

Report to Cabinet

Subject: Local Planning Document – Publication draft

Date: 17th March 2016

Author: Planning Policy Manager

Wards Affected

Borough-wide.

Purpose

1.1 For Cabinet to recommend that Council approve the Publication draft of the Local Planning Document to be issued for a six week consultation period. Subject to no substantial issues arising from this consultation, for Council to approve the Publication draft, Policies Map and Sustainability Appraisal to be submitted to the Secretary of State with associated evidence documents for independent examination in accordance with section 20 of the Planning and Compulsory Purchase Act 2004.

Key Decision

2.1 Yes. This is a key decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising two or more wards of the Borough.

Background

3.1 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).

3.2 Whilst the Gedling Borough Aligned Core Strategy contains the overarching strategic planning policies for the Gedling Borough, and the aligned authorities of

Nottingham City and Broxtowe, the Local Planning Document contains detailed development management policies and site allocations for the Borough to guide development in the Borough up to 2028.

3.3 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). All of the consultation responses received as a result of these consultations have been used to inform and shape the Local Planning Document as it has evolved.

3.4 The Publication draft of the Local Planning Document contains 61 development management policies, 24 proposed housing allocations and two employment allocations. The document is attached as **Appendix 1** and is also available to view via the 'Councillors and Meetings' page of the Council's website www.gedling.gov.uk.

3.5 The development management policies are arranged into the following sections in the document:-

- Climate change, flood risk and water management;
- Environmental protection;
- Green Belt;
- Natural environment;
- Open space and recreational facilities;
- Historic environment;
- Design;
- Homes;
- Employment;
- Retail and community facilities; and
- Transport.

3.6 All of the site allocations and borough-wide land use designations and constraints have been mapped on the accompanying Policies Map, listed at **Appendix 2**. Due to its memory size, a printed version of the Policies Map is available to view in the Members Room or on request to the Planning Policy Team and it will be available to view online for consultation.

3.7 The Sustainability Appraisal is a legal requirement of plan preparation. The Sustainability Appraisal Report, **Appendix 3**, (has been prepared to fulfil the requirements of the Planning and Compulsory Purchase Act (2004), and the requirements of the EU Strategic Environmental Assessment Directive. The

report assesses the economic, social and environmental impacts of all of the policies and site allocations contained in the Local Planning Document and evaluates reasonable alternatives to these. The appendices to the Sustainability Appraisal are attached as **Appendices 4-11**. The Sustainability Appraisal is also available to view via the 'Councillors and Meetings' page of the Council's website www.gedling.gov.uk

3.8 The Habitats Regulations Assessment, **Appendix 12**, The European Directive 92/43/EEC – the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive) requires that an Appropriate Assessment is made of the effects of land-use plans on sites of European importance for nature conservation.

3.9 There has not been any significant change in policy to housing distribution since the adoption of the Aligned Core Strategy. A review of the 24 proposed housing allocations and 2 employment allocations confirms that there are no significant effects on the prospective Sherwood Forest Special Protection Area. The proposed housing distribution highlights that in the more sensitive areas with respect to the prospective Special Protection Area the actual numbers have been reduced. However, mitigation measures will still be required including green infrastructure and visitor management. The screening of the 61 development management policies which are in general conformity with the Aligned Core Strategy have confirmed that the majority of the policies have been ruled out as not having a likely significant effect on the prospective Sherwood Forest Special Protection Area.

3.10 The Publication draft Local Planning Document, Policies Map, Sustainability Appraisal and Habitats Regulations Assessment will be made available at the deposit points and on the web at <https://consultplanningpolicy.gedling.gov.uk/consult.ti> during the consultation.

3.11 The following supporting documents have also been prepared alongside the Publication draft of the Local Planning Document and will also be made available during the consultation period. Prior to the consultation the Background Papers are available on request from the Planning Policy Team.

3.12 Equalities Impact Assessment (Background Paper 1)

Under the Equality Act 2010, the Council is required when exercising its functions to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and

those who do not.

3.13 To accord with the Duty, an Equality Impact Assessment has been prepared. A two stage approach to the Equality Impact Assessment has been taken. Firstly the policies in the Local Planning Document have been assessed for their relevancy to the characteristics protected by the Equality Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sex and sexual orientation). The assessment found that a number of policies were either of high or medium relevance to one or more of the protected characteristics. The second stage of the process has taken these relevant policies and assessed the positive or negative impacts of them on the characteristics. This stage also involved recommending changes to remove the negative impact or increase the positive impact or ultimately if the policy needed to be removed. Overall a number of recommendations were made regarding the relevant policies and these have been considered alongside a number of other issues and where the recommendations have not been adopted the reasons for this have been set out.

3.14 Report of Consultation on the Local Planning Document, March 2016
(Background Paper 2)

This document details the consultation comments received at the previous consultation stages and how these have been addressed in the Publication draft Local Planning Document. This document also includes a statement setting out how the Council has complied with the Duty to Cooperate which will be submitted to the Planning Inspectorate with the formal submission documents. An update will be provided to identify consultation undertaken for the Publication draft of the Local Planning Document.

3.15 Site Selection Document (Background Paper 3)

This document summarises the site selection process and presents its findings. The site selection process has helped identify the scale of development that can be accommodated in and adjacent to the main built up areas of Nottingham. This figure has then informed the scale of development needed at the Key Settlements for Growth of Bestwood Village, Calverton and Ravenshead and also at the Other Villages. The appendices to the Site Selection Document are attached as Background Papers 4 -11.

3.16 Infrastructure Delivery Plan (Background Paper 12)

This document sets out the infrastructure requirements for the Borough over the plan period. Infrastructure is defined as the facilities and services that support local communities ranging from strategic level provision such as a new road to the creation of local play space.

3.17 Housing Background Paper (Background Paper 13)

This Background Paper sets out how the overall housing distribution for the Borough can be met. It also presents the housing trajectory that shows the rate

of housing delivery over the plan period and demonstrates that a five year housing supply will be provided as a result of the adoption of the Local Planning Document.

3.18 The document also provides details of other housing matters including:

- Affordable Housing;
- Gypsy & Traveller Provision;
- Custom and Self- Build Homes;
- Empty Homes; and
- Brownfield Land Register

3.19 Retail Background Paper (Background Paper 14)

This Paper provides the context and background evidence for the approach to Town Centres and Retail in the Local Planning Document (LPD). It provides a health check of the centres, sets out the changes to the boundaries of town centres and justifies the policies included in the LPD.

3.20 Strategic Distribution of Employment Requirements (Background Paper 15)

Councils in both the Nottingham Core Housing Market Area (Core HMA)¹ and the Nottingham Outer Housing Market Area (Outer HMA)² commissioned consultants to prepare up to date evidence on economic prospects and employment land forecasts separately for both the Core and Outer HMAs. This new evidence called the Employment Land Forecasting Study (ELFS) supports the emerging Local Plans. The document also identifies the Functional Economic Market Areas.

3.21 This paper also sets out the technical basis for revisiting the distribution of office floorspace provisions in the various Aligned Core Strategies and for this revised distribution to be included in Part 2 Local Plans.

3.22 Employment Background and Site Selection Paper for Gedling Borough Council (Background Paper 16)

The purpose of this paper is to set out evidence in support of the employment policies and needs to be read alongside the Strategic Distribution of Employment Requirements (Background Paper 9).

3.23 Local Development Scheme February 2016 (Background Paper 17)

The Local Development Scheme sets out how the Council's project plan for the preparation of documents that together form the Local Development Framework. It lists the local development plan documents to be prepared and provides a timetable for the work. There is a requirement for the Council to have an up to

¹ The Core HMA Councils comprise: Broxtowe Borough, Erewash Borough, Gedling Borough, Nottingham City and Rushcliffe Borough. Ashfield District is wholly within the Outer HMA but the town of Hucknall which is within Ashfield District is closely related to Nottingham

² The Nottingham Outer HMA includes: Ashfield District, Mansfield District and Newark and Sherwood District.

date Local Development Scheme in place at the time of submission of a development plan document and the Council's current Local Development Scheme is dated February 2016.

Proposal

4.1 Subject to approval by Council, the Local Planning Document will be published for a formal statutory public representation period for six weeks in May/June 2016. Notices will be placed in the local press and on the Borough Council's website and the documents will be made available at deposit points across the Borough including the Civic Centre and local libraries. Any representations received will be reviewed to determine whether they constitute substantial matters or not. If not, any technical drafting changes may be proposed if any factual or minor inaccuracies emerge, which will be subject to the delegated approval of the Chief Executive in consultation with the Chair of Planning Committee. These minor changes will not be consulted upon. However, if the Borough Council wishes to make any further substantial changes to the publication draft of the Local Planning Document in response to the representations or other key factors, then these will require Council approval and would be subject to further consultation. For example, it may be necessary to amend the plan to comply with any relevant Government announcements or policy which emerges prior to public examination. For instance, the Housing Bill, published in October 2015, proposes further changes to the planning system including Affordable Housing policy, but further details of the Bill are awaited. In addition, changes to the National Planning Policy Framework were consulted on early in 2016 and may come into force prior to submission.

4.2 Assuming that there is no need for further substantial changes to the Local Planning Document, the Publication draft will be submitted to the Secretary of State along with all the supporting documents and representations received, to allow an independent Examination by an Inspector. The Inspector will examine the 'soundness' of the whole plan, irrespective of whether or not any representations are received. The Examination is likely to include a public hearing session, when parties making representations may, at the Inspector's discretion, present their views in person.

4.3 At the end of the independent Examination, the Inspector will issue a report that will declare the Local Planning Document sound or unsound. If sound, the Borough Council can adopt the document.

Alternative Options

5.1 The preparation of a Local Plan is a statutory obligation and Gedling Borough Council must fulfil its obligations in this regard or risk future planning applications being determined in accordance with the National Planning Policy Framework

and its default presumption in favour of sustainable development. One alternative option is not to approve this plan but to approve an alternative plan which would require drafting and consultation and consequently result in significant delays in the adoption of the final plan.

5.2 The option of not agreeing to the issuing of the Local Planning Document for consultation would leave the Borough Council without up-to-date planning policy. This would result in there being a policy vacuum as the adopted Local Plan policies become increasingly out of date and 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 also 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 Local Planning Document. 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.

5.3 One further option would be for Council to decide not to approve the Publication draft for submission at this stage, wait for the consultation to close and then approve submission but this is considered an unnecessary stage as it is not expected that there will be a requirement for any substantial changes as a result of the consultation.

Financial Implications

6.1 The preparation and consultation of the Local Planning Document is part of the statutory planning process. The costs of this activity will be met from existing resources identified for this purpose.

6.2 The overall cost of the examination and associated tasks is dependent on the length of the examination which is currently unknown. However, if the examination were to last three weeks the cost could be in the region of £200,000. If the examination were to last two weeks the cost could be in the region of £120,000. The length of the examination is set by the Inspector. Costs would be incurred during 2016/17 and possibly during 2017/18. There is no budget provision for these costs but as at 26th February 2016 there is £85,000 in the LDF reserve.

6.3 The further the Local Planning Document progresses, 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 that have been considered and refused planning permission by the Borough Council.

Appendices

Appendix 1 – Local Planning Document (Publication draft), March 2016

Appendix 2 – Local Planning Document Policies Map (paper copy available in Members Room and on request from the Planning Policy Team)

Appendix 3 - Local Planning Document Sustainability Appraisal Report, March 2016

Appendix 4 – Sustainability Appraisal Appendix A

Appendix 5 – Sustainability Appraisal Appendix B

Appendix 6 – Sustainability Appraisal Appendix C

Appendix 7 – Sustainability Appraisal Appendix D

Appendix 8 – Sustainability Appraisal Appendix E

Appendix 9 – Sustainability Appraisal Appendix F

Appendix 10 – Sustainability Appraisal Appendix G

Appendix 11 – Sustainability Appraisal Appendix H

Appendix 12 - Habitats Regulations Assessment, March 2016

Background Papers

Background Paper 1 – Equalities Impact Assessment, March 2016

Background Paper 2 – Report of Consultation on the Local Planning Document, March 2016

Background Paper 3 – Site Selection Document, March 2016

Background Paper 4 – Site Selection Document Appendix A – Urban Area

Background Paper 5 – Site Selection Document Appendix B – Bestwood Village

Background Paper 6 – Site Selection Document Appendix C – Calverton

Background Paper 7 – Site Selection Document Appendix D – Ravenshead

Background Paper 8 – Site Selection Document Appendix E – Burton Joyce
Background Paper 9 – Site Selection Document Appendix F – Lambley
Background Paper 10 – Site Selection Document Appendix G – Woodborough
Background Paper 11 – Site Selection Document Appendix H – Linby, Newstead, Papplewick and Stoke Bardolph
Background Paper 12 – Infrastructure Delivery Plan, March 2016
Background Paper 13 – Housing Background Paper, March 2016
Background Paper 14 – Retail Background Paper, March 2016
Background Paper 15 – Strategic Distribution of Employment Requirements, October 2015
Background Paper 16 – Employment Background and Site Selection Paper, March 2016
Background Paper 17 - Local Development Scheme, February 2016

Recommendation(s)

- 1 That Cabinet considers and agrees that the Publication draft of the Local Planning Document, Policies Map, Sustainability Appraisal and Habitats Regulations Assessment be submitted to Council for approval to go out for a six week consultation period.
- 2 That Cabinet recommends that Council approve the submission of the Publication draft of the Local Planning Document, Policies Map, Sustainability Appraisal and Habitats Regulations Assessment to the Secretary of State with associated evidence documents for independent examination under section 20 of the Planning and Compulsory Purchase Act 2004 subject to there not being the need for any substantial changes following consultation on the Publication draft. Should the consultation confirm the need for substantial changes then this would require referral back to Council for approval at a later date.
- 3 That Cabinet recommends that Council delegates authority to the Chief Executive in consultation with the Chairman of Planning Committee to make any minor changes such as typographical, formatting or changes to imagery necessary to the Publication draft prior to consultation and/or submission.

Reasons for Recommendations

- 1 The production of the Local Planning Document is a statutory requirement for the Borough Council. It is a key planning policy document that, in conjunction with the Aligned Core Strategy, will set long-term planning policy and assist the delivery of the authority's pro-growth agenda.
- 2 To facilitate the next stage of the Local Plan process which is submission to the Secretary of State for examination as soon as possible after consultation, subject to no substantial changes required as a result of consultation which would

require further Council approval prior to submission to the Secretary of State.

3 To enable drafting or other minor editing changes to be made without the need to bring the documents back to Council.