

CITY COUNCIL – 13 JANUARY 2020

REPORT OF THE PORTFOLIO HOLDER FOR HOUSING, PLANNING AND HERITAGE

ADOPTION OF THE LOCAL PLAN PART 2: LAND AND PLANNING POLICIES (LAPP) DOCUMENT

1 SUMMARY

- 1.1 This report requests that City Council adopt the Local Plan Part 2: Land and Planning Policies (LAPP) Document as a replacement for the saved policies of the Nottingham Local Plan (2005). This proposal is supported by the findings of the Independent Examination into the submission version of the LAPP.
- 1.2 Once adopted, the LAPP document will complement the Local Plan Part 1: The Nottingham City Aligned Core Strategy, which was approved by City Council in September 2014. These documents (together with the Nottingham and Nottinghamshire Waste Core Strategy) will form the statutory Development Plan for the City.

2 RECOMMENDATIONS

- 2.1 It is recommended that the City Council:
- (a) adopt the Local Plan Part 2: Land and Planning Policies Document (Appendices A and B of this report) to replace the remaining saved policies in the Nottingham Local Plan (2005); and
 - (b) delegate authority to the Head of Planning Strategy and Building Control to make any final minor editorial changes (including correction of typographical or grammatical errors) prior to publication.

3 REASONS FOR RECOMMENDATIONS

- 3.1 Preparation of a Development 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 (NPPF), without the opportunity of applying locally determined planning policies. The government also has powers to directly intervene in Plan-making where councils fail in their duties to appropriately prepare or revise Development Plans.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 The City Council has a statutory duty to prepare and maintain an up-to-date Development Plan for Nottingham. The only alternative would be not to adopt the Local Plan Part 2 which would result in there being an incomplete and partially out of date local planning policy framework to guide future development decisions in the City.

5 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 5.1 Planning legislation requires the City Council to produce a Development Plan. In Nottingham the Development Plan will comprise the Local Plan Part 1: The

Nottingham City Aligned Core Strategy (adopted September 2014), the Nottingham and Nottinghamshire Waste Core Strategy, and, on adoption, the Local Plan Part 2: The Land and Planning Policies Document (LAPP).

- 5.2 Whilst the Nottingham City Aligned Core Strategy contains overarching strategic policies for the City (and the aligned authorities of Gedling and Broxtowe), the LAPP contains detailed development management policies and site allocations.
- 5.3 Prior to its adoption, the LAPP was required to go through a number of formal and informal consultation stages. Responses to these earlier consultations helped to shape the LAPP at each preparation stage. Subsequently, City Council approved the Submission version of the LAPP to go forward to the Secretary of State for Independent Examination on 5 March 2018. During this Examination, the LAPP was considered by an appointed independent Planning Inspector and public hearing sessions were held to assess the soundness of the document.
- 5.4 Following the hearing sessions, the City Council consulted on a series of Main Modifications to the LAPP which had been recommended by the Planning Inspector. The results of the Main Modification consultation (Appendix E of this report) were reported back to the Planning Inspector and have fed into the Inspector's Report on the LAPP which was issued to the City Council on the 13 December.
- 5.5 The Inspector's Report (Appendix C to this report) confirms the Main Modifications that need to be made to the LAPP to ensure that it is sound and legally compliant. In summary, the following changes have been recommended by the Inspector:
- up-date the position in relation to individual site allocations and to take account of that position;
 - include a new criteria-based policy against which to consider any proposals that may come forward to meet the accommodation needs of Gypsies, Travellers and Travelling Showpeople;
 - ensure that the development principles identified for various site allocations are clear, justified, effective, sufficiently comprehensive and reflective of the up-to-date position;
 - delete the site allocation PA22 (Western Boulevard) which is not deliverable within the Plan period;
 - ensure that various development management policies of the Plan are sufficiently clear, effective, justified and consistent with national planning policy;
 - ensure that the policies relating to development within Primary Frontages, Secondary Frontages and Centres of Neighbourhood Importance are clear, justified and capable of effective implementation;
 - ensure that the policy relating to the development of main town centre uses in edge of centre and out of centre locations is clear and consistent with national planning policy;
 - safeguard against the affordable housing policy being deemed to be out of date on adoption having regard to the provisions of the revised NPPF;
 - ensure that the requirements of the policy relating to advertisements has regard to the advertisement control regime;
 - ensure that the policy relating to food and drink uses and licensed entertainment venues outside the city centre is justified and effective;
 - up-date the position in relation to those transport network schemes identified for protection;
 - ensure the monitoring framework of the Plan provides the means to monitor its overall effectiveness;

- clarify the position in relation to the Habitats Regulations Assessment; and
- ensure appropriate reference to documents that have not been through examination.

5.6 Appendices A and B of this report contain a copy of the final LAPP document for City Council to consider for adoption, together with the final version of the Policies Map, which depicts the site allocations and policy designations. A printed copy of the Policies Map, is also available to view in the Political Group rooms. These incorporate all of the Main Modifications set out in the Inspector's Report plus some minor typographical corrections (e.g. to spelling, formatting and deletion of repetitious words). These documents are intended to replace a number of remaining saved policies from the previous Local Plan (adopted in 2005) and the Local Plan Proposals Map (2005).

5.7 Appendix D of this report contains schedules of previous and updated Site Allocation references, policy references and Transport Highway Scheme references. The reference numbers have been changed in the final version of the LAPP to ensure that they run sequentially owing to a number of sites, policies or schemes being deleted during the course of the LAPP preparation period. These schedules should be used when referring to Site Allocations, policy numbers or Transport Highway Schemes detailed in the Inspector's Report.

5.8 The Planning and Compulsory Purchase Act 2004 introduced the requirement to carry out Sustainability Appraisals as an integral part of the preparation of new Local Plans. A Sustainability Appraisal Adoption Statement is attached as Appendix F to this report in accordance with Regulation 16(4) (a) to (f) of the Environmental Assessment of Plans and Programmes Regulations 2004, which incorporates European Directive 2001/42/EC into UK Legislation.

5.9 Appendix G to this report contains the Shadow Habitats Regulation Assessment (HRA) that has been undertaken as part of the LAPP preparation process for the purpose of fulfilling the Council's statutory duties in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended). All of the findings of the Shadow HRA have been incorporated into the LAPP and are therefore to be adopted with it.

6 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY)

6.1 The production of the Local Plan is funded from Reserves earmarked for this purpose, and from within the Planning Team's current resources. No additional funding is required and this does not create a financial pressure within the service.

Susan Tytherleigh, Finance Business Partner, 12 December 2019

7 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT 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 LAPP will form part. The preparation and adoption of a Local Plan is subject to various statutory requirements and procedures which appear to have been followed. Adoption of the Local Plan is reserved to Full Council.

Once adopted there is scope for challenge on the grounds of legal or procedural irregularity however such challenge can only be brought by a person aggrieved by the Plan and there is only a six week period in which they may seek permission from the Court to do so.

Ann Barrett, Team Leader, Legal Services, 9 December 2019

8 EQUALITY IMPACT ASSESSMENT (EIA)

8.1 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

An EIA Statement is attached as Appendix H to this report. The Statement sets out the details of the EIAs that have been carried out at each preparation stage of the LAPP. Due regard has been given to the EIA implications identified during this process.

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 Broxtowe Borough, Gedling Borough, Nottingham City Aligned Core Strategies Part 1 Local Plan (September 2014).

10.2 Nottingham Local Plan (November 2005).

**COUNCILLOR LINDA WOODINGS
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