

Report to Cabinet

Subject: Aligned Core Strategy - submission

Date: 10th January 2013

Author: Planning Policy Manager

Wards Affected

Borough-wide.

Purpose

To seek comments and endorsement from Cabinet for:

(a) the proposed responses to the main issues raised in the comments received on the Aligned Core Strategies Publication Version (June 2012) and associated documentation, including those shown in the Schedule of Changes (dated for submission February 2013); and

(b) the submission documents which comprise the Aligned Core Strategies Publication Version (June 2012), the Schedule of Changes (dated for submission February 2013), the Gedling Borough Aligned Core Strategies Publication Version Proposals Map June 2012 and supporting documents to go to Full Council for approval on 13th February 2013.

(c) Also, to seek approval for the revised Local Development Scheme.

Key Decision

This is not a Key Decision.

Background

1. Gedling Borough Council along with Broxtowe Borough Council and Nottingham City Council have been jointly preparing Aligned Core Strategies which cover their combined administrative areas and which set out a spatial strategy and key planning policies for development. The Aligned Core Strategies set out, along with other matters, its vision, strategic objectives, delivery strategy and spatial policies for future development. The plan covers the period up to 2028.
 2. The Aligned Core Strategies intend to set out the broad policy direction for Gedling Borough and allocates strategic sites for development. It is not the purpose of the
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document to identify non-strategic sites for development. This will be the purpose of the subsequent site specific development plan document.

3. The document endorsed by Cabinet and approved by Council for submission to the Secretary of State should be one which it considers to be “sound”. To be “sound”, the Aligned Core Strategy should be:
 - **Positively prepared** (based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with sustainable development).
 - **Justified** (the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence);
 - **Effective** (deliverable over its plan period and based on effective joint working on cross-boundary strategic priorities); and
 - **Consistent with national policy** (deliver sustainable development).
4. The first public stage in preparing this document was the Issues and Options consultation, which took place in the summer of 2009. This was followed by the Option for Consultation in February 2010 and later consultation in the summer of 2011 on a Housing Provision Position Paper, Policy 1: Climate Change, and Locally Distinct Housing Issues. Responses to these earlier consultations have helped to shape the current version of the Aligned Core Strategies.
5. The most recent consultation stage in the preparation of the Aligned Core Strategies was the Publication Version, which took place between 11th June and 23rd July 2012.
6. Initially, 5 authorities (Erewash and Rushcliffe in addition to the remaining 3 authorities of Gedling, Broxtowe and the City) had been working to produce Aligned Core Strategies. However, following the election of the coalition government and their decision to abolish Regional Strategies, all the authorities re-examined how they would meet their housing requirements and progress their Local Development Frameworks.
7. Erewash has produced its own Core Strategy, omitting Policy 5: Nottingham City Centre (which does not directly relate to Erewash) and including minor amendments to other policies to make them more locally specific. However, the policies are still in full alignment with the Aligned Core Strategies and have a consistent approach to housing provision. Erewash submitted its Core Strategy to the Secretary of State on 30th November 2012.
8. Rushcliffe Borough Council is taking a different approach to determining housing figures for their Borough, and as a result has produced its own Core Strategy. Apart from the approach to housing numbers, however, there remains a high degree of alignment with the Aligned Core Strategies. Rushcliffe submitted its Core Strategy to the Planning Inspectorate on 31st October 2012.
9. Following submission of its Core Strategy, Rushcliffe Borough Council has received a letter from the Planning Inspectorate seeking additional information in order to progress the examination as efficiently and effectively as possible. The Inspector has

raised some serious concerns about the Core Strategy and whether it meets all the legal requirements and soundness criteria, especially in respect of housing policy. The concerns raised relate to the following issues:-

- General conformity with the East Midlands Regional Plan.
 - Consistency with the National Planning Policy Framework (NPPF) and housing numbers.
 - Duty to Co-operate.
 - Proposed modifications to the publication version of the Core Strategy.
10. Rushcliffe Borough Council has been asked to respond on the issues raised and, in the meantime, the Inspector is unable to consider future progress on the examination and any arrangements for hearings at this time. The full letter can be viewed on Rushcliffe Borough Council's website <http://corestrategy.rushcliffe.gov.uk/>

Proposal

11. Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012 Regulations) lists the documents and information required from the Council when it submits its Core Strategy to the Secretary of State. There are a number of submission documents and these will include:
- the Publication Version of the Aligned Core Strategies (available to view via the 'Planning Policy' page of the Council's website and comprises the main document plus the key diagram)
 - <http://www.gedling.gov.uk/media/documents/planningbuildingcontrol/ACS%20Publication%20Version%20June%202012.pdf>
 - http://www.gedling.gov.uk/media/images/planningbuildingcontrol/Key%20Diagram_June2012.pdf
 - the Schedule of Proposed Changes (attached at **Appendix A**)
12. Other submission documents include a summary of the main issues raised in the representations received on the Publication Version (June 2012). More than 16,000 individual comments were received from approximately 1,400 individuals or organisations, and included a joint response submitted by 1,240 residents of Linby, Papplewick and Hucknall. The concerns expressed by many of the comments relate to the following points:-
- Housing numbers are too high;
 - Object to sites identified (Top Wighay Farm, North of Papplewick Lane, Bestwood, Calverton, Ravenshead);
 - Impact on infrastructure, in particular highways;

- Develop brownfield sites first; and
- Lack of consultation.

13. The Summary of Main Issues Raised by Representations (dated for submission February 2013), attached as **Appendix B** to this report, summarises the key issues raised along with the proposed response of this Council. (This document forms the second part of the Statement of Consultation referred to in paragraph 18 below). These 'key' issues are those that the Inspector will wish to explore further through the examination process and will not necessarily be the ones raised by a large number of objectors. Whilst there is no specific guidance on what constitutes a key issue, the Inspector will be assessing whether or not the plan is 'sound' and, as such, key issues will be those which underpin the soundness of the plan. In any event, the report summarises all issues raised (those identified as 'key' and those that are not) and includes the comments made on the Aligned Core Strategy itself, and also on the Proposals Map, Sustainability Appraisal, Habitat Regulations Assessment and the Equalities Impact Assessment. The full representations are available to view on the Planning Policy pages of the Council's website www.gedling.gov.uk or from the Planning Policy section should Members wish to inspect them.
14. Following consideration of the comments received, the Schedule of Proposed Changes has been produced, which is recommended to be submitted to the Secretary of State. A large proportion of the changes proposed are there to deal with purely typographical/grammatical corrections, updating of statistics, dates and status of documents or are making changes to the text to clarify meaning without changing the context (shown in grey text). The other changes (shown in bold text) are positively responding to consultees' comments but without changing the overall strategy of the Aligned Core Strategies or direction of any of the policies contained within the plan. As such, it is not currently 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. The views of the Planning Inspectorate have been sought as to whether this approach is appropriate or whether prior consultation may be required. The Planning Inspectorate's have advised that for inconsequential changes there is no need to delay matters to consult prior to submission and that it would be best undertaken once the other changes that may need to be consulted on following the hearings are known.
15. Changes proposed to the draft policies are summarised as follows:-
- The key change is the introduction of a new policy and justification text on the 'presumption in favour of sustainable development', which the Planning Inspectorate is requesting in all Core Strategies since the publication of the NPPF. It sets out a positive approach to planning proposals with the aim of working jointly with applicants to develop acceptable schemes;
 - Policy 1 'Climate Change' – minor amendments proposed to clarify how feasibility and viability with policy requirements will be assessed. Clarification of the approach to development in areas of flood risk are also proposed;
 - Policy 2 'Spatial Strategy' - largely proposed to be unchanged. Minor changes

proposed are to update the anticipated levels of housing development over the plan period to reflect more recent information, changes to the retail part of the policy to better reflect the NPPF, and minor clarification of transport schemes;

- Policy 3 'Green Belt' - no proposed changes;
- Policy 4 'Employment Provision and Economic Development' – minor changes proposed to make the policy clearer;
- Policy 5 'The City Centre' - proposed to be changed to clarify the approach to Primary Shopping Frontages, and the contribution historic assets make the City Centre's character, distinctiveness and economy;
- Policy 6 'The Role of Town and Local Centres' - changes proposed to bring it into line with the NPPF;
- Policy 7 'Regeneration' - no significant proposed changes;
- Policy 8 'Housing Size Mix and Choice' - proposed to be changed to better reflect the City Council's approach to houses in multiple occupation;
- Policy 9 'Gypsies, Travellers and Travelling Show People' - has no significant proposed changes;
- Policy 10 'Design and Enhancing Local Identify' – proposed changes to ensure issues over ground conditions, such as land instability and contamination, are properly considered;
- Policy 11 'The Historic Environment' – minor changes for clarification;
- Policy 12 'Local Services and Healthy Lifestyles'- minor changes proposed to improve policy clarity;
- Policy 13 'Culture, Tourism and Sport' – no significant proposed changes;
- Policy 14 'Managing Travel Demand' and Policy 15 'Transport Infrastructure Priorities' – proposed to be changed in line with representations from the Highways Agency and to provide further clarification;
- Policy 16 'Green Infrastructure' – proposed changes to clarify the approach to development on open spaces;
- Policy 17 'Biodiversity' – proposed changes to clarify the level of protection to be accorded to sites of biodiversity and fully reflect the NPPF;
- Policy 18 'Infrastructure' and Policy 19 'Developer Contributions' – proposed changes to improve clarity; and
- Changes to the Introduction, Vision and Objectives, and policy justification text reflect the changes mentioned above and provide updated information.

16. The Sustainability Appraisal (incorporating the requirements of a Strategic Environmental Assessment) which deals with the economic, social and environmental sustainability of the Aligned Core Strategies has been prepared and is the main report and appendices are available from the following links: <http://www.gedling.gov.uk/media/documents/planningbuildingcontrol/SA%20Report%20Publication%20version%20Report%20June%202012.pdf> and <http://www.gedling.gov.uk/media/documents/planningbuildingcontrol/SA%20Report%20Publication%20version%20Appendices%20June%202012.pdf> An addendum to this document has been prepared to show those changes that have been made to the Appraisal in light of the comments made and this document is attached at **Appendix C**. The changes, however, do not affect the overall conclusions of the Sustainability Appraisal. It is proposed that the addendum together with the Sustainability Appraisal will be submitted to the Secretary of State.
17. The Council is also required by the 2012 Regulations to identify how the existing adopted proposals map will be altered by the strategic allocations contained within its policies and proposals. The Gedling Borough Aligned Core Strategies Publication Version Proposals Map June 2012, available from the following link <http://www.gedling.gov.uk/media/documents/planningbuildingcontrol/Publication%20Version%20Proposals%20Map%20June%202012.pdf>, will also be required to be submitted to the Secretary of State.
18. The Statement of Consultation, available from the following link <http://www.gedling.gov.uk/media/documents/planningbuildingcontrol/Statement%20of%20consultation%20Gedling%20Borough%20Aligned%20Core%20Strategy%20June%202012.pdf> sets out the consultation which the Council has undertaken at various stages in preparing the Core Strategy. It will be submitted to the Secretary of State and made available on the Council's website. An update is provided in order to identify the consultation undertaken for the Publication Version of the Aligned Core Strategies and is attached at **Appendix D**.
19. Other supporting documentation considered relevant to the production of the Aligned Core Strategies includes the Habitats Directive on the conservation of natural habitats and of wild fauna and flora requires that any plan likely to have a significant effect on a designated habitats site is to be subject to an "Appropriate Assessment". The Habitat Regulations Assessment, which was previously approved by Council remains unchanged. The relevant evidence is available from the following link to the Council's website. <http://www.gedling.gov.uk/media/documents/planningbuildingcontrol/Greater%20Nottingham%20combined%20HRA%202012.pdf>
20. The Equality Impact Assessment of the Aligned Core Strategy will also be required to be submitted. The Assessment of the Publication Version is available from the following link <http://www.gedling.gov.uk/media/documents/planningbuildingcontrol/EqIA%20Phase%202%20Report%20June%202012.pdf>. The assessment of the proposed changes (Phase 3 of the assessment) is attached as **Appendix E**.
21. The Localism Act 2011 introduced a Duty to Co-operate in relation to the planning of sustainable development. This requires the Council to co-operate with other local

planning authorities, the County Council and other prescribed bodies in the preparation of its Core Strategy. In doing so it must engage constructively, actively and on an ongoing basis. It is important that the Council meets this legal requirement in order to take the Core Strategy forward.

22. The Council considers that throughout the preparation of the Aligned Core Strategy it has co-operated with neighbouring authorities, public, voluntary and private sector organisations. Officers will prepare a statement setting out how the Council has complied with the Duty to Co-operate which will be submitted to the Planning Inspectorate with the formal submission documents.
23. With regards to the next stages of preparation of the Aligned Core Strategies, the submission documents will be considered by Full Council in February 2013 to approve the submission of the Submission Documents to the Secretary of State. Subject to this outcome, it is anticipated that the Aligned Core Strategies submission documents will be submitted to the Secretary of State, in March 2013.
24. Cabinet is asked to endorse the Aligned Core Strategies submission and supporting documents and refer them to Council for approval. Some of these supporting documents have already been agreed by Council on 25th April 2012 and these are available on the Council's website. The documents which members are now being asked to endorse (attached as appendices to this report) are addenda to these earlier documents. For clarity, the position is set out in the following table.

Documents for submission		
	Submission documents previously agreed	Additional submission documents requiring approval by Council on 13th February 2013
Publication Version Aligned Core Strategies	Publication Version agreed by Full Council on 25 th April 2012 (see para 11 above for web links).	
Schedule of Proposed Changes		Dated for submission February 2013 (Appendix A)
Summary of Main Issues Raised by Representations		Part 2 of the Statement of Consultation. Dated for submission February 2013 (Appendix B)
Sustainability Appraisal	Sustainability Appraisal for publication version agreed by Full Council on 25 th April 2012 (see para 16 above	Addendum dated for submission February 2013 (Appendix C)

	for web links).	
Proposals Map	Proposals Map for Publication Version agreed by Full Council on 25 th April 2012 (see para 17 above for web link).	
Statement of Consultation	Statement of Consultation on the Gedling Borough Aligned Core Strategy dated June 2012 (see para 18 above for web link).	Part 1 of the Statement of Consultation for the Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategy dated for submission February 2013 (Appendix D)
Habitat Regulations Assessment	HRA for Publication Version agreed by Full Council on 25 th April 2012 (see para 19 above for web link).	
Equalities Impact Assessment	Equalities Impact Assessment Phase 2 report June 2012 (see para 20 above for web link).	Phase 3 report dated for submission February 2013 (Appendix E)
Statement of Community Involvement	Adopted October 2006 (see para 21 above for web link).	

25. The documents listed above copies of representations and links to other evidence base documents can be found at: www.gedling.gov.uk

Scrutiny

26. The Council's Constitution requires Scrutiny to have an involvement in the preparation of the Council's emerging Aligned Core Strategy.
27. A working group of the Policy Review Scrutiny Committee has been meeting since early summer 2012 to look at 'the impact of the Localism Act on Planning and Housing Strategy' and this series of meetings has considered elements of the Aligned Core Strategy. At the meeting on 30th October 2012, consideration was given to establishing a sub group of the Planning Committee to take forward Member engagement in the design of the site specific consultation for the Aligned Core Strategy, have an input to generic development management policies and to commence the ongoing review of the Aligned Core Strategy itself.

28. Prior to this series of meetings, Scrutiny has also been made aware of the Aligned Core Strategy through the Carbon Footprint Scrutiny Working Group, with meetings taking place between September 2010 and April 2012.
29. In tandem with the Scrutiny process, the former Local Development Framework Steering Group (set up in January 2006) had an important role in the preparation of the Aligned Core Strategy and considered both the Issues and Options and Option for Consultation documents.
30. In addition, Gedling Borough, Broxtowe Borough and Nottingham City Councils are advised by the Greater Nottingham Joint Planning Advisory Board, which is made up of the lead of planning and transport councillors from each of the Councils. The Joint Board meets regularly and has overseen the co-ordination of all the Core Strategies within Greater Nottingham including those for Erewash and Rushcliffe. The Board considered the Publication Version of the Greater Nottingham Aligned Core Strategies at its meeting in December 2011.
31. A meeting of the Special Policy Review Scrutiny Committee took place on 6th December 2012. The Committee examined the Publication Version of the Aligned Core Strategies and the schedule of proposed changes and have provided a number of comments for the consideration by Cabinet, as follows:-
 - a. To recommend that Cabinet reconsiders whether it wishes to give weight to the inclusion of windfall provision.
 - b. To register concern that some of the changes listed in the Schedule of Changes would appear to weaken the Council's position against developers. For example:
 - Schedule of Changes (policy 1.1) concerning the viability and feasibility of development proposals complying with climate change issues;
 - Schedule of Changes (paragraph 3.6.9) concerning the sequential approach to retail development; and
 - Schedule of Changes (policy 17.3) concerning the impact of development on wildlife and biodiversity sites.
 - c. To recommend that consideration be given to the deleted policies listed in Appendix E of the Publication Version of the Aligned Core Strategies (pages 208 – 214), where appropriate, to explore whether the content should be included in a future generic development control policies development plan document or supplementary planning document.
 - d. To inform the Cabinet that in noting the report the committee expressed its disappointment at the lack of time available to undertake a comprehensive review.
32. These issues noted by Scrutiny have already been considered as they have been raised by other consultees as part of the policy preparation process at the Publication Version stage. Cabinet is asked to consider the comments made by Scrutiny and decide whether any further changes to the Aligned Core Strategy are required in light of these comments.

Next Steps

33. The formal submission of the Aligned Core Strategy 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. Part of this process will involve a Public Examination where the Inspector will hold round-table hearings to discuss specific issues. He/she will invite further supporting evidence from the Councils and respondents as necessary. Participation in the Examination will be at the discretion of the Inspector. The Examination is currently expected to commence in July 2013.

34. The timing of subsequent stages is in the hands of the Planning Inspectorate, but it is anticipated that a pre-examination meeting will take place in May 2013, an examination will be held in July 2013 and the Inspector's report will be available in October 2013. If this is the case, it is anticipated that the Aligned Core Strategies will be adopted in winter 2013/14.
35. Prior to the hearing stage, the Inspector is likely to hold a pre-hearing meeting with all interested parties, which is anticipated to take place in May 2013. This meeting 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 Councils not to proceed but to withdraw the Aligned Core Strategies and re-submit them at a later stage following any necessary re-drafting and consultation. In order to minimise the risk, the Councils have therefore taken all reasonable steps to satisfy themselves that the Aligned Core Strategies are sound prior to submission, including carrying out their own self-assessment of soundness and participating in a number of advisory visits from the Planning Inspectorate which did not identify any significant issues.
36. Following the independent examination, the Inspector will publish a report which will set out whether or not the Aligned Core Strategy is sound. Where it is not considered to be sound the Inspector will suggest further changes, agreed at the independent examination, which should be made to make the Plan sound. These will subsequently need to be approved by the Council before the Aligned Core Strategy can be adopted formally.
37. It is anticipated that if the Aligned Core Strategy is found sound, the Council will adopt it in winter 2013/14.

6. Local Development Scheme

38. The Local Development Scheme sets out the Council's project plan for the preparation of documents that together will form the Local Development Framework. It lists the local development plan documents to be prepared and provides a timetable for the work. The Council's current Local Development Scheme is dated March 2010.
39. The current legislative requirements for the Local Development Scheme are to only include the development plan documents which are subject to independent examination.
40. There is a requirement for the Council to have an up to date Local Development Scheme in place at the time of submission of a development plan document and, as

such, a revised scheme (attached as **Appendix F**) has been prepared in tandem with the preparation of the submission Aligned Core Strategies.

Alternative Options

41. It would be possible for Gedling Borough Council to publish a separate Core Strategy without aligning with the City Council and Broxtowe Borough Council. However, the 'Duty to Co-operate' introduced through the Localism Act requires Councils to demonstrate at independent examination that they have worked with neighbouring councils in addressing cross boundary planning matters, and preparing Aligned Core Strategies helps to demonstrate that this duty has been met.
42. Whilst Erewash and Rushcliffe Borough Councils have decided to publish separate core strategies, continued close partnership working with Nottingham City Council and Broxtowe Borough Council is considered important in complying with the Duty and reducing the risk of the Council's Core Strategy being found 'unsound' following examination.
43. Production of a Core Strategy is a statutory requirement. If no planning framework is in place, the government's default presumption in favour of sustainable development will apply to relevant planning applications.

Financial Implications

44. The cost of the examination will depend on the number of Councils taking part. The overall cost of the examination and associated tasks is likely to be in the region of £243,000. The estimated cost attributable to Gedling Borough Council is likely to be in the region of £70,000.
45. The further the Aligned Core Strategy progresses towards adoption, the greater the weight that can be attached to it when used for Development Management purposes. It should, therefore, reduce the risk, and cost, of appeals concerning planning applications considered and refused planning permission by the Council.

Appendices

- Appendix A Schedule of Proposed Changes
- Appendix B Summary of Main Issues Raised by Representations (Part 2 of the Statement of Consultation)
- Appendix C Sustainability Appraisal Addendum
- Appendix D Statement of Consultation (Part 1),

- Appendix E Equalities Impact Assessment Phase 3 Report
- Appendix F Local Development Scheme

Background Papers

- Aligned Core Strategies Publication Version June 2012
- Gedling Borough Housing Background Paper June 2012
- Greater Nottingham Core Strategies Transport Modelling Stage 1 Report 2012
- Greater Nottingham Employment Background Paper June 2012
- Greater Nottingham Household Projections Background Paper June 2012
- Greater Nottingham Retail Background Paper June 2012
- Habitats Regulations Assessment for Publication Version of Aligned Core Strategies
- Housing Background Paper June 2012
- Infrastructure Delivery Plan June 2012
- Statement of Community Involvement 2006
- Sustainability Appraisal for Publication Version of Aligned Core Strategies
- Statement of Consultation for Publication Version of Aligned Core Strategies

Recommendations

That Cabinet:

1. Considers and agrees that the Submission Core Strategy Development Plan Document, its accompanying information and duly made representations as listed in the table set out in the report are submitted to Full Council for approval to be submitted to the Secretary of State for Examination in Public.
2. Recommends to Council that it authorises the Corporate Director in consultation with the Chairman of Planning Committee to approve any changes to the Aligned Core Strategies to remove references to a partner council in the event that a partner council fails to proceed with the Aligned Core Strategies, or any drafting or other minor editing changes.
3. Should it be necessary, agrees that the Corporate Director in consultation with the Portfolio holder for Leisure and Development be authorised to consider and approve

consultation on any changes required to the Core Strategy as a consequence of the Examination in Public.

4. Approves the revised Local Development Scheme.

Reasons for Recommendations

1. Production of a Core Strategy is a statutory requirement. If no planning framework is in place, the government's default presumption in favour of sustainable development will apply to relevant planning applications.
2. To enable drafting or other minor editing changes to be made (including the removal of references to a partner council), without the need to bring the documents back to Council.
3. To enable consultation to take place on the proposed changes without the need to bring the documents back to Council
4. An up to date Local Development Scheme is required to be in place at the time of submission.