

BROXTOWE PART 2 LOCAL PLAN EXAMINATION

Initial Questions

1. As you are aware I have been appointed to examine the Local Plan Part 2 (LPP2) and I have commenced my preparation. I have a number of initial questions which I set out below. The response to these matters will help inform how the Examination should proceed and enable me to better focus my Matters, Issues and Questions. I may have further questions as my preparation continues.

Proposed changes

2. I note the Council has suggested proposed changes to the Plan in response to representations received during the consultation on the Publication version. These are outlined in the Consultation Statement. I also note that the Council has undertaken a screening process of these changes to assess whether they require a re appraisal of the original Sustainability Appraisal (SA). This has concluded that the changes are immaterial or within the scope of the original SA.
3. Please confirm whether these changes have been consulted upon. If not, having regard to paragraphs 1.2 and 3.3 of the PINS Procedural Practice in the Examination of Local Plans, is the Council asking that these be considered as Main Modifications to the Plan?
4. Assuming this is the case, it would be helpful if the Council could provide a separate schedule of the proposed changes indicating which ones it considers to form Main Modifications (MM) and which form Additional Modifications (AM). Any further proposed changes should be similarly categorised. Definitions of MMs and AMs are provided in sections 20 and 23 of the Planning and Compulsory Purchase Act 2004 as amended. The Schedule should also include a column explaining the reason for the change.

Duty to Cooperate

5. The Duty to Cooperate Statement in Section 4 outlines the cooperation with Greater Nottingham Councils and Prescribed Bodies, in particular the Greater Nottingham Joint Planning Advisory Board. In order to fully assess whether the Duty to Cooperate has been met, please provide further details of any other cross boundary working arrangements or initiatives. Are there any standing arrangements/memorandum of Understanding etc in place? What has been the nature and timing of cooperation and on which particular issues or sites? How has this influenced the plan?

Habitats Regulations Assessment (HRA)

6. I note that the Council intends to undertake further work to ensure compliance with the Conservation of Habitats and Species Regulations 2017 and that this work should be available in September 2018. Please clarify the scope of this exercise and confirm when it will be available.
7. I bring the Council's attention to a recent judgement – Judgment of the Court (Seventh Chamber) of 12 April 2018 *People Over Wind and Peter Sweetman v Coillte Teoranta* which rules that Article 6(3) of the Habitats Directive must be interpreted as meaning mitigation measures (referred to in the judgment as meaning mitigation measures which are intended to avoid or reduce effects) should be assessed within the framework of an appropriate assessment and that it is not permissible to take account of measures intended to avoid or reduce harmful effects of the plan or project on a European site at the screening stage. Can the Council confirm the extent to which they consider the Habitats Regulation report, following completion of the current review, will be legally compliant in light of this judgement?

Gypsies and Travellers

8. The South Nottinghamshire Gypsy and Traveller Accommodation Assessment 2014-2029 identifies a need for 2 pitches for Broxtowe. Policy 16 states that a suitable site for 2 pitches will be identified in the existing built up area and that this provision will be made by 2019. Why has it not been possible to allocate a site in the LPP2? Bearing in mind the target date of 2019, what progress has been made to date with identifying a suitable site? In the circumstances of the Council not being able to meet its own needs, discussion should take place with adjoining authorities for them to meet the outstanding need. Have any taken place?

Town Centre and District Centre Uses

9. In paragraph 10.2 reference is made to the Greater Nottingham Retail Assessment. The proposed boundary changes go further than amendments recommended in this document following the guidance of the Council's Economic Development Team. What evidence does the Council rely upon to support these changes?

Climate Change

10. The Aligned Core Strategy in Policy 1 refers to Part 2 Local Plans providing further guidance on how development should contribute to reducing carbon dioxide emissions where appropriate. How does LPP2 address this?

Viability

11. The Infrastructure Delivery Plan refers to further viability work being undertaken to support the Plan. Please advise when it is envisaged that this will be completed.

Next Steps

12. It would be helpful if you could provide me with a response to the questions above by Friday 14 September 2018. If more time is required for certain matters please inform me so that a timetable can be agreed. In order to maintain transparency and potentially assist other participants, please place a copy of this document and your response on the examination website.
13. I will circulate a draft Matters, Issues and Questions Paper in due course and a draft hearing programme and Guidance Notes once more details are known. Please note the Council will need to give at a least 6 weeks' notice before the start of the first Hearing. I envisage the hearings commencing in December.
14. If you have any questions please contact me via the Programme Officer.

Helen Hockenhull

INSPECTOR

3 September 2018