

Matter 10 – Local Character and Distinctiveness (Policies ST35 – ST42)

Issue 10 – Does the Plan set out a positively prepared strategy and policies for local character and distinctiveness which is justified, effective and consistent with national policy?

10.1 Are the main modifications suggested to Policy ST35 and the supporting text necessary for soundness?

1. The HBF does not consider that the suggested modifications to ST35 is sufficient and further amendments are required to make the policy sound. The main modifications currently propose to amend 1q) to state: ensures an appropriate level of well-integrated, convenient and visually attractive areas for motor vehicle and cycle parking that accords with the most up-to-date Nottinghamshire Parking Standards⁵ unless it can be demonstrated that it is not viable or feasible to do so; and, provides for external storage including waste disposal.
2. This policy wording should not be interpreted by the Council's Development Management Officers as conveying the weight of a Development Plan Document onto this guidance, which has not been subject to examination and does not form part of the Local plan. The Town and Country Planning (Local Planning) (England) Regulations 2012 are clear that development management policies, which are intended to guide the determination of applications for planning permission should be set out in policy in the Local Plan. To ensure a policy is effective, it should be clearly written and unambiguous so it is evident how a decision maker should react to development proposals. The Council's requirements should be set out in sufficient detail to determine a planning application without relying on, other criteria or guidelines set out in separate guidance.

10.2 Is the suggested main modification to ST37 necessary for soundness?

10.3 a) Is the approach taken by policy ST38 consistent with the Framework and the aims of sustainable development? In relation to the location and extent of Green Gaps, are these supported by robust and up-to-date evidence?

b) Is the proposed use of buffer zones for the green corridors in ST39 justified and would they be effective? Is it supported by appropriate evidence? Does it duplicate other policies in the plan?

c) Are the suggested main modifications to Policy ST39 and the supporting text necessary for soundness?

10.4 a) Would ST40 provide an effective framework to protect and enhance the biodiversity and geodiversity of the district? Is it justified by robust evidence including on viability?

3. Under Policy ST40 Bullet Point 3, all new development should make provision for at least 10% net biodiversity gain on site, or where it can be demonstrated that for design reasons this is not practicable, off site through an equivalent financial contribution.
4. It is the HBF's opinion that the Council should not deviate from the Government's proposals on biodiversity gain as set out in the Environment Act. This legislation requires development to

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achieve a 10% net gain for biodiversity. 10% will be a mandatory national requirement, but it is not a cap on the aspirations of developers who want to voluntarily go further. The Government will use the DEFRA Biodiversity Metric to measure changes to biodiversity under net gain requirements established in the Environment Act. The mandatory requirement offers developers a level playing field nationally and reduced risks of unexpected costs and delays. The Council should not specify a requirement above 10%. The prefix “*at least*” should be deleted from Policy ST40 Bullet Point 3.

5. The Council should not require “*all development*” to deliver biodiversity net gain. As set out in the Environment Act, and the emerging Regulations the Government will introduce exemptions. Policy ST40 Bullet Point 3 should be amended to remove the reference to “*all development*”. The HBF considers that the policy would be better to make reference to the requirements of the Environment Act and its regulations, rather than trying to set its own policy requirements. This would avoid the issues of contradictions, and inaccuracies and would avoid unnecessary duplication.
6. The Council’s Viability Assessment only includes a cost £500 per dwelling for Policy ST40 Bullet Point 3 (see HBF detailed comments under Viability & Deliverability in their Regulation 19 response).

b) Are the potential impacts arising from development proposed in the plan on Clumber Park SSSI adequately addressed?

c) Are the proposed main modifications to Policy ST40 and the supporting text necessary to make the plan sound?