



The Planning Inspectorate

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## **Examination of the Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2)**

**Inspector's Matters, Issues and Questions**

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**Inspector appointed by the Secretary of State**

**Date: 26 September 2018**

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## **Introduction**

The Greater Nottingham (Broxtowe Borough, Gedling Borough and Nottingham City) Aligned Core Strategies (Local Plan Part 1) (ACS) sets out the overarching strategic planning policy framework for Greater Nottingham. It contains a spatial vision, spatial objectives and core policies for the Greater Nottingham area.

The introduction to the Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2) (LAPP) explains that it is the second part of the Nottingham City Local Plan and contains both Development Management planning policies and site specific land allocations. It also includes policies in relation to mineral development. Once adopted the LAPP together with the ACS will form the statutory development plan for Nottingham.

Prior to the forthcoming Hearing sessions responses are invited from participants on the following Matters, Issues and Questions (MIQs) for Examination. Further information about the Examination and format of written statements is provided in the accompanying Guidance Note, which should be read alongside the MIQs.

The LAPP has been submitted for examination under the transitional arrangements in paragraph 214 of the National Planning Policy Framework (the Framework) published in July 2018. This indicates that the policies in the previous Framework published in March 2012 will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Accordingly, the references to the Framework in the MIQs refer to the version of the Framework published in March 2012.

<b>MATTER 1</b>	<b>Legal and Procedural Requirements</b>
Issue 1: Duty to Co-operate	
<p>Q1. Has the Duty to Co-operate under sections 22(5)(c) and 33A of the 2004 Act and Regulation 4 of the 2012 Regulations been complied with having regard to the advice contained in the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG)?</p> <p>Q2. Does the Council's Statement of Compliance with the Duty to Co-operate (March 2018) [LAPP-CD-REG-20] demonstrate that the Duty to Co-operate has been met?</p>	
Issue 2: Local Development Scheme	
<p>Q1. Has the Plan been prepared in accordance with the Local Development Scheme (LDS) (March 2018) [LAPP-CD-REG-19], including in terms of timing and content?</p> <p>Q2. What is the scope of the Plan?</p> <p>Q3. Having regard to the ACS and the Council's intentions, as set out in the LDS, are there any obvious omissions, in terms of policy guidance, from the submitted Plan?</p>	
Issue 3: Public Consultation	
<p>Q1. Has public consultation been carried out in accordance with the Council's Statement of Community Involvement and the requirements of the 2004 Act and the 2012 Regulations?</p> <p>Q2. Were representations adequately taken into account?</p>	
Issue 4: Sustainability Appraisal	
<p>Q1. Has the Plan been subject to an appropriate Sustainability Appraisal (SA) as required by section 19(5) of the 2004 Act having regard to the requirements of the European Directive on strategic environmental assessment and relevant national policy and guidance?</p> <p>Q2. Does the SA adequately assess the environmental, social and economic effects of the plan?</p> <p>Q3. Does the SA adequately consider reasonable alternatives where these exist?</p>	
Issue 5: Habitats Regulations	
<p>In response to the Inspector's Initial Questions [LAPP.INS.01], which requested the Council to consider whether further work was required to ensure compliance with the Habitat Regulations, the Council advised that, after seeking legal advice, a full review of the HRA was required to support the Plan and to ensure that it is legally compliant and (in respect of the Sherwood Forest possible potential Special Protection Area) sufficiently future proofed [LAPP.NCC08].</p> <p>Q1. What is the latest position regarding the screening report and if necessary, any appropriate assessment? Who has been involved in this work? What consultation has taken place and how have those comments been taken into</p>	

account?

Q2. How will the work be taken into account in the Plan?

Q3. Is the Plan legally compliant with respect to the Habitats Regulations?

**Issue 6: Other Legal and Procedural Requirements**

Q1. Is the Plan in compliance with Section 19(1A) of the Planning and Compulsory Purchase Act 2004 which requires development plan documents to include policies designed to secure the development and use of land in a local planning authority's area to contribute to the mitigation of, and adaptation to, climate change?

Q2. A number of policies refer to a Supplementary Planning Document or other standalone document thereby giving development plan status to documents which do not have statutory force and which have not been subject to the same process of preparation, consultation and Examination. Would this comply with the Regulations?

Q3. Is it appropriate for all of the policies, allocations and designations within the LAPP to be strategic for Neighbourhood Plan purposes?

<b>MATTER 2</b>	<b>Spatial Strategy</b>
Issue 1: Spatial Strategy	
<p>Q1. Does the Plan accord with the vision and objectives set out in the ACS?</p> <p>Q2. Does the Plan accord with the spatial strategy in the ACS, in particular with respect to:</p> <ul style="list-style-type: none"><li>i. the identification and assessment of reasonable alternatives;</li><li>ii. the overall scale and distribution of development; and</li><li>iii. the removal of land from the Green Belt?</li></ul>	

<b>MATTER 3</b>	<b>Green Belt</b>
Issue 1: Review of Green Belt boundaries	
Q1. Has the principle of reviewing the Green Belt been established in the ACS? If so, does the Plan accord with the principles set out in the ACS in this regard?	
Q2. Have exceptional circumstances been demonstrated to justify the alterations to the Green Belt proposed in the Plan?	

<b>MATTER 4</b>	<b>The scale and distribution of development and the approach to site allocations</b>
Issue 1: Scale and distribution of development	
<p>Q1. Is the scale and distribution of development proposed in the Plan consistent with the ACS? What effect would the modifications proposed by the Council have on the scale and distribution of development in the Plan?</p>	
Issue 2: Housing Provision, Distribution, Supply and Delivery	
<p>Q1. Is the scale of housing provision and its distribution in the Plan consistent with the ACS? What effect would the modifications proposed by the Council have on the scale of housing provision and its distribution in the Plan?</p> <p>Q2. In addition to the site allocations identified for housing development in the LAPP the housing provision figures in the Plan (set out in Appendix 3) include dwellings which have been built since 2011, other small sites deliverable by 2028 (taken from the SHLAA), an allowance for windfalls and take account of an allowance for demolitions.</p> <ul style="list-style-type: none"> <li>i. Is the inclusion of the figure of 4810 as proposed for modification on other small sites deliverable by 2028 (taken from the SHLAA) justified?</li> <li>ii. Is the inclusion of a windfall allowance justified? Is the windfall allowance as proposed for modification realistic and supported by evidence?</li> <li>iii. Is the demolition allowance as proposed for modification realistic and supported by evidence?</li> </ul> <p>Q3. Have sufficient sites been allocated in the Plan to meet the minimum provision of 17,150 new homes for Nottingham City set out in the ACS?</p> <p>Q4. What are the assumptions about the scale and timing of supply and the rates of delivery? Are these assumptions realistic? What evidence is there to support these assumptions?</p> <p>Q5. Does the housing trajectory demonstrate realistically that the housing development, for which the Plan provides, will come forward within the Plan period?</p> <p>Q6. How has flexibility been provided in terms of the potential supply of housing land? Is this sufficient?</p> <p>Q7. Would the Plan be consistent with the Framework, in as much as it would boost significantly the supply of housing?</p> <p>Q8. Is the type and size of housing provided/planned to be provided meeting/likely to meet the needs of the area?</p>	
Issue 3: 5 Year Housing Land Supply	
<p>Q1. Is it robustly demonstrated that the Plan can deliver a 5 year housing land supply throughout the Plan period, calculated in accordance with national policy and guidance, taking account of past delivery performance and applying the appropriate 5% or 20% buffer?</p> <p>Q2. What is the current position with regard to housing supply? Is there a 5 year supply? How has this been calculated?</p>	

Q3. Is the use of a 5% buffer appropriate when calculating the Council's 5 year supply of deliverable housing? Is there any justification for a 20% buffer?

#### Issue 4: Gypsies, Travellers and Travelling Showpeople

Q1. The ACS provides a general policy approach in providing for gypsies, travellers and travelling showpeople. It also states that where appropriate the allocation of sites will be made in part 2 Local Plans in light of any revised evidence base. The LAPP does not include any policies relating to gypsies, travellers and travelling showpeople nor does it make any allocations to meet any accommodation needs for gypsies and travellers or travelling showpeople.

The South Nottinghamshire Gypsy and Traveller Accommodation Assessment 2014-2029 (GTAA) (January 2016) (LAPP-HOU-33) identifies a need for a total of 2 additional pitches in Nottingham between 2014 and 2029. However, the Council indicates that based on supplementary evidence from caravan counts, dating back to 2014, the vacancy rate on existing sites in the city is well in excess of the GTAA need figure and therefore it does not consider there is a requirement to allocate additional pitches in the LAPP. Is this justified?

Q2. Does the Council's approach in relation to traveller sites generally conform with the expectations of the ACS and Planning Policy for Traveller Sites (August 2015)?

Q3. What is the accommodation need for travelling showpeople in the city? Is the Council's approach in meeting their accommodation needs on existing sites set out in the proposed modification to the text in the Development Management Policies - Places for People section of the Plan appropriate?

Q4. Is the Plan positively prepared, justified, effective and consistent with national policy in respect of meeting the accommodation needs of gypsies and travellers or travelling showpeople?

#### Issue 5: Employment Provision, Distribution, Supply and Delivery

Q1. Is the scale of employment provision and its distribution in the Plan justified and consistent with the ACS? Would the modifications proposed by the Council have any effect on the scale of employment provision and its distribution in the Plan? If so, what would that effect be?

Q2. Have sufficient sites been allocated in the Plan to meet the provision of office floorspace (Use Classes B1(a&b) and other employment uses (Use Classes B1(c), B2 and B8) for Nottingham City set out in the ACS?

Q3. Is it justified to include sites capable of mixed use development in the overall employment provision indicated within the Plan?

Q4. What are the assumptions about the scale and timing of supply and the rates of delivery? Are these assumptions realistic? What evidence is there to support these assumptions?

#### Issue 6: City, Town, District and Local Centres

Q1. Is the hierarchy of centres identified within the Plan consistent with the ACS?

Q2. Are the boundaries of the City Centre, Town Centres, District Centres and Local



Centres appropriate and justified?

- Q3. Is the approach to the identification of the Primary Shopping Areas appropriate, justified and consistent with the Framework and the policies of the ACS? Would the modification proposed by the Council to the City Centre Primary Shopping Area address any shortcomings in these respects?
- Q4. Is the approach to the identification of the primary frontages justified, effective and consistent with the Framework and the policies of the ACS? How were the primary frontages defined? Are the identified primary frontages justified and effective? Would the modification proposed by the Council to the City Centre primary shopping frontage (Colin Street and around the Clock Tower at intu Victoria Centre) address any shortcomings in these respects?
- Q5. Do the retail development proposals in the Plan accord with the overall strategy for retail development in the ACS?

Issue 7: Approach to site allocations.

- Q1. What is the policy context provided by the ACS in terms of potential site allocations to meet the development needs of Nottingham?
- Q2. Is the approach to site allocations consistent with the policy context provided by the ACS.
- Q3. How were the proposed site allocations identified?
- Q4. Was the identification process robust?
- Q5. What factors were taken into account in the assessment process to determine the sites for allocation, was the assessment robust and why were the alternatives not pursued?
- Q6. In terms of its overall approach to the scale and distribution of development and the allocation of sites, has the Plan been positively prepared? Is it justified and effective and is it consistent with national policy in the context of the ACS?

Issue 8: Site Allocations (*Policy SA1*)

- Q1. Are the site allocations appropriate and justified in the light of potential constraints, infrastructure requirements and adverse impacts?
- Q2. Are there any significant factors that indicate that any sites/parts of any sites should not have been allocated? What factors led to the proposed modification to delete allocation PA22 and amend the boundary of allocation PA85?
- Q3. Is there any risk that site conditions and constraints might prevent development or adversely affect viability and delivery? Are the sites viable and deliverable?
- Q4. How were the site areas and capacities in terms of the various types of development determined? Are the assumptions regarding capacity and delivery justified and based on available evidence? Would the modifications proposed by the Council address any shortcoming in these respects?
- Q5. How were the proposed uses and development principles for the allocated sites identified? What factors were taken into account? Are the proposed uses and development principles for the allocated sites effective and justified? Would the modifications proposed by the Council address any shortcoming in these

respects?

**The Council is requested to address questions 1 – 5 above for all of the site allocations identified in policy SA1.**

**In addition, for those sites where representations have been made, the Council is requested to respond to the particular issue(s) raised. In doing this any updated information regarding the planning and development status of the sites and existing uses should be included.**

<b>MATTER 5</b>	<b>Development Management policies – Sustainable Growth</b>
Issue 1: Climate Change	
<p><i>Policy CC1: Sustainable Design and Construction</i></p> <p>Q1. Is the requirement of section 3 of policy CC1 in relation to water consumption justified in terms of need and has the impact on viability been adequately considered?</p> <p>Q2. Is the reference in section 4 of policy CC1 to supporting energy generation and use over and above the National Housing Standards consistent with national policy? Is the policy wording sufficiently clear and effective for development management purposes having regard to the Framework?</p> <p><i>Policy CC2: Decentralised Energy and Heat Networks</i></p> <p>Q1. Is the wording of section 4b) of policy CC2 consistent with national policy?</p> <p><i>Policy CC3: Water</i></p> <p>Q1. Are the requirements of policy CC3 justified and consistent with national policy? Would the modifications proposed by the Council address any shortcoming in these respects?</p> <p>Q2. Does the wording of section 4 of policy CC3 in relation to S106 agreements accord with the Framework?</p>	
Issue 2: Employment Provision and Economic Development	
<p><i>Policy EE2: Safeguarding Existing Business Parks/Industrial estates</i></p> <p>Q1. Is policy EE2 which seeks to safeguard existing business parks/industrial estates by restricting acceptable employment development to that defined in the glossary (B1, B2, B8 uses or sui generis uses of a similar nature), except for ancillary development necessary to serve the proposal, positively prepared, justified and consistent with the ACS and national planning policy?</p> <p>Q2. Is the reference to ancillary development necessary to serve the proposal sufficiently clear and effective for development management purposes having regard to the Framework?</p> <p><i>Policy EE3: Change of use to Non-Employment Uses</i></p> <p>Q1. Is policy EE3 justified and consistent with the ACS and national policy?</p> <p><i>Policy EE4: Local Employment and Training Opportunities</i></p> <p>Q1. Is the wording of policy EE4 sufficiently robust, clear and effective for development management purposes having regard to the Framework?</p> <p>Q2. Does section 2 of policy EE4 in relation to planning obligations accord with the Framework?</p>	

### Issue 3: City, Town, District and Local Centres

#### *Policy SH1: Major Retail and Leisure Developments within the City Centre's Primary Shopping Area*

- Q1. Is policy SH1 justified in referring to both retail and leisure floorspace and in its focus on the intu Broadmarsh Centre and intu Victoria Centre?
- Q2. Is there a contradiction between policy SH1 and policy SH2 in so far as there are primary frontages identified within the City Centre's Primary Shopping Area?
- Q3. Is the requirement of part c) of policy SH1 justified?

#### *Policy SH2: Development within Primary Frontages*

- Q1. Is policy SH2 justified and consistent with the Framework?
- Q2. Is criterion 1 d) of policy SH2 capable of effective implementation? How would the Council assess whether or not a proposal for retail development within the primary frontages would have a negative impact on existing, committed and planned investment in the Centre?
- Q3. Is section 2 of policy SH2 which relates to development other than retail (Class A1) justified and consistent with the Framework?
- Q4. Is consideration 2 g) of policy SH2 capable of effective implementation? How would the Council assess whether or not a proposal for retail development within the primary frontages would have a negative impact on existing, committed and planned investment in the Centre?
- Q5. Is consideration 2 i) in policy SH2 (along with a similar consideration in policies SH3 and SH7) which indicates that proposals will be assessed against whether it would have a negative impact on the economic and social wellbeing of local residents justified and in particular in this context is the specific reference in the supporting text to Pay Day Loan Shops and Betting Shops justified? If so, is the consideration capable of effective implementation? How would the Council assess whether or not a proposal would have a negative impact on the economic and social wellbeing of residents?

#### *Policy SH3: Development within Secondary Frontages*

- Q1. Is policy SH3 justified and consistent with national policy?
- Q2. Should the secondary frontages be specifically defined?
- Q3. See Q5 in relation to policy SH2 which also applies to consideration f) in policy SH3.

#### *Policy SH4: Development of Main Town Centre Uses in Edge of Centre and Out of Centre Locations*

- Q1. Is policy SH4 justified, effective and consistent with national policy?
- Q2. Are the locally set thresholds for impact assessments contained in section 2 of policy SH4 justified particularly in relation to the smaller centres?
- Q3. Is section 3 of policy SH4 justified and consistent with the Framework and the advice of the PPG? Do the criteria within section 3 of policy SH4, with the exception of criterion a) apply to all proposals for main town centre uses in edge of centre and out of centre locations? Are the criteria within section 3 of policy

SH4 justified and consistent with the Framework and the PPG? If so, are they sufficiently clear and effective for development management purposes having regard to the Framework?

Q4. Should the reference in the supporting text to policy SH4 regarding the promotion of major investment in leisure, sport, cultural and tourism facilities be included in the policy? Is it justified?

*Policy SH5: Independent Retail Clusters*

Q1. Is policy SH5 justified? How were the Independent Retail Clusters defined?

*Policy SH6: Food and Drink Uses and High Occupancy Licensed Premises/Entertainment Venues within the City Centre*

Q1. Is policy SH6 justified and effective?

Q2. Is policy SH6 consistent with policy SH1, policy RE5 and policy SA1 (in relation to site allocation PA61) of the Plan?

Q3. Is criterion b) of policy SH6 sufficiently clear and effective for development management purposes having regard to the Framework?

*Policy SH7: Centres of Neighbourhood Importance (CONIs)*

Q1. Is the approach to the designation of the CONIs justified, effective and consistent with the Framework and the policies of the ACS? How were the CONIs defined? Are the identified areas of the CONIs justified and effective?

Q2. Are criteria b) and c) of policy SH7 sufficiently clear and effective for development management purposes having regard to the Framework?

Q3. See Q5 in relation to policy SH2 which also applies to criterion d) in policy SH7.

*Policy SH8: Markets*

Q1. Is policy SH8 justified and effective?

**Issue 4: Regeneration**

*Policy RE1: Facilitating Regeneration*

Q1. Is policy RE1 sufficiently clear and effective for development management purposes having regard to the Framework? Where does it apply?

*Policies RE2, RE3, RE4 and RE5 (City Centre Quarters: Castle Quarter, Canal Quarter, Creative Quarter and Royal Quarter)*

Q1. Is the focus for regeneration within the City Centre on four City Centre Quarters justified and effective having regard to the Spatial Objectives of the ACS?

Q2. Are the boundaries of each of the City Centre Quarters justified and effective in the context of the ACS?

Q3. Are the strategic aims for each of the City Centre Quarters as set out in policies RE2, RE3, RE4 and RE5 positively prepared, justified, effective and consistent with national policy in the context of the ACS? Are they suitably flexible to provide for the regeneration of the specific areas?

Q4. Is the focus on business and employment uses indicated in the supporting text of policy RE2 (Canal Quarter) justified?

*Strategic Regeneration Sites*

*Policies RE6, RE7 and RE8 (the Boots Site, Stanton Tip and Waterside)*

- Q1. Are policies RE6, RE7 and RE8 consistent with the identification of the Boots Site, Stanton Tip and Waterside as strategic locations for growth in the ACS?
- Q2. Are the requirements of policies RE6 and RE7 justified, effective and consistent with national policy in the context of the ACS?
- Q3. Are the strategic aims set out in policy RE8 positively prepared, justified, effective and consistent with national policy in the context of the ACS? In particular has sufficient regard been given to the implications of existing uses in the area which may be considered incompatible with the regeneration aims for the area? If not, would the proposed main modification proposed by the Council ensure that the policy would be positively prepared, justified, effective and consistent with national policy in the context of the ACS and the Nottinghamshire and Nottingham Waste Core Strategy in relation to this matter?

<b>MATTER 6</b>	<b>Development Management policies – Places for People</b>
Issue 1: Housing Size, Mix and Choice	
<p><i>Policy HO1: Housing Mix</i></p> <p>Q1. Is policy HO1 positively prepared, justified, effective and consistent with national policy, in the context of the ACS? Is it consistent with the strategic approach to housing size, mix and choice set out in the ACS? Does it provide a sustainable approach to housing provision within the city or is it too narrow in its focus? Does it support an inclusive and accessible approach to housing provision?</p> <p>Q2. Is section 4 of policy HO1 which relates to self-build/custom build homes positively prepared, justified and effective? In seeking to be flexible is the wording of this part of the policy sufficiently clear, robust and effective for development management purposes having regard to the Framework?</p> <p><i>Policy HO2: Protecting Dwellinghouses (Use Class C3) suitable for Family Occupation</i></p> <p>Q1. Is the application of policy HO2 across the whole of the city justified?</p> <p>Q2. Are the requirements of the policy positively prepared, justified, effective and consistent with national policy in the context of the ACS?</p> <p><i>Policy HO3: Affordable Housing</i></p> <p>Q1. Is the percentage target for affordable housing included in policy HO3 justified? Is the policy effective?</p> <p>Q2. Does policy HO3 make an appropriate response to the Housing and Planning Act 2016 which includes a general duty for local authorities to promote the supply of starter homes?</p> <p><i>Policy HO4: Specialist and Adaptable Housing</i></p> <p>Q1. Is policy HO4 positively prepared, justified, effective and consistent with national policy? Is the target of at least 10% of new dwellings on residential developments of 10 or more dwellings to meet the Category 2: Accessible and Adaptable standard of the Government’s National Housing standards justified? Is there justification for a similar target in relation to Category 3 Wheelchair User dwellings?</p> <p><i>Policy HO5: Locations for Purpose Built Student Accommodation</i></p> <p>Q1. Is policy HO5 positively prepared, justified, effective and consistent with national policy in the context of the ACS?</p> <p>Q2. Does the use of the word encouraged in this policy accurately express how such proposals will be considered having regard to such proposals needing also to be considered against the criteria in section 2 of HO6?</p> <p>Q3. Is the requirement in the policy for developers to demonstrate a need for student accommodation or be in receipt of a formal agreement with a university justified particularly in the light of recent evidence regarding vacancy levels in purpose built student accommodation [LAPP.NCC11]?</p> <p>Q4. Are the locations identified in policy HO5 where purpose built student accommodation of an appropriate scale and design will be encouraged justified?</p>	

Are there any other locations where purpose built student accommodation of an appropriate scale and design should be encouraged?

*Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation*

- Q1. Is policy HO6 positively prepared, justified, effective and consistent with national policy? Is the proposed modification to the wording in section 1c) of the policy necessary to ensure that the policy is effective?
- Q2. Does section 2 of the policy provide effective guidance to applicants and decision makers with regard to how the impact of development proposals on local objectives to create or maintain sustainable, inclusive and mixed use communities will be assessed? Are the specified criteria in section 2 of the policy relevant, justified and effective in this respect? Is the methodology for determining areas with significant concentration of houses in multiple occupation/student households referred to in criterion a) justified? Is criterion c) in section 2 justified as well as criteria a) and d)? Is criterion i) already addressed by the requirements of policy DE1? Is criteria g) justified? If so, is it a duplication of that in policy HO5?
- Q3. Are the criteria in section 2 of policy HO6 sufficiently clear and effective for development management purposes having regard to the Framework?

**Issue 2: Design and Enhancing Local Identity**

*Policies DE1, DE2 and DE5 (Building Design and Use, Context and Place Making and Shopfronts)*

- Q1. Do policies DE1, DE2 and DE5 incorporate appropriate measures to ensure good design in new developments? Are they capable of effective implementation?

*Policy DE1: Building Design and Use*

- Q1. Is policy DE1 positively prepared, justified, effective and consistent with national policy in the context of the ACS? Would the proposed modification to criterion c) of policy DE1 and its supporting text satisfactorily address any shortcomings in respect of the consistency of the Plan with national policy in relation to the need to take account of defence, national security, counter terrorism and resilience?
- Q2. Is criterion g) of policy DE1 justified having particular regard to need and viability?
- Q3. Are the criteria of policy DE1 sufficiently clear and effective for development management purposes having regard to the Framework?

*Policy DE2: Context and Place Making*

- Q1. Is policy DE2 positively prepared, justified, effective and consistent with national policy in the context of the ACS? Would the proposed modification to the supporting text of the policy satisfactorily address any shortcomings in respect of the consistency of the Plan with national policy in relation to the need to take account of defence, national security, counter terrorism and resilience?
- Q2. Are the criteria of policy DE2 sufficiently clear and effective for development management purposes having regard to the Framework?



*Policy DE4: Creation and Improvement of Public Open Spaces in the City Centre*

Q1. Is policy DE4 positively prepared, justified and effective? How were the indicative locations for new public open spaces/public realm improvements identified? How will the operational needs of existing businesses be taken into account?

*Policy DE5: Shopfronts*

Q1. Are the criteria of section 1 of policy DE5 sufficiently clear and effective for development management purposes having regard to the Framework?

*Policy DE6: Advertisements*

Q1. Is policy DE6 justified, effective and consistent with national policy, in particular is it legally correct having regard to the control of advertisement regulations? If not, would the proposed modifications to the policy and its supporting text ensure it would be so in this respect?

Issue 3: Historic Environment

*Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets*

Q1. Has the Plan had regard to the statutory duties in relation to designated heritage assets set out in Sections 66(1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990? Is the wording of policy HE1 clear and justified having regard to these statutory provisions?

Q2. In so far as policy HE1 relates to designated and non-designated heritage assets does the wording of the policy appropriately address heritage assets in the round?

Q3. Is policy HE1 consistent with national policy in relation to the historic environment in particular is the wording of section 2 of the policy and criteria b) and c) in section 3 of the policy consistent with the Framework?

Issue 4: Local Services and Healthy Lifestyles

*Policy LS1: Food and Drink Uses and Licensed Entertainment Venues Outside the City Centre*

Q1. Is policy LS1 relating to food and drink uses and licensed entertainment venues outside the City Centre justified, effective and consistent with national policy? In particular is the requirement for such uses to be located within an existing centre or at least 400 metres from a secondary school unless it can be clearly demonstrated that the proposal will not have a negative impact on health and wellbeing justified? Would the proposed modification to the policy and its supporting text address any issues of soundness?

Q2. Is the policy sufficiently capable of assessing food and drink use elements of mixed-use proposals?

*Policy LS2: Supporting the Growth of Further and Higher Education Facilities*

Q1. Is policy LS2 which supports the provision of further and higher education facilities at specific sites justified?

*Policy LS3: Safeguarding Land for Health Facilities*

Q1. Is policy LS3 which supports the provision and enhancement of health facilities at specific sites justified?

*Policy LS4: Public Houses outside the City Centre and/or designated as an Asset of Community Value*

Q1. Is policy LS4 which relates to proposals for the redevelopment and/or change of use of public houses outside the city centre and/or designated as an asset of community value justified, effective and consistent with national policy? Should the policy also apply to all public houses within the city centre rather than only those designated as an asset of community value?

Q2. Is policy LS4 sufficiently clear and effective for development management purposes having regard to the Framework?

*Policy LS5: Community Facilities*

Q1. Is policy LS5 relating to community facilities justified, effective and consistent with national policy? Is it sufficiently clear and effective for development management purposes having regard to the Framework?

Q2. Does the wording of section 3 of policy LS5 accord with the Framework?

**Issue 5: Managing Travel Demand**

*Policies TR1, TR2 and TR3 (Parking and Travel Planning, Transport Network and Cycling)*

Q1. Do policies TR1 to TR3 adequately promote sustainable transport modes and ensure new developments would not have a severe impact upon highway safety in accordance with national policy and in the context of the ACS?

*Policy TR1: Parking and Travel Planning*

Q1. Are the parking requirements set out in Appendix 1 of the Plan justified having regard to national policy?

Q2. Does the reference to S106 agreements in the supporting text to policy TR1 accord with the Framework?

*Policy TR2: The Transport Network*

Q1. Is the protection of all the transport network schemes identified in policy TR2 as proposed to be modified by the Council justified?

Q2. Will all the transport network schemes identified in policy TR2 as proposed to be modified come forward during the plan period? If not, is the inclusion of these schemes in policy TR2 justified?

Q3. Does the reference to planning obligations in section 2 of policy TR2 accord with the Framework?

*Policy TR3: Cycling*

Q1. Is the safeguarding of the identified cycle routes justified? How have they been identified?

<b>MATTER 7</b>	<b>Development Management Policies – Our Environment</b>
Issue 1: Green Infrastructure, Parks and Open Space	
<p><i>Policies EN1 and EN2 (Development of Open Space and Open space in New Development)</i></p> <p>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?</p> <p><i>Policy EN1: Development of Open Space</i></p> <p>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?</p> <p>Q2. Is the Open Space Network justified particularly in relation to the inclusion of part of Nottingham race course and the 'operational land' at Bestwood Sidings?</p> <p><i>Policy EN2: Open Space in New Development</i></p> <p>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?</p> <p><i>Policy EN3: Playing Fields and Sports Grounds</i></p> <p>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?</p> <p><i>Policy EN4: Allotments</i></p> <p>Q1. Is policy EN4 justified?</p> <p><i>Policy EN5: Development Adjacent to Waterways</i></p> <p>Q1. Is the wording of part g) of policy EN5 sufficiently clear and effective for development management purposes having regard to the Framework?</p> <p><i>Policy EN6: Biodiversity</i></p> <p>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?</p> <p><i>Policy EN7: Trees</i></p> <p>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?</p>	

<p>Issue 2: Minerals</p> <p><i>Policies MI1, MI2 and MI3 (Minerals Safeguarding Area, Restoration after use and after care and Hydrocarbons)</i></p> <p>Q1. Does the Plan accord with national policy in respect of its approach to minerals?</p> <p>Policy MI1: <i>Minerals Safeguarding Area</i></p> <p>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?</p>
<p>Issue 3: Telecommunications</p> <p><i>Policy IN1: Telecommunications</i></p> <p>Q1. Is the wording of policy IN1 sufficiently clear and effective for development management purposes having regard to the Framework?</p>
<p>Issue 4: Land Contamination, Instability and Pollution</p> <p><i>Policy IN2: Land Contamination, Instability and Pollution?</i></p> <p>Q1. Does the Plan provide adequate environmental protection in respect of land contamination, land stability and pollution?</p> <p>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?</p>
<p>Issue 5: Hazardous Installations</p> <p><i>Policy IN3: Hazardous Installations and Substances</i></p> <p>Q1. Does the Plan provide appropriate protection in respect of hazardous installations and substances?</p> <p>Q2. Is the wording of policy IN3 sufficiently clear and effective for development management purposes having regard to the Framework?</p>

<b>MATTER 8</b>	<b>Development Management Policies – Making It Happen</b>
Issue 1: Delivery and Development Contributions	
<p><i>Policy IN4: Developer Contributions</i></p> <p>Q1. Is policy IN4 justified, effective and consistent with national policy?</p> <p>Q2. Should policy IN4 make reference to the relationship between providing additional infrastructure and the viability of a proposal?</p>	
Issue 2: Monitoring	
<p>Q1. Does the Plan make appropriate provision for the monitoring of its implementation?</p>	