

12<sup>th</sup> December 2013**Agenda Item:****REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND  
CORPORATE SERVICES****NOTTINGHAM CITY LOCAL PLAN PREFERRED OPTION CONSULTATION  
2013****Purpose of the Report**

1. To inform Committee of the formal response which was agreed by the Chairman and sent to Nottingham City Council on the 2<sup>nd</sup> December 2013 in response to the request for comments on the Nottingham City Local Plan Preferred Option Consultation document (2013).

**Information and Advice**

2. Nottinghamshire County Council (NCC) has been asked for strategic planning observations on the Nottingham City Local Plan Preferred Option Consultation document (2013) (LAPP DPD) and this report compiles responses from Departments involved in providing comments and observations on such matters. The consultation period ran from the 7<sup>th</sup> October until the 2<sup>nd</sup> December 2013.

**Background Information**

3. Nottingham City Council is currently producing a new Local Plan. The Land and Planning Policies (LAPP) Development Plan Document (DPD) will form part of the new Local Plan. This document is now at the 'Preferred Option' stage, which is the third stage of informal consultation, following the 'Issues and Options' and the 'Additional Sites' consultations.
4. Within Nottingham City, the Local Plan will comprise two Development Plan Documents:
  - **The Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategies ('the emerging Core Strategy')**: which sets out the overarching strategic planning policy framework. It contains a spatial vision, spatial objectives and core policies for the Greater Nottingham area);
  - **Land and Planning Policies Development Plan Document (LAPP DPD)**: which will set out the site allocations and development management policies, in accordance with the policies and vision of the Core Strategy.
5. Following consultation on the LAPP DPD Issues and Options in September 2011 and the Additional Sites in March 2012, the City Council has developed what is called a 'Preferred

Option'. The Preferred Option Version of the LAPP DPD sets out draft policy wording based on views expressed at the Issues and Options stage and draft site allocations informed by Site Appraisal and Sustainability Appraisal processes. It is intended that the LAPP will have an end date of 31st March 2028. The draft policy wording and site allocations contained within the LAPP DPD carry little weight in the determination of planning applications as the Preferred Options stage is still an informal and relatively early stage in the plan preparation process.

## **Key Issues for Nottinghamshire**

6. Nottinghamshire County Council has a significant interest in the production of a Local Plan for the Nottingham City Area. The County Council is a strategic planning authority in terms of service provision and the interests of its residents, community groups and businesses, as well as the concerns relating to the environment and heritage assets within the county. It is therefore important that up-to-date, relevant and robust plans, within the County are in place to assist the County Council in meeting its service requirements and helping to make Nottinghamshire a prosperous place.

### Highways

7. The County Council generally supports the document, however a number of detailed concerns are set out in Appendix 1 which the County would wish to see addressed in the final adopted version of the Nottingham City Local Plan.

### Minerals

8. Policy DM53 of the Nottingham Local Plan addresses the issue of Minerals (including hydrocarbons).
9. The County Council wishes to raise significant issues with the minerals section of the LAPP DPD as it fails to cover a number of important areas set out in the National Planning Policy Framework and associated guidance documents as follows:

#### *Adequate provision of minerals*

10. The National Planning Policy Framework (NPPF) states that Mineral Planning Authorities should make provision in their plan to supply a steady and adequate supply of aggregate minerals to meet demand from new and existing development over the life of the plan.
11. This should be informed through the production of an annual Local Aggregates Assessment (LAA), either individually or jointly by agreement with other mineral planning authorities.
12. The LAA should be based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including secondary and recycled sources)
13. The plan should also set out landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans.

14. Further information can be found in the Guidance on the Managed Aggregate Supply System (MASS) published in October 2012
15. It does not appear that the City Council has undertaken or is part of a joint LAA and therefore adequate provision for aggregate minerals has not been considered. Because an LAA has not been done it is unlikely the Council have considered where adequate aggregate mineral would be sourced from to meet future demand either from within the City or from further afield.

#### Impacts from new minerals development

16. The NPPF states that planning applications for minerals should be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust, visual intrusion, traffic, tip- and quarry-slope stability, differential settlement of quarry backfill, mining subsidence, increased flood risk, impacts on the flow and quantity of surface and groundwater and migration of contamination from the site; and take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality.
17. Some of the above issues are covered in broad policies such as DM46 and DM54 of the LAPD DPD however greater reference should be made to the issues highlighted in the supporting text to ensure that should any proposals come forward they are adequately covered.

#### Airport safeguarding

18. The NPPF states that local plans should contain policies taking into account aviation safety and bird strike issues when planning for the restoration of sites. There are 3 airfield zones that fall within the city boundary but these have not been shown on the policies map or identified in a policy.

#### Reclamation of sites

19. The NPPF states that local plans should put in place policies to ensure high quality restoration and aftercare of mineral sites takes place, including for agriculture (safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment and recreation. The County Council believes that a specific policy should be included to cover the above issues to ensure that sites are restored to the highest standard and to maximise the environmental and social benefits.

#### Minerals Safeguarding and consultation areas

20. The NPPF requires local plans to include policies on minerals safeguarding and consultation areas. Minerals safeguarding is included in the minerals section of the LAPP DPP however it doesn't cover all minerals that are present within the city boundary.
21. Based on the British Geological Survey minerals resource map for the Nottingham City area, other minerals, in particular sand and gravel are identified along the River Trent. Sand and

gravel is a valuable mineral of local and national importance and should be safeguarded. The County Council believes that more detailed work should be undertaken to assess the extent of all minerals within the City including Sherwood Sandstone and limestone.

### Hydrocarbons

22. In line with the Planning Practice Guidance for onshore oil and gas, Mineral Planning Authorities are required to show Petroleum Exploration Development Licence Areas on their proposals map. There are number of PEDLs that cover the city area but these have not been included.

### Coal extraction

23. The NPPF deals with coal extraction differently to other minerals in that it has a presumption against extraction development unless certain criteria can be met. The County Council feels that a specific policy should be included for coal developments.

### Waste

24. Alongside its emerging Local Plan documents, Nottingham City Council is also working together with Nottinghamshire County Council to prepare separate planning policies on waste. Work has already been completed on a joint Waste Core Strategy, which was adopted on the 10th December 2013, and the two Councils are now starting work on possible site allocations and development management policies. In broad terms the Waste Core Strategy supports facilities for the sorting, processing and treatment of waste in, or close to, the main urban area of Nottingham in order to support the planned levels of future housing and employment growth.
25. Within this broad area, waste management facilities should be focused on existing or proposed employment sites and other derelict or previously developed land in order to minimise environmental impacts. The continued availability of an appropriate range of employment land within Nottingham will therefore be critical to the delivery of future waste management infrastructure.
26. The LAPP DPD makes provision for between 13 and 33 hectares of additional employment land for industrial and manufacturing use which would potentially be suitable for waste management uses such as recycling, energy recovery, or waste transfer operations. Planning permission has already been granted by Nottingham City Council for an energy park development at the Blenheim Lane site. Policy DM5 of the draft Plan safeguards a further 60 hectares of existing major business parks and industrial estates which again may be suitable for possible waste use although this is not currently clarified within the text.
27. There is also a minimum of 300,000 square metres of floor space which is earmarked for office and/or research and development use. The use restrictions suggested for these sites would preclude any light industrial or similar uses. Whilst this may be appropriate in some cases it is considered that a number of these sites, including those in the regeneration areas, could potentially be suitable for co-locating well- designed recycling or energy recovery facilities that could support the wider development of these areas. National planning policy, set out within PPS10: Planning for Sustainable Waste Management and within the Government's draft Updated National Planning Policy on Waste (June 2013),

emphasises the need for an integrated approach to waste management, including encouraging the use of heat and/or power in existing or planned developments where viable. This would sit well with the City Council's low carbon ambitions as set out with the Nottingham 2020 Sustainable Energy Strategy.

28. It is also noted that a number of existing employment sites will potentially be lost to housing and other uses. This will partly be offset by the level of additional provision and the safeguarding of larger, established areas but this could limit the range and choice of potential waste management locations, particularly for smaller local-scale facilities. In particular, the proposal for housing immediately south of the existing Eastcroft incinerator site could prejudice the future development of this site which is currently allocated within the saved Nottinghamshire and Nottingham Waste Local Plan and identified for a potential materials recycling facility.
29. Overall, the provision of additional employment land and safeguarding of existing areas, as shown in the revised policies map DPD, is welcomed and will help to deliver the spatial strategy set out within the Waste Core Strategy but there is concern that policies for office and/or research and development use may be unduly restrictive in some cases.

#### Developer Contributions

30. The LAPP DPD contains Policy DM56 'Developer Contributions', which relates to Policy 19 of the emerging Aligned Core Strategy. The policy seeks to obtain developer contributions to make development acceptable in planning terms. In addition Supplementary Planning Guidance (SPG) will be produced by the City Council to ensure full coverage of the scope and operation of the planning obligations.
31. The County Council would seek to ensure that all impacts on its services and infrastructure from future development in adjacent areas is met either through CIL or planning obligations. The County Council would welcome involvement in the development of any CIL(s), in particular with the drawing up of the CIL Regulation 123.

#### Ecology

32. Given that Nottingham City Council have their own in-house ecological advice, the County Council do not wish to provide any detailed comments, but would offer support for Policy DM51 (Biodiversity), and welcome reference to Biodiversity Offsetting in the Justification text at paragraph 5.19.

#### Reclamation

33. The LAPP DPD considers reclamation throughout the document and has no specific policy on the issue.
34. It is considered that each identified development parcel of land have a full Phase 1 Desk study assessment, which should follow current practice.
35. Detailed reclamation comments are contained at Appendix 2.

#### Property Interests

36. Discussions with NCC Property teams identified one site in which the County Council has property interest, this is located in Bulwell and is a former landfill site. It was considered that the NCC LPPDP would not adversely impact upon the future development of this site. As such the County Council do not wish to raise any Property objections to the LAPP DPD.

### Overall Conclusions

37. The County Council generally supports the document, in relation to Highway matters, however a number of detailed concerns are set out in Appendix 1 which the County would wish to see addressed in the final adopted version of the Nottingham City Local Plan.

38. The County Council wishes to raise significant issue with the minerals section of the NCC LPPDP as it fails to cover a number of important areas set out in the National Planning Policy Framework and associated guidance documents.

39. Overall the County Council supports the provision of additional employment land and safeguarding of existing areas, as shown in the revised policies map DPD which will help to deliver the spatial strategy set out within the Waste Core Strategy but there is concern that policies for office and/or research and development use may be unduly restrictive in some cases.

40. The County Council would seek to ensure that mitigation for all potential impacts on its services and infrastructure from future development in the area are met either through CIL or planning obligations. The County Council would welcome involvement in the development of any CIL(s), in particular with the drawing up of the CIL Regulation 123 list insofar as it relates to County Council services and infrastructure.

41. The County Council generally supports the approach to ecology as set out in the LPP DPD.

42. In terms of Reclamation, the County Council do not wish to raise any objections, however, have a number of concerns as set out in Appendix 2

43. The County Council do not wish to raise any objections from a Property perspective.

### **Other Options Considered**

44. As the consultation requires representations to be made on the plan the only other option was not to make representations. This was considered and rejected as the education and transport interests of the County Council as service provider could be compromised by the lack of a suitable Local Plan.

### **Reason for Recommendation**

45. Having assessed the LAPP DPD, the principle of the document is supported, however, the County Council raise significant concerns in relation to minerals as it is considered that the LAPP DPD fails to adequately address a number of important mineral issues as set out in the NPPF and associated documents.

### **Statutory and Policy Implications**

46. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Financial Implications**

47. There are no direct financial implications.

### **Implications for Sustainability and the Environment**

48. The failure to consider the representations of the County Council on strategic planning and transport matters could lead to unsustainable development taking place, possibly without the adequate context of an adopted Local Plan. The education and transport interests of the County Council as service provider could also be compromised by the lack of a suitable Local Plan or Local Development Framework.

## **RECOMMENDATION**

1) That Committee note the officer response approved by the Chairman which was sent to Nottingham City Council on the 2<sup>nd</sup> December 2013.

**Jayne Francis-Ward**

**Corporate Director, Policy, Planning and Corporate Services**

**For any enquiries about this report please contact: Nina Wilson, Principal Planning Officer, Planning Policy Team, 0115 97 73793**

### **Constitutional Comments (SHB.18.11.13)**

49. Committee have power to decide the Recommendation.

### **Financial Comments (SEM 18/11/13)**

50. There are no specific financial implications arising directly from this report.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

### **Electoral Division(s) and Member(s) Affected**

Councillor Steve Calvert and Councillor Liz Plant - West Bridgford Central and South

Councillor Steve Carr – Beeston North

Councillor Ken Rigby – Kimberley and Trowell

Councillor Alice Grice, Councillor, John Wilkinson and Councillor John Wilmott – Hucknall

Councillor Chris Barnfather – Newstead  
Councillor Pauline Allan and Councillor Michael Payne – Arnold North  
Councillor Allan Roy and Councillor Muriel Weisz – Arnold South  
Councillor Nicki Brooks and Councillor John Clarke – Carlton East



## **Appendix 1 – Detailed Highways Comments**

I would make the following observations on the Nottingham City Land and Planning Policies Development Planning Document preferred approach consultation;

### **Policy DM46 Parking and Travel Planning;**

Item 2 of this policy 2 (Page 94). The last sentence should be modified to read “ or any subsequent **national or** locally derived standards”.

Paragraph 4.116 the word traffic should be replaced with ‘transport’.

Paragraph 4.121. Again the last sentence should be modified to read “ or any subsequent **national or** locally derived standards”.

### **Policy DM47 The Transport Network;**

Planning permission would not be granted for developments which would prejudice improvements to the transport network. This policy is roundly supported. The safeguarded schemes are listed in policy DM 47 and are shown on the accompanying Policies Map Revisions Document.

The Map includes safeguarding of the HS2 route but this does not appear in policy DM47 It is suggested that the HS2 should be added to policy DM 47.

The City Council has recently secured funding approval in principle for a cross city bus transit corridor known as ‘Southern Growth Corridor’. Clarification is sought as to whether the route of this also needs to be formally safeguarded from otherwise prejudicial development?

Paragraph 4.123 justifies the safeguarding of NET phase two lines towards Beeston and Clifton and these are shown on the Policies Map. What this paragraph does not explain is the safeguarding of further tram extensions? The Policies maps indicate the safeguarding of a number of possible tram extensions across the City principally to the south and east of the City centre. There are no safeguarded routes to the north (Arnold and North East (Mapperley). Can the City Council please advise as to the basis of the safeguarding of the future tram extensions so as to give clarity to the rationale and choice of routes shown on the Policies Map.

### **Section 7 site allocations (page 121);**

General observation. The ‘development principles’ as tabulated for each of the listed sites ought to contain a statement re the relevant transport and access considerations. At the moment transport is considered to varying degrees of detail on some but not all sites, for many transport does not even get a mention.

Site LA 10 Boots. The ‘development principles’ should perhaps cross refer to Appendix A of the emerging Core Strategy for this strategic site and make reference to the transport and access

principles for this development contained therein. The necessary development relationship and dependencies with the adjoining Severn Trent land in Broxtowe should be highlighted.

Site LA63 Stanton Tip. This too is a strategic site in the emerging Core Strategy. Appendix A of the Core strategy outlines the transport requirements which should be repeated in the LAPP DPD site development principles. There is currently a mismatch in transport thinking between the two documents.

**Appendix 1 Car Parking Standards.** I suggest Highways DC consider these.

David Pick  
Environment and Resources  
0115 977 4273

## **Appendix 2 – Detailed Reclamation Comments**

There is also a general comment relating to the requirement that whichever land parcel is proposed for redevelopment then a full phase one Desk study assessment should be made. The study to follow current best practice will identify potential contaminant sources, migration pathways and receptor groups which are manifest at the site. A conceptual site model should be developed and verified through site investigation with identified environmental and human health risk addressed and a site remediation strategy developed.

This approach should be routine through the EHO, the Environment Agency may also require a similar approach to protect water resources and as such both will contribute to the site planning application.

On a general note the environmental maps could include the areas with landfill sites and groundwater protection zones

Paragraph 3.4 – Reference should be made to CEEQUAL. The Scheme provides a rigorous and comprehensive sustainability rating system for project and contract teams, celebrating the commitment – and demonstration – of the civil engineering industry to achieving high environmental, economic and social performance. CEEQUAL takes a very broad view of ‘civil engineering’ in covering all infrastructure for modern life as well as landscaping and the public realm (the space between buildings).

Paragraph 5.38 - The proposal for development should be supported by a fully developed conceptual site model which identifies all the pollutant linkages and the remediation and mitigation measures proposed to address the identified risks.