



Broxtowe
Borough
COUNCIL

Broxtowe Borough Council

Response to Matter 12:

Development Management Policies

November 2018

BROXTOWE LOCAL PLAN PART 2 EXAMINATION

Matter 12 Development Management Policies

ISSUE: Are the relevant policies justified, effective and consistent with national policy

In responding to the questions on specific policies the Council should identify and address specific key concerns raised in representations and refer to suggested modifications to overcome issues of soundness.

Policy 1 Flood Risk

1. What evidence is there that the requirement to achieve a 30% reduction in surface water runoff in part 4 of the policy is justified and achievable?

- 1.1. Policy 1 follows [ACS Policy 1 \(PD/01\)](#), has been subject to a [Sustainability Appraisal \(CD/12\)](#) and, in accordance with paragraph 100 of the NPPF, it has been drafted in close co-operation with the Environment Agency (representor ID4). The Environment Agency ([CD/21–Policy 1](#)) has also confirmed that they consider the policy to be sound, subject to the modifications proposed within the [Submission Version \(CD/04\)](#) of the Part 2 Local Plan.
- 1.2. Paragraph 100 of the NPPF states that Local Plans should avoid where possible flood risk to people and property and manage residual risk, taking account of impacts of climate change by “using opportunities offered by new development to reduce the causes and impacts of flooding”. The NPPF also requires developments to not increase flood risk elsewhere, and, where possible, reduce flood risk overall. The [Greater Nottingham Strategic Flood Risk Assessment Addendum \(EN/01\)](#) states that Local Plans and supporting guidance documents should continue to include policies to reduce flood risk from all sources where possible, for example through reduction of surface water runoff rates and volumes. A reduction in the surface water runoff rate is therefore justifiable and forms part of this strategy.
- 1.3. Notwithstanding the above, it is recognised that there is a need to distinguish between the runoff rates for greenfield and brownfield sites. [The Greater Nottingham Strategic Flood Risk Assessment Addendum \(EN/01\)](#) refers to the National SuDS Standards (2015) and states “For greenfield developments, the peak runoff rate from the development ... must not exceed the peak greenfield runoff rate for the same event”. This advice is repeated within the Government’s Sustainable Drainage Systems (Non-statutory technical standards for sustainable drainage systems) (March 2015)¹.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415773/sustainable-drainage-technical-standards.pdf

- 1.4. It is considered that modifying the policy to state that development on greenfield sites need to maintain greenfield (pre-development) surface water runoff rates would ensure that the policy is in accordance with this guidance and the requirement would be justified and achievable.
- 1.5. For brownfield sites, the Government's Sustainable Drainage Systems guidance states that "for developments which were previously developed, the peak run-off rate from the development ...must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event". There is no prescriptive guidance on the appropriate run-off rates to be applied to brownfield sites within the guidance. The UK SuDS Guidance (HR Wallingford)² states that for previously developed sites, surface water runoff management should provide betterment usually of the order of 30% although more than this or greenfield rate is an aspiration. A 30% reduction has been set as a requirement by the Lead Local Flood Authority when commenting on specific planning applications and has been included in a number of recent planning decisions. In the Council's experience, it is considered that the 30% reduction provides an appropriate balance between achieving betterment and not requiring development to take disproportionate measures which may hinder development.

Proposed modification to Policy 1 (will also be included within an updated schedule of Main Modifications and Additional Modifications):

Development will not be permitted in areas at risk from any form of flooding unless:

1. There are no suitable and reasonably available alternative locations for the proposed development in a lower-risk area outside the Green Belt; and
2. In the case of fluvial flooding, the proposal is protected by the Nottingham Trent Left Bank Flood Alleviation Scheme or other flood defences of equivalent ~~quality~~ **standard of protection**; and
3. Provision is made for access to watercourses (8 metres for 'main river') and flood risk management assets; and
4. Measures are included to:
 - a) mitigate any residual fluvial flood risk;
 - b) provide flood compensation where it is appropriate; and
 - c) ensure, **including by the use of Sustainable Drainage Systems (SuDS)**, that: ~~that surface water run-off is reduced by 30% compared with predevelopment rates.~~

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<http://www.uknuts.com/FAQRetrieve.aspx?ID=55015&A=SearchResult&SearchID=1258093&ObjectID=55015&ObjectType=9>

- i. development on greenfield sites maintain greenfield (pre-development) surface water run off rates
- ii. development on brownfield sites reduce surface run off by a minimum of 30% compared with pre-development rates.

Policy 17 Place Making, Design and amenity

1. Is this policy justified and effective?

- 2.1. Policy 17 expands on [ACS Policy 10 \(PD/01\)](#) which states under criterion 3 that “all development proposals.....will be expected to perform highly when assessed against best practice guidance and standards for design, sustainability and place making, as set out in Part 2 Local Plans.” Therefore, it is considered that it is justifiable for the policy to be more prescriptive than ACS Policy 10 whilst still allowing for sufficient flexibility in the decision making process as the criteria only apply “where relevant” ([in response to representor ID 6053](#)). Criteria 1b (proximity to community facilities) and 1c (good access to public transport) can influence the layout of a development and the development mix and are important elements for ‘place making’. These are not solely focused on ‘location of development’ ([in response to representor ID 2685](#)).
- 2.2. Paragraph 17 of the NPPF also highlights design as one of 12 core principles stating that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.” Paragraph 56 states “The government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development....” Paragraph 64 states that “permission should be refused for development of poor design....” Part 1 of Policy 17 clearly outlines the criteria against which new development will be assessed. It is therefore considered that the policy is justified and in accordance with the NPPF.
- 2.3. Policy 17 as a whole clearly details the criteria against which good design can be assessed and is therefore effective for development management purposes.

2. Is the requirement to score green on 9 out of 12 Building for Life 12 criteria appropriate and justified? Does it go further than the recommendations in this design guide?

- 2.4. In the ‘Frequently Asked Questions’ on their [website](#), Building for Life (BfL) say: “Whilst we encourage local authorities to adopt BfL 12 we recommend they avoid explicitly setting a requirement for all promised [sic] developments to achieve 12 greens”. They say however that schemes should perform “positively” against BfL 12.
- 2.5. The Council considers that performing “positively” against BfL would involve scoring at least 9 ‘greens’, as required by part 3 of the policy. This is consistent with BfL’s recommendations. The Council considers that it is appropriate, justified and important that the Plan sets a clear policy expectation and does more than merely refer people to external guidance.

- 2.6. The policy represents good practice, it will reinforce the Council's efforts to achieve good design in the borough through development management decisions and it will not inhibit development from coming forward. It complements Broxtowe's liaison with OPUN to ensure good design and place-making as part of the major allocations in the Plan and it reflects feedback from consultation during the preparation of the Plan (see for example the notes of the Design and Heritage Workshop at pages 24-25 of the [Consultation Statement \(CD/20\)](#)).
- 2.7. [Representors 119, 718 and 3756](#) propose that references to Building for Life should be removed, partly on the basis of national policy and guidance. Policy 17 has the explicit support of paragraph 129 of the 2018 NPPF, which states: "Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for Life." The Plan is being assessed on the basis of the 2012 NPPF; however the policy is also consistent with this version of the NPPF (which, as detailed above, aims to achieve high quality design) and (as mentioned above) it is based on local experience and priorities. In these circumstances it would be very unfortunate if the Council was obliged to review this aspect of the Plan immediately after adoption in order to bring it into line with the new NPPF.
- 2.8. The proposed scoring system has recently been found to be sound as part of the examination of [Hull's Local Plan \(see Policy 21\)](#).

3. Is part 4 of the policy relating to householder development as proposed to be modified (MM26) effective? Would it be sufficiently clear to an applicant what would be required in design terms?

- 2.9. Part 4 of the policy expands on ACS Policy 10 through providing specific criteria against which householder developments will be assessed. It has been written following extensive consultation with the Council's Development Management Department and has been written to adequately cover the most common forms of householder development. It provides a balance between providing clear criteria whilst allowing sufficient flexibility for variations in design and to allow for the local context to be taken into account.
- 2.10. Part 4 of the policy, when read in conjunction with the justification text (paragraphs 17.3 and 17.4), clearly details the criteria against which householder development will be assessed and is therefore effective for development management purposes and clear to applicants. It is noted that no objections have been raised in respect of this part of the policy.

Policy 20 Air Quality

1. Is it sufficiently clear what the ‘reasonable steps’ would be to meet the requirement of part 1 of the policy? What is the relationship between this part of Policy 20 and the requirement for a Travel Plan in Policy 26?

- 3.1. The Council is of the view that the ‘reasonable steps’ referred to will vary between different types and scale of development. The Council does not wish to be too prescriptive but instead intends that the Policy should encourage applicants to do all that they reasonably can in order to encourage the use of other modes of transport. At the lower end of the scale, for example for a single new dwelling, that might mean the inclusion of facilities to lock cycles (secure cycle storage) to encourage cycle use. For larger sites, it might include the provision of well-lit connections to existing cycleways and footpaths. The Council can confirm that there is a link between Part 1 of this Policy and Policy 26, in that one of the ‘reasonable steps’ for larger developments will be the submission of a travel plan. However, notwithstanding the thresholds within Policy 26, applicants for developments of a smaller scale, whilst not required to submit a travel plan under Policy 26, may decide that it is appropriate to submit a travel plan anyway in order to demonstrate their compliance with Policy 20. There is therefore no conflict between the two policies.
- 3.2. The Council recognises that there is a need to be innovative in encouraging a modal shift away from dependence upon the private car, and has therefore designed this Policy in order seek innovative solutions from applicants, relevant to their particular proposed development and specific location of site.

2. Is part 2 of the policy effective and sufficiently justified? Is there an inconsistency between the policy and the supporting text? Is it clear how a significant deterioration in air quality would be measured and assessed?

- 3.3. The Council is of the view that part 2 of the Policy is both effective and justified. The Council is also of the view there is not an inconsistency between the policy and the supporting text. The justification within the supporting text does state that the county-wide Air Quality Improvement Strategy recommends the ‘use of planning conditions to mitigate effects where significant deterioration or air quality is predicted’. Whilst the Council could amend part 2 of the Policy to reflect this, by adding the text: ‘.....unless this can be mitigated through the use of planning conditions’, this is not considered to be necessary. Planning Conditions can, after all, be used to mitigate a variety of different effects within various areas of policy.
- 3.4. As poor air quality is a significant contributor of ill health, mortality and morbidity, and vehicle emissions are the significant contributor to poor air quality within the Borough, the Council considers that it is essential that policies and processes are in

place to minimise and mitigate any adverse impacts on air quality as early as possible in the development process. It is appropriate to assess, consider and proactively protect our environment and ensure it is addressed by those who impact upon it. The Air Quality Policy is therefore essential in identifying expectations of developers and ensuring proposed developments are appropriate.

- 3.5. As noted within the supporting text, a ‘significant deterioration’ in air quality would be both measured and assessed by the Council’s Environmental Health Department. The Environmental Health Department published their [2018 Air Quality Annual Status Report \(ASR\) \(EN/03\)](#) for Broxtowe Borough Council (in fulfilment of Part IV of the Environment Act 1995, Local Air Quality Management) in June 2018. The Environmental Health Department may require modelling or monitoring for a period of time before development occurs. How, when and where this occurs may vary depending on the proposed development and location.
- 3.6. Whilst the Council does not utilise any automatic air quality monitoring within the Borough, the Council undertook non-automatic (passive) monitoring of NO₂ at 43 sites during 2017. Table A.1 in Appendix A of the ASR shows the details of these sites. The Council does not monitor PM_{2.5} levels in the Borough; the Council instead reviews the nearest relevant Automatic Urban and Rural Network (AURN) site which monitors PM_{2.5} and identifies the modelled background levels for the Borough from Defra’s website. The nearest AURN site is located in Nottingham City.
- 3.7. The ASR provides further details in terms of the locations that are of concern from an air quality perspective; these include the current and former Air Quality Management Areas located close to the M1 and also the A52 at Bramcote Island, Derby Road, Bramcote.
- 3.8. As the 2018 Annual Status Report notes, the Air Quality Management Area at Nottingham Road in Nuthall has since been revoked (as of June 2017), and so the supporting text to this Policy will need to be updated to reflect the fact that there is now only one Air Quality Management Area within the Borough; this is located adjacent to the eastern side of the M1 and affects a row of houses along Iona Drive and Tiree Close in Trowell.

Policy 23 Designated and Non-Designated Heritage Assets

1. Having regard to Section 12 of the Framework, what is the justification for the impact of development on designated and non-designated assets to be assessed on the same basis?

- 4.1. The policy was drafted in close co-operation with Historic England (representor ID142) who stated that, subject to the use of the term “conserve” rather than

“preserve”, the policy would be in compliance with the NPPF ([see CD/21–Policy 23](#)). The policy was drafted to provide further detail to accompany [ACS Policy 11 \(PD/01\)](#).

- 4.2. Section 1 of the policy is in accordance with the NPPF, specifically paragraph 7 which states that the planning system has an environmental role in “contributing to protecting and enhancing our....built and historic environment”. Section 3 of the policy states that a proposal affecting a heritage asset and/ or its setting will consider the significance of the asset. This allows for due consideration to be given to the significance of the asset, whether it is a designated or non-designated asset and allows for a proportionate assessment to be made depending on the assets significance. This is in accordance with paragraphs 132-135 of the NPPF.
- 4.3. The first part of Section 2 of the policy requires an understanding of the significance of the asset, the need to identify the impact of the development and the need to provide justification for the development. It is considered that this also allows for a proportionate assessment to be made, depending on the significance of the heritage asset. The second part of Section 2 then requires public benefits to decisively outweigh the harm. This would apply to designed and non-designated assets and it is recognised that this has been raised as an issue within consultation responses ([representor ID6284 and representor ID3756](#)).
- 4.4. To accord with the NPPF, amended wording is proposed which will specifically state that the second part of Section 2 only applies to designated heritage assets. The level of harm will also be referred to, to accord with paragraphs 133 and 134 of the NPPF. Non-designated assets would have to comply with the other sections of the policy, in addition to paragraph 135 of the NPPF.

Proposed modification to Policy 23 (will also be included within an updated schedule of Main Modifications and Additional Modifications):

1. Proposals will be supported where heritage assets and their settings are conserved or enhanced in line with their significance.
2. Proposals that affect heritage assets will be required to demonstrate an understanding of the significance of the assets and their settings, identify the impact of the development upon them and provide a clear justification for the development. ~~in order that a decision can be made as to whether the merits of the proposals for the site bring public benefits which decisively outweigh the harm arising from the proposals.~~ For designated heritage assets:
 - i. Where substantial harm is identified, there must be substantial public benefits that outweigh the harm.
 - ii. Where less than substantial harm is identified, the harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

3. Proposals affecting a heritage asset and/or its setting will be considered against the following criteria, where relevant:
 - a) The significance of the asset;
 - b) Whether the proposals would be sympathetic to the character and appearance of the asset and any feature of special historic, architectural, artistic or archaeological interest that it possesses;
 - c) Whether the proposals would ~~preserve~~ conserve and enhance the character and appearance of the heritage asset by virtue of siting, scale, building form, massing, height, materials and quality of detail;
 - d) Whether the proposals would respect the asset's relationship with the historic street pattern, topography, urban spaces, landscape, views and landmarks;
 - e) Whether the proposals would demonstrate high standards of design appropriate to the historic environment;
 - f) Whether the proposals would contribute to the long-term maintenance and management of the asset;
 - g) Whether the proposals would appropriately provide for 'in-situ' preservation, or investigation and recording, of archaeology; and
 - h) Whether the proposed use is compatible with the asset.

Policy 24 The Health Impacts of Development

1. Is it sufficiently clear in part 1c) of the policy what sort of developments would be considered to be likely to have a significant impact on health and wellbeing? Would a threshold be appropriate?

- 5.1. The Council is of the view that it is necessary to ensure that there is sufficient flexibility within the Policy to enable Officers to require the completion of a Health Impact Assessment Checklist by an applicant for developments which are likely to significantly impact upon health or wellbeing. The Council is further of the view that the inclusion of a threshold would be inappropriate; the purpose of part 1c) is to 'catch' those 'smaller' developments which, despite their more limited size, may still present a serious risk to public health or wellbeing. Completion of the Health Impact Assessment, as set out within Appendix 4 of the Part 2 Local Plan, would not be particularly onerous; this checklist is very straightforward and should only take applicants a minimal amount of time to complete. The Council could require the completion of this checklist along with the submission of planning applications for all types of non-domestic planning application. However, the Council is of the view that it would be more appropriate for the Policy to provide some discretion to the Council in terms of when to request its completion.
- 5.2. Examples of the types of development which might fall within part 1c) could include:
 - Changes of use or redevelopment of a building or land from a use involving sport.
 - Development which results in a 'polluting' use.

- Development which results in the loss of an area of formal or informal open space.
- Development which results in the loss of medical facilities, including facilities supporting mental health.
- Loss or redevelopment of community facilities such as libraries, community halls or social clubs, which may have an impact on the mental health of the local population.
- Applications for hot food takeaways, casinos or amusement centres.

5.3. It should be noted that the amount of land or floorspace involved may be very low; the impact may warrant the completion of the checklist nevertheless.

5.4. The Council is of the view that it would be unreasonable to provide a detailed list of different types of use and that thresholds may exclude some types of development which should be included.

2. On what basis does Policy 24 require takeaway uses within 400m of a secondary school to comply with an appropriate healthy eating scheme? Is this justified by the evidence?

5.5. The recent Government Guidance: 'Health matters: obesity and the food environment', published 31 March 2017 by Public Health England³ sets out, in considerable detail, the damage caused by unhealthy eating and the cost of this both in human terms and the cost to the economy each year. The document notes, for example, that it is estimated that the NHS spent £6.1 billion on overweight and obesity-related ill-health in 2014 to 2015.

5.6. The report notes that one of the two main risk factors for obesity is the 'food and drink environment'. The report notes that the Public Health England 'Eatwell Guide' provides a compelling evidence base for eating a healthy diet, and ignoring this advice increases the chances of becoming obese. However, the report notes that many people still find it difficult to eat healthily. The report stresses that this is primarily because [we] are living in an obesogenic environment where less than healthier choices are the default, which encourage excess weight gain and obesity. The document notes that the 'Foresight Report' states that while achieving and maintaining calorie balance is a consequence of individual decisions about diet and activity, **'our environment, and particularly the availability of calorie-rich food, now makes it much harder for individuals to maintain healthier lifestyles'**.

³ <https://www.gov.uk/government/publications/health-matters-obesity-and-the-food-environment/health-matters-obesity-and-the-food-environment--2>

5.7. The report notes that the increasing consumption of out-of-home meals, which are often cheap and readily available at all times of the day, has been identified as an important factor contributing to rising levels of obesity. Public Health England estimated in 2014 that there were over 50,000 fast food and takeaway outlets, fast food delivery services, and fish and chip shops in England. The Report also notes that more than one quarter (27.1%) of adults and one fifth of children eat food from out-of-home food outlets at least once a week. These meals tend to be associated with higher energy intake; higher levels of fat, saturated fats, sugar, and salt, and lower levels of micronutrients.

5.8. The report stresses that **‘planning policies can be used by councils to help promote healthier food and drink choices’**. It refers to the Public Health England toolkit, which outlines a number of suggestions for planning teams to create a healthier food environment such as:

ensuring development avoids over-concentration of hot food takeaways in existing town centres or high streets, and restricts their proximity to schools or other facilities for children and young people and families

5.9. The report further stresses that NICE’s (National Institute for Health and Care Excellence) pathway on tackling obesity through working with local communities, calls for empowering local authorities to influence planning permission for food retail outlets in relation to preventing and reducing obesity. To achieve this, the report notes that the following are among the measures that **should be considered**:

encourage local planning authorities to restrict planning permission for takeaways and other food retail outlets in specific areas, such as within walking distance of schools

5.10. There is evidence, both nationally and internationally, which supports the link between density of hot food takeaways and levels of obesity. For example, American studies have found a link between overconcentration of, and proximity to, fast food outlets and obesity (Davis and Carpenter (2009) Proximity of fast-food restaurants to schools and adolescent obesity, American Journal of Public Health⁴).

5.11. There is also a strong relationship between socioeconomic deprivation (as measured by the 2010 Index of Multiple Deprivation score) and obesity prevalence in children. Obesity prevalence among Year 6 children attending schools in the least deprived decile was 13.7% compared with 24.3% among those attending school in the most deprived decile. (Using the planning system to control hot food takeaways, HUDU, 2013⁵). The National Obesity Observatory (NOO) found a strong association

⁴ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2661452/>

⁵ <https://www.healthyrbandevelopment.nhs.uk/wp-content/uploads/2013/12/HUDU-Control-of-Hot-Food-Takeaways-Feb-2013-Final.pdf>

between deprivation and the density of fast food outlets with more deprived areas having more fast food outlets per 100,000 of population⁶.

- 5.12. In Denmark, researchers found an association between access to fast food/ takeaway outlets and fast food intake. Their study showed that regardless of both individual and area characteristics, the likelihood of frequent fast food intake increased with increasing fast food outlet density. Interestingly, a resident's odds of frequent fast food intake decreased significantly with increasing distance to the nearest fast food outlet (Bernsdorf et al., Accessibility of fast food outlets is associated with fast food intake: A study in the Capital Region of Denmark, Health and Place, 2017)⁷.
- 5.13. In the UK, there is strong national and local evidence emerging, particularly in relation to takeaway food consumption by school-aged children and young people. In Leeds, researchers uncovered a positive relationship between the density of fast food outlets per area and child obesity status. They also found a positive relationship with deprivation (Fraser et al. The association between the geography of fast food outlets and childhood obesity rates in Leeds, UK, 2010). In 2014, a survey of nearly 2,500 Brent secondary school pupils found that pupils attending schools **within 400m of takeaway outlets** were more likely to visit a hot food takeaway after school at least once a week (62%) than pupils at schools with no takeaways within a 400m radius (43%) (London Borough of Brent (2014) Takeaway use among school students)⁸.
- 5.14. The potential link between deprivation and levels of obesity is concerning. Broxtowe is a relatively affluent area with low unemployment, good quality housing and high levels of skills and educational attainment. However, this relative affluence masks a number of localised pockets of deprivation in the borough. For example, parts of the Eastwood South and Chilwell West wards are in the 20% of the most deprived areas in the country, according to the Indices of Deprivation. It is also relevant to note that Eastwood (town centre) has the highest concentration of hot food takeaways of all four of the town centres in the Borough.
- 5.15. The Council is therefore of the view that there is a body of evidence to support the inclusion of Part 2 of the Policy. The Council also feels that it is reasonable to note that the policy requirement is not particularly onerous; it should be relatively simple and straightforward for most reputable and responsible businesses to demonstrate that they offer and promote healthy food to young people.

⁶ https://webarchive.nationalarchives.gov.uk/20170110173140/http://www.noo.org.uk/uploads/doc/vid_15683_FastFoodOutletMap2.pdf

⁷ <https://www.ncbi.nlm.nih.gov/pubmed/29031108>

⁸ <https://www.brent.gov.uk/media/16403699/d26-takeaway-use-brent-school-students.pdf>

Policy 26 Travel Plans

1. Is the threshold for preparation of a Travel Plan in this policy justified by the available evidence?

- 6.1. The Council is not aware of what kind of evidence might be used to support one particular threshold rather than another. The proposed threshold is logical, as it is based on the definition of ‘major’ development that is used with regard to planning applications (and that is included in the glossary of the 2018 version of the NPPF). To have no threshold could mean that a Travel Plan could be required for all applications, which would be unduly onerous for applicants.
- 6.2. Paragraphs 35 and 36 of the NPPF indicate that Travel Plans are a “key tool” in encouraging the use of sustainable transport modes. Paragraph 36 states that “all developments which generate significant amounts of movement should be required to provide a Travel Plan.” The Practice Guidance (Paragraph: 009 Reference ID: 42-009-20140306) does not indicate a particular threshold but says that relevant considerations in determining whether a Travel Plan will be needed include the Travel Plan policies of the Local Plan and the scale of the proposed development. It is therefore important that the Plan contains a clear local policy on this important issue. The proposed policy would be consistent with national policy. The Travel Plan can be proportionate to the size and scope of the proposed development and can build on existing information wherever possible. As with all policies, there is always the potential to make an exception based on the particular circumstances of an application.

Policy 27 Local Green Space

1. Is the basis for assessing, selecting and rejecting Local Green Space objective, consistent, and justified with robust evidence?

- 7.1. Five of the proposed areas of Local Green Space (LGS) are ‘Prominent Areas for Special Protection’. These are “prominent areas of attractive landscape” (as mentioned at paragraph 27.2). These areas, as required by NPPF paragraph 77, are all local in character and in close proximity to the communities that they serve. The fact that they are demonstrably special to their local communities is evidenced by observation of the high levels of informal recreational use of them all, principally for walking.
- 7.2. The sixth proposed area of LGS is at Cornwall Avenue, Beeston Rylands. This has been added in the Submission Version in response to a large number of representations on the Publication Version. (These representations are recorded under both policy 3.5 and policy 27 in the [Schedule of Representations \(CD/21\)](#).)
- 7.3. It is clear from the representations that this field is highly valued by local residents for both its beauty and its recreational value.
- 7.4. A further field in Beeston Rylands, at Leyton Crescent, was also proposed to be LGS by a significant number of people. However the Council has decided not to designate this field as it is considered to be less attractive and it was supported by a smaller number of people.

- 7.5. Representor 6944 proposed two additional areas of LGS at Brinsley. However the basis for the proposed designations is not clear and the land is already protected by Green Belt designation. Here as elsewhere, there will be the opportunity for further LGS designations to be made in forthcoming Neighbourhood Plans, in accordance with paragraph 76 of the NPPF.
- 7.6. With regard to representor 6903, both Beeston Fields and Chilwell Manor golf courses have been removed as proposed areas of LGS in the Submission Version because the Council recognises that they do not fully meet the criteria of NPPF paragraph 77.

2. Is the policy effective to manage development within a Local Green Space in line with paragraph 78 of the Framework?

- 7.6. Yes, it is. Policy 27 says that development that would be harmful to the character or function of the Local Green Space will only be permitted in ‘very special circumstances’. This approach is consistent with policy for development in the Green Belt, as set out in paragraph 87 of the NPPF and policy 8 of the Plan. It therefore provides appropriate protection for Local Green Space in accordance with paragraph 78 of the NPPF.

3. Is the wording of the Policy 27 consistent with national policy in particular paragraph 74 of the Framework?

- 7.7. Yes, it is. Policy 27 is not seeking to protect all open space, sports and recreational facilities (as referred to in NPPF paragraph 74); it is only seeking to protect specific areas of Local Green Space (as referred to in NPPF paragraphs 76-78). There is a deliberate distinction between policy 27 (Local Green Space) and policy 28 (‘Green Infrastructure Assets’, involving more general open spaces / sports facilities etc).

Policy 28 Green Infrastructure Assets

1. Does the Plan make appropriate provisions for the protection of open space in accordance with national policy, specifically paragraph 74 of the Framework?

- 8.1. Yes, it does. Policy 28 states that permission will not be granted for development that results in any harm or loss to the Green Infrastructure Asset (including various kinds of open space), unless the benefits of the development are clearly shown to outweigh the harm. It is considered that this is consistent with, and complements, NPPF paragraph 74, which states:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”

8.2. National and local policy would be considered together when determining planning applications.

2. Are there any deficiencies in provision that should be addressed in the Plan?

8.3. No. The Council’s Planning and Environment departments have liaised closely in the preparation of the Plan and are satisfied that there are no quantitative deficiencies in provision that should be addressed in the Plan. New requirements for Green Infrastructure will arise from the proposed new housing allocations, and associated developer contributions may enable qualitative improvements to be made to existing facilities, to the benefit of both existing and future residents. These issues are dealt with in the site-specific policies. The provision of Green Infrastructure in unallocated developments will be ensured by the application of policy 32d, paragraph 32.3 and the Broxtowe Green Space Standard ([table 6, page 145 of the Submission Version of the Broxtowe Local Plan \(CD/04\)](#)).

Policy 30 Landscape

1. Does the Plan provide appropriate protection to areas of locally valued landscape?

9.1. Yes, it does. It is consistent with NPPF paragraph 109, which expects the planning system to protect and enhance valued landscapes. The designated local landscape character areas cover the whole of the borough and the policy will help to ensure that developments make a positive contribution to the quality and distinctiveness of the landscape in all areas. Policy 27 is also relevant in this context. It gives Local Green Space status, and therefore a very high level of protection, to five ‘Prominent Areas for Special Protection’. As mentioned in paragraph 27.2, these are prominent areas of attractive landscape. Their value to local people is evidenced by the high levels of informal recreational use (principally walking) in these areas.

**2. Are the character areas as defined supported by robust evidence?
Are any amendments justified?**

9.2. Yes, they are supported by robust evidence, in the form of the Greater Nottingham Landscape Character Assessment (GNLCA) ([BD/ENV/05 within ACS Examination Library](#)). A summary of the main points of the GNLCA is given in paragraphs 30.1 to 30.8 of the Plan and full details of the areas in Broxtowe are reproduced in appendix 6. Circumstances have not changed since the GNLCA was produced and no amendments are justified. If any amendments were to be considered in the future, this should be done as part of a comprehensive review of the document, based on

clear, objective and consistent criteria. [Representors 67 and 3630](#) have suggested the subdivision of two areas so as to produce two additional areas, at Brinsley and at the River Trent. However these suggestions do not appear to be based on any clear evidence.

Policy 31 Biodiversity Assets

1. Having regard to MM33, is the policy effective, justified and consistent with national planning policy? Should part 2 of the policy refer to other impacts besides the increased use of Biodiversity Assets?

- 10.1. Yes, it is effective, justified and consistent. Proposed amendments reflect representations from Natural England and the Nottinghamshire Wildlife Trust ([representors 21 and 34](#)). The policy is strongly in accordance with part 11 of the NPPF, notably paragraph 109, which expects the planning system to minimise impacts on biodiversity and provide net gains in biodiversity where possible. In part 2 of the policy, the requirement to take “reasonable opportunities” to enhance the asset(s) will be considered, in light of any specific development proposals, in the context of NPPF paragraph 113, which requires distinctions to be made between the hierarchy of international, national and locally designated sites. There is no need for part 2 to refer to other impacts, because part 3, as proposed to be amended, refers to any significant harm or loss. However, if it were felt that alternative wording would provide greater clarity whilst retaining the substance of the policy, the Council would be pleased to consider any suggestions.

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