

31 May 2012

Agenda Item: 6

REPORT OF GROUP MANAGER, PLANNING

THE RUSHCLIFFE DEVELOPMENT FRAMEWORK CORE STRATEGY PUBLICATION VERSION

Purpose of the Report

1. To seek Committee approval of comments, as set out below, to form the basis of a response on the Rushcliffe Development Framework Core Strategy Publication Version, by Nottinghamshire County Council (March 2012) to be sent to the Rushcliffe Borough Council (RBC).

Information and Advice

2. Rushcliffe BC published the Rushcliffe Publication Core Strategy Development Plan Document (CS) for a 6 week period ending on the 8th May 2012. The County Council have agreed with RBC, due to the dates of Committees that the County Council will have until the beginning of June 2012 to submit comments.
3. Representations submitted should relate to the requirements of legal compliance or the 'soundness' of the CS. The legal requirements seek to ensure that the Core Strategy is prepared in accordance with the RBC Local Development Scheme, is subject to a sustainability appraisal, and has regard to national policy and the community strategy. The tests of soundness include the plan being justified, effective, positively prepared and consistent with national policy. This national policy is now the National Planning Policy Framework (NPPF).
4. Any comments made by the County Council can only relate to the tests of soundness and therefore will need to address these issues and these alone. However, officer comments are being provided on minor issues on which Rushcliffe Borough Council may wish to make minor changes to the Core Strategy.
5. All valid representations received by Rushcliffe Borough Council will be submitted to a Planning Inspector who will then conduct a public examination of the Core Strategy. The Strategies can only be adopted if it is found to be 'sound' at examination.
6. Nottinghamshire County Council Officers have provided technical support and advice to Rushcliffe Borough Council utilising expertise from previous roles as the Structure Plan Authority and Section 44 Authority for the Regional Spatial Strategy.

Description of the Core Strategy

7. To produce the Core Strategy, Rushcliffe Borough Council has worked with other councils in the Nottingham Core Housing Market Area (the HMA) i.e. Broxtowe, Erewash, Gedling and Nottingham City, in preparing its Core Strategy and coordinating work, including evidence. The other authorities have aligned their plans but Rushcliffe BC is not doing so. However, in all respects other than housing, the policies are very similar to those in the proposed Aligned Core Strategies.
8. The level of housing provision set out below has been established locally, by RBC on the basis of what is considered to be deliverable on sustainable sites, which Rushcliffe Borough Council considers is in line with the principles of localism established by the Government. This approach has resulted in a reduction in provision against levels of housing previously proposed through the East Midlands Regional Plan 2009.
9. Nottingham City Council, Broxtowe Borough Council, Gedling Borough Council and Erewash Borough Council, have been with Rushcliffe Borough in a joint partnership leading up to the publication of their various Core Strategies, and the degree of alignment between them is testament to the effectiveness of working arrangements. It will be a significant element in demonstrating how the RBC and the other named Councils have discharged their Duty to Cooperate on plan making.
10. The Core Strategy sets out the vision and strategy for growth and development in Rushcliffe up to 2026.
11. The Core Strategy is the key spatial planning document. It performs the following functions:
 - Defines a spatial vision for Rushcliffe from 2009 to 2026;
 - Sets out a number of spatial objectives to achieve the vision;
 - Sets out a spatial development strategy to meet these objectives including strategic sites and
 - Sets out strategic policies to guide and control the overall scale, type and location of new development and infrastructure development.
12. The most significant aspects of the plan are the housing proposals, which are for a minimum of 9,900 dwellings, approximately 630 to be built per year, in the period between 2011 and 2026. The Core Strategy document also states that, in the case of the proposed Sustainable Urban Extension of around 2,500 dwellings to the south of Clifton, RBC would not look to find alternative land elsewhere in the Borough should it not be delivered as planned; this would reduce the provision to around 7,400 (minimum).
13. The main development proposals contained within the plan are that by 2026 there will be:

- 2,500 homes, employment (20 hectares) on land to the south of Clifton
- 1,200 homes, some employment on land off Melton Road, Edwalton
- 1,000 homes, employment (15.5 hectares) on land north of Bingham
- 550 homes, employment (6.5 hectares) at the former RAF Newton
- 470 homes, employment (4.5 hectares) at the former Cotgrave Colliery.

14. Also proposed is growth around the following villages at locations yet to be identified:

- East Leake – min 400 homes
- Keyworth – min 450 homes
- Radcliffe on Trent – min 400 homes
- Ruddington – min 250 homes.

15. Other policies include:

- Climate Change – which seeks to deliver high levels of sustainability in order to mitigate and adapt to climate change.
- The Green Belt – which seeks to retain the principle of the Nottingham/Derby Green Belt.
- Economic Development and Regeneration – aims to strengthen and diversify the economy across all employment sectors and meet restructuring, modernisation and inward investment needs.
- Town and Local Centres – aims to consolidate and strengthen the network and hierarchy of centres and not harm the viability and vitality of existing centres.
- Gypsies and Travellers – which seeks to accommodate and identify appropriate need.
- Design, Culture, Sport and Creation – which seeks to ensure new development aspires to high design standards in a sustainable way and provide culture and sport provision of an appropriate scale.
- The Historic Environment – which seeks to conserve and enhance the historic environment and heritage assets.
- Local Services – aims to provide new, extend or improve community facilities in order to meet needs.
- Transport – policies aim to reduce travel demand and identify transport infrastructure priorities in order to meet development requirements.
- Green Infrastructure, Landscape, Parks and Open Space – seeks an strategic approach to the delivery, protection and enhancement of Green Infrastructure.
- Biodiversity – the policy aims to increase biodiversity through protection, enhancement and restoration measures.
- Infrastructure, Developer Contributions – policies seek to require new infrastructure generated from new development and introduce a Community Infrastructure Levy (CIL).

Key Issues for Nottinghamshire

Overall housing provision

16. The National Planning Policy Framework (2012) (NPPF) states that a local plan should be 'positively prepared' and provide for the 'objectively assessed needs' of the housing market area, including the Government's stated aim to boost housing delivery. On the other hand, the Localism Act and the NPPF emphasise the

primacy of the local authority in determining appropriate provision for its area. The NPPF, in referring to the housing market area, also requires local authorities to look outside their boundaries, and meet needs of the area. In this context, and from the County Council's viewpoint, this relates to the authorities in and around the Nottingham conurbation. This is a long-established planning area, previously identified in Structure Plans and the Regional Plan, known as the Nottingham Core Housing Market Area (HMA).

17. The level of housing proposed by Rushcliffe BC has been established locally on the basis of what is considered to be deliverable on sustainable sites, in line with the principles of localism established by the Government. This approach has resulted in a reduction in provision against levels of housing previously proposed and agreed with the adjoining HMA authorities through their Aligned Core Strategies 'Option for Consultation', which included RBC by approximately 4,000 homes. The Rushcliffe BC Core Strategy (CS) Publication Version does not include or make reference to any evidence to support its proposed housing provision and therefore has not been demonstrated as sound as it is not justified on the basis of available evidence.
18. Recent work, commissioned by Nottinghamshire County Council in the interests of wider planning considerations and Nottingham City Council, has produced preliminary forecasts based on planned housing levels with up-to-date local evidence for the five authorities (Gedling BC, Erewash BC, Broxtowe BC, Nottingham CC and Rushcliffe BC). This is being used by all the HMA authorities to prepare up to date evidence to justify planned levels of housing across the HMA. If this evidence concludes that the combined HMA housing provision of all the relevant Councils Core Strategies is appropriate to meet the needs of the area as a whole, it may be appropriate to withdraw or amend any representations made to an examination.
19. The CS as a whole needs to meet the tests of soundness (see paragraph 3) the housing provision also needs to meet the test of soundness required at this stage of plan preparation. This will ensure that development and infrastructure requirements are met, that housing provision is based upon the most appropriate strategy derived from a sound evidence base, that housing provision can be delivered and that overall such provision is sustainable and in accordance with national planning policy.
20. At present, and without further supporting evidence from Rushcliffe BC, there appears to be insufficient evidence to support the housing provision set in the CS. This is not to say that the CS would be found unsound once the evidence is considered, and also that consideration needs to be in the context of the HMA as a whole.

Transport

21. Transport modelling based upon the HMA authorities' decisions on housing numbers and preferred locations has not been completed. Although Rushcliffe BC is no longer 'aligned' to the other authorities, the transport modelling work is being carried out as a whole, the transport modelling will consider all 49,000 homes to be built in the Nottingham conurbation. The work will take approximately

3 months to complete and will be examined and presented to Joint Planning Advisory Board (JPAB). Only when this work is completed will it be possible for the four highway authorities (Nottinghamshire County Council, Nottingham City Council, Derby City Council, Derbyshire County Council) and the Highways Agency to come to a decision on a suitable package of transport measures to support all the development. Rushcliffe BC in the CS document refer to earlier transport modelling which was never concluded and for which no transport mitigation package was devised or agreed.

22. With regard to strategic locations the delivery of transport projects may not be sufficient in their own right to accommodate the additional transport requirements arising from the development proposals in Rushcliffe Borough and surrounding area and further additional transport upgrades (as yet undetermined) funded by development (through CIL) may well be required.
23. Objections to the Rushcliffe Borough Core Strategy Publication version are raised on highway grounds as it is considered that the transport evidence is unsound. This can of course be subsequently withdrawn if the transport modelling is completed prior to an Examination in Public (EiP).

Developer Contributions

24. The infrastructure need generated by a proposed development is a material consideration in the determination of a planning application. The capacity of existing infrastructure may be exceeded as a consequence of new development, generating a need for new infrastructure or facilities. The use of planning obligations may be appropriate to require developers to make contributions for the provision of infrastructure to support proposed development.
25. The County Council welcomes the fact that the Rushcliffe BC Core Strategy recognises that in certain circumstances, additional developer contributions may need to be sought through planning obligations following the introduction of the Community Infrastructure Levy (CIL). The County Council would seek to ensure that all the impact on its services and infrastructure of all future development in RBC, is met either through CIL or planning obligations. The County Council would welcome involvement in the development of the RBC CIL, in particular with the drawing up of the Section 123 list insofar as it relates to County Council services and infrastructure.

Minor matters

26. Other minor matters (not related to soundness) have been raised by County Council officers and will be submitted to the Rushcliffe BC at this time. These are set out in detail in a Background paper and will be sent to Rushcliffe BC (see Appendix 1).
27. These matters relate to issues such as avoiding the fragmentation of the Green Infrastructure network and include reference to the development of Live/Work units on Brownfield land.

Other Options Considered

28. As the consultation requires representations to be made on the soundness of the plan the only other option was not to make representations. This was considered and rejected, as the evidence behind the CS is currently inadequate and the County Council wishes to raise issues of soundness in relation to strategic planning and transport.

Reason/s for Recommendation/s

29. Having assessed the RBC CS Publication Version against the NPPF tests of soundness and as set out in paragraphs 7-27 above, it is considered that the document does not include or make reference to any evidence to support the stated housing or transport provision and therefore has not been demonstrated as sound as it is not justified on the basis of available evidence.

Statutory and Policy Implications

30. This report has been compiled after consideration of implications in respect of finance, equal opportunities, 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

31. There are no direct financial implications.

Implications for Sustainability and the Environment

32. 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.

RECOMMENDATION

1) That Committee approve the above comments which will form the basis of a response to the Rushcliffe Development Framework Core Strategy Publication Version, by Nottinghamshire County Council to be sent to Rushcliffe Borough Council.

Sally Gill
Planning Group Manager

For any enquiries about this report please contact: Nina Wilson, Planning Policy Team, ext 73793

Constitutional Comments (NAB 02.05.12)

33. The Environment and Sustainability Committee has authority to approve the recommendation set out in this report.

Financial Comments (MA 01/05/12)

34. As noted above, there are no direct financial implications arising from the contents of this report.

Background Papers

Alongside the Core Strategy and the Publication Proposals Map, the following supporting documents have also been published:

- Sustainability Appraisal
- Equalities Impact Assessment
- Habitats Regulation Assessment
- Statement of Consultation

All the documents are available on the Rushcliffe Borough Council Web site.

Electoral Division(s) and Member(s) Affected

Radcliffe-on-Trent - Councillor Mrs Kay Cutts
Bingham – Councillor Martin Suthers
Cotgrave – Councillor Richard Butler
Keyworth – Councillor John Cottee
Ruddington – Councillor Reg Adair
Soar Valley – Councillor Mrs Lynn Sykes
West Bridgford Central – Councillor Michael Cox
West Bridgford South – Councillor Barrie Cooper
West Bridgford West – Councillor Gordon Wheeler

Appendix 1 – Officer Comments

Landscape Officer Comments

From; Helen Jones, Landscape Architect, Landscape and Reclamation Team, Trent Bridge House

To: Nina Wilson, Principal Planning Officer, Strategic Planning Team

Date: 12th April 2012

Re: Rushcliffe Local Development Framework - Rushcliffe Core Strategy – Publication Version - March 2012

Thank you for asking the Landscape and Reclamation Team to comment on the above document, these comments represent those of the Landscape Team only and concern landscape and visual impact issues. Separate comments will follow from Derek Hair on reclamation and land contamination issues.

The Landscape Team have considered the following Local Development Framework documents:-

Rushcliffe Core Strategy – Publication document – March 2012

Rushcliffe Core Strategy – Publication Proposals Map – March 2012

Rushcliffe Core Strategy – Sustainability Appraisal of the Rushcliffe LDF – March 2012

Rushcliffe Core Strategy – Sustainability Appraisal of the Rushcliffe LDF – Appendices – March 2012

Rushcliffe BC Core Strategy – Sustainability Appraisal Scoping Report – June 2009

Please note that detailed comments concerning the proposed Sustainable Urban Extensions have not been provided, as detailed comments have been made during the planning application stage.

Rushcliffe Core Strategy – Publication document – March 2012

2.4 Spatial Objectives

P16 -2.4.1 -vi. The existing text reads ‘... and ensuring its landscape character is maintained and enhanced.’

We suggest that this is changed to read ‘...and ensuring its landscape character is conserved, and enhanced, or restored in areas where this is necessary.’

The reason for this amendment is that the actions tie in with the terms used in the Landscape Character Assessment 2009.

3.2.3 Policy 9 design and Enhancing Local Identity – p59

The existing text reads:-

'5. Outside of settlement, new development should protect, conserve or where appropriate, enhance landscape character. Proposals will be assessed with reference to the Landscape Character Assessment.'

We suggest the policy is amended to read:-

'5. Outside of settlement, new development should conserve or where appropriate, enhance and restore landscape character. Proposals will be assessed with reference to the landscape actions in the Landscape Character Assessment 2009.'

The reason for these amendments is as above that the actions tie in with the terms used in the GNLCA.

3.3.1 Policy 15: Green infrastructure, Landscape, Parks and Open Space – p78

The existing text reads:-

'The approach will require that:

e) Landscape Character is protected, conserved or enhanced where appropriate in line with the recommendations of the Landscape Character Assessment. Criteria for the assessment of proposals and any areas of locally values landscape requiring additional protection will be included in other Development Plan Documents.'

It is suggested that the text is amended to read:-

'The approach will require that:

e) Landscape Character is conserved or where appropriate enhanced and restored in line with the recommendations of the Landscape Character Assessment 2009. Criteria for the assessment of proposals and any areas of locally valued landscape requiring additional protection will be included in other Development Plan Documents.'

The reason for these amendments is as above that the actions tie in to the terms used in the GNLCA.

Policy 19: Strategic Allocation at Melton Road, Edwalton

Policy 20: Strategic Allocation at North of Bingham

Policy 21: Strategic Allocation at former RAF Newton

Policy 22: Strategic Allocation at former Cotgrave Colliery

None of the above policies refer specifically to the LCA, whereas Policy 23: (Strategic Allocation south of Clifton) does refer to the LCA; it would be better that these were consistent and contained a paragraph under 'other requirements' such as:-

'The creation and enhancement of open space and green infrastructure which links to the wider green infrastructure network, which has regard to the Landscape Character Assessment 2009, and provides for biodiversity enhancements.'

Appendix F List of Evidence

The LCA document should be referenced in this list as the 'Landscape Character Assessment (2009)' as it is elsewhere.

Rushcliffe Core Strategy – Publication Proposals Map – March 2012

No comments

Rushcliffe Core Strategy – Sustainability Appraisal of the Rushcliffe LDF – March 2012

Rushcliffe CS Objectives – iv. Protecting and enhancing Rushcliffe's individual and historic character and local distinctiveness - p24

If possible this objective, as previously, should be amended to read 'ensuring its landscape character is conserved and enhanced.' Rather than 'maintained and enhanced.'

Rushcliffe Core Strategy – Sustainability Appraisal of the Rushcliffe LDF – Appendices – March 2012 – No comments

Rushcliffe BC Core Strategy – Sustainability Appraisal Scoping Report – June 2009 – No comments

For more information please contact: Helen Jones

Transport Officer Comments

Policy 2 the Spatial Strategy.

The Nottingham Ring Road Improvement Scheme is wrongly listed in both paragraphs 5a)(iii) and 5b). The reference at 5 (a) should be deleted.

The A46 widening scheme is now substantially complete and could also be removed from the list.

Policy 13 Managing Travel Demand.

Whilst the policy itself is sound the supporting justification implies (in paragraphs 3.2.7.13 and 3.2.7.14) that all necessary supporting transport evidence and testing has been concluded using the Conurbation Transport Model, and from this the necessary supporting strategic transport infrastructure has been established. This is not the case as the transport modelling examining the growth agenda in Rushcliffe and indeed across the Nottingham Housing Market Area is still on-going.

Policy 17 Infrastructure.

This refers to the critical supporting infrastructure as listed in Appendix C and contained in the IDP. As identified above the transport studies required to establish the necessary supporting transport infrastructure are yet to be finalised and hence it is not possible to be confident that the list of transport requirements in policy 17 and Appendix C is complete and comprehensive.

Appendix C .

The list does not include the Nottingham Ring Road Improvement Scheme even though this is listed as essential infrastructure in policy 2?

The infrastructure list does not include the A46 (T) which listed in policy 2. It is assumed this is not identified as it is already substantially complete.

The list identifies the local transport infrastructure 'required' to support each of the SUEs however it does not identify any strategic infrastructure required to support the collective impacts of these SUEs and the remainder of the projected development in Rushcliffe nor does it identify the likely strategic transport infrastructure requirements arising from the combined development across the entire Nottingham HMA.

The list includes the A453, NET line 2 to Clifton and the Nottingham Hub. These transport projects are not seen by the local highway authority as essential strategic supporting transport infrastructure necessary to support the growth agenda in Rushcliffe. Rather they are viewed as already committed transport schemes which will happen in any event and merely enable further consideration to be given to the allocation of development in proximity to these projects. The delivery of these transport projects may not be sufficient in their own right to accommodate the additional transport requirements arising from the development proposals in Rushcliffe and surrounds and further additional transport upgrades (as yet undetermined) funded by development (through CIL) may well be required.

I trust that these observations will be useful. Nb if it is too late to incorporate these observations in your report to Members then please advise and I will consider how best to supply these views to RBC as part of the formal consultation.

kind regards

David Pick
Communities
Nottinghamshire County Council
0115 977 4273

Reclamation Officer Comments

PROPOSED DEVELOPMENT: Strategic Plan Publication Version Consultation

STRATEGIC PLAN: Rushcliffe Development Framework, Rushcliffe BC Core Strategy

DATE RECEIVED 27/3/12

DATA RECEIVED: Rushcliffe Core Strategy Publication Version dated March 2012

Thank you for requesting the input of Landscape and Reclamation Team to comments relating to the above referenced documents.

POLICY 4 EMPLOYMENT PROVISION AND ECONOMIC DEVELOPMENT

Policy 4 paragraph 3 states “maintain a supply of good quality land to provide for new, and relocating industrial and warehousing uses” In this instance this is an imprecise descriptor in that “brownfield land” could and should be considered for these particular uses but rarely gets described as “good quality”. The re-use of “brownfield land” should be encouraged wherever the opportunity presents.

Policy 4 paragraph 4 sub iv refers to the retention of Hangars, these by their very nature of use present the highest risks of ground contamination, and potentially hazardous building fabric. A full investigation of the buildings and ground conditions should be undertaken prior to any redevelopment. An energy assessment and subsequent renovation to maximise the energy efficiency of the Hangars will be required to enable continued use. The cost benefit assessment of such should be undertaken prior to any redevelopment.

There appears to be no mention of “Work/Live” premises, these would appear to have been overlooked and can be a most suitable redevelopment of “brownfield” land.

3.1.4.13 Would consider rephrasing this as one cannot create “new land”. Land is a finite resource it is just the use to which land is put which changes.

Policy 6 REGENERATION

3.1.6.1/2 The issues of ground and ground water contamination should be fully addressed in any development of these “brownfield sites”. The regeneration of both the Former RAF Newton and Former Cotgrave Colliery affords the opportunity of maximising the synergies inherent within the creation of Green Infrastructure, Sustainable Urban Drainage Systems, Walkable Neighbourhoods and Riverside Corridor through the remediation processes which are likely to be required for these sites.

On a general note the greater integration of the sustainability principles across the policies could be emphasised with regenerations offering opportunities to integrate environmental improvement/ habitat creation/ green infrastructure/ walkable neighbourhoods / healthy lifestyle.

Policy 15 GREEN INFRASTRUCTURE, LANDSCAPE, PARKS and OPEN SPACE

3.3.1.6. This paragraph indicates some loss of open space and redevelopment or partial redevelopment. It is important that the network of the Green Infrastructure is maintained, ideally it should be improved. The open spaces also provide potential and actual significant SuDS capacity. Changes in use should be carefully considered.

Policy 17 INFRASTRUCTURE

3.4.1 Paragraph 4 Whilst there is mention of Flood Risk and capacity constraints there is no reference to SuDs and the interactions possible with open space provision to alleviate or ease these constraints.

Policy 19 EDWALTON

3.4.3 Suggest there is a significant opportunity to integrate Green infrastructure / Open Space/ Community Park and SuDS items 12-14

Policy 20 NORTH OF BINGHAM

3.4.4 Suggest there is a significant opportunity to integrate Green infrastructure / Open Space/ Car Dyke flood alleviation/ SuDS in preparation for housing development.

3.4.5 Agree with Car Dyke implementation prior to development

Policy 21 FORMER RAF NEWTON

3.4.6 Suggest there is significant potential to maximise opportunities and gain synergies with the integration of Open Space / Ecological Management Plan /Green Infrastructure/ SuDs.

3.4.5.4 Assume that potential contamination issues associated with the site and previous site usage have been dealt with under planning conditions for phase 1 and that subsequent phases will be conditions on acceptable ground conditions assessment.

Policy 22 FORMER COTGRAVE COLLIERY

3.4.6 Suggest there is considerable scope to integrate the landscape buffer / SuDS/ Green Infrastructure to re-enforce the Grantham Canal Corridor. The SuDS may prove to be a useful / vital addition to the water supply for the Grantham canal.

If you require clarification on any of the above points, please do not hesitate to contact me.

Derek Hair
Principal Project Engineer
Landscape and Reclamation Team

Ecology Officer Comments

Section 1.4

It is noted that a Habitats Regulations Assessment of the Core Strategy has been undertaken. Given its statutory nature, Rushcliffe BC should have regard to comments from Natural England about this document.

Section 2.3 (Spatial Vision)

In section 2.3.7, reference to an increase in biodiversity is welcomed, although it is queried why this is made in the context of the East Midlands, rather than the borough of Rushcliffe.

Section 2 (Spatial Objectives)

Reference to ensuring an increase in biodiversity is welcomed in paragraph (xi).

Policy 15 – Green Infrastructure, Landscape, Parks & Open Space

In section 2 (d), reference to allowing the migration of species is welcomed.

In section 3 (3), reference to making provision for biodiversity opportunities is welcomed.

Policy 16 – Biodiversity

Overall, Policy 16 and its supporting text is welcomed and supported, but the following comments should be noted:

Section 1 (a)

In section 1 (a), it is suggested two minor amendments are made as follows:

“protecting, restoring, expanding and enhancing existing areas of biodiversity interest, including ~~areas and~~ networks of habitats and species listed in the UK, and the Nottinghamshire ~~and~~ Local Biodiversity Action Plans, to provide a net gain in biodiversity”.

Alternatively, to bring the text more in line with the relevant text in the NPPF (paragraph 117), this section could be amended to read:

“protecting, restoring, expanding and enhancing existing areas of biodiversity interest, including ecological networks and priority habitats and species listed in the UK and Local Biodiversity Action Plans, to provide a net gain in biodiversity”.

Section 1 (b)

In section 1 (b), it is unclear why this states “ensuring that fragmentation of the Green Infrastructure network is avoided wherever appropriate” – I would suggest that this

should be re-phrased to make it clear that fragmentation of the GI network is not normally appropriate.

Section 1 (e)

In section 1 (e), it is suggested that the mitigation hierarchy, as outlined in the NPPF (paragraph 118), should be clarified, as the text as currently drafted implies that mitigation and compensation are equivalent, whereas in reality compensation should only be used as a last resort. In addition, reference to 'minimising impacts on biodiversity' should be added.

Other matters

Currently, the requirement in the NPPF (paragraph 117) for planning policies to plan for biodiversity at a landscape-scale across local authority boundaries does not appear to have been addressed (but it is appreciated that the NPPF has only recently been published). It is suggested that an addition to section 1 might be required to deal with this.

Regarding section 2, it is assumed that a criteria-based policy will be used in the Development Management Policies document to provide further guidance on this matter.

Justification

It is suggested that paragraph 3.3.2.3 is amended slightly as follows:

"Proposed development should particularly seek to contribute towards delivery of the Local Biodiversity Action Plan ~~habitats and species~~. The Nottinghamshire Local Biodiversity Action Plan identifies priority wildlife ~~habitats and species that are a priority for protection~~, either because they are nationally or locally rare or in decline, or are characteristic of the area; and sets targets and action plans for their conservation in order to address their continued decline."

Also, the final sentence in this paragraph is a duplication of the first.

Implementation, delivery and monitoring

The proposed target relates to "no unmitigated loss of SINC due to development". This suggests that the loss of SINC is acceptable provided that new areas of SINC are designated through mitigation. However, due to the fact that SINC are sites designated through the application of criteria, there is no guarantee that mitigation will result in the designation of new area of SINC to mitigate against losses. A preferable target would be "no loss of SINC". The indicator itself is "net change in SINC", but it should be clarified if this is net change in the area or the number of SINC.

In addition, a further target/indicator is suggested, to link to LBAP habitats (e.g. a target of no loss of LBAP habitat, and an indicator of net change in area of LBAP habitat). It should be noted that Nottinghamshire Biodiversity Action Group and the

Nottinghamshire Biological and Geological Records Centre are very close to having mapped all LBAP habitats across the county, and this data will be available to local authorities for this very purpose.

Nick Crouch
Nature Conservation leader
Planning and Policy Group
13/04/2012