on Revised Publication Version, (Regulation 22 Statement – Part 2), March 2018.
- 12.6 The Land and Planning Policies Site Assessment Document, January 2016 and Addendum September 2017 and Addendum 2, March 2018 Addendums.
- 12.7 Climate Change Background Paper, January 2016
- 12.8 Retail Background Paper, January 2016 and Addendum, September 2017.
- 12.9 Transport Background Paper, January 2016 and Addendum, September 2017 and Addendum 2, March 2018.
- 12.10 Sustainable, Inclusive and Mixed Communities Background Paper, January 2016 and Addendum September 2017 and Addendum 2, March 2018.
- 12.11 Employment Provision and Economic Development Background Paper, January 2016 and Addendum, September 2017 and Addendum 2, March 2018.
- 12.12 Minerals Background Paper, January 2016 and Addendum, September 2017.
- 12.13 Green Belt Background Paper, January 2016.
- 12.14 Infrastructure Delivery Plan, March 2018.
- 12.15 Department for Communities and Local Government, National Planning Policy Framework, March 2012.
- 12.16 Nottingham City Council, Local Plan Part 1: The Nottingham City Aligned Core Strategy, September 2014

**COUNCILLOR JANE URQUHART**  
**PORTFOLIO HOLDER FOR PLANNING, HOUSING AND HERITAGE**