
**Nottingham City Land and Planning Policies
Development Plan Document (Local Plan Part 2)**

Main Modifications

**Summaries of Representations Received and
Nottingham City Council Responses**

Issued by Nottingham City Council

22nd July 2019



**Nottingham
City Council**

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INTRODUCTION

Nottingham City Council has prepared a new Local Plan for Nottingham which allocates development sites and sets out planning policies in the City. Once adopted, the Local Plan Part 2 (LAPP) will sit alongside the Nottingham City Core Strategy, which is known as Part 1 of the Local Plan. Together, these two documents comprise the Development Plan for the City, which will guide development in the Nottingham up to 2028. Preparation of the LAPP has been informed by consultation undertaken in line with the City Council's Statement of Community Involvement.

This report sets out the key issues arising from the consultation on the Proposed Main Modifications to the LAPP; it includes a summary of the comments received, and the Council's response to these comments.

Consultation on the Proposed Main Modifications.

Public consultation on the Proposed Main Modifications to the on the draft LAPP took place between 17th May to 28th June 2019. The following documents were published as part of this consultation:

- Schedule of Changes to the Policies Map of the Nottingham City Land and Planning Policies Document, May 2019.
- Proposed Main Modifications Tracked Changes Version of the Nottingham City Land and Planning Policies Document, May 2019.
- Sustainability Appraisal Replacement Addendum 2 and Commentary on the Habitat Regulations Assessment, May 2019.
- Equalities Impact Assessment Replacement Addendum 2, May 2019.
- Evidence in Support of Policy HO4: Specialist and Adaptable Housing.
- Shadow Habitats Regulations Assessment to inform the assessment of the Local Plan Part 2 (Submission Version) by Nottingham City Council.
- Housing Implementation Strategy and Delivery Test Action Plan, November 2018.
- Housing Land Availability Report, 2018.

These documents were made available during the consultation period as follows:

- Details of the LAPP Main Modifications consultation, including the plan, associated documents and the ways to provide comment within the consultation time period were published on the Councils web site.
- Letters providing details of the consultation were sent to all contacts on the Local Plan database of consultees.
- The plan, relevant supporting documents and details on how to provide comments were placed on deposit at the Loxley House Council Office and central library deposit point, as well as at all local libraries in Nottingham.

A total of 20 organisations/individuals responded to the Main Modifications Consultation resulting in 50 responses broken down as follows

	Number of Comments
Proposed Main Modifications to the Local Plan Part 2 (LAPP)	
• Table 1	1
• Policy CC3	1
• Policy RE8	1
• Policy HO1	1
• Policy HO4	1
• Policy DE1	1
• Policy HE1	1
• Policy EN2	1
• Policy EN6	1
• Policy EN7	1
• Pre-amble: Minerals	1
• Policy MI1	2
• Policy MI3	1
• Policy IN4	1
• Site PA4	1
• Site PA6	1
• Site PA9	1
• Site PA11	1
• Site PA 29	1
• Site PA 30	1
• Site PA 43	2
• Site PA 54	1
• Site PA 55	1
• Site PA 56	1
• Site PA 57	2
• Site PA66	8
• Site PA 72	1
• Site PA 81	1
• Site PA 82	1
• Site PA 85	1
Schedule of Proposed Changes to the Policies Map	2
Shadow Habitats Regulation Assessment	1
General Comments	3
Miscellaneous Comments	2
Late Comments	2

PROPOSED MAIN MODIFICATIONS TO THE LOCAL PLAN PART 2 (LAPP)

TABLE 1: RELATIONSHIP OF THE LAPP POLICIES TO THE CORE STRATEGIES POLICIES

MM2

The Coal Authority state that they have no objections to the modification.

Nottingham City Council Response:

Comment noted.

List of Respondents

The Coal Authority

POLICY CC3: WATER

MM7

Amendments to this policy supported by Natural England in respect of the requirement that all developments should include SuDs.

Nottingham City Council Response:

Support noted.

List of Respondents

Natural England

POLICY RE8: WATERSIDE

MM19

Nottinghamshire County Council supports the proposed modification as it provides a useful additional clarification to developers and supports the overall Waste Core Strategy.

Nottingham City Council Response:

Support noted.

List of Respondents

Nottinghamshire County Council

POLICY H01: HOUSING MIX

MM20

The National Custom and Self Build Association are concerned that the proposed modification weakens the previous wording of the policy and essentially does nothing to promote custom or self-build. They propose additional text to amend the policy.

Nottingham City Council Response:

Under Criterion 4 the Council supports the provision of self-build and custom build serviced plots. The proposed modification was put forward following the Examination Hearing Session discussion on this policy in order to promote flexibility and ensure that any requirements for such responds to an identified need.

List of Respondents

National Custom and Self Build Association

POLICY H04: SPECIALIST AND ADAPTABLE HOUSING**MM23**

Gladman support the additional flexibility provided by the modification: 'where viable and technically feasible'. They object however to the policy not being supported by a proportionate and robust evidence base and quote from the Inspector's Letter to the Council dated 15 January 2019 which requests that the Council delete the policy unless further clear evidence can be produced sufficient to fully justify the policy. They request that the policy wording should be altered so that it provides 'support' for the provision of M4(2) and M4(3) whilst not setting a policy requirement that may threaten development viability.

Nottingham City Council Response:

In response to the Inspector's letter dated 15 January 2019, the City Council prepared the document entitled: 'Additional Evidence to Support Policy H04, Specialist and Adaptable Housing', in which the City Council sets out clear evidence to fully justify the policy. This Additional Evidence Document was made available during the Main Modifications consultation (as set out in the Introduction section to this document). It is considered that Gladman may not be aware of this Additional Evidence Document as they do not reference it in their response.

List of Respondents

Gladman Developments Ltd.

POLICY DE1: BUILDING DESIGN AND USE**MM27**

Gladman do not consider sufficient evidence in relation to Nationally Described Space Standards has been provided in order to justify its implementation. They consider the use of Nationally Described Space Standards to be unsound and reference to these standards should be deleted from the Local Plan Part 2 (LAPP) document.

Nottingham City Council Response:

Compliance with the Nationally Described Space Standards is not the subject of this Main Modification. The previous iteration of this policy required compliance under criterion g). Criterion 2 was added to the policy to add clarity in response to Examination Hearing discussions. It recognises that the development industry will require a 'lead in time' to comply with these standards. The Council considers the

evidence presented at the Examination Hearing and contained in the 'Sustainable, Inclusive and Mixed Communities Background Paper – January 2016' in support of this policy requirement to be robust.

List of Respondents

Gladman Developments Ltd.

POLICY HE1: PROPOSALS AFFECTING DESIGNATED AND NON-DESIGNATED HERITAGE ASSETS

MM30

Historic England contends that 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 and does not reference that permission will only be granted in 'exceptional circumstances', which is contrary to NPPF.

Nottingham City Council Response:

If the Inspector considers this change necessary to make the Plan sound, the Council suggests the following addition to criterion 3 of Policy HE1 (highlighted in red underlined text):

Designated Heritage Assets

3. *Planning permission will be refused where development proposals lead to substantial harm to or total loss of significance of a designated heritage asset. In exceptional circumstances, planning permission may be granted where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and the nature of the heritage asset prevents all reasonable uses of the site; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

4. *Where a development proposal would result in less than substantial harm, permission will only be granted where the public benefits, including securing its optimum viable use, outweigh the harm.*

List of Respondents

Historic England

POLICY EN2: OPEN SPACE IN NEW DEVELOPMENT

MM37

Natural England welcomes the City Council's intention to provide further guidance on this policy through a Supplementary Planning Document and are willing to contribute to this.

Nottingham City Council Response:

Comments noted.

List of Respondents

Natural England

POLICY EN6: BIODIVERSITY

MM40

Natural England welcomes the City Council's intention to provide further guidance on this policy through a Supplementary Planning Document and are willing to contribute to this.

Nottingham City Council Response:

Comments noted.

List of Respondents

Natural England

POLICY EN7: TREES

MM41

Natural England welcomes the changes to the policy.

Nottingham City Council Response:

Support noted.

List of Respondents

Natural England

PREAMBLE: MINERALS

MM42

The Coal Authority state that they have no objections to the modification

Nottingham City Council Response:

Comment noted.

List of Respondents

The Coal Authority

POLICY MI1: MINERALS SAFEGUARDING

MM43

Natural England welcomes the inclusion of the need to consider the adverse effects on the natural environment when determining applications for minerals developments.

The Coal Authority expressed their support for the modifications proposed.

Nottingham City Council Response:

Support noted.

List of Respondents

Natural England

The Coal Authority

POLICY MI3: HYDROCARBONS

MM44

The Coal Authority support the modifications proposed.

Nottingham City Council Response:

Support noted.

List of Respondents

The Coal Authority

POLICY IN4: DEVELOPER CONTRIBUTIONS

MM45

Historic England states 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. Historic England would like this to be clarified.

Nottingham City Council Response:

If the Inspector considers a change necessary to make the Plan sound, the Council suggests the following addition to criterion 3 of Policy IN4 (highlighted in red underlined text:

3. If an applicant considers there to be issues of viability due to the level of contributions being sought which render a proposal undeliverable, they will be required to submit robust viability assessments. These will be independently examined at the developer's/applicant's expense before the scale and nature of any reduction is agreed.

List of Respondents

Historic England

SITE ALLOCATION PA4: Linby Street/Filey Street

MM50

A local resident is supportive of the removal of retail from the proposed list of uses for this site.

Nottingham City Council Response:

Support noted.

List of Respondents

Mr Wooton

SITE ALLOCATION PA6: BECKHAMPTON ROAD – FORMER PADSTOW SCHOOL DETACHED PLAYING FIELD

MM52

Natural England welcomes the inclusion of open space and green infrastructure as a condition for this site.

Nottingham City Council Response:

Support noted.

List of Respondents

Natural England

SITE ALLOCATION PA9: EDWARDS LANE – FORMER HAYWOOD SCHOOL DETACHED PLAYING FIELD

MM54

Natural England welcomes the inclusion of open space and green infrastructure as a condition for this site.

Nottingham City Council Response:

Support noted.

List of Respondents

Natural England

SITE ALLOCATION PA11: STANTON TIP – HEMPSHILL VALE

MM55

Natural England welcomes the condition to protect the most important habitats.

Nottingham City Council Response:

Support noted.

List of Respondents

Natural England

SITE ALLOCATION PA29: BOBBERS MILL BRIDGE – LAND ADJACENT TO BOBBERS MILL INDUSTRIAL ESTATE
MM63

Natural England welcomes the inclusion of SuDS as a condition for development.

Nottingham City Council Response:

Support noted.

List of Respondents

Natural England

SITE ALLOCATION PA30: BOBBERS MILL INDUSTRIAL ESTATE

MM64

Natural England welcomes the inclusion of SuDS as a condition for development.

Nottingham City Council Response:

Support noted.

List of Respondents

Natural England

SITE ALLOCATION PA43: SALISBURY STREET

MM69

Natural England welcomes the inclusion of SuDS as a condition for development.

Nottingham City Council Response:

Support noted.

Afsar and Dudley object to the change in number of anticipated dwellings from 22 to 21. Consider the Council's approach contrary to the NPPF as this figure is not based on any objective assessment of the capacity of the site, which is likely to be considerably higher than 21 dwellings.

Nottingham City Council Response:

As the objector states, this figure is based on the most recent outline planning permission granted on the site for 3 storey dwellings. Under the 'Approach to Site Selection' section of the LAPP. Para 6.12o was amended to highlight that Appendix 3 details an 'indicative' Housing range. It is not prescriptive and does not prevent an applicant from proposing a higher density scheme which will be considered on its own merits through the Development Management process. The Council does not therefore consider it necessary to revise this figure.

List of Respondents

Natural England

Landowner/Developer - Afsar and Dudley

SITE ALLOCATION PA54: BOOTS

MM77

Natural England welcomes the inclusion of open space and green infrastructure as a condition for this site.

Nottingham City Council Response:

Support noted.

List of Respondents

Natural England

SITE ALLOCATION PA55: RUDDINGTON LANE – REAR OF 107-127

MM78

Natural England welcomes the inclusion of an environmental assessment of possible groundwater pollution.

Nottingham City Council Response:

Support noted.

List of Respondents

Natural England

SITE ALLOCATION PA56: STURGEON AVENUE - THESPINNEY

MM79

Natural England welcomes the inclusion of an environmental assessment of possible groundwater pollution.

Nottingham City Council Response:

Support noted.

List of Respondents

Natural England

SITE ALLOCATION PA57: CLIFTON WEST

MM80

Natural England welcomes the inclusion of Clifton Woods Ancient Woodland as a consideration for this site.

A local resident voiced concerns regarding the access arrangements for the site. These concerns had been voiced at a meeting held in April 2019 with residents and councillors. He requested that a follow-up meeting with planners, highways officials and residents be held as promised.

Nottingham City Council Response:

Comments noted. Officers are working to arrange the follow-up meeting as requested.

List of Respondents

Natural England

Mr C. Hunt

**SITE ALLOCATION PA66: CASTLE QUARTER, MAID MARIAN WAY –
COLLEGE SITE
MM83**

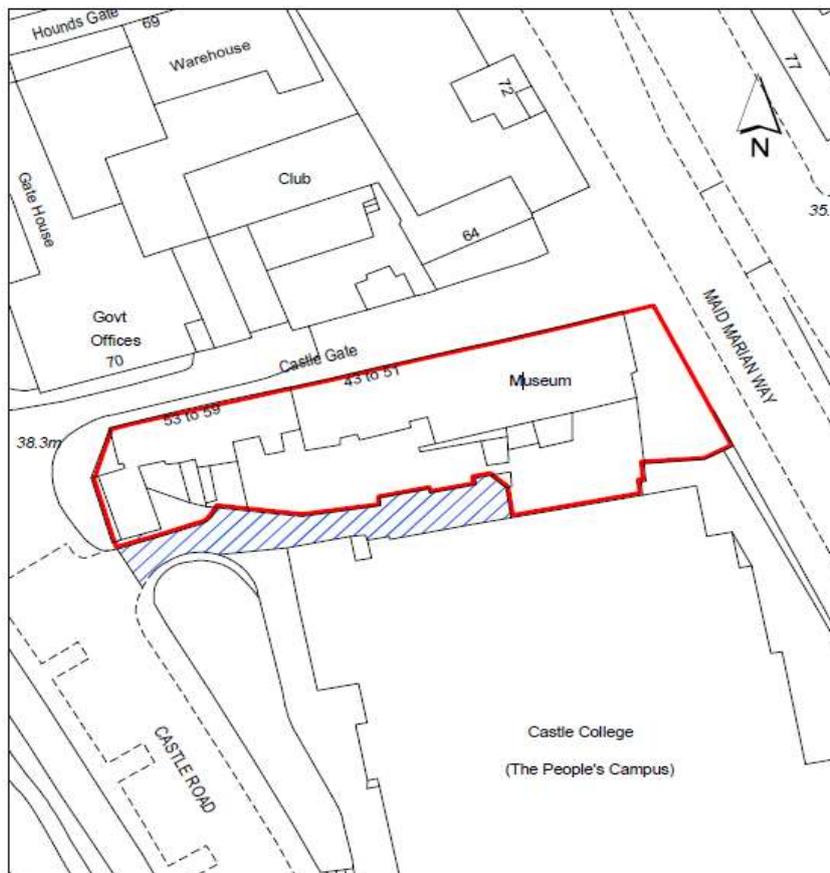
Two local residents state that the boundary of the site allocation is incorrect.

Five local residents consider that the resident owned car parking spaces should be defined and the shared access requirement for the car parking be noted.

One local resident was concerned that he had only heard about the proposal for the site due to his neighbour informing him and that he was not contacted directly. He also stated that the response form was inaccessible.

Nottingham City Council Response:

The City Council considers the Site Allocation boundary for this site to be correct. The map below shows the ownership boundary (depicted by the red outline) for the residential properties along Castle Gate. The blue hatched area shows the extent of the shared access requirement. Whilst the Site Allocation boundary includes the shared access arrangements, this requirement will not be extinguished by future development as it is bound by a separate legal process. Consultation was carried out in accordance with the Council's Statement of Community Involvement. All those who previously made consultation comments on the Local Plan Part 2 (LAPP) document were contacted directly. The Proposed Main Modifications were published for consultation as set out in the Introduction section to this document.



Title: SEVERNS BUILDING No's 49-53 CASTLE GATE NOTTINGHAM		
Key	Map produced on: MARG213	  Lockley House Station Street Nottingham NG2 3WQ Tel : 0115 8762600 Fax : 0115 8763120 Property Records Development
SK5739NW	Map produced by: Patricia Gwent 0115 8763088	
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Nottingham City Council 100019317, 2013.		Scale 1:500 HUSERSOAPSPROPERTYSHARED DATAMISC43 - 53 CASTLE GATE JB

List of Respondents

- Mr B. Buckton
- Mr D. Smith
- Mr M. Hopkins
- Mr M. Boam
- Mr. G. Popper

**SITE ALLOCATION PA72: CANAL QUARTER – WATERWAY STREET
MM88**

Natural England welcomes the inclusion of a green corridor and the possibility of daylighting the culvert on this site.

Nottingham City Council Response:

Support noted.

List of Respondents

Natural England

SITE ALLOCATION PA81: WATERSIDE – MEADOW LANE

MM93

Natural England welcomes the inclusion of a green corridor and the possibility of daylighting the culvert on this site.

Nottingham City Council Response:

Support noted.

List of Respondents

Natural England

PA82: WATERSIDE- FREETH STREET

MM94

Nottinghamshire County Council supports the proposed modification as it provides a useful additional clarification to developers and supports the overall Waste Core Strategy.

Nottingham City Council Response:

Support noted.

List of Respondents

Nottinghamshire County Council

PA85: WATERSIDE- TRENT LANE, PARK YACHT CLUB

MM96

Nottinghamshire County Council supports the proposed modification as it provides a useful additional clarification to developers and supports the overall Waste Core Strategy.

Nottingham City Council Response:

Support noted.

List of Respondents

Nottinghamshire County Council

PROPOSED CHANGES TO THE POLICIES MAP

PMC 10.34

A local resident stated that that this proposed change was partially unsound and not positively prepared as he considered that the proposals re-align rather than constitute an overall 'addition' to the Local Wildlife Site at Fairham Brook.

Nottingham City Council Response:

This change to the Policies Map was made as a result of the most recent resurveying of Local Wildlife Sites undertaken by the Nottinghamshire Geological and Biological Record Office, in accordance with their approved methodology. It is considered that the amended boundary for Fairham Brook should be incorporated onto the final adopted Policies Map as shown.

PMC 10.35

A local resident stated that that this proposed change was partially unsound and not positively prepared as they considered that the proposals re-align rather than constitute an overall 'addition' to the Local Wildlife Site at Fairham Brook.

Nottingham City Council Response:

This change to the Policies Map was made as a result of the most recent resurveying of Local Wildlife Sites undertaken by the Nottinghamshire Geological and Biological Record Office, in accordance with their approved methodology. It is considered that the amended boundary for Fairham Brook should be incorporated onto the final adopted Policies Map as shown.

List of Respondents

Mr J. Potter

SHADOW HABITATS REGULATIONS ASSESSMENT

Natural England refer to their earlier consultation on this document and agree with the conclusion that there is No Likely Significant Effect from the proposed plan modifications.

Nottingham City Council Response:

Comments noted.

List of Respondents

Natural England

GENERAL COMMENTS

The Canal and River Trust advised that they have no comments to make

Highways England concluded that no significant modifications have been made and have no further comments to make.

The National Grid confirmed that they have no comments to make in response to the consultation.

Nottingham City Council Response:

Comments noted.

List of Respondents

The Canal and River Trust

Highways England

National Grid

MISCELLANEOUS COMMENTS

SITE ALLOCATION PA87

Natural England welcomes the inclusion of a green corridor and the possibility of daylighting the culvert on this site.

Nottingham City Council Response:

There is no site allocation PA87. The Council suspects this support is for PA71 which references a green corridor and daylighting the culvert.

List of Respondents

Natural England

UNITED KINGDOM WITHOUT INCINERATION NETWORK GUIDE TO SITE SPECIFIC NON-WASTE PLANNING ARGUMENTS (ENGLAND)

Response comprises a complete copy of the above publication.

Nottingham City Council Response:

Response noted.

List of Respondents

Mr Trevor Rose

LATE COMMENTS RECEIVED

LAND NEAR THE ROSE HILL SCHOOL, ST MARTHAS ROAD, SNEINTON

This land is vacant and should be developed.

Nottingham City Council Response:

Response noted. The City Council will investigate this site to see if could be used within its Strategic Housing Land Availability Study.

List of Respondents

Mr W. Staniforth

SNEINTON MARKET

This site should be utilised.

Nottingham City Council Response:

Sneinton Market is already allocated in the Local Plan Part 2 as Site Allocation PA64: Creative Quarter – Sneinton Market.

List of Respondents

Mr W. Staniforth