

## **Report to Cabinet**

**Subject:** Adoption of the Gedling Borough Local Planning Document

**Date:** 10th July 2018

**Author:** Service Manager – Planning Policy

**Wards Affected:** All

### **Purpose of the Report**

1. To request that Council adopt the Gedling Borough Local Planning Document and the Policies Map as the statutory development plan for the borough, as supported by the findings of the independent examination into the submission version of the Local Planning Document.

### **Key Decision**

2. This is a key decision.

### **Background**

3. Planning legislation requires Gedling Borough Council to produce a Local Plan. In Gedling Borough, the Local Plan will comprise the Local Plan Part 1: the Gedling Borough Aligned Core Strategy (adopted September 2014) and, on adoption, the Local Plan Part 2: Local Planning Document.
4. Whilst the Gedling Borough Aligned Core Strategy contains the overarching strategic planning policies for Gedling Borough and the aligned authorities of Nottingham City and Broxtowe, the Local Planning Document contains detailed development management policies and site allocations to guide development in the Borough up to 2028.
5. Prior to its adoption, the Local Planning Document is required to go through a number of formal and informal consultation stages. The Publication draft represents the first formal stage of preparation and follows extensive informal consultation on the 'Issues and Options' document (Autumn 2013); masterplanning reports for Bestwood, Calverton and Ravenshead (Spring 2014); topic based workshop sessions (Winter 2015); and site based workshop sessions for Burton Joyce, Lambley and Woodborough (Spring 2015). The

formal consultation on the Publication draft took place during Spring 2016.

6. Responses to these earlier consultations have helped to shape the current version of the Local Planning Document. Gedling Borough Council approved the submission version of the Local Planning Document on 20<sup>th</sup> April 2016 for submission to the Secretary of State.
7. The submission of the Local Planning Document to the Secretary of State comprised the start of the examination process by the appointed Planning Inspector. Hearing sessions took place as follows:-
  - 7-9<sup>th</sup> February 2017;
  - 28<sup>th</sup> February – 2<sup>nd</sup> March 2017;
  - 21<sup>st</sup> – 23<sup>rd</sup> March 2017; and
  - 16<sup>th</sup> May 2017.
8. On 16<sup>th</sup> June 2017, the Inspector requested that the Council give further consideration to one of the housing allocations and postponed the hearing session scheduled for 27<sup>th</sup> June 2017 to allow the Council to undertake a public consultation exercise on the amended and/or proposed new housing allocations and on the Council's amended five year supply and housing trajectory for the plan period. Six additional housing allocations were identified and were the subject of a consultation period during September/October 2017. A further round of hearing sessions took place between 28<sup>th</sup> November and 7<sup>th</sup> December 2017.
9. Since the start of the examination process, a number of modifications have been made to the Local Planning Document to respond to comments received, issues raised by the Inspector and to ensure that the Local Planning Document is both sound and legally compliant. Consultation took place on the Main Modifications between 12<sup>th</sup> February and 26<sup>th</sup> March 2018 and the responses received were forwarded to the Inspector. There was no requirement for the Council to provide comments on or respond to the responses received.
10. The Inspector issued her report on 26<sup>th</sup> June 2018 and it is attached as **Appendix A**. The report concludes that, subject to the Main Modifications previously consulted on, the Local Planning Document meets the criteria for soundness in the National Planning Policy Framework and is fit for adoption by Gedling Borough Council in accordance with s.23 of the Planning and Compulsory Purchase Act 2004.
11. 92 Main Modifications have been made to the submission version of the Local Planning Document in accordance with the Inspector's report. The modifications are attached as an appendix to her report. Most of these are minor changes of wording, however significant changes include:
  - To set out which policies in the existing development plan are superseded.
  - To clarify that Neighbourhood Plans form part of the development plan.

- To set out the current position with respect to minerals and the Minerals Local Plan.
- To clarify what is required when undertaking a Flood Risk Assessment.
- To set out the difference between Safeguarded Land protected to meet longer term development needs and that which is not suitable and/or available for development.
- To clarify that Safeguarded Land will be protected from development for the plan period and to set out the temporary uses which would be acceptable.
- To clarify that development of land adjoining Safeguarded Land should not prejudice its future development.
- To clarify the requirements relating to biodiversity and its consideration in development proposals.
- To clarify the status of the Mature Landscape Areas set out in the Gedling Borough Replacement Local Plan 2005.
- To update the list of Local Green Space designations.
- To clarify the position in respect of the Sherwood Forest Regional Park.
- To clarify the instances where a density lower than the policy requirement may be justified and where higher densities will be appropriate.
- To clarify the percentage targets of affordable housing required in each sub-market.
- To include a new policy which requires the provision of a suitable site to accommodate the requirement for 3 pitches for Gypsies and Travellers to meet the identified need.
- To clarify the Council's approach to the provision of self-build and custom build homes.
- To set out the current employment provision and requirements.
- To clarify which visitor related facilities could be provided on the Gedling Colliery site to support the adjacent Gedling Country Park.
- To amend the level of A5 uses which would be acceptable in Arnold Primary Area, Calverton and Netherfield.
- To delete Policy LPD 54 which prevents the development of A5 uses within 400m of a secondary school.
- To set out the parking standards in the LPD.
- To clarify the position in respect of the GAR.
- To include requirements to closely monitor progress on the GAR and the triggers for an early review of the LPD.
- To amend the housing distribution set out in Policy LPD 63 to include 'up to' 1,265 homes around Hucknall and a windfall allowance of 240 homes.
- To update the housing allocation policies in respect of the numbers of dwellings on each site and whether they benefit from planning permission.
- To add an explanation of how proposals on allocated sites in the Minerals Safeguarding Area will be considered.
- To include a requirement to closely monitor progress on all allocated housing sites and the trigger for an early review of the LPD.
- To update the maps within the LPD to accurately reflect the extent of the

allocated housing and employment sites.

- To include a new policy setting out the employment allocations.
  - To amend various policies to ensure that they are clear, effective and consistent with national policy, including in respect of heritage assets.
  - To amend the supporting text to various policies to explain their purpose and to clarify how they will be applied.
  - To delete any policy references which could confer development plan status on Supplementary Planning Document [SPDs] and other documents which are not part of the LPD.
  - To amend the housing trajectory to include updated information.
12. Paragraph 189 of the Inspector's report notes that having regard to the extent of the Green Belt in the Borough, she is of the view that it is important to adopt the LP as soon as possible in order that allocated sites within it are removed and to provide certainty and opportunities for development to take place.
13. The Inspector has noted that a number of the Main Modifications require corresponding changes to the Policies Map. Additional Modifications have also been proposed by the Council, which do not materially affect the policies of the Local Planning Document and did not form part of the examination, and these are attached as **Appendix B**.
14. The final version of Gedling Borough Council's Local Planning Document (incorporating the above changes) is attached as **Appendix C**. Minor changes will need to be made to the document so that it is provided in a format that can be formally published, although these changes will not affect the content of the document and will be presentational only. The final version of the Policies Map is attached separately as **Appendix D** for ease of reference and minor changes will similarly need to be made for presentation purposes and to reflect the most up to date information available.
15. The Planning and Compulsory Purchase Act 2004 introduced the requirement to carry out Sustainability Appraisals as an integral part of the preparation of new plans. A Sustainability Appraisal Adoption Statement is attached as **Appendix E** 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.
16. The Local Planning Document policies, if adopted, will supersede the remaining saved Adopted Local Plan policies. Of the original Adopted Local Plan policies:-
- some were not saved as a result of the Direction from the Secretary of State (under Paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004) issued in July 2008);
  - some were deleted by the adoption of the Aligned Core Strategy; and
  - all remaining policies are deleted by the adoption of the Local Planning

Document.

17. In addition, the policies map supporting the Local Planning Document will supersede the Adopted Local Plan proposals map.
18. On adoption of the Local Planning document the Authority are required to publish the Local Planning Document and a statement of adoption in accordance with Regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 .
19. Following adoption of the Local Planning Document, there is an opportunity for any person aggrieved to make an application to the High Court on the ground that the document is not within the appropriate power or a procedural requirement has not been complied with. Such an application must be made within six weeks of adoption.
20. It should be noted that the Local Planning Document includes the requirement for an early review if the Gedling Access Road cannot be delivered by Spring 2020. The risk to housing delivery both in terms of scale and location is considered to be of such significance as to warrant an early review. As such, progress on the Gedling Access Road to identify any slippage or risk of no delivery will be monitored closely.

### **Proposal**

21. It is proposed that Cabinet recommends to Council, that the Local Planning Document and Policies Map at **Appendix C and Appendix D** are adopted.
22. It is proposed that Cabinet recommends to Council that authorisation be given to the Service Manager for Planning Policy in consultation with the Chairman of the Planning Committee, to make any minor amendments such as typing errors, formatting and imagery, necessary prior to publication of the Local Planning Document and Policies Map, such changes will not alter the content of the documents, but will ensure they are in an appropriate format for publication.
23. It is proposed that Cabinet recommends authorisation be given by Council to the Service Manager for Planning Policy to publish the adopted documents and an adoption statement in accordance with Regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

### **Alternative Options**

24. The alternative option is not to approve the adoption of the Local Planning Document and amended Policies Map. This option would leave the Borough

Council without up to date local planning policy, albeit that strategic policy would be provided by the Aligned Core Strategy which forms part 1 of the Council's Local Plan. This would result in there being a policy vacuum as the adopted Local Plan policies become increasingly out of date. In this case, the policy of the National Planning Policy Framework that permission should be granted if relevant policies are out of date would apply. In addition, there would be no improvement in the Council's Five Year Land Supply as additional sites would not be allocated for housing development to meet the Council's objectively assessed housing need as set out in the Aligned Core Strategy. Without the Local Planning Document in place the Borough Council would be unable to provide certainty for investors, co-ordinate the delivery of infrastructure, or seek funding to support infrastructure and growth. This would harm the Borough Council's ability to deliver on its strategic objectives by delaying the delivery of new homes, holding back economic growth and stalling regeneration.

### **Resource Implications**

25. Following adoption of the Local Planning Document, the final version will need to be made available on the Council's website and in paper form. The cost of publishing the Adopted Local Planning Document and Policies Map in paper form is anticipated to be £2,500 depending on the number of copies produced. The cost of making the final version available on-line will depend on whether an interactive version is made available and costs could be up to £2,400. Any expenditure will be deferred until the period for legal challenge has passed.

### **Recommendation**

#### **That Cabinet recommends that Council:**

- a) adopts the Gedling Borough Local Planning Document including the Policies Map as attached at **Appendix C** and **Appendix D**;
- b) delegates authority to the Service Manager for Planning Policy in consultation with the Chairman of Planning Committee to make any minor changes (e.g. typing errors, formatting and images) necessary prior to publication of the Local Planning document and Policies Map (such changes will not alter the material content of **Appendix C and D**); and
- c) authorises the Service Manager for Planning Policy to publish the adopted documents and an adoption statement in accordance with Regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations

2012.

### **Reasons for Recommendations**

The production of the Gedling Borough Local Planning Document is a statutory requirement for the Borough Council. It is a key document that will set long term planning policy and assist the delivery of the authority's pro-growth agenda.

### **Appendices**

Appendix A – Inspector's Report dated June 2018, including Schedule of Main Modifications attached as an appendix to the report.

Appendix B – Proposed Additional Modifications to the Gedling Borough Local Planning Document Publication Draft (February 2018)

Appendix C - Local Planning Document (final version)

Appendix D – Local Planning Document Policies Map (final version)

Appendix E – Sustainability Appraisal Adoption Statement