



Nottingham
City Council

**Nottingham City Council
Local Plan Part 2: Land and
Planning Policies Document Main
Modification Version**

Ref:

**311 Historic
England**

Response Form

A number of changes have been made to the previous 'Revised Publication Version' of the Local Plan as part of the examination. These changes cover Site Allocations and Development Management Policies with additions shown in blue underline and deletions in ~~red strikethrough~~ in the Schedule of Proposed Main Modification. This consultation is focusing only on these changes.

Additional Modifications are minor changes, not subject to consultation and will be made by the Council on adoption. These are shown for information only on these changes in grey underline and deletions in ~~grey strikethrough~~ in the Proposed Main Modifications Tracked Changes Version.

A list of supporting documents, which accompany the Proposed Main Modifications can be found at www.nottinghamcity.gov.uk/mainmodifications.

You are advised to read the Guidance Note before completing this form, but if you have any questions, please call 0115 876 4594 or email the Planning Policy and Research Team at localplan@nottinghamcity.gov.uk.

The Council is encouraging email responses for ease of processing. Please return this response form to localplan@nottinghamcity.gov.uk. Should you need to submit comments in writing, these should be addressed to:

Local Plan Proposed Main Modification Consultation, Planning Policy and Research Team,
Nottingham City Council, LH Box 52, Loxley House, Station Street, Nottingham, NG2 3NG.

Responses must be received by 5.00pm Friday 28th June 2019

Part B – Your Response

If you wish to comment on more than one issue please complete a separate form for each issue (although you only need to complete Part A once).

Q6 If you know the Proposed Change reference number provided in the Schedule of Changes to the Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2), [Schedule of Proposed Main Modification](#), or the [Schedule of Changes to the Policies Map](#), please answer below and move to Q7.

What does your response relate to? (please select **only one** from a) to d) below).

a) A Proposed Main Modification? (if yes, please specify and move to Q7)

Which Proposed Main Modification? (please provide the reference number and any details eg Policy Number/Title or para number) using the [Schedule of Proposed Main Modification](#).

- X Yes**
- No**

Please give details including Main Modification Ref: MM Ref isn't appearing on track change document so unable to include.

- Policy HE1 Section 3; and,
- Policy IN4 Section 3.

b) A Policy Map? (if yes, please specify then move to Q7)

Which Policy Map? (please provide the reference number and any details eg Allocation number) using the [Schedule of Changes to the Policies Map](#)

- Yes**
- X No**

Please give details including Policy Map Ref:

c) Supporting documents? (if yes, please specify which document, then move to Q7)

- Yes**
- X No**

Which document?
(please specify)

(Please provide the title)

d) Another issue?
(please specify then move to Q7)

- Yes (please give details)**
- _____
- _____
- _____

Q7 and Q8 are required by Planning Regulations. Please refer to the [guidance note](#) for more information.

Q7 Do you consider the Local Plan Part 2, with the inclusion of the Proposed Main Modifications, to be legally compliant? (please tick yes or no and explain in the box to Q10. You will also need to answer Q9).

- X Yes
- No

Q8 Do you consider the Local Plan Part 2, with the inclusion of the Proposed Main Modifications, to be 'sound'? (please tick yes or no). If not, specify why.

- Yes (go to Q9)
- X No (answer a-d below)

a) It is not 'positively prepared'?

Yes

b) It is not 'justified'?

X Yes

c) It is not 'effective'?

X Yes

d) It is not 'consistent with National Policy'?

X Yes

If you consider that the Plan is unsound, explain why in the box to Q9).

Q9 Please explain why you 'support' or 'do not support' the Proposed Main Modification, Changes to the Policies Map, or other Supporting Documents (i.e. why you think the Plan is/is not legally compliant/sound). Try and be as precise as possible.

Policy HE1: Proposals affecting designated and non-designated heritage assets: Section 3 – Section 3 of this policy is not sound as it now sets out four criteria in relation to the consideration of substantial harm to, or total loss of, significance of a designated heritage asset. As set out in the justification for the policy (para 4.117) the NPPF sets out that development involving the demolition of, or substantial harm to, the significance of a designated asset will only be granted in 'exceptional circumstances'. It is not clear how the four criteria in Section 3 of Policy HE1 have been assessed and reconciled in respect of 'exceptional circumstances'. The proposed modification implies that if the criteria are met then substantial harm to, or demolition of, a designated heritage asset would be acceptable which is not consistent with NPPF requirements. On that basis the criteria set out in Section 3 are not justified, effective or consistent with National Policy and, therefore, not sound.

Policy IN4: Developer Contributions: Section 3 – Viability can impact on proposals affecting heritage assets. The modification in the new text at Section 3 of the policy does not make it clear whether the independent examination of a viability assessment is expected to be undertaken at the developer/applicant's expense or not. This should be clarified in the new policy text or in the Justification section for the avoidance of doubt and to ensure the policy is effective. The lack of clarity on this aspect results in the Plan not being sound.

(please continue on a separate sheet if necessary)

Q10 Please set out what change(s) you consider necessary to make the Proposed Main Modifications, changes to the Policies Map or other Supporting Documents legally compliant or sound, having regard to the reasons you identified in Q9. You will need to say why this change will make the Proposed Main Modifications legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any Policy or text. Try and be as precise as possible.

Policy HE1: Proposals affecting designated and non-designated heritage assets: Section 3 – Removal of the four criteria would make the policy sound.

Policy IN4: Developer Contributions: Section 3 – Viability can impact on proposals affecting heritage assets. The modification in the new text at Section 3 of the policy does not make it clear whether the independent examination of a viability assessment is expected to be undertaken at the developer/applicant's expense or not. This should be clarified in the new policy text or in the Justification section for the avoidance of doubt and to ensure the policy is effective.

(please continue on a separate sheet if necessary)

Please note your response should cover succinctly all the information, evidence and supporting information necessary to support/justify the response and the suggested change.

Responses must be received by 5.00pm on Friday 28th June 2019.