
Nottingham City Council

Response to Matter 7



**Nottingham
City Council**

**Development Management Policies – Our
Environment**

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Issue 1: Green Infrastructure, Parks and Open Space

Policies EN1 and EN2 (Development of Open Space and Open space in New Development)

Q1. Does the Plan make appropriate provisions for the protection and provision of open space; and the designation and protection of local green space; in accordance with national policy?

Open Space

7.1 Yes. The ACS sets out the strategic approach to Green Infrastructure, open space and parks for the conurbation. The LAPP includes a range of policies to protect these spaces and to provide for new open space in accordance with national policy.

7.2 The Open Space Network in the LAPP is based on a comprehensive review of the Open Space Network (OSN) has been undertaken since the adoption of the previous Local Plan. As part of this review the 0.5ha minimum size limit for open spaces to be considered and protected as OSN has been removed for all typologies except for land classed as "Amenity" in the Open Space dataset. This is in recognition of the value that many smaller green spaces have for creating an overall network and fulfilling a role as stepping stones between larger spaces, without placing excessive value on small incidental spaces such as small or fragmented road verges. However, some exceptions have been made, and some Amenity spaces smaller than 0.5ha were individually assessed and included within the OSN. These were considered to have specific merit either as stepping stone habitat, wildlife corridors or being of recreational value to the community or aesthetic or landscape value to the townscape of particularly built-up areas of the city. This review has resulted in a more robust OSN designation and one that better protects the connectivity of the network overall.

7.3 The LAPP also includes a more comprehensive definition of the Open Space Network compared to the 2005 Local Plan. The new definition states;

“Open Space Network – The Open Space Network includes parks, nature reserves, public and private playing fields, golf courses, allotments, community gardens, cemeteries, play spaces, woodland, banks and towpaths of rivers and canals, other vegetated paths and track ways, squares, public spaces, public realm and other incidental spaces. Buildings that are an inherent part of the open space such as a pavilion are included. This ‘network’ of open spaces makes a major contribution to the visual character and image of Nottingham, provides for a range of recreation needs and is important for its landscape value and nature conservation interest. Some open spaces within the network, such as private sports grounds, institutional grounds and allotments do not have public access but still fulfil an important role in terms of providing resilience to flooding and climate change, enhancing biodiversity and contributing to the visual character of the City and therefore have been included in the network. Whilst private gardens make an important contribution to the network of green links across the City, these areas are not normally designated as part of the Open Space Network unless of particular importance, in which instance are included on the Policies Map. Likewise, smaller incidental spaces of less than 0.5 hectares are not shown on the accompanying Policies Map, unless of particular importance.”

- 7.4 The development principles for site allocations set out where enhancement to existing or new open space is required to be provided. The requirements are based on GIS “toolkit” open space impact assessments for each applicable site. The “toolkit assessments” examine the impact development proposals will have on open space, and whether there is an existing deficit in provision of parks and gardens, natural space, allotments or play facilities that would be exacerbated by the proposed development and the additional residents that would be generated. It also considers connectivity of spaces in terms of wildlife corridors and linkages through the city as well as identifying potential quality improvements and necessary mitigation measures that could be achieved to reduce potential adverse impacts, before a decision is made. The assessment outcome varies depending on where the application site is located, the quantity, quality and spatial distribution of the open space provision is in that area, and the scale of the proposed development. The toolkit assessments ensure there is a consistent process undertaken for assessing the impact of loss of open space and for increased demand on existing open spaces. For some smaller sites it is specified that a proportion of the site is retained as Open Space. For others sites it specifies that there are significant opportunities to enhance and create habitats both within and beyond the site or the creation of new or enhanced Green Corridors.
- 7.5 In order to reflect 2012 NPPF, the Council is currently reviewing its supplementary planning document (SPD) on Open Space ([LAPP-ENVIRO-21](#)). This will explain the implications of Policy EN2 (Open Space in New Development) and IN4 (Developer Contributions) as contained in the LAPP Submission document. The SPD will provide planning guidelines for the level of provision of open space required in new residential and commercial development. The SPD will also help applicants incorporate open space provision into development proposals and provide guidance on any financial contributions required along with a revised fee structure. It is anticipated that the revised SPD will be consulted on during late 2018/early 2019. The SPD will accord with the approach in para 73 of the 2012 NPPF (para 96 of 2018 NPPF) which recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. It is considered that a post submission change is made to confirm that an SPD is being prepared and set out what this will contain.

PPSC number	Para Ref/Policy	Proposed Post Submission Change
PPSC32	Policy EN2: Open Space in New Development	New para 5.19a <u>“5.19a The Council intends to provide further guidance related to Open Space within a SPD. This will set out the level of provision of open space required in new residential and commercial development, help applicants incorporate open space provision into development proposals and provide guidance on any financial contributions required along with a revised fee structure.”</u>

- 7.6 A revised Playing Pitch Strategy (2018) ([LAPP-LOCAL-04](#)) has been produced by Sport England, National Governing Bodies and the Council. This provides a clear, strategic framework for the maintenance and improvement of formal outdoor sports facilities across the City. It also provides the evidence required to help protect playing fields to ensure sufficient land is available to meet existing and projected future pitch

requirements. It has also helped to provide the evidence to justify the principle release of former playing fields as site allocations (PA3, PA5, PA6, PA8, PA9, PA10, PA12, PA24, PA59) as these sites are “lapsed” and therefore no longer required for formal sport provision. Although these sites are allocated for development, a significant proportion of each site is to be retained as open space and in many cases development should include mitigation measures, which result in an overall increase in the quality and ecological value of open space in the area. Appropriate mitigation will include improved green corridors; new allotments; improvement of Local Wildlife Sites/Local Nature Reserves; newly equipped play area; creation of additional accessible open space elsewhere.

7.7 In addition, the Council has produced “Breathing Space – Revitalising Nottingham’s Open and Green Spaces” (2010) which sets out the vision for the City’s Open and Green Spaces ([LAPP-ENVIRO-25](#)). It includes tools and local recommended standards for provision that enables Nottingham City to better manage its provision of open and green spaces, both now and into the future. “Breathing Space” also plays an important role in helping the Council deliver the City’s Sustainable Community Strategy (2009).

7.8 The LAPP also includes other policies related to open space and includes;

- Policy EN3: Playing Fields and Sports Grounds
- Policy EN4: Allotments
- Policy EN5: Development Adjacent to Waterways
- Policy EN6: Biodiversity; and
- Policy EN7: Trees

Local Green Space

7.9 There is currently no Local Green Space designated within the City.

Policy EN1: Development of Open Space

Q1. *Is the wording of policy EN1 regarding development affecting the Open Space Network sufficiently clear and effective for development management purposes having regard to the Framework?*

7.10 Yes. It is considered that the wording of Policy EN1 is clear and effective regarding development affecting the OSN. Policy EN1 protects existing open space and requires a robust and up-to-date assessment of the need for open space, in accordance with para 73 of 2012 NPPF (para 96 of 2018 NPPF) for proposals affecting the OSN. With regards to protecting open space the policy sets out that development will be refused unless 1 of 3 criteria are met and that in all cases the development should not have a detrimental effect on open space, environment, landscape or wildlife value of the network as a whole. These criteria are in accordance with national policy (para 74 of the 2012 NPPF and para 97 of 2018 NPPF).

7.11 Two small changes are proposed to update the status of the Playing Pitch Strategy both within the preamble text to the Green Infrastructure, Parks and Open Space Policies (PPSC33) and within the justification text to Policy EN1 (PPSC34).

PPSC number	Para Ref/Policy	Proposed Post Submission Change
PPSC33	Preamble to Green Infrastructure, Parks and Open Space Policies	Amend para 5.4 to read: “In line with the NPPF the City commissioned a Playing Pitch Strategy (2015 2018) along with other interested parties including Sport England and National Governing Bodies...”
PPSC34	Policy EN1: Development of Open Space	Amend para 5.14 to read: “The <u>updated</u> Playing Pitch Strategy (2015 2018) is currently being updated with a Revised Playing Pitch Strategy expected early 2018. It includes an audit of the City’s outdoor sports provision and clubs who use it ...”

Q2. Is the Open Space Network justified particularly in relation to the inclusion of part of Nottingham racecourse and the ‘operational land’ at Bestwood Sidings?

Nottingham Race Course

7.12 Yes. The Open Space Network is justified in relation to the inclusion of part of Nottingham racecourse. The Publication Version of the LAPP amended the Open Space so that the main built up area of the Racecourse including the areas of hardstanding and built form including grandstand were excluded. In light of a consultation response a further revision was made at the Revised Publication stage. The revised boundary along with the Green Belt Boundary will focus any redevelopment or enhancement of the facilities to these areas whilst giving appropriate control over the more open and green parts of the wider site. The race course makes a very valuable contribution to the Open Space Network of the City being a specifically large open area but functioning within the City. Within the boundary of the racecourse there are also two Local Wildlife Sites. As such it is appropriate that the OSN designation (as revised) is retained.

‘Operational Land’ at Bestwood Sidings?

7.13 Yes. The Open Space Network is justified in relation to the inclusion of part of Bestwood Sidings. This area of land has a significant area of secondary woodland and as such would qualify as Open Space Network (OSN) in line with the Glossary definition of OSN in the LAPP. The land provides habitat for wildlife and forms part of a connectivity route into the city. The allocation as part of the OSN would not remove Network Rail's permitted development rights but would offer control over development that requires permission in the future. The Council therefore does not consider there are sufficient reasons to remove this OSN allocation for this site.

Policy EN2: Open Space in New Development

Q1. Does policy EN2 accord with the Framework? How will the need for developer contributions to enhance existing areas of open space or for the provision of additional areas of open space on site or within the locality be assessed? Is

the wording of the policy EN2 sufficiently clear and effective for development management purposes having regard to the Framework?

Does policy EN2 accord with the Framework?

7.14 Yes. The ability for Local Authorities to seek developer contributions is set out in para 203-206 of 2012 NPPF. The NPPF states that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

7.15 It is confirmed by the Nottingham City Council Whole Plan Viability Assessment - August 2018 ([LAPP.NCC16](#)) that funding for open space improvements has taken into account the requirement for the provision of new open space in reaching the conclusion that sites are viable across the plan area and plan period taking into account the policy impacts of the LAPP. Where schemes are shown not to be viable at the planning application stage the developers will have the opportunity to provide suitable evidence and negotiate with the Council as required which could include the relaxation of contributions including for Open Space where clearly justified in accordance with Proposed Post Submission Change to Policy IN4:Developer Contributions, which also confirms new SPD can be prepared in support of this policy, setting out guidance on the policy will be implemented.

How will the need for developer contributions to enhance existing areas of open space or for the provision of additional areas of open space on site or within the locality be assessed?

7.16 Where appropriate toolkit assessments will be used to consider the quantity and quality of existing open space provision in the area then a judgement will be made as to what on site provision or contributions to improvements of existing provision may be required from these findings. Further details will be set out in the SPD. The Council will secure the provision of new or improved open space through planning conditions or through the negotiation of a Section 106 Agreement. The justification text within Policy EN2 confirms the policy will be used to negotiate with developers for provision of publicly accessible or other open space, including play areas or informal areas for wildlife where appropriate, and it is considered there is a need created by the development. The developer will have the opportunity to negotiate details of the open space provision including a Section 106 Agreement depending on the financial viability of the scheme by providing a suitable viability assessment along with the planning application.

7.17 Investment plans for all of the City's parks and open spaces will be incorporated into the new SPD on Open Space. They include all types of open space, ranging from formal parks and gardens to nature reserves, allotments and Neighbourhood Tree Improvements. These set out a wide range of proposed improvements to ensure that all types of open space are improved. They will be used to determine where future Section 106 funding from housing developments is allocated and help the parks development team prioritise resources to secure external grant funding. The plans will help to demonstrate that the City has an ongoing need for investment into the City's parks and open spaces, both for existing users and to accommodate new residents in the future.

- 7.18 Policy EN2 also allows for an assessment to be made on a site by site basis depending on local need. Provision of new open space will be made in one or more of the following ways; either provision within the development; a financial contribution to provide facilities on or off site and/or a financial contribution to enhance facilities nearby. The developer's preference for one or other of these will be subject to the approval of the City Council.

Is the wording of the policy EN2 sufficiently clear and effective for development management purposes having regard to the Framework?

- 7.19 As noted above, it is considered that the policy accords with the 2012 NPPF and 2018 NPPF. The justification text makes it clear that the Council will use this policy to negotiate with developers for the provision of publicly accessible or other open space on site. In circumstances where the location and physical characteristics of the site and the surrounding area, including the presence of wildlife sites, may preclude or restrict the creation of new publicly accessible or other open space, the City Council will negotiate a contribution from the developer.

Policy EN3: Playing Fields and Sports Grounds

- Q1. Is policy EN3 justified and effective? How would alternative provision be secured? Would the modification to the supporting text of policy EN3 proposed by the Council address any issues of soundness?***

Is policy EN3 justified and effective?

- 7.20 Yes. In 2018 the City Council, along with its partners including Sport England and National Governing Bodies of Sport (NGBs) produced a revised the Playing Pitch Strategy. This looks at the existing and future provision requirements for formal sports pitches. It also considers the proposed allocations within the LAPP of former playing pitches and considers these suitable to be released for alternative uses. Any assessment submitted as part of a planning application should take the PPS as the starting point. In addition, the Council has produced the Sport and Physical Activity Strategy 2015 – 2019. This sets out the way forward for providing leisure facilities and developing and delivering sport and physical activity in the City. This means that the Plan is based upon a robust and credible evidence base.
- 7.21 The policy gives strong protection to playing pitches from development unless a detailed assessment has been submitted and each of the criteria are met.

How would alternative provision be secured?

- 7.22 Alternative provision for the loss of any Playing Fields and Sports Grounds will only be acceptable where each of the 3 criteria of the policy are met. Where this is the case, alternative provision would be secured either through conditions or a S106 agreement with any planning permission as appropriate. For instance, commuted sums secured through S106 could be used to upgrade existing facilities in the vicinity of the development.

Would the modification to the supporting text of policy EN3 proposed by the Council address any issues of soundness?

- 7.23 There are three proposed submission changes to the supporting text of Policy EN3. One is to give an update on the Revised Playing Pitch Strategy ([LAPP-LOCAL-04](#)). Another change removes text explaining that a new community sports hub at PA6. This is in response to the Revised Playing Pitch Strategy ([LAPP-LOCAL-04](#)) which has reached the clear conclusion that PA6 is no longer required to be retained for formal sport use and can be released for development, with development of Southglade Leisure Centre and Park as a hub site instead if demand requires. The final change is to add reference to some guidance produced by Sports England at their request. None of these changes are to address any issues of soundness, but are appropriate updated information.
- 7.24 A further Proposed Post Submission Change is proposed however to update the status of the Playing Pitch Strategy (PPSC35).

PPSC number	Para Ref/Policy	Proposed Post Submission Change
PPSC35	Para 5.21 of Policy EN3: Playing Fields and Sports Grounds	Amend text in para 5.21 in Policy EN3 to read: “In 2015 <u>2018</u> the City Council, along with its partners including Sport England and National Governing Bodies of Sport (NGBs) commissioned the a Revised Nottingham Playing Pitch Strategy (PPS) and Action Plan (2015). It is currently being updated with a Revised Playing Pitch Strategy expected early 2018... ”

Policy EN4: Allotments

Q1. Is policy EN4 justified?

- 7.25 Yes. The policy is considered appropriate to protect the environment and the important well-known social and health benefits associated with allotments. Para 70 of 2012 NPPF states that to deliver social, recreational facilities and services planning policies should ... “guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day need.” Currently there are over 800 people on the waiting list for an allotment across the City which shows demand remains high.
- 7.26 In addition, para 91 of 2018 NPPF refers to need to provide for allotments to enable and support health lifestyles, especially where this would address identified local health and well-being needs.
- 7.27 Planning Practice Guidance (Para: 006 Reference ID: 53-006-20170728) confirms that “Policies may also request the provision of allotments or allotment gardens, to ensure the provision of adequate spaces for food growing opportunities”. It is therefore considered that allotments should be protected to meet the aims of national policy in this regard.

Policy EN5: Development Adjacent to Waterways

Q1. Is the wording of part g) of policy EN5 sufficiently clear and effective for development management purposes having regard to the Framework?

- 7.28 Yes. Criterion g) of Policy EN5 is clear and effective for development management purposes. It was subject to Sustainability Appraisal ([LAPP-CD-REG-08](#)) and resulted in very positive outcome for many of the SA objectives. ACS Policy 7: Regeneration sets the strategic framework for regeneration emphasises the importance of maximising the potential of waterways in regeneration and the importance of improved accessibility and connectivity to minimise the need for travel and facilitate opportunities for public transport, walking and cycling initiatives, including by the exploitation of the riverside and water corridors.
- 7.29 Water is considered an important asset, especially within an urban environment. Within the Waterside regeneration area in particular there is the potential to maximise the benefits of development and the water setting of many sites along the canal and River Trent. Elsewhere in the City development along the River Leen will benefit from a waterside location. This policy will help to ensure that development makes the most of this asset and will enable Development Management to negotiate on schemes where the potential is not being maximised. For example ensuring that development is not turning its back to the water setting, or does not provide appropriate access opportunities.
- 7.30 Waterways also have the potential to provide valuable green corridors of movement for wildlife and, when designed appropriately, development can not only avoid adverse impacts, but also provide opportunities for enhancing the nature conservation interest of these corridors.

Policy EN6: Biodiversity

- Q1. *Is policy EN6 justified, effective and consistent with national policy in respect of its approach to biodiversity? If not, would the modifications proposed by the Council address any shortcomings in these respects?***

Is policy EN6 justified, effective and consistent with national policy in respect of its approach to biodiversity?

- 7.31 Yes. Policy EN6 is considered by the Council to be justified, effective and consistent with national policy in respect of its approach to biodiversity. The 2012 NPPF (section 11) provides very strong protection and enhancement of biodiversity, it states that planning policies and decisions should contribute to, and enhance the natural and local environment. The ACS sets the strategic framework for biodiversity both in Policy 17: Biodiversity and Policy 16: Green Infrastructure, Parks and Open Space. Policy EN6 sets out the hierarchy of biodiversity designations in line with both the NPPF and Policy 17 of the ACS. The policy has also been subject to Sustainability Appraisal ([LAPP-CD-REG-08](#)) and resulted in only positive outcomes for many of the SA objectives. There has been a considerable amount of support for the Policy including Natural England and Nottinghamshire Wildlife Trust (NWT) who specifically endorse the principle inclusion of the policy in the LAPP. The Council has also positively responded to many of the comments to help strengthen both the policy and justification text. In addition a detailed term for “Notable species” within the Glossary has also been provided to provide further clarity. Whilst there are some outstanding concerns from NWT remain, the Council does not consider further changes are warranted and the Council is reassured by the support of Natural England. It is therefore considered that the policy is fully justified and will be effective in protecting and enhancing biodiversity.

- 7.32 An SPD on Biodiversity is currently being progressed by the Council. This will offer further guidance and information on the ACS Policy 17: Biodiversity and LAPP Policy EN6 – Biodiversity. A Proposed Post Submission Change is set out below to acknowledge this.

PPSC number	Para Ref/Policy	Proposed Post Submission Change
PPSC36	Policy EN6: Biodiversity Para 5.45	Additional sentence added to para 5.45. “ <u>Further guidance related to Biodiversity will be set out within an SPD.</u> ”

If not, would the modifications proposed by the Council address any shortcomings in these respects?

- 7.33 The Proposed modification SC049 is in response to consultation comments and provides clarity that the policies within the LAPP and evidence that underpins the approach to biodiversity have been prepared to help to discharge the Council's responsibility under the Natural Environment and Rural Communities (NERC) Act. The other change is a minor correction (SC050) and reference to the glossary (SC051).

Policy EN7: Trees

- Q1. Is the wording of policy EN7 sufficiently clear and effective for development management purposes having regard to the Framework? In particular, how would the benefits of a development be assessed to see if they outweigh the loss of an ancient woodland?***

Is the wording of policy EN7 sufficiently clear and effective for development management purposes having regard to the Framework?

- 7.34 Yes. Policy EN7 is considered by the Council to be clear and effective for development management purposes having regard to the Framework. The 2012 NPPF sets out that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. The 2018 NPPF goes further and states that schemes resulting in the loss of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and provides examples where this is the case.

PPSC number	Para Ref/Policy	Proposed Post Submission Change
PPSC37	Policy EN7: Trees	Replace criteria 4. of Policy EN7 “4. Development resulting in the loss or deterioration of Ancient Woodland and the loss of aged or veteran trees found outside Ancient Woodland will be refused unless the need for, and benefits of, the

PPSC number	Para Ref/Policy	Proposed Post Submission Change
		<p>development in that location clearly outweigh the loss</p> <p>with</p> <p><u>“4. Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.”</u></p>
PPSC38	Policy EN7: Trees	<p>Add at a new para to the justification text</p> <p><u>“5.46a Developments resulting in the loss or deterioration of ancient woodland and ancient or veteran trees will not be supported unless there are wholly exceptional reasons and the scheme is supported by an agreed suitable compensation strategy. In these unusual circumstances, the public benefit would have to clearly outweigh the loss or deterioration of such trees for example in infrastructure projects (including for instance nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills).”</u></p>

In particular, how would the benefits of a development be assessed to see if they outweigh the loss of an ancient woodland?

- 7.35 It is considered that the amended wording proposed helps to clarify that schemes that lead to the loss or deterioration of ancient woodland and ancient or veteran trees are unlikely to be supported unless there are wholly exceptional circumstances and a suitable compensation strategy exists.

Issue 2: Minerals

Policies MI1, MI2 and MI3 (Minerals Safeguarding Area, Restoration after use and after care and Hydrocarbons)

Q1. Does the Plan accord with national policy in respect of its approach to minerals?

- 7.36 Yes. The plan accords with national policy and provides policies to facilitate the sustainable use of minerals in accordance with section 13 of 2012 NPPF.
- 7.37 Through the various stages of plan production the mineral policies within the LAPP have had many positive comments, in particular from Nottingham County Council (3219), the Coal Authority (2792), Local Nature Partnership (3545) and Tarmac (133). In addition, the Council has responded to comments received by making changes to the three specific mineral policies.

- 7.38 Given that Nottingham City is a heavily built up area there are no active minerals workings. However the LAPP acknowledges that minerals can only be worked where they are found and so Policy MI1 will ensure that where it is economic to do so, prior extraction of minerals resource can be achieved prior to development thereby preventing sterilising of mineral resource. Policy MI2 covers the restoration, after use and after-care to help assess these issues where minerals applications are submitted. In addition, Policy MI3 sets out how applications for hydrocarbons will be considered. Should any proposals for minerals extraction be received by the City Council, they will also be considered against the relevant policies in the Local Plan, such as those dealing with amenity, historic environment, land contamination, etc.
- 7.39 As noted within the Minerals Background Paper Addendum, September 2017 ([LAPP-CD-BACK-15](#)) there is a current mineral planning application which crosses the border with Nottingham City (17/00930/PMFUL3) and Rushcliffe Borough Council (Nottinghamshire County Council) (ES/3650) for the extraction and processing of sand and gravel at land near Barton in Fabis. The majority of this site is within the administrative area covered by Nottinghamshire County Council. This application is currently under consideration and the City will utilise current Local Plan (2005) policies to determine the application, and also give some weight to emerging LAPP policies.
- 7.40 For clarification it is proposed to relocate para 5.61 and para 5.62 from within the justification text of Policy MI1 to the preamble of the Minerals policies as both of these paras relate to all minerals matters and not just minerals safeguarding. In addition, it is considered appropriate to add an additional sentence to explain that should any proposals for minerals extraction be received by the City Council, they will be considered against the relevant policies in the Local Plan, such as those dealing with amenity, historic environment, land contamination, etc.

PPSC number	Para Ref/Policy	Proposed Post Submission Change
PPSC39	Preamble to the Minerals policies	<p>Insert new para 5.55a in the preamble to the Minerals policies.</p> <p><u>“5.55a Should any proposals for minerals extraction be received by the City Council, they will be considered against the Minerals policies but also against other relevant other relevant policies in the Local Plan, such as those dealing with amenity, historic environment, land contamination, etc.”</u></p>
PPSC40	Preamble to the Minerals policies	<p><u>Also relocated paras 5.61 (and slightly reword to be in light with 2018 NPPF) and 5.62.</u></p> <p><u>“5.55b The NPPF also requires that planning applications for minerals development should be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality.</u></p>

PPSC number	Para Ref/Policy	Proposed Post Submission Change
		<p>5.55c <u>In addition, Government policy requires the preparation of a Local Aggregates Assessment (LAA) to enable Minerals Planning Authorities (MPAs) to provide a steady and adequate supply of mineral resources by identifying local apportionments for all aggregate minerals in their area. The City Council and Nottinghamshire County Council have worked together to jointly prepare this document, along with participation of the Aggregates Working Party (comprising MPAs from across the region and industry representatives, its role being to provide technical advice about the supply and demand for aggregates and undertake annual monitoring of aggregate production and levels of permitted reserves across the East Midlands).</u>"</p>

Policy MI1: Minerals Safeguarding Area

Q1. Would the proposed modification to policy MI1 to include reference to associated minerals infrastructure ensure the policy is consistent with national policy? Would the policy as proposed to be modified be sufficiently clear and effective for development management purposes having regard to the Framework?

Would the proposed modification to policy MI1 to include reference to associated minerals infrastructure ensure the policy is consistent with national policy?

7.41 Yes. The proposed modification to Policy MI1 to include reference to associated minerals infrastructure will ensure that the policy is consistent with national policy. The proposed modification was as a direct result of consultation comments by Tarmac (133) who considered that safeguarding should be extended to include mineral associated infrastructure in line with NPPF para 143. The council considered this an appropriate change (SC052 Policy title change to "Mineral Safeguarding" and SC053 which insert a part 2 to the policy with a-c criteria).

Would the policy as proposed to be modified be sufficiently clear and effective for development management purposes having regard to the Framework?

7.42 Yes. It is considered that the amended policies as modified is sufficiently clear and effective for development management purposes having regard to both the 2012 NPPF and the 2018 NPPF. The policy now safeguards both mineral resource and minerals infrastructure used for the processing of minerals by breaking down safeguarding into these two specific elements for safeguarding. The first covers minerals resource to be safeguarded including criteria used to assess schemes to prevent unnecessarily sterilising of mineral resources. The second criteria safeguards mineral processing infrastructure again subject to appropriate criteria.

Issue 3: Telecommunications

Policy IN1: Telecommunications

Q1. *Is the wording of policy IN1 sufficiently clear and effective for development management purposes having regard to the Framework?*

7.43 Yes. Policy IN1 is considered sufficiently clear and effective for development management purposes. In accordance with section 5 of the 2012 NPPF, the policy supports the expansion of electronic communications networks, whilst also aiming to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. A number of 2012 NPPF compliant criteria are clearly set out in the policy, for the consideration of the proposal in the development management process.

Issue 4: Land Contamination, Instability and Pollution

Policy IN2: Land Contamination, Instability and Pollution

Q1. *Does the Plan provide adequate environmental protection in respect of land contamination, land stability and pollution?*

7.44 Yes. Policy IN2 provides a comprehensive approach to both new development at risk of land contamination, pollution or instability, and where new development could give rise to land contamination, pollution or instability.

Q2. *Is the wording of policy IN2 sufficiently clear and effective for development management purposes having regard to the Framework? Would the modification to the supporting text proposed by the Council relating to air quality address any shortcomings in this respect?*

7.45 Yes. Policy IN2 is considered to be sufficiently clear and effective for development management purposes. Representations made to previous versions of the policy have been positively responded to, and ensure the policy can be effective. The modification (SC057) confirms that the City Council will be preparing a Supplementary Planning Document to assist in the determination of applications which may have implications for air quality. This is particularly important for Nottingham City, as the City is identified as an area with particularly acute air quality issues. A revision to the Air Quality Management Areas is currently being considered, which will give City-wide coverage.

Issue 5: Hazardous Installations

Policy IN3: Hazardous Installations and Substances

Q1. *Does the Plan provide appropriate protection in respect of hazardous installations and substances?*

7.46 Yes. As stated in Submission LAPP para 5.98 ([LAPP-CD-REG-01](#)) the Council is expected to seek technical advice from the Health and Safety Executive in accordance with 2012 NPPF para 194 ([LAPP-NPG-01](#)), and give due consideration to this during the DM process. Policy IN3 is supported by the Planning (Hazardous Substances) Regulations 2015 and seeks to cover any residual risk that may arise beyond compliance with the Regulations.

Q2. Is the wording of policy IN3 sufficiently clear and effective for development management purposes having regard to the Framework?

7.47 Yes. In accordance with 2012 NPPF para 172 ([LAPP-NPG-01](#)), the Health and Safety consultation zones around hazardous installations and the consultation zones for notifiable pipelines are shown on the Policies Map. Submission LAPP para 5.101 ([LAPP-CD-REG-01](#)) details the issues that may be taken into account in arriving at a decision providing clarity on how the policy can be applied, making it effective.

Post Submission Changes as a Result of this Statement

7.48 For completeness, listed below are all the Proposed Post Submission Changes as a result of this statement.

PPSC number	Para Ref/Policy	Proposed Post Submission Change
PPSC32	Policy EN2: Open Space in New Development	New para 5.19a <u>“5.19a The Council intends to provide further guidance related to Open Space within a SPD. This will set out the level of provision of open space required in new residential and commercial development, help applicants incorporate open space provision into development proposals and provide guidance on any financial contributions required along with a revised fee structure.”</u>
PPSC33	Preamble to Green Infrastructure, Parks and Open Space Policies	Amend para 5.4 to read: “In line with the NPPF the City commissioned a Playing Pitch Strategy (2015 <u>2018</u>) along with other interested parties including Sport England and National Governing Bodies...”
PPSC34	Policy EN1: Development of Open Space	Amend para 5.14 to read: “The <u>updated</u> Playing Pitch Strategy (2015 <u>2018</u>) is currently being updated with a Revised Playing Pitch Strategy expected early 2018. It includes an audit of the City’s outdoor sports provision and clubs who use it ...”
PPSC35	Para 5.12 of Policy EN3: Playing Fields and Sports Grounds	Amend text in para 5.21 in Policy EN3 to read: “In 2015 <u>2018</u> the City Council, along with its partners including Sport England and National Governing Bodies of Sport (NGBs) commissioned the a Revised Nottingham Playing Pitch Strategy (PPS) and Action Plan (2015). It is currently being updated with a Revised Playing Pitch Strategy expected early 2018... ”

PPSC number	Para Ref/Policy	Proposed Post Submission Change
PPSC36	Policy EN6: Biodiversity Para 5.45	Additional sentence added to para 5.45; <u>“Further guidance related to Biodiversity will be set out within an SPD.”</u>
PPSC37	Policy EN7: Trees	Replace criteria 4. of Policy EN7; “4. Development resulting in the loss or deterioration of Ancient Woodland and the loss of aged or veteran trees found outside Ancient Woodland will be refused unless the need for, and benefits of, the development in that location clearly outweigh the loss” with <u>“4. Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.”</u>
PPSC38	Policy EN7: Trees	Add at a new para to the justification text: <u>“5.46a Developments resulting in the loss or deterioration of ancient woodland and ancient or veteran trees will not be supported unless there are wholly exceptional reasons and the scheme is supported by an agreed suitable compensation strategy. In these unusual circumstances, the public benefit would have to clearly outweigh the loss or deterioration of such trees for example in infrastructure projects (including for instance nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills).”</u>
PPSC39	Preamble to the Minerals policies	Insert new para 5.55a in the preamble to the Minerals policies; <u>“5.55a Should any proposals for minerals extraction be received by the City Council, they will be considered against the Minerals policies but also against other relevant other relevant policies in the Local Plan, such as those dealing with amenity, historic environment, land contamination, etc.”</u>
PPSC40	Preamble to the Minerals policies	Relocated paras 5.61 (and slightly reword to be in light with 2018 NPPF) and 5.62 to preamble to minerals policies; <u>“5.55b The NPPF also requires that planning applications for minerals development should be assessed so as to ensure that permitted operations</u>

PPSC number	Para Ref/Policy	Proposed Post Submission Change
		<p><u>do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality.</u></p> <p><u>5.55c In addition, Government policy requires the preparation of a Local Aggregates Assessment (LAA) to enable Minerals Planning Authorities (MPAs) to provide a steady and adequate supply of mineral resources by identifying local apportionments for all aggregate minerals in their area. The City Council and Nottinghamshire County Council have worked together to jointly prepare this document, along with participation of the Aggregates Working Party (comprising MPAs from across the region and industry representatives, its role being to provide technical advice about the supply and demand for aggregates and undertake annual monitoring of aggregate production and levels of permitted reserves across the East Midlands)."</u></p>