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Your Reference: Bob Wilson

Our Reference: DP000431/N3020

Date:

Dear Sir

Gedling Borough Local Plan Review

1. As promised here is the second and final instalment of my Local Plan Report. This letter is to be read in conjunction with my first letter. This letter covers:

- 1B Environment (Part B)
- 3 Shopping (and Town Centres)
- 7 Recreation
- 8 General
- 9 Strategy
- 10 Preface
- 11 Introduction
- 12 Proposals Map

2. As anticipated, fewer matters with wider ramifications are included in these sections of my report. However, there are a few I consider should be highlighted.
3. There were several objections to the Aims and Objectives of the Local Plan to the effect that sustainability received too little prominence. The Council attempted to take this matter on board by making changes in the Second Deposit. However, given the importance government guidance attaches to sustainability, in my view the Second Deposit changes were only partly successful. I have therefore recommended modifications to the Aims and Objectives of the plan with the intention of according sustainability even greater priority.
4. Other general criticisms of the Local Plan were that Environmental Assessment and Monitoring received too little attention. The Council responded to these objections by expanding the Introduction in the Second Deposit. But again, in



my view, the Council did not go far enough. None of the objectors suggested that either matter was dealt with so inadequately that the plan should be rejected. I am very clear that adoption should not be held up for more work to be done in these areas. Nevertheless I consider that a fuller account of the Council's past work and future intentions should be included in the Introduction to the plan.

5. Nature Conservation was another topic where the Council made considerable changes at the Second Deposit stage, so that it was sometimes difficult to appreciate the end result as a rounded whole or to relate objections to the Local Plan as it now stands. In general terms the Council accepted and moved towards the stance of English Nature, particularly so that the protection afforded to each site would be commensurate with its importance. However, in my view, there are advantages in adopting the English Nature comments more wholeheartedly and this is what I have recommended.
6. Recreation is an area where the Council and Local Plan have been overtaken by events to some extent. PPG17 was revised after the Second Deposit was prepared. For this reason the Council cannot be blamed for not having followed its advice. However, it is the case that the Local Plan is out of step with the latest guidance, which places much greater emphasis on an audit of existing facilities and devising locally appropriate standards than was the case previously. I have tried to redress the imbalance by recommending modifications to the policies so they accord as closely as possible with the current PPG17. Nevertheless I regard this chapter of the Local Plan as something of a stopgap, pending the further work that will be needed on this topic. Again I do not recommend holding up adoption of the Local Plan while the work is done.
7. I have checked the Council's Schedule of Proposed Changes given to me on the last day of the Inquiry. In general the matters raised have been incorporated in my report. However, a few of the Proposed Changes arise from objections that have been withdrawn or from supporting representations. In these instances, whilst I find no fault with what the Council proposes, I consider the Council should bring forward these changes at the modifications stage.
8. As before, I am copying this letter to the Government Office for the East Midlands and the Office of the Deputy Prime Minister in London.
9. I believe I have now discharged my responsibility to report on the objections to the Gedling Borough Local Plan Review and hope that a satisfactory and useful adopted plan will result in the near future.

INSPECTOR

1B.1 ENV2 LANDSCAPING

Objector Number	Objection Number	Objector Name
001158	002494	Nottingham County Council (Strategic Property)

Summary of Objection

Objection is made because the policy employs a checklist approach to matters that should be dealt with at the (pre) application stage. Larger sites can be dealt with in supplementary planning guidance in accordance with PPG12. Delete the policy.

Objector Number	Objection Number	Objector Name
001345	003139	Nottinghamshire Wildlife Trust

Summary of Objection

Paragraph 1.15 is welcomed but could be improved if reference were made to the possibility of designing landscaping to reflect the character of the area (in line with the NCC Countryside Appraisal) and to secure particular conservation objectives (in line with the Biodiversity Action Plan).

Inspector’s Reasoning and Conclusions***Objector 1158***

1. This objector appears to object in principle to all policies that contain criteria or that could be used as a checklist when assessing development proposals. I am not entirely clear about the reason(s) for this general objection. However, PPG12 paragraph 3.12 specifically advocates the judicious adoption of criteria based policies that can be used to judge whether planning applications should be allowed. It says these may be applicable in a broad range of circumstances, although there is a danger that too many such policies may give rise to conflicts within the plan and make development control complicated.
2. I note that no specific exception appears to be taken to any of the individual criteria included in this policy. In my view this policy provides useful guidance on the Council’s approach to matters that can certainly be material planning considerations. The policy is unlikely to overlap or conflict with other policies in the Local Plan.
3. Thus I have no reason to delete or alter the policy and I conclude that no modification to the Local Plan arises from this objection.

Objector 1345

4. The Council does not wish to refer here specifically to the Countryside Appraisal or Biodiversity Plan and considers it is sufficient for the policy to seek to retain established landscape features and use native species.
5. Whilst I agree that referring to other documents might make matters more complicated for the reader, it does seem to me that providing landscaping that reflects its setting and which enhances wildlife can be important considerations. However, it seems to me that the latter point is already adequately dealt with in clause (e) of the policy.
6. I conclude that a new clause should be added to the policy – between the present (b) and (c) – worded “reflects the character of the surrounding landscape or townscape”.

RECOMMENDATION

7. I recommend that a new clause is added to the policy (between (b) and (c)) worded: “reflects the character of the surrounding landscape or townscape”.

1B.2 ENV3 DEVELOPMENT ON CONTAMINATED LAND

Objector Number	Objection Number	Objector Name
001158	002496	Nottingham County Council (Strategic Property)

Summary of Objection

The need to use previously developed land is acknowledged but development on seriously contaminated land may expose future occupiers (especially residents) to hazards. It is questioned whether such land should be developed if there are hazard-free alternatives. The policy should be deleted but the text retained.

Objector Number	Objection Number	Objector Name
001325	002807	Papplewick Parish Council

Summary of Objection

GBC should be more active in identifying and recycling contaminated land.

Inspector’s Reasoning and Conclusions***Objector 1158***

1. In my view this objection is counter to the spirit of the government’s emphasis on re-using previously developed land. Of course due care and remediation must be used and the policy as worded insists on this as a precondition for redevelopment. For these reasons it is my view that the policy is in accord with current guidance and priorities and should not be deleted.
2. I conclude that no modification to the Local Plan is justified.

Objector 1325

3. It is not clear to me what change to the Local Plan this objector is seeking. There are other initiatives (outside the Local Plan) that address this issue.
4. I conclude that no modification to the Local Plan is justified.

RECOMMENDATION

5. I recommend no modification to the Local Plan in response to these objections.
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1B.3 ENV4 UNSTABLE LAND

Objector Number	Objection Number	Objector Name
001158	002497	Nottingham County Council (Strategic Property)

Summary of Objection

The policy forms part of a development control checklist that is inappropriate in a Local Plan. Allocated land should already have been rejected if it is unstable. For windfalls only a simple statement of intent is needed.

Inspector’s Reasoning and Conclusions

1. This objector appears to object in principle to all policies that contain criteria or could be used as a checklist when assessing development proposals. I am not entirely clear about the reason(s) for this general objection. However, PPG12 paragraph 3.12 specifically advocates the judicious adoption of criteria based policies that can be used to judge whether planning applications should be allowed. It says these may be applicable in a broad range of circumstances, although there is a danger that too many such policies may give rise to conflicts within the plan and make development control complicated.
2. In my view this policy provides useful guidance on the Council’s approach to matters that can certainly be material planning considerations. The policy is unlikely to overlap or conflict with other policies in the Local Plan.
3. I note that no wording change is suggested. I consider that the policy accords with government guidance and I have no reason to delete or alter it.
4. I conclude that no modification to the Local Plan arises from this objection.

RECOMMENDATION

5. I recommend no modification to the Local Plan in response to this objection.
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1B.4 ENV5 RENEWABLE ENERGY

Objector Number	Objection Number	Objector Name
000717	001528	Nottinghamshire County Council
000717	001531	Nottinghamshire County Council
000717	201503	Nottinghamshire County Council

Summary of Objections

(First Deposit) Paragraphs 1.20 – 1.23 would be more helpful if they listed each relevant technology with an indication of the development prospects, including any areas of search or broad locations that can be subjected to further examination.

(First Deposit) Paragraph 1.23 – reference should be made to landfill sites with methane gas extraction (Burnstump and /Dorket Head) and to Severn Trent Water's sewage sludge facility at Stoke Bardolph. More attention should also be given to solar sources of energy.

(Second Deposit) More detail should be included in the policy and/or the accompanying text.

Objector Number	Objection Number	Objector Name
001158	002499	Nottingham County Council (Strategic Property)

Summary of Objection

(First Deposit) The policy provides a development control checklist that contains three tests which cannot be applied by reference to policy or text alone. The policy should be deleted.

Objector Number	Objection Number	Objector Name
001340	003102	The British Wind Energy Association

Summary of Objection

(First Deposit) The policy title should be changed to 'energy generation'. The criteria outlined in 'Suggested Policies on Wind Energy Development' should be adopted. The words 'do not adversely affect' should be replaced with 'would not unacceptably affect'.

Objector Number	Objection Number	Objector Name
001936	004529	Forestry Commission

Summary of Objection

(First Deposit) The policy is welcomed but paragraph 1.22 should include a reference to the use of wood from existing woodlands as a renewable fuel source. Management of existing woodlands for this purpose could enhance biodiversity and new short rotation plantations could also be promoted.

Objector Number	Objection Number	Objector Name
001953	004615	ETSU (For The DTI)
001953	004616	ETSU (For The DTI)
001953	004617	ETSU (For The DTI)
001953	004618	ETSU (For The DTI)

Summary of Objection

(First Deposit) The policy and text are supported but reference should be made to the East Midlands Renewable Energy Planning Study – Nottinghamshire County Report.

Objector Number	Objection Number	Objector Name
003932	010758	R.J.B. Mining Ltd

Summary of Objection

The policy does not provide a proper basis for assessing the acceptability of development proposals. PPG1 paragraph 36 says that an adverse effect has to be unacceptable before it justifies preventing development.

Objector Number	Objection Number	Objector Name
004893	201463	County Land & Business Association

Summary of Objection

(Second Deposit) There is a need to balance the impact on the Green Belt against the benefits of sustainable local sources of energy from combined heat and power plants.

Objector Number	Objection Number	Objector Name
005017	201990	The Countryside Agency

Summary of Objection

(Second Deposit) Object to word "unacceptable" as vague and subjective. The text in the Local Plan should clarify and define the factors that would constitute unacceptability.

Inspector's Reasoning and Conclusions

Objector 717 (NCC – County Planning Authority)

1. It seems to me that NCC's objections to the First Deposit have been met in part by the alterations in the Second Deposit. But even if this is not the case in my view the text gives a reasonable but concise description of the local situation.
2. The County Council's wish to see more detail and more up to date information in the Local Plan no doubt arises from enthusiasm for the subject and is for this reason laudable. However, I am not convinced that any harm would result from leaving the Local Plan as it is and see no particular merit in the further changes NCC seeks. There is a risk that over-enthusiasm for this topic could produce an unbalanced plan when this is but a part of the total coverage that has to be dealt with in the Local Plan.
3. Whilst NCC may be right to say that it would assist the emergence of combined heat and power plants if Local Planning Authorities could identify appropriate locations in Local Plans, it is too late to do this at this stage in this Local Plan. GBC says it may produce Supplementary Planning Guidance when regional guidance on this topic is clearer.
4. I conclude that no further modification to the Local Plan is necessary.

Objector 1158 (NCC – Strategic Property)

5. It is apparent that the County Council does not have a corporate view of this topic!
6. This objector appears to object in principle to all policies that contain criteria or that could be used as a checklist when assessing development proposals. I am not entirely clear about the reason(s) for this general objection. However, PPG12 paragraph 3.12 specifically advocates the judicious adoption of criteria based policies that can be used to judge whether planning applications should be allowed. It says these may be applicable in a broad range of circumstances, although there is a danger that too many such policies may give rise to conflicts within the plan and make development control complicated.
7. I note that in this case no specific exception appears to be taken to any of the individual criteria included in the policy. In my view the policy provides useful guidance on the Council's approach to a subject that ought to be included in a Local Plan. It does not appear to overlap or conflict with other policies in the Local Plan.
8. I have no reason to delete the policy and I conclude that no modification to the Local Plan arises from this objection.

Objector 1340 (British Wind Energy Association)

9. In my view some of this objection has been met by changes in the Second Deposit. However, as the objection has not been withdrawn it still falls to me to consider it.
10. I note that the title of the policy has been changed and, although the new title may not be exactly the one this objector suggested, in my view it adequately describes the policy and its subject matter.

11. The text in the Local Plan, which this objector has not objected to, fairly sets out the limitations and difficulties that arise in relation to wind energy in Gedling. For this reason I would not accept that “model” (that is nationally applicable) policies are appropriate here.
12. I deal with the word “unacceptable” below but otherwise I conclude that the Local Plan should not be modified in response to this objection.

Objector 1936 (Forestry Commission)

13. In the First Deposit the subject of using wood, especially coppice wood, for fuel was dealt with in paragraph 1.23. The text was altered in the Second Deposit to accommodate a reference to deriving energy from waste. To my mind this has rather been at the expense of clarity as far as the potential of wood burning is concerned. The Forestry Commission does not view wood from coppices purely as a waste product because woodland can be planted and managed specifically for the purpose of producing fuel. In all the circumstances I consider that this objection can best be met by having a separate paragraph on this topic, in the form of a précis of the Forestry Commission's objection.
14. I conclude that a separate paragraph should be included in the text to deal with the subject of wood as potential fuel.

Objector 1953 (ETSU – for DTI)

15. Although listed as objections, the letter on behalf of DTI supports the Local Plan. The only caveat seems to be that a reference to a particular document is sought. In the Second Deposit the Local Plan makes reference to a different document and this seems to me to cover the topic adequately.
16. I conclude that no modification is needed.

Objector 1340 (British Wind Energy Association)

Objector 3932 (RJB Mining)

Objector 5017 (Countryside Agency)

17. Objectors 1340 and 3932 sought the addition of the word “unacceptable” to the policy and this was done in the Second Deposit. Objector 5017 objects to this on the grounds that it is imprecise and subjective and should only be retained if it is explained in the accompanying text.
18. In my view the word is at best superfluous and at worst tautologous in this context. It is also extremely inelegant. It is not used systematically in similar contexts throughout the Local Plan. Whilst minor adverse impacts (in relation to any policy in the Local Plan) should not lead to the refusal of planning permission, to attempt to introduce this refinement to every policy would unduly complicate matters.
19. Moreover, to attempt to explain what might be considered acceptable or unacceptable in the text relating to every policy would make for a very long and cumbersome plan. Local Plans cannot anticipate and deal with every eventuality. In my view it is best to leave the assessment of what amounts to an unacceptable impact to the specific consideration of each proposal as and when it arises.

20. I conclude that the word “unacceptable” should be removed from this policy.

Objector 4893 (County Land & Business Association)

21. I agree with this objector that in some cases there may be a need to balance the impact on the Green Belt against the benefits of a sustainable local source of energy. However, in my view such assessments should be carried out in each individual case and cannot be written into the Local Plan.

22. The starting point will need to be whether a proposal is appropriate development in the Green Belt. If it is not, there may be very special circumstances to justify it. The benefits of a sustainable energy source may be such. If they are, in any particular case the specific benefits will need to be balanced with the harm that would be caused to the Green Belt.

23. This is not an abstract exercise and the assessment can only be made in relation to specific proposals. However, I consider that the Local Plan is right to draw attention to the importance of Green Belt policy in this context and the potential conflict between the Green Belt policy, the importance of the ridgelines and wind turbines.

24. I conclude that there is no reason to modify the Local Plan in response to this objection.

RECOMMENDATION

25. I recommend that the word “unacceptably” is deleted from this policy to restore the wording used in the First Deposit.

26. I recommend that a separate paragraph should be included in the text accompanying policy ENV5 to deal with the subject of wood as potential fuel.

27. Otherwise I recommend no modifications to the Local Plan in response to these objections.

1B.5 ENV6 ENERGY EFFICIENCY

Objector Number	Objection Number	Objector Name
000061	000081	Mrs S Lane

Summary of Objection

Proposals for energy efficient housing are welcome. Specific measures for improving insulation in buildings are suggested.

Objector Number	Objection Number	Objector Name
000309	000428	House Builders Federation

Summary of Objection

The policy is endorsed but clarification is needed of what is meant by 'heating schemes'.

Objector Number	Objection Number	Objector Name
001158	002500	Nottingham County Council (Strategic Property)

Summary of Objection

The policy is objected to because it employs a checklist approach to matters more appropriately dealt with by supplementary planning guidance.

Objector Number	Objection Number	Objector Name
001330	003001	Council for the Protection of Rural England

Summary of Objection

The policy should read "Proposals for development will be required to incorporate energy efficient layouts, designs and heating schemes and exploit the potential for renewable energy sources."

Objector Number	Objection Number	Objector Name
001345	003143	Nottinghamshire Wildlife Trust

Summary of Objection

Paragraph 1.26: - energy efficiency should not be limited to large development sites. More emphasis should be put on land use planning and renewable energy sources, such as solar panels.

Objector Number	Objection Number	Objector Name
001936	004527	Forestry Commission

Summary of Objection

Reference should be made to the benefits provided by community heat and power schemes.

Objector Number	Objection Number	Objector Name
000717	201512	Nottinghamshire County Council

Summary of Objection

The penultimate sentence (added in the Second Deposit) should be in a separate paragraph or elsewhere in the Local Plan. The sentence could easily be converted to a policy.

Objector Number	Objection Number	Objector Name
001948	201933	Aldergate Properties Ltd

Summary of Objection

The alteration to paragraph 1.26 in the Second Deposit referring to future energy saving technologies is too onerous. For layouts to be designed to incorporate uncertain 'district heating schemes' would not be viable. It is not possible to anticipate unknown "future energy saving technologies".

Inspector's Reasoning and Conclusions

Objector 061 (Mrs Lane)

1. Mrs Lane welcomes the policy. Most of the detailed matters she raises would be dealt with under the Building Regulations rather than by the imposition of planning conditions. I do not think she is seeking any specific changes to the Local Plan and I conclude that none are needed.

Objector 309 (HBF)

2. I note that this objector also endorses the policy in general terms but is concerned about the relationship between the Local Plan and the Building Regulations and with clarifying the meaning of "heating schemes" in the policy. In response paragraph 1.26 was expanded in the Second Deposit, to make it clear that district heating schemes were being referred to. The objection has not been withdrawn as a result of this change, although in my view the change is an adequate response.

3. I conclude that no further modification to the Local Plan is needed.

Objector 1158 (NCC - Property)

4. This objector objects because the policy could form part of a development control checklist, although this is not how I read the policy. Be that as it may, I am not entirely clear about the reason(s) for this general objection. PPG12 paragraph 3.12 specifically advocates the judicious adoption of criteria based policies that can be used to judge whether planning applications should be allowed. It says these may be applicable in a broad range of circumstances, although there is a danger that too many such policies may give rise to conflicts within the plan and make development control complicated.
5. I note that this policy is derived from the adopted Structure Plan and that it is unlikely to overlap or conflict with other policies in the Local Plan.
6. I conclude that no modification to the Local Plan arises from this objection.

Objector 1330 (CPRE)

7. The wording of the Second Deposit policy is very close to that favoured by the objector. The main differences are that the policy refers to “major development” whereas the objector wishes the policy to refer to all development. Also the policy indicates that heating schemes would only be required “where possible”. In my view, in both these instances, the Second Deposit draft of the policy is to be preferred to the objector’s suggested wording because it is closer to the Structure Plan and is more realistic.
8. I conclude that no modification to the Local Plan is needed.

Objector 1345 (NWT)

9. This objection relates to paragraph 1.26 rather than the policy itself. It also takes exception to the concentration on large developments. However, the concentration on large developments is derived from the Structure Plan and is, in my view, sensible in any event.
10. As far as solar panels and renewable energy generation in general are concerned, these are dealt with in policy ENV5. In my view to refer to them again in policy ENV6 is unnecessary.
11. I conclude that no modification to the Local Plan is needed.

Objector 1936 (Forestry Commission)

12. The Council altered paragraph 1.26 in response to this objection. Although the objection has not been withdrawn, I consider that it has been met and that no further change is needed.
13. I conclude that no modification to the Local Plan is needed.

Objector 717 (NCC)

14. The County Council does not dispute the value of including a statement on water conservation measures in the Local Plan but questions whether it sits well in this paragraph dealing with energy conservation.

15. I agree, even though the wording was included at the behest of the Environment Agency. As to whether the sentence should be converted into a policy, I have no evidence on the matter.
16. I conclude that the sentence added to paragraph 1.26 in the Second Deposit (from “Developers are encouraged” to “water based environment.”) should be moved into a separate paragraph elsewhere in the Local Plan. In view of the Second Deposit addition of criteria (f) to policy ENV1, perhaps the new paragraph should be located there.

Objector 1948 (Aldergate Properties)

17. GBC says that the text added to paragraph 1.26 concerning district heating schemes is intended to clarify the type of heating schemes that are referred to in the policy. However, the Council does not attempt to address the issues raised by objector 1948, namely that for layouts to be designed to incorporate uncertain 'district heating schemes' would not be viable. Neither is it possible to anticipate unknown “future energy saving technologies”.
18. Without any evidence on the matter, I am not inclined to accept the objector’s view that what the added text implies is an open-ended and uncosted imposition on development. But the policy is derived from the Structure Plan, has some support and is not in conflict with current government guidance.
19. I therefore conclude, on balance, that no modification is needed as a result of this objection.

RECOMMENDATIONS

20. I recommend that the text in paragraph 1.26 “Developers are encouraged water based environment.” should be moved into a separate paragraph. Further consideration should be given to where this new paragraph should be located in the Local Plan.
21. Otherwise I recommend no modifications to the Local Plan in response to these objections.
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1B.6 ENV7 DEVELOPMENT WHERE HAZARDOUS SUBSTANCES ARE TO BE USED OR STORED

Objector Number	Objection Number	Objector Name
001158	002501	Nottingham County Council (Strategic Property)

Summary of Objection

The policy is objected to because it uses a checklist approach. If such a policy is to be retained it should be located in the Employment chapter because this is not a borough-wide issue.

Inspector’s Reasoning and Conclusions

1. This objector appears to object in principle to all policies that contain criteria or that could be used as a checklist when assessing development proposals. I am not entirely clear about the reason(s) for this general objection. However, PPG12 paragraph 3.12 specifically advocates the judicious adoption of criteria based policies that can be used to judge whether planning applications should be allowed. It says these may be applicable in a broad range of circumstances, although there is a danger that too many such policies may give rise to conflicts within the plan and make development control complicated.
2. In my view this policy provides useful guidance on the Council’s approach to matters that can be material planning considerations. The policy is unlikely to overlap or conflict with other policies in the Local Plan. I note that no wording change is suggested. I consider that the policy accords with government guidance and I have no reason to delete or alter it.
3. As to the location of the policy, the Council says it has some affinity with other policies in the Environment chapter of the plan. Be that as it may, I am prepared to leave such matters to the Council unless there is a very compelling case for making a change, which there is not in this case as far as I can see.
4. I conclude that no modification to the Local Plan arises from this objection.

RECOMMENDATION

5. **I recommend no modification to the Local Plan in response to this objection.**
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1B.7 ENV8 DEVELOPMENT AFFECTING HAZARDOUS SUBSTANCE SITES

Objector Number	Objection Number	Objector Name
001158	002503	Nottingham County Council (Strategic Property)

Summary of Objection

This policy is objected to because it is part of a development control checklist, which is inappropriate in a local plan. It would be better to identify hazardous installations on the Proposals Map than to have this general policy. There are not likely to be many such hazardous installations in the borough.

Inspector's Reasoning and Conclusions

1. This objector appears to object in principle to all policies that contain criteria or that could be used as a checklist when assessing development proposals. I am not entirely clear about the reason(s) for this general objection. However, PPG12 paragraph 3.12 specifically advocates the judicious adoption of criteria based policies that can be used to judge whether planning applications should be allowed. It says these may be applicable in a broad range of circumstances, although there is a danger that too many such policies may give rise to conflicts within the plan and make development control complicated.
2. In my view this policy provides necessary protection in relation to an important matter that can be a material planning consideration. The policy is unlikely to overlap or conflict with other policies in the Local Plan. I consider that the policy accords with government guidance and I have no reason to delete or alter it.
3. As to replacing the policy with a site-specific policy and sites shown on the Proposals Map, I have no information to enable me to do this. The objector says that there cannot be many such sites in the borough but they have not told me where they are. In the absence of the necessary information I agree with the Council that the matter is best dealt with in general terms.
4. I conclude that no modification to the Local Plan arises from this objection.

RECOMMENDATION

5. I recommend no modification to the Local Plan in response to this objection.

1B.8 ENV9 NOISE GENERATING DEVELOPMENTS

Objector Number	Objection Number	Objector Name
000715	001057	Sport England

Summary of Objection

Noisy uses, such as motor sports, are not always a nuisance and suitable sites can be found. The policy is worded negatively and should be reworded more positively.

Objector Number	Objection Number	Objector Name
001158	002504	Nottingham County Council (Strategic Property)

Summary of Objection

The policy is objected to because it employs a checklist approach. The issue is already covered by PPG24. Reference should be made in the text to the Council's powers under the Control of Pollution Act.

Objector Number	Objection Number	Objector Name
001328	002877	Government Office for the East Midlands
001328	201543	Government Office for the East Midlands

Summary of Objection

(First Deposit) Planning obligations must be sought not imposed. They should be fairly and reasonably related in scale and kind to the development in question.

(Second Deposit) But planning conditions can be imposed.

Objector Number	Objection Number	Objector Name
001343	003121	Post Office

Summary of Objection

The policy should be changed to allow operational flexibility and effectiveness for statutory undertakers to pursue their statutory obligations without being unduly constrained.

Objector Number	Objection Number	Objector Name
001682	201416	Mr J Lesquereux

Summary of Objection

Conditions should be "imposed" even if obligations cannot be. Planning obligations must be fairly and reasonably related in scale and kind to development.

Inspector's Reasoning and Conclusions

Objector 715 (Sport England)

1. Sport England is right that noisy uses are not always a nuisance if suitable sites can be found and the Council accepts this. However, the Council insists that the point of this policy is to prevent noisy uses in unsuitable locations and, therefore, it is rightly worded negatively. I accept this explanation
2. I conclude that the Local Plan should not be modified in response to this objection.

Objector 1158 (NCC Property)

3. This objector appears to object in principle to all policies that contain criteria or that could be used as a checklist when assessing development proposals. I am not entirely clear about the reason(s) for this general objection. However, PPG12 paragraph 3.12 specifically advocates the judicious adoption of criteria based policies that can be used to judge whether planning applications should be allowed. It says these may be applicable in a broad range of circumstances, although there is a danger that too many such policies may give rise to conflicts within the plan and make development control complicated.
4. In my view this policy provides necessary protection in relation to an important matter that can be a material planning consideration. The policy is unlikely to overlap or conflict with other policies in the Local Plan. I consider that the policy accords with government guidance in PPG24 and I have no reason to delete or alter it.

5. The Council is reluctant to refer to the Control of Pollution Act in the Local Plan. The objector does not say why this should be done, and I have no evidence on the matter. In the circumstances I have no reason to recommend a modification.
6. I conclude that the Local Plan should not be modified in response to this objection.

Objector 1328 (Government Office)

Objector 1682 (Mr Lesquereux)

7. We need a word that can be applied to both planning obligations and conditions. I suggest “used”. I see no need for the policy or text to go into any detail as to the terms and conditions that obligations and conditions need to satisfy.
8. I conclude that the last part of the policy should say “Planning conditions or obligations will be used if restrictions on the noise effects of a proposal would make it acceptable.”

Objector 1343 (the Post Office)

9. It seems to me that the Post Office thinks that it and other statutory undertakers should be subject to different planning policies than other developers. They have not supplied any reasons or evidence in support of this novel and far reaching idea. It seems to me that if this distinction were accepted in relation to this policy, there would be no good reason why it should not apply to many other policies in the Local Plan as well. This would mean, in effect, that two Local Plans are needed; one for statutory undertakers and another for everyone else.
10. Be that as it may, it does not seem to me that the policy as worded would unreasonably constrain the Post Office or any other developer. In reaching this conclusion I note that the Post Office is committed to being a good neighbour and achieving the highest environmental standards.
11. I conclude there is no need or reason to alter the policy in response to this objection.

RECOMMENDATION

12. I recommend that the last part of the policy should say “Planning conditions or obligations will be used if restrictions on the noise effects of a proposal would make it acceptable.”
 13. Otherwise I recommend no modification to policy ENV9 and the text accompanying it.
-

1B.9 ENV10 NOISE SENSITIVE DEVELOPMENT

Objector Number	Objection Number	Objector Name
000179	000234	Mr J Hand

Summary of Objection

The noise from traffic on Lambley Lane is already obtrusive. It would increase if the GCCF access road were built both during construction and afterwards. This would harm residential amenity.

Objector Number	Objection Number	Objector Name
001158	002505	Nottingham County Council (Strategic Property)

Summary of Objection

The policy is objected to because it uses a checklist approach. The issue of noise is covered by PPG24. Reference should be made in the text to the Control of Pollution Act.

Objector Number	Objection Number	Objector Name
001343	003117	Post Office

Summary of Objection

The policy should be changed to allow operational flexibility and effectiveness for statutory undertakers to pursue their statutory obligations without being unduly constrained.

Objector Number	Objection Number	Objector Name
003932	010759	R.J.B. Mining Ltd

Summary of Objection

The policy does not provide a proper basis for assessing the acceptability of development proposals. PPG1 paragraph 36 says that an adverse effect has to be unacceptable before it justifies preventing development.

Inspector’s Reasoning and Conclusions***Objector 179 (Mr Hand)***

1. I know and understand Mr Hand’s objections to the proposed GCCF access road and have taken them into account where I have considered the principle and route of the road under policy H3.
2. However, in my view, the issues surrounding the road are only tenuously linked to this policy. By this I mean that Mr Hand’s case is that the road is in breach of this policy rather than that this policy should be changed to accommodate the road. It seems to me that this policy would stay the same whatever decision is taken on the road. It also seems to me that this is what Mr Hand would want as well.
3. I conclude that no modification to the Local Plan arises from this objection.

Objector 1158 (NCC - Property)

4. This objector objects to all the Local Plan policies that contain criteria or that could be used as a checklist when assessing development proposals. I am not entirely clear about the reason(s) for this general objection. However, PPG12 paragraph 3.12 specifically advocates the judicious adoption of criteria based policies that can be used to judge whether planning applications should be allowed. It says these may be applicable in a broad range of circumstances, although there is a danger that too many such policies may give rise to conflicts within the plan and make development control complicated.
5. In my view this policy provides necessary protection in relation to an important matter that can be a material planning consideration. The policy is unlikely to overlap or conflict with other policies in the Local Plan. I consider that the policy accords with government guidance in PPG24 and I have no reason to delete or alter it.

6. The Council is reluctant to refer to the Control of Pollution Act in the Local Plan. The objector does not say why this should be done, and I have no evidence on the matter. In the circumstances I have no reason to recommend a modification in this regard.
7. I conclude that the Local Plan should not be modified in response to this objection.

Objector 1343 (the Post Office)

8. It seems to me that the Post Office thinks that it and other statutory undertakers should be subject to different planning policies than other developers. They have not supplied any reasons or evidence in support of this novel and far reaching idea. It seems to me that if this distinction were accepted in relation to this policy, there would be no good reason why it should not apply to many other policies in the Local Plan as well. This would mean, in effect, that two Local Plans are needed; one for statutory undertakers and another for everyone else.
9. Be that as it may, it does not seem to me that the policy as worded would unreasonably constrain the Post Office or any other statutory undertaker or developer. In reaching this conclusion I note that the Post Office is committed to being a good neighbour and achieving the highest environmental standards.
10. I conclude there is no reason to alter the policy in response to this objection.

Objector 3932 (RJB Mining)

11. The Second Deposit included the word “unacceptable” and I consider that this meets this objection. This has not attracted any objections, so there is no need or reason to re-visit the issue here.

RECOMMENDATION

12. I recommend no modifications to the Local Plan in response to these objections.
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1B.10 ENV11 POLLUTION GENERATING DEVELOPMENT

Objector Number	Objection Number	Objector Name
000179	000235	Mr J Hand

Summary of Objection

The proposed road and junction at Lambley Lane will cause traffic to slow down and increase pollution.

Objector Number	Objection Number	Objector Name
001158	002506	Nottingham County Council (Strategic Property)

Summary of Objection

The policy sets no fewer than five tests which cannot be applied by reference to the policy and its supporting text alone. Neither can they be applied by GBC. The policy should be deleted but the text retained.

Objector Number	Objection Number	Objector Name
001325	002809	Papplewick Parish Council

Summary of Objection

Support for the policy, but there is a need to limit development in the Green Belt that creates light pollution.

Objector Number	Objection Number	Objector Name
001590	003770	Mrs J Hambly

Summary of Objection

Concern is raised over health and safety in relation to electromagnetic radiation from pylons, transformers and telecommunication aerials. Sites in Burton Joyce are referred to. There is need for care and caution in relation to these sorts of proposals.

Objector Number	Objection Number	Objector Name
001593	004492	Mr C Scott

Summary of Objection

“Air and traffic pollution.” (This is the full extent of the objection.)

Inspector’s Reasoning and Conclusions***Objector 179 (Mr Hand)***

1. I know and understand Mr Hand’s objections to the proposed GCCF access road and have taken them into account where I have considered the principle and route of the road under policy H3.
2. However, in my view, the issues surrounding the road are only tenuously linked to this policy. By this I mean that Mr Hand’s case is that the road is in breach of this policy rather than that this policy should be changed to accommodate the road. It seems to me that this policy would stay the same whatever decision is taken on the road. It also seems to me that this is what Mr Hand would want as well.
3. I conclude that no modification to the Local Plan arises from this objection.

Objector 1158 (NCC – Strategic Property)

4. The objector claims that the tests cannot be applied. But I am at a loss to know why the objector thinks this. Be that as it may, the Council says that the policy and text are based on and derived from PPG23. This being the case (it is not contested by the objector and appears to me to be the case), I consider that there is no need or reason to modify the Local Plan.
5. I conclude that no modification to the Local Plan arises from this objection.

Objector 1325 (Papplewick Parish Council)

6. The Parish Council raises the issue of light pollution in the Green Belt. However, the matter of light pollution (inside and outside the Green Belt) is already covered by clause (b) of the policy. And development is strictly controlled in the Green Belt. It is not

clear why any additional controls are needed or how they would be incorporated in the Local Plan.

7. I have no reason to suppose that the Green Belt in Gedling is threatened by a form of development that would be acceptable in every other respect but harmful because of light pollution. It seems to me far more likely that the usual control of development in the Green Belt will have the effect of limiting light pollution anyway. I therefore consider it is unnecessary to direct a policy to this particular problem.
8. I conclude there is no reason to modify the Local Plan in response to this objection.

Objector 1590 (Mrs Hambly)

9. The objector raises health concerns associated with electromagnetic fields, principally in relation to telecommunications masts and overhead power lines. The Council side steps the issue by saying that the scope of this policy relates to matters covered by PPG23 and that this does not include health and safety concerns relating to electromagnetic fields.
10. As I think the objector acknowledges, there is no conclusive evidence at the moment to support fears that electromagnetic fields threaten health, although (as she says) this is a topic of increasing interest and controversy. Nevertheless at the moment there is no scientific basis for including this matter (as a policy or otherwise) in the Local Plan. No doubt the matter will be kept under review as and when the results of new research are published.
11. I conclude there is no reason or evidence to lead to a modification of the Local Plan.

Objector 1593 (Mr Scott)

12. In my view Mr Scott’s objection to policy ENV11 is not coherent and I cannot discern what change to the policy he is seeking. I conclude that the policy should not be modified.

RECOMMENDATION

13. I recommend no modification to the Local Plan in response to these objections.
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1B.11 ENV12 TELECOMMUNICATIONS DEVELOPMENT

Objector Number	Objection Number	Objector Name
000226	000322	Vodafone Ltd

Summary of Objection

The policy and paragraph 1.36 to 1.38 comply with PPG8. But the link between telecommunications and transportation has not been made in the Local Plan. The policy should also protect the less privileged.

Objector Number	Objection Number	Objector Name
001158	002507	Nottingham County Council (Strategic Property)

Summary of Objection

The policy sets three tests that cannot be applied by reference to policy and supporting text alone. The importance of early consultation with the Local Planning Authority is stressed. This is considered to be the correct approach, making a formal policy unnecessary. The policy should be deleted.

Objector Number	Objection Number	Objector Name
001590	003769	Mrs J Hambly

Summary of Objection

The policy should reflect concerns on the health risks of electromagnetic fields. Sensitive areas (eg schools or hospitals) should be avoided. Masts should not be shared as this increases the strength of emissions.

Inspector's Reasoning and Conclusions***Objector 226 (Vodafone)***

1. I am in some difficulty dealing with this representation. It has been recorded as an objection but specifically states that policy ENV12 complies with PPG8 and there is no objection to it. The representation then raises two issues (summarised above) but the letter that accompanies them refers to the need to alter the Leicester Structure Plan.
2. Dealing briefly with these two issues, the representation contains no evidence to substantiate the assertion that there is a functional relationship between telecommunications and transportation. It also gives no indication as to how the Local Plan should be changed to take this matter into account. Similarly there is no evidence that the less privileged are suffering from poor access to telecommunications in Gedling or how this could be addressed or remedied in the Local Plan.
3. I therefore conclude that no modification arises in response to this objection.

Objector 1158 (NCC – Strategic Property)

4. GBC says that this policy follows and is consistent with PPG8 and this appears to me to be the case. No matter how important and productive (pre-application) consultations between developers and the Local Planning Authority may be, these cannot replace policies in the Development Plan and I am surprised that a County Council should suggest otherwise. I consider that the case for deleting this policy has not been made.
5. I conclude that no modification is needed in response to this objection.

Objector 1590 (Mrs Hambly)

6. Although considerable attention has been devoted to telecommunications and health risks since this objection was made, there is still no proof of a link or a problem. Current government advice (PPG8 page 10) is that safety and safety concerns may be material considerations in planning decisions but the planning system is not the appropriate place to determine health safeguards and policy. On the basis of the guidance in PPG8 and the evidence before me, I can see no reason to include health matters in this policy, even though it may arise as a consideration in particular cases.

7. As far as mast sharing is concerned, this is specifically encouraged in PPG8 (page 9) in order to reduce visual intrusion. It would not be in accord with current guidance for the policy to discourage the sharing of facilities.
8. I conclude that no modification to the Local Plan is justified.

RECOMMENDATION

9. **I recommend no modification to the Local Plan in response to these objections.**
-

1B.12 ENV13 DEMOLITION IN CONSERVATION AREAS

Objector Number	Objection Number	Objector Name
001158	002509	Nottingham County Council (Strategic Property)

Summary of Objection

The policy sets tests that are matters of subjective judgement on which opinions may differ. Therefore the policy is inappropriate in a Local Plan and should be deleted.

Objector Number	Objection Number	Objector Name
003981	010855	English Heritage

Summary of Objection

Paragraph 1.40 could usefully refer to character appraisals in Conservation Areas. These can justify the review or designation of Conservation Areas and provide an effective basis for development control.

Objector Number	Objection Number	Objector Name
001325	201553	Papplewick Parish Council

Summary of Objection

Add to the wording of the last sentence 'The Borough Council IN CONJUNCTION WITH RESPECTIVE PARISH COUNCILS will undertake an assessment'

Inspector’s Reasoning and Conclusions**Objector 1158 (NCC)**

1. Whether or not the character or appearance of a Conservation area is harmed by a proposed development may be a matter of opinion. But this issue relates to a statutory requirement and is quite properly included in the Local Plan. I find the notion that policies should be excluded from the Local Plan because there may not be agreement on how to implement them to be rather bizarre, although it could lead to a very short Local Plan indeed.
2. The objector does not say that they have particular concerns about their properties in conservation areas. If they have any such concerns, it might have helped my understanding of the issues to have these explained to me. Otherwise I am at something of a loss to understand the rationale for this and similar objections.
3. I conclude that the Local Plan should not be modified.

Objector 3981 (English Heritage)

4. Changes to Local Plan paragraph 1.40 introduced in the Second Deposit were directed at meeting this objection and in my view do so adequately. Although the objection has not been withdrawn I have no evidence that the Second Deposit wording is inadequate.
5. I conclude that no (further) changes are needed.

Objector 1325 (Papplewick Parish Council)

6. In my view the Local Plan should not include consultation arrangements. I therefore see no need to alter the plan in response to this objection and conclude that no modification is needed.

RECOMMENDATION

7. I recommend no modification to the Local Plan in response to these objections.

1B.13 ENV14 CHANGE OF USE OF A BUILDING IN A CONSERVATION AREA

Objector Number	Objection Number	Objector Name
001158	002510	Nottingham County Council (Strategic Property)

Summary of Objection

Objection is raised to this policy as, like ENV1 and many of the other environment policies, it sets tests, and creates a situation in which the conformity or otherwise of a development proposal can only be determined by further appraisal. It is therefore in an appropriate form for a local plan. The policy should be deleted. (This is the objection in full.)

Objector Number	Objection Number	Objector Name
003981	010859	English Heritage

Summary of Objection

The wording is unnecessarily complex and a simplified wording is suggested.

Inspector’s Reasoning and Conclusions**Objector 1158 (NCC)**

1. I simply do not understand the reasoning behind this objection. The policy appears to me to deal with matters that are the proper and legitimate concern of planning and a Local Plan. Therefore, in my view, there is no reason to object in principle to the policy.
2. The objector does not say that they have particular concerns about their properties in conservation areas. If they have any such concerns it might have helped my understanding of the issues to have these explained to me. Otherwise I am at something of a loss to understand the rationale for this and similar objections.
3. I conclude that the Local Plan should not be modified.

Objector 3981 (English Heritage)

4. I am all in favour of simpler policies if these can be achieved without changing the meaning. But the Council says that the proposed wording change in this case would alter the meaning, making the requirements of the policy more stringent. This appears to me to be the case because a proposal would need to enhance the contribution of the building involved rather than preserve or enhance it.
5. On balance I conclude that the wording should be left as it is.

RECOMMENDATION

6. I recommend no modification to the Local Plan in response to these objections.

1B.14 ENV15 NEW DEVELOPMENT IN A CONSERVATION AREA

Objector Number	Objection Number	Objector Name
000587	000837	Mrs R Groves

Summary of Objection

The policy boundary that has been drawn to coincide with the ridgeline behind 10 Main Street Lambley should also be the boundary of ENV33 & ENV30 as this identifies the village and open countryside.

Objector Number	Objection Number	Objector Name
001158	002511	Nottingham County Council (Strategic Property)

Summary of Objection

The policy is a criteria based policy that sets tests which can only be carried out by further appraisal. It is therefore in a form inappropriate for a local plan. The policy should be deleted.

Objector Number	Objection Number	Objector Name
001325	002812	Papplewick Parish Council

Summary of Objection

The openness of Church Lane Papplewick is an important feature. It should be mentioned in paragraph 1.43.

Objector Number	Objection Number	Objector Name
001332	201284	Linby Parish Council

Summary of Objection

Although this representation was classified as supporting the Local Plan, it did suggest an editing change that the Council is prepared to accept. However, as this arises from a supporting representation, this is a matter for the Council to decide.

Objector Number	Objection Number	Objector Name
003981	201641	English Heritage

Summary of Objection

(Second Deposit) The new text added to criterion (d) should be deleted. Development is permissible in exceptional circumstances only so should not be highlighted in the policy.

Inspector's Reasoning and Conclusions**Objector 587 (Mrs Groves)**

1. It does not seem to me that the objector is seeking any change to policy ENV15 or to the boundary of the Lambley Conservation Area. Anyway, even if a change to the Conservation Area boundary is sought, this is a matter dealt with under other legislation and is not a matter that I can deal with as part of the Local Plan. I conclude that the Local Plan should not be modified in response to this objection.

Objector 1158 (NCC)

2. I simply do not understand the reason for this objection. The policy appears to me to deal with matters that are the proper and legitimate concern of planning and a Local Plan. Therefore, in my view, there is no reason to object in principle to the policy. The objector does not say that they have particular concerns about their properties in conservation areas. If they have any such concerns it might have helped my understanding of the issues to have these explained to me.
3. I conclude that the Local Plan should not be modified.

Objector 1325 (Papplewick Parish Council)

4. GBC says that only open areas that could be threatened by development have been identified in paragraph 1.43. The areas listed are all within a village development boundary, which may lead to some pressure for their development. In contrast the area identified in this objection is outside any development boundary. It is also in the Green Belt, a MLA, a conservation area and a Historic Garden. For these reasons the site is not threatened by development and is not in need of any added protection that could be achieved by identifying it in paragraph 1.43.

5. In my view this explanation is plausible and I conclude that no modification is required.

Objector 3981 (English Heritage)

6. The objector seeks removal of the addition to criterion (d) in the Second Deposit. The objector says that PPG15 (paragraph 4.19) gives a high priority to the objective of preserving or enhancing the character or appearance of a conservation area (and this is also a statutory requirement). This presumption may be overridden in exceptional circumstances in favour of development that is desirable for some other reason. But because this is likely to be a rare event it should not be highlighted in the policy.
7. My own view is that the objector has rather missed the point of the changed wording. Without the added words, this clause of the policy focussed entirely on preserving the character or appearance of the area and there was no allowance for enhancing it. With the added wording the possibility of enhancing the area is included in the policy.
8. I conclude that the policy is stronger as it is and should not be modified.

RECOMMENDATION

- 9. I recommend no modification to the Local Plan in response to these objections.**

1B.15 ENV16 OLD WOODTHORPE SPECIAL CHARACTER AREA

Objector Number	Objection Number	Objector Name
001158	002512	Nottingham County Council (Strategic Property)

Summary of Objection

This is a criterion-based policy setting test that can only be carried out with further appraisal. It is in an inappropriate form for a Local Plan. The policy should be deleted.

Inspector’s Reasoning and Conclusions

1. This is another objection from the County Council based on an aversion to policies with criteria in them. I do not understand or share this aversion. Neither do I consider that it is based on any current government guidance on how Local Plans should be prepared.
2. I also note that the objection talks in terms of it being appropriate to prepare supplementary planning guidance for conservation areas, although paragraph 1.44 specifically says that this is not a conservation area. However, I take this to indicate that the objector is not opposed to this area receiving some sort of special consideration. There is also some support for this.
3. I conclude the Local Plan should not be modified on account of this objection.

RECOMMENDATION

- 4. I recommend no modification to the Local Plan.**

1B.16 ENV18 DEMOLITION OF LISTED BUILDINGS

Objector Number	Objection Number	Objector Name
001158	002515	Nottingham County Council (Strategic Property)

Summary of Objection

The policy is criterion-based and therefore objected to. Criterion (a) is not unreasonable but (b) raises the question as to how "substantial community benefits" would be evaluated. The policy repeats the guidance in PPG15, which should be referred to.

Objector Number	Objection Number	Objector Name
003932	010761	R.J.B. Mining Ltd

Summary of Objection

This is another policy that does not provide a proper basis for assessing development proposals. Reference is made to PPG1 paragraph 36, to the effect that harm has to be unacceptable in order to justify refusing planning permission.

Objector Number	Objection Number	Objector Name
003981	010861	English Heritage
003981	201642	English Heritage

Summary of Objection

There is confusion between the need for planning permission and listed building consent.

The last sentence of paragraph 1.48 implies that demolition is subject to planning rather than conservation controls.

Objector Number	Objection Number	Objector Name
001948	201934	Aldergate Properties Ltd

Summary of Objection

Criterion (b) is unnecessary. Charitable or community uses would need to be viable as well as possible or suitable. (c) should refer to all benefits, not just community benefits. The word "decisively" is unnecessary.

Objector Number	Objection Number	Objector Name
004893	201464	County Land & Business Association

Summary of Objection

Amend the revised wording of section (b)

Inspector's Reasoning and Conclusions***General Objections***

1. This is another objection from the County Council based on an aversion to policies with criteria in them. I do not understand or share this aversion. Neither do I consider that it is based on any current government guidance on how Local Plans should be prepared. In any event the objector accepts that one of the criteria is reasonable in this case, which leaves me wondering what the objection in principle is based on. The objector also suggests that PPG15 should be referred to in the policy but I see no need or reason for this.
2. I conclude no modification should be made.
3. This is also an example of a policy that has attracted RJB Mining's attention, no doubt in the hope of inserting the word "unacceptable" into it. In this case, however, the Council has resisted the temptation, although it has made some wording changes in response to the objection. My own view is that one ought to start from the presumption that demolishing listed buildings is a bad thing and therefore unacceptable unless other material considerations indicate otherwise. I therefore find the general form and approach of the policy not only acceptable but necessary.
4. I conclude no modification should be made.

5. English Heritage was concerned that there was confusion between planning permission and listed building consent in this policy and the accompanying text. The Council made changes in the Second Deposit, in the hope of clarifying matters, although English Heritage are not yet content. In relation to the Second Deposit English Heritage suggest that the policy should be worded “Planning permission for development involving the demolition of a Listed Building will not be granted unless“. It is also suggested that the last sentence of paragraph 1.48 should read “Proposals for the demolition of a Listed Building will require an application for listed building consent“. In my view these proposed changes are both reasonable and accurate.
6. I conclude that the modifications English Heritage seeks should be made.

Criterion (b)

7. The wording has been substantially revised since the County Council objected to the First Deposit. As NCC has not objected to the revised wording in the Second Deposit, I assume they are content.
8. Objector 1948 may be correct that the contents of this criterion could be said to be subsumed in criterion (a). But if the Council want to draw attention to this possibility by specifically referring to it, then I see no harm in it. The Council is also correct that this is a matter that is highlighted by paragraph 3.17 of PPG15. I consider that “possible or suitable” adequately covers the issue of viability. I conclude that there is no need to modify the policy in response to objection 201934.
9. The revised wording sought by objector 4893 is, in my view, too discursive to include in a policy. In any event the Second Deposit wording is based on PPG15 and I find no fault with it. I conclude the policy should not be modified in response to objection 201464.

Criterion (c)

10. Objector 1948 complains about detailed aspects of the wording of this part of the policy. However, it seems to me that the words that are complained of can be traced back to PPG15. I conclude that there would be no advantage in modifying the policy in response to objection 201934.

RECOMMENDATION

11. I recommend that the policy should start “Planning permission for development involving the demolition of a Listed Building will not be granted unless:- ”.
12. I recommend that last sentence of paragraph 1.48 should read “Proposals for the demolition of a Listed Building will require an application for listed building consent.”
13. Otherwise I recommend no modification to the Local Plan in response to these objections.

1B.17 ENV19 EXTENSION OR ALTERATION OF A LISTED BUILDING

Objector Number	Objection Number	Objector Name
001158	002516	Nottingham County Council (Strategic Property)

Summary of Objection

The policy is objected to because it sets a test on which it may be difficult to come to an objective view (the question of the effect on the architecture and historic interest of a building – adverse or otherwise). Reference should be made to advice in PPG15. The policy should be deleted.

Inspector’s Reasoning and Conclusions

1. I really do not comprehend the basis on which this objection is advanced. Is it suggested that matters that are difficult to decide cannot be material planning considerations or that they should not be included in policies? I see no reason to accept either contention and conclude that no modification to the Local Plan is needed.

RECOMMENDATION

2. I recommend no modification to the Local Plan in response to this objection.
-

1B.18 ENV20 CHANGE OF USE OF A LISTED BUILDING

Objector Number	Objection Number	Objector Name
001158	002517	Nottingham County Council (Strategic Property)

Summary of Objection

As for policy ENV19, this policy is objected to because it sets a test on which it may be difficult to come to an objective view (the question of the effect on the architecture and historic interest of a building – adverse or otherwise). Reference should be made to advice in PPG15. The policy should be deleted.

Inspector’s Reasoning and Conclusions

1. As with policy ENV19, I really do not comprehend the basis on which this objection is advanced. Is it suggested that matters that are difficult to decide cannot be material planning considerations or that they should not be included in policies? I see no reason to accept either contention and conclude that no modification to the Local Plan is needed.

RECOMMENDATION

2. I recommend no modification to the Local Plan in response to this objection.
-

1B.19 ENV21 SETTING OF LISTED BUILDINGS

Objector Number	Objection Number	Objector Name
001158	002518	Nottingham County Council (Strategic Property)

Summary of Objection

The policy sets a subjective test involving listed buildings and its environs and thus the question of degree of impact and proximity. Reference should be made to advice of PPG15. The policy should be deleted.

Inspector's Reasoning and Conclusions

1. The policy was changed and shortened in the Second Deposit. Whether this went some way to meeting this objection is not clear. Be that as it may, the policy now states that planning permission will not be granted for development that would adversely affect the setting of a Listed Building. Whether this involves difficult judgements or not, it is clearly a material planning consideration. It is thus a fit subject for a Local Plan policy and it is difficult to see how else the policy could be framed. The objector does not suggest any wording change.
2. I conclude that no modification to the Local Plan arises from this objection.

RECOMMENDATION

3. I recommend no modification in response to this objection.
-

1B.20 ENV22 LOCAL INTEREST BUILDINGS

Objector Number	Objection Number	Objector Name
001158	002519	Nottingham County Council (Strategic Property)

Summary of Objection

Part (a) of the policy sets a subjective test and part (b) strays into territory of potential 'planning gain'. The policy should be deleted.

Inspector's Reasoning and Conclusions

1. I note that the objector does not say this is an unsuitable subject for inclusion in the Local Plan. However, it is alleged that safeguarding the appearance or character of a building and its setting are subjective matters. Even if this is the case, they are material and important planning considerations. Similarly, although it is said that part (b) of the policy touches upon planning gain, other things may legitimately be taken into account in determining the future of such buildings and their settings.
2. All in all I conclude that the policy is acceptable and should not be modified or deleted.

RECOMMENDATION

3. I recommend no modification to the Local Plan in response to this objection.
-

1B.21 ENV23 ARCHAEOLOGICAL SITES OF NATIONAL IMPORTANCE

Objector Number	Objection Number	Objector Name
001158	002520	Nottingham County Council (Strategic Property)

Summary of Objection

The policy sets a test that cannot be applied by reference to the policy or text alone. The policy says little more than the intention is to preserve ancient monuments or any other features worth preservation. The policy should be deleted. The Proposals Map could identify areas where important archaeology may exist.

Objector Number	Objection Number	Objector Name
001328	002889	Government Office for the East Midlands

Summary of Objection

The policy is unclear because it relates to both scheduled and unscheduled sites but paragraph 1.54 and the Proposals Map refer to scheduled ancient monuments. There should be a presumption in favour of nationally important archaeological remains. Either show nationally important unscheduled sites on the Proposals Map or delete these from the policy. The second part of the policy should be moved to policy ENV24.

Objector Number	Objection Number	Objector Name
001948	004584	Aldergate Properties Ltd

Summary of Objection

Various amendments to the First Deposit wording were suggested that have largely been incorporated in the Second Deposit. (The objector says this objection is now conditionally withdrawn.)

Objector Number	Objection Number	Objector Name
001948	201935	Aldergate Properties Ltd

Summary of Objection

It is unclear what is meant by 'remains'. Amend the policy to say “other nationally important archaeological sites” rather than “other nationally important remains”.

Objector Number	Objection Number	Objector Name
004893	201465	County Land & Business Association

Summary of Objection

The words 'in situ' should be removed from this policy and the word 'archaeological' should be re-inserted.

Inspector’s Reasoning and Conclusions***Objector 1158 (NCC – Strategic Property)***

1. This is potentially an important policy area and the deletion of this policy entirely would not be in accord with current government guidance. I note that the objector offers nothing positive in the way of improvements to the policy. In any event it seems to me that the policy is in general accord with the guidance in PPG16. In these circumstances I conclude that the policy should not be modified or deleted.
2. As to the suggestion that these sites or areas should be shown on the Proposals Map, I note the reasons the Council has for not doing this. However, PPG16 clearly states that all such sites should be shown. I conclude that the Proposals Map should be modified to show the sites referred to in policy ENV23.

Objector 1328 (Government Office)

3. In the Second Deposit changes to the policy were made that were intended to meet this objection and appear to me to go a long way in that direction. However, the objection has not been withdrawn. It seems to me that the only important issue that may still be unresolved is the failure to show any unscheduled sites of national importance on the Proposals Map. I do not know whether there are in fact any such sites in Gedling, but as a matter of policy and principle I have already concluded that all the known sites should be shown on the Proposals Map.
4. On this basis, and on the information available to me, I consider there is no need for (further) modification to the Local Plan in response to this objection.

Objector 4893 (County Land & Business Association)

5. As far as this objector’s suggested wording changes to the Second Deposit are concerned, it is my understanding that *in situ* preservation is the appropriate objective for remains of national importance. However, I agree that restoring the word “archaeological” to the seventh line would aid understanding. I therefore conclude that the word “archaeological” should be restored to the seventh line of the policy.

Objector 1948 (Aldergate Properties Ltd)

6. Objector 1948 finds the use of the term “remains” in the Second Deposit confusing, although its use reflects the guidance in PPG16 and in my view is clear enough in this context, especially if the word “archaeological” is restored to the seventh line of the policy. I conclude that no (further) change to the policy is required.

RECOMMENDATION

7. I recommend that the sites and areas referred to in this policy are shown on the Proposals Map.
8. I recommend that the word “archaeological” is restored to the seventh line of the policy.
9. Otherwise I recommend no modifications in response to these objections.

1B.22 ENV24 SITES OF LOCAL ARCHAEOLOGICAL VALUE

Objector Number	Objection Number	Objector Name
001158	002521	Nottingham County Council (Strategic Property)

Summary of Objection

The policy sets a subjective test which cannot be applied solely by reference to the policy and supporting text. This is inappropriate and the policy should be deleted.

Objector Number	Objection Number	Objector Name
001328	002892	Government Office for the East Midlands
001328	201545	Government Office for the East Midlands

Summary of Objection

(First Deposit) The Proposals Map should define areas and sites to which this policy applies – see paragraph 15 of PPG16.

(Second Deposit) Identify relevant sites on the Proposals Map and/or (as with SINCs) include a list as an appendix to the Plan so that the location of sites to which this policy applies can be identified.

Objector Number	Objection Number	Objector Name
001948	201936	Aldergate Properties Ltd

Summary of Objection

It is not necessary to introduce the new final sentence of this policy (as in the Second Deposit). It creates uncertainty. Preservation in situ is always likely to be feasible (by refusal of planning permission) but may not be viable.

Objector Number	Objection Number	Objector Name
003981	201805	English Heritage

Summary of Objection

Policy ENV23 deals with nationally important sites and policy ENV24 with local sites. There is a danger that any intermediate sites would be missed. Reconsider and redirect ENV24 so all sites covered and re-title accordingly. Specific re-wording suggested.

Inspector’s Reasoning and Conclusions

Objector 1158 (NCC – Strategic Property)

1. This is potentially an important topic and the deletion of this policy entirely would not be in accord with current government guidance. I note that the objector offers nothing positive in the way of improvements to the policy. In any event it seems to me that the inclusion of a policy of this nature in the Local Plan is in accord with the guidance in PPG16. In these circumstances I conclude that the policy should not be modified or deleted in response to this objection.

Objector 1328 (Government Office)

2. The Council’s reasons for not showing the sites on the Proposals Map are set out in paragraph 1.55 and I accept that these have some force. However, I also note that the guidance in PPG16 is clear that all such sites should be shown on the Proposals Map. The situation seems to me to be analogous to that involving SINCs and I consider that the same approach should be adopted.
3. I therefore conclude that the sites that are subject to this policy should be listed in an appendix to the Local Plan and shown on the Proposals Map.

Objector 3981 (English Heritage)

4. The Council responds that it accepts this objection and proposes changes accordingly to bring the total coverage of the Local Plan into better accord with PPG16. I conclude that this policy should be modified as suggested in this objection.

Objector 1948 (Aldergate Properties)

5. I do not share the view of objector 1948 that the additional material in this policy introduced in the Second Deposit creates any uncertainty. It appears to me to be clear and in keeping with the guidance in PPG16. I conclude that no modification is required.

RECOMMENDATION

6. I recommend this policy is re-titled “Other Sites of Archaeological Importance”.
7. I recommend that “remains of local archaeological value” is replaced by “other important archaeological remains” and that the word “local” is deleted in the first sentence of the policy.
8. I recommend that the text accompanying this policy is modified to refer to regional and local archaeological remains and sites.
9. I recommend that the sites that are subject to this policy should be listed in an appendix to the Local Plan and shown on the Proposals Map.
10. Otherwise I recommend no modification to the Local Plan in response to these objections.

1B.23 ENV25 HISTORIC PARKS AND GARDENS

Objector Number	Objection Number	Objector Name
001158	002522	Nottingham County Council (Strategic Property)

Summary of Objection

The policy sets a subjective test which cannot be applied solely by reference to the policy and supporting text. This is inappropriate and the policy should be deleted.

Inspector’s Reasoning and Conclusions

1. This is potentially an important topic and the deletion of this policy entirely would not improve the Local Plan or be in accord with current government guidance. I note that the objector offers nothing positive in the way of improvements to the policy.
2. In these circumstances I conclude that the policy should not be modified or deleted.

RECOMMENDATION

3. I recommend no modification to the Local Plan in response to this objection.
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1B.24 ENV27 RE-USE OF BUILDINGS IN THE GREEN BELT

Objector Number	Objection Number	Objector Name
001158	002524	Nottingham County Council (Strategic Property)

Summary of Objection

The policy sets tests that cannot be applied by reference to the policy or supporting text. The tests involve subjective judgements on which professional opinion may differ. The policy is inappropriate and should be deleted from the Local Plan.

Objector Number	Objection Number	Objector Name
001949	010877	c/o J H Walter Rural Consultants
001949	004592	c/o J H Walter Rural Consultants

Summary of Objection

Object to allocation of land at Gedling Colliery/Chase Farm.

Object to policy in light of objection relating to land at Top Wighay.

Objector Number	Objection Number	Objector Name
001948	201937	Aldergate Properties Ltd

Summary of Objection

(Second Deposit) Criterion (d) is appropriate only in considering permission for new buildings in the Green Belt and is inconsistent with criterion (a).

Inspector’s Reasoning and Conclusions***Objector 1158***

1. In my view the Local Plan should have a policy on this subject and this one has the merit of following the guidance in PPG2 very closely. This objector wants the policy deleted but this would leave a void. However, no improved or amended wording is advanced. I have to say that the argument that any policy that might give rise to disagreement between professionals should be removed from the Local Plan is perverse. As an Inspector I am often amazed at how easy it is for professionals to find points of disagreement. Although what the objector wants would make for very short plans indeed, I see no merit in it. I conclude that this policy should not be deleted.

Objector 1949

2. It appears to me that this objector is primarily concerned about the extent of the Green Belt. I have failed to find any reasons why they have objected to this policy, which is concerned with re-using buildings within the Green Belt. I conclude that the Local Plan should not be modified in response to these objections.

Objector 1948

3. As far as objector 1948 is concerned, GBC point out that criterion (d) has been added to the policy to reflect the guidance in PPG2, paragraph 3.8. This appears to me to be the case. It also appears to me that the policy is now very close to the PPG2 guidance and in these circumstances I have no reason to recommend any changes. I conclude that the policy should not be modified.

RECOMMENDATION

4. I recommend no modification to the Local Plan in response to these objections.

1B.25 ENV28 EXTENSIONS TO DWELLINGS IN THE GREEN BELT

Objector Number	Objection Number	Objector Name
000392	000554	Mr R Holehouse

Summary of Objection

The policy should be amended to allow extensions as long as there would be no effect on neighbours and no effect on the frontage/streetscene in conservation areas.

Objector Number	Objection Number	Objector Name
001158	002525	Nottingham County Council (Strategic Property)

Summary of Objection

The policy forms part of a development control checklist that cannot be applied solely by reference to the policy and text. The policy should be amended or deleted.

Objector Number	Objection Number	Objector Name
001325	002804	Papplewick Parish Council

Summary of Objection

Policy ENV28 is supported but "we would like some safeguard over maximum development to ensure consistency"

Objector Number	Objection Number	Objector Name
001949	010878	c/o J H Walter Rural Consultants
001949	004595	c/o J H Walter Rural Consultants

Summary of Objection

Object to allocation of land at Gedling Colliery/Chase Farm.

Object to policy in light of objection relating to land at Top Wighay.

Objector Number	Objection Number	Objector Name
001948	201938	Aldergate Properties Ltd

Summary of Objection

A change of emphasis is required so that the key consideration would be the impact on Green Belt rather than scale of the proposal in relation to the size of the original. Specific wording changes are suggested to achieve this.

Inspector's Reasoning and Conclusions***Objector 392***

1. Green Belt policy is a national policy applied locally. The form of Green Belt policy is thus largely determined by government guidance in PPG2, and in many ways this is the strength of the policy. In my view the policy as drafted follows the guidance in PPG2 closely and cannot be faulted on this account.
2. In any particular case the impact of an extension on the neighbouring properties or on the character or appearance of a Conservation Area may indicate that the proposal should not be allowed. However, these considerations are not related to the Green Belt and may arise in the Green Belt or outside it.
3. I conclude that policy ENV28 should not be modified on account of this objection.

Objector 1158

4. In my view the Local Plan should have a policy on this subject as is clearly indicated by PPG2. This objector makes no suggestions as to how the policy could be improved or amended. I therefore have no reason to recommend a modification to the Local Plan on the basis of this objection. The objector does not appear to be familiar with PPG2, which specifically suggests that Local Plans include policies along these lines.
5. I conclude that this policy should not be deleted or modified.

Objector 1325

6. I am not at all sure I understand what safeguard Papplewick Parish Council is seeking. The text indicates that 50% is the limit. What other safeguard is needed or could there be? I conclude that no modification to the Local Plan arises from this objection.

Objector 1949

7. It appears to me that this objector is primarily concerned about the extent of the Green Belt. I have failed to find any reasons why they have objected to this policy, which is concerned with extending existing buildings in the Green Belt. I conclude that the Local Plan should not be modified in response to these objections.

Objector 1948

8. As far as objector 1948 is concerned, whilst the impact on the Green Belt is of paramount importance, the guidance in PPG2 (paragraph 3.6) also indicates that whether an extension is disproportionate is important. Local Plans are to make clear how this matter is to be approached and to my mind the policy as drafted does exactly this. To replace “and” with “or” in the first criterion would, in effect, undermine the applicability of that criterion and remove a clear and unambiguous test from the policy. In short, I consider that the changes sought by the objector would take the policy and text further away from the guidance in PPG2, making the policy less clear and more difficult to understand. I conclude that no change is justified.

RECOMMENDATION

9. I recommend no modification to the Local Plan in response to these objections.

1B.26 ENV29 REPLACEMENT DWELLINGS IN THE GREEN BELT

Objector Number	Objection Number	Objector Name
001158	002526	Nottingham County Council (Strategic Property)

Summary of Objection

The policy sets a test whether or not the objectives of Green Belt policy are adversely affected which cannot be applied by reference to the policy and its supporting text.

Objector Number	Objection Number	Objector Name
001949	010879	c/o J H Walter Rural Consultants
001949	004596	c/o J H Walter Rural Consultants

Summary of Objection

Object to allocation of land at Gedling Colliery/Chase Farm.

Object to policy in light of objection relating to land at Top Wighay.

Objector Number	Objection Number	Objector Name
001948	201939	Aldergate Properties Ltd

Summary of Objection

The Second Deposit changes create a two-tier philosophy in respect of replacement dwellings contrary to Government advice on consistency in planning decisions.

Objector Number	Objection Number	Objector Name
004893	201466	County Land & Business Association

Summary of Objection

The policy wording is unclear; it should be clarified so that it is clear that any replacement dwelling can equal the size of the existing dwelling as it is at the time of replacement.

Inspector's Reasoning and Conclusions

Objector 1158

1. I consider that it is legitimate and important for the Local Plan to have a policy dealing with this topic. I therefore do not accept that the policy should be deleted as suggested by this objector. PPG2 paragraph 3.6 specifically calls for the inclusion of such a policy in the Local Plan.
2. As far as the wording goes, I note that the objector takes particular exception to the notion that the impact of proposals on the purposes of including land within the Green Belt should be assessed. But this matter is central to the impact that a replacement dwelling might have. I note that the objector does not suggest an alternative form of words and conclude that the policy cannot be improved on.
3. I conclude there should be no modification in response to this objection.

Objector 1949

4. It appears to me that this objector is primarily concerned about the extent of the Green Belt. I have failed to find any reasons why they have objected to this policy, which is concerned with replacing existing buildings in the Green Belt. I conclude that the Local Plan should not be modified in response to these objections.

Objector 1948

5. As far as objector 1948 is concerned, whilst consistency is important, different facets of consistency can be involved in any situation. It appears to me that the policy as now worded would maintain a consistent approach within the Green Belt as between proposed extensions and proposed replacement dwellings. I consider there is logic in this. I take the view that to revert to the wording in the First Deposit, as the objector wants, would not be an improvement. I therefore conclude that there should be no modification in response to this objection.

Objector 4893

6. The objector complains that the policy is unclear. In my view the policy is perfectly clear. I do not see how any confusion could arise and therefore conclude that the policy does not need to be modified.

RECOMMENDATION

7. I recommend no modification to the Local Plan in response to these objections.
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1B.27 ENV33 HABITAT PROTECTION AND ENHANCEMENT

Objector Number	Objection Number	Objector Name
000405	200156	English Nature, East Midlands Team
000405	200157	English Nature, East Midlands Team

Summary of Objection

Delete the word “significantly” from the policy.

The text accompanying revised policy ENV33 (paragraphs 1.73 and 1.74) needs considerable revision.

Objector Number	Objection Number	Objector Name
001325	201563	Papplewick Parish Council

Summary of Objection

PPC objects to the replacement of “an adverse effect” by “significantly adversely affect” as the original gives stronger protection. PPC would also wish to see more positive wording than 'prefer' in final sentence of paragraph 1.74. Legal agreements must be entered into to minimise disturbance to sites.

Objector Number	Objection Number	Objector Name
001682	201414	Mr J Lesquereux

Summary of Objection

Object to deletion of reference to 'visual'. Welcome broader references to biodiversity but need to safeguard visual characteristics. Reinstate reference to 'visual' dimension of environment.

Objector Number	Objection Number	Objector Name
004893	201467	County Land & Business Association

Summary of Objection

A reference to 'appropriate mitigation' works could be added to paragraph 1.74.

Inspector's Reasoning and Conclusions

1. All these objections relate to the Second Deposit.

Objector 405 (English Nature)

2. The objector has produced a page and a half of comments on paragraphs 1.73 and 1.74. However, as far as I can see there is no complaint about the policy itself, except for the word “significantly”, which the Council accepts can be deleted. Some of the suggested revisions to the text are acceptable to the Council and I see no harm in them. I will not discuss these in detail but will concentrate on the unresolved matters.
3. The objector appears to be under the impression that the policy refers only to greenfield and rural sites. However, neither the policy nor the text say as much; so it must be correct to assume that the policy can relate to any site in the borough. I also accept what the Council says about not wishing to increase the amount of cross-referencing and the number of references to other documents in the Local Plan.
4. As far as paragraph 1.73 is concerned there seems to be agreement between the Council and the objector as to what changes need to be made.
5. As far as paragraph 1.74 is concerned, the Council says there is agreement in principle but I am not convinced that the change the Council has suggested is adequate. I say this because to alter the words “prior to the commencement of development” to “prior to the grant of planning permission” would mean that rescue work might be undertaken before planning permission is granted. This could be very unwelcome because in some cases a refusal of planning permission could have the effect of avoiding any disturbance of the site. In addition the Council does not accept that its preferences in paragraph 1.74 could be made clearer, although I agree with the objector on this matter.

6. I therefore conclude that a general rewrite of paragraphs 1.73 and (especially) 1.74 is required. There does not seem to be any important matter of principle between the Council and the objector so I leave it to them to devise the appropriate form of words to be used in a modification.

Objector 1325 (Papplewick Parish Council)

7. The Council agrees to the deletion of the word “significantly”.
8. Although the Parish Council wishes to see a more positive wording than 'prefer' in the final sentence of paragraph 1.74, this is the form of words agreed by English Nature. In any event the objector has not suggested a better wording and I cannot think of one.
9. The use of legal agreements to minimise disturbance to sites is already referred to.
10. I conclude that the only modification that arises from this objection is the deletion of the word “significantly” from line two of policy ENV33.

Objector 1682 (Mr J Lesquereux)

11. With respect to Mr Lesquereux it seems to me that, unusually for him, he has got hold of the wrong end of the stick here. In the Second Deposit the crossed out policy ENV33 was the Mature Landscape Areas policy that referred to the visual importance of MLAs. It is clearly appropriate that the MLA, ridgeline and Green Belt policies all refer to visual qualities and impacts.
12. In contrast the policy on habitats is not directly concerned with visual matters. Moreover in my view, to introduce visual considerations into this policy could give rise to confusion and conflict. For example, some of the SINC's I have been to see are – how can I put this tactfully – rather untidy and unsightly. Indeed it is, at least in part, these negative visual qualities that make the sites attractive habitats for wildlife. I therefore consider it would be inappropriate to introduce visual considerations to this particular policy in the Local Plan.
13. I conclude that the Local Plan should not be modified in response to this objection.

Objector 4893 (County Land & Business Association)

14. The Council takes the view that a reference to 'appropriate mitigation' measures is not needed in paragraph 1.74. However, I can envisage circumstances in which these could be both appropriate and important.
15. I conclude that a reference to 'appropriate mitigation' measures should be added to paragraph 1.74.

Inspector's Comment

16. I note that Appendix 2 in the Local Plan contains a list of SINC's and a list of Biodiversity Sites derived from the Biodiversity Action Plan. As these are subject to different policies it might be better for them to be listed in two different appendices. As things stand there is a risk that the Biodiversity Sites can be missed because they come at the end of the appendix and after half a blank page.

17. I also refer to my comments on objection 1948/4581 (see under policy ENV34, immediately following) and wonder whether the same should not apply to the penultimate sentence in paragraph 1.73. However, I acknowledge that the Biodiversity Sites are not site-specific, so may be treated somewhat differently.

RECOMMENDATION

18. I recommend that paragraphs 1.73 and 1.74 are revised and rewritten to take account of the specific comments from objector 405 in objection 200156. I also recommend that a reference to “appropriate mitigation” measures is added to paragraph 1.74.
19. I recommend that “significantly” is deleted from line two of policy ENV33.
20. I recommend that consideration is given to listing the Biodiversity Sites in a separate appendix.
21. I recommend that consideration is given to deleting the penultimate sentence in paragraph 1.73.
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1B.28 ENV34 NATIONAL NATURE CONSERVATION DESIGNATIONS

Objector Number	Objection Number	Objector Name
000405	000860	English Nature, East Midlands Team
000405	200157	English Nature, East Midlands Team

Summary of Objection

(First Deposit) The policy doesn't adequately distinguish between the importance of the different designations. SSSIs are nationally important. Regionally Important Geological Sites (RIGS) are omitted. SINCs should be shown on the Proposals Map. The derivation of Appendix 2 in the Local Plan is not clear. The policy does not set out clearly how development proposals at each sort of site will be dealt with, so it does not meet the requirements of Regulation 37 of the Habitats Regulations. The policy should be replaced by two policies (one for the national sites, the other for other sites). Detailed wording is suggested.

(Second Deposit) The changes that have been made are in the right direction but further revision is still needed. Reword as in the original objection.

Objector Number	Objection Number	Objector Name
001158	002531	Nottingham County Council (Strategic Property)

Summary of Objection

The policy sets tests that cannot be applied by reference to the policy or text. It is therefore inappropriate for inclusion in the Local Plan. An alternative form of policy is suggested.

Objector Number	Objection Number	Objector Name
001325	002826	Papplewick Parish Council
001325	201564	Papplewick Parish Council

Summary of Objection

(First Deposit) Under paragraph 1.78 and Appendix 2, GBC should do more work to define the detail required under each heading eg characteristics of habitat.

(Second Deposit) The differentiation between SSSIs and LNRs / SINCs is welcome. However, the change in wording (from 'adverse effects' to 'significant adverse effects') is opposed.

Objector Number	Objection Number	Objector Name
001328	002900	Government Office for the East Midlands

Summary of Objection

PPG9 says that regard should be paid to the relative significance of sites and that policies should include criteria against which development affecting a site can be judged. There should also be reference to non-designated areas and the provision of new habitats. The particular change sought is differentiation between the various kinds of site.

Objector Number	Objection Number	Objector Name
001340	003105	The British Wind Energy Association

Summary of Objection

In the third line of the policy 'would adversely affect' should be 'would significantly adversely affect'.

Objector Number	Objection Number	Objector Name
001345	003156	Nottinghamshire Wildlife Trust
001345	003155	Nottinghamshire Wildlife Trust
001345	201506	Nottinghamshire Wildlife Trust

Summary of Objection

SINCs should be shown on the Proposals Map.

(First Deposit) It is inappropriate to deal with all nature conservation sites with the same policy as this approach does not recognise the varying levels of importance. The English Nature approach is supported.

(Second Deposit) The policy is contrary to PPG9, RPG8 and Rights of Way Act 2000 because it does not give enough emphasis to mitigation and compensatory measures in the (few) cases where development will be allowed on an SSSI.

Objector Number	Objection Number	Objector Name
001936	004526	Forestry Commission

Summary of Objection

It would be helpful to include all ancient and semi-natural woodland and ancient woodland sites in list of habitats to be protected (not just those over 2 ha listed by English Nature). There is a reference to ancient woodlands in ENV42 but this would add additional weight.

Objector Number	Objection Number	Objector Name
001948	004581	Aldergate Properties Ltd

Summary of Objection

Add "normally" to first line of policy. An applicant should have the opportunity to criticise or alter SINC and LNR designations.

Objector Number	Objection Number	Objector Name
003932	010764	R.J.B. Mining Ltd

Summary of Objection

The policy places the same requirement on nationally designated areas and local nature reserves.

Objector Number	Objection Number	Objector Name
000359	000505	Mr P Welling

Summary of Objection

Linby Trail - The former Newstead Colliery sidings adjacent to the trail (but included in the Nature Reserve) is a brownfield site and of little nature value. If developed, this site could reduce pressure on Hucknall and increase resources in Newstead. The site is close to open space, the station, the industrial park and M1. It should be used for residential development.

Objector Number	Objection Number	Objector Name
001337	003066	Messrs J,N,C&T Cutts

Summary of Objection

Clarification is sought on the designation of the southern part of the Linby Trail LNR, with regard to the type of uses that are applicable and whether the proposed extension of NET north of Hucknall can be implemented within the framework of Policy ENV34.

Inspector’s Reasoning and Conclusions***English Nature***

1. At the First Deposit this objector suggested sweeping, detailed and comprehensive changes, as indicated in summary above. The Council accepted these in principle and agreed to revise the Local Plan and create new policies accordingly. The objector welcomed the changes made in the Second Deposit but noted that they did not encompass all their original suggestions and pressed for these in their entirety. In response the Council accepts that the word “significant” should be removed from the policy but is still concerned about some of the proposed wording changes. However, the Council now accepts that SINCs should be shown on the Proposals Map.
2. This is a complicated matter with two detailed and competing wordings put to me. It would be very difficult to achieve a wording that reconciled the two, although in reality I consider that the differences in meaning and intent are small. English Nature set out full reasoning in support of its original objection, which the Council accepted in principle. There is less evidence at the Second Deposit stage but even here the objector gives a fuller account of their case than the Council does. I have looked to PPG9 for guidance and this appears to support the stance of English Nature, who can be regarded as experts in this field.
3. For all these reasons I conclude that the balance of the evidence lies strongly on the side of the objector. I conclude that the Local Plan should be modified so as to take on board in full both the objections from English Nature.

Objector 1158 (NCC – Strategic Property)

4. In view of the above, the objection from objector 1158 has rather been overtaken by events. Whether the modification I am recommending will satisfy this objector I cannot say but I rather suspect not. However, I regard the wording proposed by English Nature as being closer to PPG9 than this objector’s wording. It is therefore to be preferred.
5. I conclude that no modification arises from this objection.

Objector 1325 (Papplewick Parish Council)

6. This objector sought more detail in paragraphs 1.78 and Local Plan Appendix 2. GBC says the detail that is sought can be found in the Biodiversity Action Plan and that to repeat it in the Local Plan would make for a very long and cumbersome document.
7. I consider that this is correct and conclude that the Local Plan should not be modified in this respect, although the word “significant” will go in any event.

Objector 1328 (Government Office)

8. The changes made in the Second Deposit went a long way towards meeting this objection by treating nationally important sites differently from local sites. The text was also revised in ways that would satisfy this objector (eg by including a reference to the Biodiversity Action Plan). Moreover, the recommendations I am making will go further towards achieving accordance with PPG9 and meeting this objection.
9. I therefore consider that I have dealt with the issues raised by this objector and conclude that no (further) modifications are called for.

Objector 1345 (NWT)

10. As far as the First Deposit objection is concerned, the Council has moved towards NWT's position by accepting the English Nature objection in principle. I am somewhat bemused by the Second Deposit objection. It seems curious that the second objection is far longer and more strongly worded than the first when the Council has moved towards the NWT position. Secondly it is alleged that the new policy fails to make provision for mitigation and compensatory measures when development is allowed at an SSSI but in my view this is exactly what the last sentence in the policy does. Be that as it may, my understanding from the First Deposit objection is that NWT would be content if the English Nature approach is adopted. Since this is what I am recommending, I see no need to consider these objections further.
11. SINCs are to be shown on the Proposals Map.
12. I conclude that no (further) modification arises from this objection.

Objector 1936 (Forestry Commission)

13. It is likely (but not certain) that all ancient woodlands will be valuable habitats. Either way, I have no evidence on this and I am reluctant to make unwarranted assumptions. In any event, as the Council points out and the objector recognises, woodlands are dealt with in other policies. Although the objector says that their inclusion here would be helpful, the opposite would be true if it introduced designations into this policy that could be challenged.
14. On balance I conclude that this objection should not succeed.

Objector 1948 (Aldergate)

15. This objector was primarily concerned with the designation of their site at Ravenshead as a SINC in the First Deposit. In the Second Deposit, SINC 2/356 is no longer listed and to this extent the objection has been met. Indeed the objector said at the Inquiry that this aspect of the objection is conditionally withdrawn.

16. During the Inquiry the objector enlarged upon the other aspect of the objection, namely that the list of SINCS could be amended without affected landowners being aware of the fact. Paragraph 1.79 of the Local Plan says “any future SINC site will also be covered by policy ENV34A, once designated”. The objector finds this especially problematic because the list is not compiled by GBC and access to it is not easy. I note that a similar form of words has been added to paragraphs 1.73 and 1.75.
17. In my view, only material that has been included in the draft Local Plan and has been subject to public participation and available for objection can form part of the adopted Development Plan. If the SINC (or SSSI) list is amended after the adoption of the Local Plan, those amendments cannot, by definition, form part of the adopted Local Plan. To this extent any such amendments will have, in terms of the weight to be accorded to them under the Town and Country Planning Act, less weight. On the other hand new designations that have been subject to a proper procedure of technical verification, participation and consultation would carry considerable weight, although not the “presumption” arising from Section 54A of the Town and Country Planning Act.
18. This is not to say that SSSI or SINC designations that take place after the Local Plan is adopted will have no meaning or force until the next review of the plan. They will do and the Council would be right to have regard both to their designation and to the policies in the Local Plan when making decisions. The point I make is the narrow legal one that they should not be regarded as part of the Development Plan unless they have been included and adopted as part of a Local Plan review. To this extent I agree with the objector.
19. But the point is a fine and complex legal one. However, in the circumstances I consider that it would be better if the Local Plan did not purport to treat future designations in the same way as existing ones. I therefore conclude that paragraphs 1.73, 1.75 and 1.79 of the Local Plan should be modified to remove the suggestion that sites designated in the future will be treated in exactly the same way as ones already designated and listed in the Local Plan and shown on the Proposals Map.

Objector 3932 (RJB Mining)

20. This objector wanted two policies in order to differentiate between sites of national and local importance. This issue was settled in the Second Deposit.

Detailed Wording Objections – (Objectors 1325, 1328, 1340, 1948,

21. I consider that my conclusion above (to recommend the form of policy advocated by English Nature) makes it unnecessary for me to consider objections concerned with details in the wording of the Council's policy.

The Linby Trail (Objectors 359 and 1337)

22. As far as the extent of this Local Nature Reserve is concerned, it is my understanding that it reflects the designated area arrived at by the County Council and English Nature. These bodies took account of the existing site conditions and the importance of the area for nature when they made the designation. It is important to recognise that the Local Plan is not the source of the designation but reflects a decision that that was made by the County Council some years ago. For this reason I consider it would not be appropriate for me to recommend any modification in this respect.

23. As far as the railway sidings of the former Newstead Colliery are concerned, I believe these are included in the designated Local Nature Reserve and are therefore properly included under policy ENV34(A) and shown on the Proposals Map. In any event I am not at all convinced that this would be a suitable site for housing as suggested by the objector. Newstead is a village that is only suitable for limited development and there is already a housing allocation in the village. The land this objector refers to is on the wrong side of the railway and rather divorced from the existing settlement. It would amount to a large incursion of development into a rural area.
24. I conclude that this is not an appropriate site for housing.
25. Objector 1337 appears to be seeking clarification as much as objecting, although this may merely be the way an objection has been presented. Be that as it may, the Council says that the designation as a LNR and inclusion in policy ENV34A means that any development that would adversely affect the wildlife habitats on the site would be inappropriate. It is also worth noting that the whole of the designated area is within the Green Belt and outside any village development limit. Taking all the policies together I interpret this as meaning that most forms of development would be resisted.
26. The NET rail proposal is on adjoining land and the Council considers there is no conflict in this regard.
27. I conclude that no modification is justified response to these objections.

RECOMMENDATION

28. **I recommend that the policies and text relating to nature conservation be reworded to accord in full with the objections from English Nature.**
29. **I recommend deletion of the word “significant” from the policy.**
30. **I recommend that paragraphs 1.73, 1.75 and 1.79 of the Local Plan should be modified to remove the suggestion that the policies in the Local Plan will be applied equally to sites other than those already listed in the Local Plan or shown on the Proposals Map.**
31. **For the avoidance of doubt I recommend that all the sites affected by these policies should be shown on the Proposals Map.**
32. **Otherwise I recommend no modification to the Local Plan in response to these objections.**
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1B.29 ENV34A LOCAL NATURE CONSERVATION DESIGNATIONS

Objector Number	Objection Number	Objector Name
000405	200161	English Nature, East Midlands Team
000717	201419	Nottinghamshire County Council
001325	201565	Papplewick Parish Council
001345	201507	Nottinghamshire Wildlife Trust

Summary of Objection

These objectors all seek changes to the form or wording of the policy.

Objector Number	Objection Number	Objector Name
000268	000372	Ravenshead Parish Council (Cllr Lonergan)

Summary of Objection

A Site of Importance for Nature Conservation (SINC) should be designated on the Mature Landscape Area (MLA) immediately south of Ravenshead at Trumpers Park on Longdale Lane.

Inspector’s Reasoning and Conclusions

1. All these objections relate the new policy introduced at the Second Deposit.

Objections to the Form and Wording of the Policy

2. English Nature welcome the changes made in the Second Deposit but presses for the inclusion of the wording in its original objection. I have already accepted that this should be the case. Helpfully this objection sets out the text of the policy in full as it would be after this modification has been made.
3. The Council accepts that the word “significantly” can be removed from the policy and that the sites should be shown on the Proposals Map. It does not accept that any of the other proposed changes are necessary but does not argue that harm would be caused by making them. For my part I am content that the revisions proposed by the objector reflect the guidance in PPG9.
4. I conclude that this objection should be accepted in full.
5. Nottinghamshire County Council seeks an alternative form of words entirely and describes the approach in the Second Deposit as totally unacceptable. This is mainly because the policy as currently worded only requires the implications of development to be considered, that refusing planning permission is not identified as the usual response to harmful proposals and because there is no requirement for developers to demonstrate an overriding need for a harmful development. However, I have no supporting evidence from the County Council.
6. Whilst I accept that what NCC says is true, I (and the Council) note that the Second Deposit policy comes from English Nature and is broadly in accord with PPG9. It also, importantly in my view, establishes a graded response as between sites of national importance and those of local importance. It seems to me that what NCC is suggesting would remove, or at very least confuse, this distinction. This is not to say that planning permission would not (or could not) be refused because of a harmful impact on a locally important site. But the policy for local sites should be less forthright and clear-cut in this regard than the policy for nationally important sites. Similarly the need for a developer to show an overriding need for a harmful development is appropriate for nationally important sites but not for locally important ones, where other considerations of less weight may be decisive.

7. On balance I conclude that the GBC / English Nature approach is more in keeping with PPG9 than the approach advocated by NCC.
8. Papplewick Parish Council has consistently opposed the use of the word “significantly” in policies such as this. They have won the argument.
9. Nottinghamshire Wildlife Trust also objects to “significant impact” being the test of a proposal’s acceptability but this is to go in any event. Otherwise their position is much closer to NCC’s as discussed above. They want a presumption against development that would harm SINC’s to give a clearer and stronger policy. For the reasons given above in relation to the NCC objection, I do not accept their approach.
10. NWT also argues that there should be separate policies for SINC’s and LNRs because they have a different legal basis. LNRs serve wider purposes than SINC’s. However, I am against the proliferation of policies if this can be avoided and I am not convinced that both topics cannot be dealt with in the same policy provided it is in the terms proposed by English Nature.
11. On balance I conclude that the GBC / English Nature approach is more in keeping with PPG9 than the approach advocated by NWT.

South of Ravenshead

12. As far as the Ravenshead site is concerned, this matter arose at a hearing during the Inquiry and GBC agreed that the Parish Council had an unresolved objection seeking the designation of a SINC at Trumpers Park. Accordingly I deal with the matter here.
13. Although anecdotal evidence was adduced that breeding birds, including skylarks, have been seen on the objection land, no systematic survey data was presented to the Inquiry. GBC said that they had consulted their usual sources of expertise on wildlife matters specifically on this land. The expert view is that, whilst this land is growing in wildlife interest, it has not yet attained the level of interest that would warrant SINC designation.
14. Accordingly, I conclude that the Local Plan should not be modified to designate a SINC at Trumpers Park.

RECOMMENDATION

15. I recommend that the wording of policy 34A should be as proposed by English Nature.
16. I recommend no modification to the Local Plan as far as land at Ravenshead is concerned.

1B.30 ENV35 HABITAT REPLACEMENT AND ENHANCEMENT

Objector Number	Objection Number	Objector Name
000405	000859	English Nature, East Midlands Team

Summary of Objection

The policy should become the first nature conservation policy, should refer to nature conservation in urban as well as rural areas; the ecological interest of brownfield sites; geological aspects of nature conservation; Greenwood Community Forest policy and the Nottinghamshire Heathland Strategy. The policy should be expanded to encourage habitat creation measures. Currently the Local Plan refers to 'biodiversity sites' and provision of new habitats in paragraph 1.78; this would be better directed at revised policy ENV35.

Objector Number	Objection Number	Objector Name
001158	002532	Nottingham County Council (Strategic Property)

Summary of Objection

The policy is unnecessary. Other policies should cover these issues.

Objector Number	Objection Number	Objector Name
001345	003157	Nottinghamshire Wildlife Trust
001345	003159	Nottinghamshire Wildlife Trust

Summary of Objection

The policy is not strong enough; there is needs to be a separate policy on the Biodiversity Action Plan. The starting point for this policy should be that development will avoid BAP sites if at all possible. But if development is unavoidable then replacement should take place.

There is a need to stress that there should be no net loss to the nature conservation interest. Paragraph 1.82 implies that permission may be granted if disturbance can be minimised. This does not emphasise the need to fully replace the habitat that has been lost.

Inspector's Reasoning and Conclusions

1. These objections relate to what was policy ENV35 on Habitat replacement in the First Deposit. This was revised and became policy ENV33 on Habitat Protection and Enhancement in the Second Deposit. To this extent these objections have been overtaken by events.

English Nature

2. I note in particular that English Nature submitted further detailed comments on the Second Deposit and consider it is now unnecessary for me to revisit the issues they raised (see under ENV33). As far as I can see the issues raised by English Nature at the First Deposit were either taken on board by the Council in the Second Deposit or I have already considered them above.
3. I conclude that no (further) modifications arise specifically from this objection.

NCC (Strategic Property)

4. Not unusually this objector suggests that a policy is deleted. Rather less usually the objector says that other policies, without specifying which, can deal with the important issues that arise here. I mischievously wonder whether these other policies are ones that this objector has suggested should be removed from the plan. Be that as it may this policy, especially in its expanded Second Deposit form, deals with a distinct subject area that is worthy of consideration in its own right.
5. I conclude that no modifications arise from this objection.

Nottinghamshire Wildlife Trust

6. This objector cannot be dealt with so briefly. NWT made extensive objections to the First Deposit and do not appear to have responded to the changes made in the Second Deposit.
7. As far as specifics are concerned, I think it is true to say the text in paragraphs 1.73 and 1.74 (Second Deposit) has moved a small way towards the objector as compared to paragraphs 1.81 and 1.82 (First Deposit). But my understanding is that the Council feels that, under the guidance of English Nature, it has gone as far as it can.
8. Although the policy includes provisions to secure compensatory replacement measures, the Local Plan does not embrace the principle of no overall loss of biodiversity or nature conservation. In this I consider the Local Plan is realistic and has generally gone as far as it reasonably can. The exception to this, in my view, is the emphasis that NWT place on the need for the long term management of sites that have been affected by development (or their replacements if this is the case) and any mitigation measures to secure their long term effectiveness. Because this could impinge on developers through conditions and planning obligations I consider there would be particular merit in this being added to paragraph 1.74.
9. Otherwise I conclude that no (further) modification should be made.

RECOMMENDATION

10. **I recommend that a sentence or two is added to paragraph 1.74 (Second Deposit) to indicate the importance of the long term management of sites that are intended to be mitigation or replacement for the impact of development on nature conservation.**
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1B.31 ENV36 PROTECTED SPECIES

Objector Number	Objection Number	Objector Name
000405	000861	English Nature, East Midlands Team
000405	200158	English Nature, East Midlands Team

Summary of Objection

Insufficient guidance is given to developers especially in respect of mitigation and compensation measures. Specific wording changes are suggested.

Revise the policy wording and lower case text. Delete 'significant' and reword lower case text.

Objector Number	Objection Number	Objector Name
001215	004454	Mr P Grinnell

Summary of Objection

The Gedling Relief Road will destroy long established habitats. The plan (for the road) is lacking in detail and it is impossible to comment in a constructive manner.

Objector Number	Objection Number	Objector Name
001305	004466	Mr J Smith
001306	004458	Mrs P Smith
001308	004461	Mrs J Daunt
001310	004463	Mr N Daunt

Summary of Objection

A badger set at the rear of Oak Tree Drive will be destroyed by the proposed new road and housing (GCCF access road and housing South of Lambley Lane).

Objector Number	Objection Number	Objector Name
001345	003160	Nottinghamshire Wildlife Trust
001345	201508	Nottinghamshire Wildlife Trust

Summary of Objection

The policy should stress the importance of ascertaining full information on possible protected species before planning permission is granted. Planning permission should only be granted for harmful development if there is an overriding case for it. Where an adverse effect on protected species is likely, permission should not be granted until compensation/mitigation measures are agreed.

The policy does not reflect differing levels of protection afforded to species, particularly with reference to European Protected Species. There is no reference to the Conservation (Natural Habitats) Regulations 1994. The policy should protect protected species and their resting and roosting and breeding areas in accordance with the Regulations. There is no reference to the tests that should be applied with reference to European Protected Species – such as whether a satisfactory alternative site can be found. Once land is allocated it is hard to reallocate if protected species are found.

Objector Number	Objection Number	Objector Name
001325	201567	Papplewick Parish Council

Summary of Objection

Objects to revised wording as new wording reduces protection.

Inspector's Reasoning and Conclusions***English Nature***

1. It seems to me that most of the changes to this policy sought by English Nature in the First Deposit were incorporated in the Second Deposit. But I note this is not true in so far as the policy itself does not refer to badgers and bats, which as I understand it, are protected but not by the Wildlife and Countryside Act. However, this matter is referred to in paragraph 1.81. Even so, and for the avoidance of doubt, I consider that badgers and bats should be referred to explicitly in the policy.
2. The addition of the word "significant" to the policy in the Second Deposit is objected to. The Council says this was added for consistency with other policies but this no longer holds true. I consider it should be deleted.
3. As to the suggested changes to the text, these seem to be acceptable to the Council and I find no fault with them.

4. I conclude that the Local Plan should be modified to include badgers and bats in the policy, to delete “significant” from the policy and to incorporate the changes in the text suggested by English Nature.

Mr Grinnell (and Others) – Badgers Near Oak Tree Drive

5. I see these objections as being directed more against the Gedling Colliery / Chase Farm access road than seeking any modification to policy ENV36. Be that as it may, I am aware that the plans for that road are still at a relatively early stage in the design process and that a full Environmental Assessment will be needed. Such an assessment will necessarily examine any impact on protected species and habitats to determine what action needs to be taken. I also note that in the Second Deposit the diagrammatic road line was moved further from Oak Tree Drive and this change in the route may mean that any badgers in the area are not affected so much as they would have been with the previous route. Also, I am not recommending that the First Deposit housing allocation South of Lambley Lane is reinstated.
6. For all these reasons I conclude that no modification arises from these objections.

NWT

7. The First Deposit objection suggested an alternative wording for the policy. This said that there should be an overriding need for development before harm to an endangered species is allowed. Any mitigation measures were to be secured before planning permission is granted. The Second Deposit rewording will have helped because, as I read the policy, the latter of these two points (mitigation secured before planning permission) is now in the policy. On the other point, I am not convinced that overriding need is the correct test to apply in these circumstances because adequate mitigation measures would be required in any event.
8. As to the Second Deposit objections, the Council appears to accept most of what NWT are saying, although the Council considers this can be dealt with in the lower case text and does not need to be in the policy. Because the policy provides an umbrella coverage within which various regulations can be applied and because the lower case text is part of the Local Plan and carries weight accordingly, I accept that this will be effective. The word “significant” is already going as far as I am concerned. The Council also says that it will prepare supplementary planning guidance on the provision of adequate compensatory measures.
9. Where the Council parts company with NWT is whether species protection has to be written into the allocation process and vice-versa. The Council says the wildlife impact has already been taken into account when deciding which areas to allocate for development and this is the case in as far as reliable information is available. I do not think we should base allocation decisions on unproven or anecdotal evidence, so I am inclined to agree with the Council on this point.
10. I conclude that paragraph 1.81 should be expanded to include a reference to (and an explanation of) the Conservation (Habitats) Regulations 1994. Also a note should be added that English Nature will be consulted on planning applications affecting protected species. The text should also be expanded to say that the Council is to produce supplementary planning guidance to provide greater clarity and certainty on

the provision of adequate compensatory measures, including the purchase of land, habitat creation and its long term maintenance.

Papplewick Parish Council

11. Papplewick Parish Council objects to the revised wording in the Second Deposit, presumably because of the inclusion of the word “significant” in the policy. I have already concluded that this should be deleted.

RECOMMENDATIONS

12. I recommend that the Local Plan is modified to refer to badgers and bats in the policy, to delete “significant” from the policy and to incorporate the changes in the text suggested by English Nature.
13. I recommend that paragraph 1.81 should be expanded to include a reference to (and an explanation of) the Conservation (Habitats) Regulations 1994. Also a note should be added that English Nature will be consulted on planning applications affecting protected species. The text should also be expanded to say that the Council is to produce supplementary planning guidance to provide greater clarity and certainty on the provision of adequate compensatory measures, including the purchase of land, habitat creation and its long term maintenance.

1B.32 ENV37 RIVER-ENVIRONMENT

Objector Number	Objection Number	Objector Name
001158	002533	Nottingham County Council (Strategic Property)

Summary of Objection

The tests set by the policy cannot be applied by reference to the policy and supporting text alone. It is therefore inappropriate for inclusion in a Development Plan and should be deleted.

Objector Number	Objection Number	Objector Name
001948	201941	Aldergate Properties Ltd

Summary of Objection

The new wording added to paragraph 1.82 in the Second Deposit should be deleted. It is unclear why culverts should be avoided except where there is no reasonable practical alternative because open watercourses may not be appropriate in all circumstances. Blanket withdrawal of permitted development rights is draconian.

Inspector’s Reasoning and Conclusions

NCC (Strategic Property)

1. I have no reasons to regard the maintenance of river environments (water quality and wildlife) as being an inappropriate subject for inclusion in a Local Plan. I conclude that the policy should not be deleted. The objector has not suggested how the policy could be modified to meet their aspirations and I cannot think of any improvements. I conclude that no modifications arise from this objection.

Aldergate Properties

2. This objection relates to the words added to paragraph 1.82 in the Second Deposit. The contentious text was introduced at the behest of the Environment Agency. However, it is not clear that the Agency has made a clear distinction between its wider powers and what it is proper to include in a Local Plan. Be that as it may, I have not seen any evidence or justification for their stance.
3. As far as the statement that culverts will only be permitted where there is no “reasonable practical alternative”, I do not know why the Agency takes this view. It is also unclear to me what might amount to a “reasonable practical alternative” in any particular case, so the meaning of the text is far from obvious. In the absence of any reasoning on the matter, I agree with the objector that, as a matter of logic, there will be situations where a culvert would be preferable to an open watercourse.
4. As to the removal of permitted development rights, the objector is right that it is government guidance that this should only occur in specific cases where the situation warrants it. A blanket statement that permitted development rights should be withdrawn universally within 4 metres of all watercourses is, on the face of it, not in accord with government guidance.
5. At the time of the Local Plan Inquiry I conducted a concurrent Inquiry into a planning appeal by this objector. The issue of building within 4 metres of a watercourse arose at that Inquiry, in connection with the possible imposition of a planning condition. Again, no reason was given as to why a restriction was being sought and, on the face of it, there was no justification for it in the circumstances of the site and the proposal. This reinforces my view that such restrictions should not be incorporated into the Local Plan without adequate justification.
6. I therefore conclude that the text added to paragraph 1.82 at the Second Deposit should be deleted.

RECOMMENDATION

7. **I recommend that the text added to paragraph 1.82 at the Second Deposit (from “The Borough Council” to “of a culvert.”) should be deleted.**
 8. **Otherwise I recommend no modification to policy ENV37 and paragraph 1.82.**
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1B.33 ENV39 AQUIFER PROTECTION

Objector Number	Objection Number	Objector Name
001158	002535	Nottingham County Council (Strategic Property)

Summary of Objection

Objection:- the policy forms a development control checklist and is inappropriate for a local plan.

Objector Number	Objection Number	Objector Name
001339	003090	Environment Agency

Summary of Objection

The EA welcomes the inclusion of policy ENV39. The policy should steer development away from sensitive groundwater areas. Gedling includes Sherwood Sandstone, which should be protected from contamination. However, reference should be made to the EA’s Source Protection Zone Maps and the sensitive areas shown on the Proposals Map.

Inspector’s Reasoning and Conclusions

1. NCC’s objection arises from their aversion to policies that can be used as part of a development control checklist. I do not understand or share this aversion in general and have no evidence as to why this particular policy would cause any harm or infringe current guidance on Local Plans. I conclude no modification arises from this objection.
2. As far as the Environment Agency is concerned, a reference to their Source Protection Zone Maps has been added to paragraph 1.86 but the Council does not wish to include the information on the Proposals Map in order to keep that as simple as possible. I have no idea how much of the borough is in the sensitive areas or how complex the boundaries are but I consider it is axiomatic that any policy with a definable spatial dimension should be shown on the Proposals Map. Therefore I conclude that this should be done.

RECOMMENDATION

3. I recommend that the areas defined by the Environment Agency’s Source Protection Zone Maps should be shown on the Proposals Map.
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1B.34 PARAGRAPH 1.87 TREES, WOODLANDS AND HEDGEROWS (PARAGRAPH 1.88 IN FIRST DEPOSIT)

Objector Number	Objection Number	Objector Name
000999	002152	Mr M Bennett

Summary of Objection

Paragraphs 1.87 / 1.88: the discussion of hedgerows in this paragraph is inadequate. The issue is particularly important at Stockings Farm.

Objector Number	Objection Number	Objector Name
003866	010609	Dr G Andrews

Summary of Objection

Paragraphs 1.87 / 1.88: there should be a presumption that TPOs will cover all mature trees of British species. Developers must assume trees will only be felled as an exception - not protected as an exception.

Inspector’s Reasoning and Conclusions

1. Mr Bennett’s objection is one of three he made concerning the hedgerows at Stockings Farm. In this particular case he points out that this introductory section starts out by referring to trees, woodlands and hedgerows but thereafter talks only about trees. He suggests that hedgerows should be included whenever trees are referred to.
2. I note that policy ENV45 is a policy on hedgerow protection. To the extent that this could be mentioned in the introductory paragraph 1.87 he has a point. But it would not be right to say that hedgerows should be included whenever trees are mentioned because when the law is being described some provisions relate to trees, some to hedgerows and some potentially to both.
3. Nevertheless, on balance, I conclude that paragraph 1.87 should include a reference to the legal powers for hedgerow protection.
4. I sympathise with Dr Andrews’ wish to achieve universal protection for (indigenous) trees but I am afraid that matters are not as simple as that. Although TPOs may cover individual trees or groups, each TPO has to be specific. By this I mean that GBC cannot take out a blanket TPO for the whole borough. Each TPO has to specify which trees it covers and the value and contribution of the protected trees has to be such to warrant protection. So, two difficulties arise: first, not all trees actually warrant protection and second it would involve so much work to protect all the trees that do warrant protection that attention has to be focused where it can make a difference.
5. This means in practice that it would not be realistic or appropriate to recommend that a policy to achieve universal TPO coverage is included in the Local Plan. Having said this, areas with trees that are to be developed are exactly where TPOs can make a difference and this is where I would expect the Council’s efforts to be concentrated. This would fall short of the objector’s wish that the presumption should always be in favour of retaining trees. But, as I think I have made clear, it is my view that this can only be approached site by site and (almost) tree by tree. I conclude that the modification sought by the objector cannot be recommended.

RECOMMENDATION

6. **I recommend that paragraph 1.87 should include a reference to the legal powers for hedgerow protection.**

1B.35 ENV40 GREENWOOD COMMUNITY FOREST

Objector Number	Objection Number	Objector Name
001936	004525	Forestry Commission

Summary of Objection

The title "Forestry Authority" has been dropped and its functions are now covered by the Forestry Commission. The Countryside Commission is now the Countryside Agency.

Objector Number	Objection Number	Objector Name
000045	000052	National Farmers Union

Summary of Objection

There will be small-scale developments that do not merit planting proposals and exceptions should be allowed for in the text of the Local Plan.

Objector Number	Objection Number	Objector Name
000180	000261	RSPB

Summary of Objection

Object to tree planting around Netherfield Lagoons, as there are important birds at the site such as lapwings and wintering waders that require sites free of trees. Other key sites for open country species including key grassland sites must be evaluated before tree planting goes ahead.

Objector Number	Objection Number	Objector Name
000309	000431	House Builders Federation

Summary of Objection

The principle is supported but any contributions should be offset against other landscaping or open space requirements.

Objector Number	Objection Number	Objector Name
001345	003167	Nottinghamshire Wildlife Trust
001345	003169	Nottinghamshire Wildlife Trust

Summary of Objection

The policy does not indicate the value and importance of non-woodland habitats. Tree and woodland planting will not always be appropriate and the policy should reflect this.

Paragraph 1.89 should also be amended to reflect the importance of habitats other than woodlands.

Objector Number	Objection Number	Objector Name
000336	000476	Mrs L Taylor

Summary of Objection

Object to the loss of woodland and Greenwood Community Forest along proposed GCCF access road near Grange View road. The woodland is needed as a screen from extra noise and the pollution that will occur.

Inspector's Reasoning and Conclusions

1. I note that the changes in the titles of bodies raised by the **Forestry Commission** were incorporated in the Second Deposit. No further action is required.
2. In response to the **NFU** the Council says that each development proposal will be considered on its merits and appropriate planting sought. I note that paragraph 1.89 already says that the nature and extent of planting which is appropriate will vary with the type and scale of development proposed and the characteristics of the surrounding landscape. This would encompass any situations where tree planting is not appropriate. I conclude that no modification is needed.
3. As far as the objection from the **RSPB** is concerned, the Council says that each proposal will be considered on its merits and appropriate planting sought. I note that paragraph 1.89 already says that the nature and extent of planting which is appropriate will vary with the type and scale of development proposed and the characteristics of the surrounding landscape. The fact that the Proposals Map shows the Community Forest boundary alongside the lagoons does not mean that there would be tree planting there. I conclude that no modification is needed to protect the RSPB interest.

4. In response to the **HBF** the Council says that there may be a “trade-off” between tree planting and informal open space or other landscaping but that formal open space requirements will have to be met in any event. This seems to me to be reasonable. The requirement for tree planting arises from a site’s location in the Community Forest and cannot be set against other requirements such as formal open space any more than, say, school provision. But the location may well determine the type and design of landscaping on the site, with more trees – especially on the edges of sites – than might otherwise be the case. In the last analysis the approach at each site will have to be worked out to meet the particular site conditions. However, as far as the Local Plan is concerned, I consider that the HBF should not be given the general waiver they seek. I conclude that the Local Plan should not be modified.
5. As far as **NWT** are concerned, their objection could be seen as a more general version of the RSPB objection. In short, there are places where tree planting is not the most appropriate form of landscaping or habitat enhancement. Again, the Council says that each proposal will be considered on its merits and appropriate planting sought. Again, I note that paragraph 1.89 already says that the nature and extent of planting which is appropriate will vary with the type and scale of development proposed and the characteristics of the surrounding landscape. But this is, after all, a policy for the Community Forest, which NWT support in principle; so one would expect an emphasis on tree planting in this policy. In my view it would weaken the clarity and intent of the policy to hedge (sorry about the pun) it about with too many caveats. On balance I consider that there are sufficient safeguards in the Local Plan. I conclude that no modification to the Local Plan is necessary to protect the interests and locations about which NWT are concerned.
6. Since **Mrs Taylor’s** objection was made, things have rather moved on. In the Second Deposit the road line was moved further north and further from the built up area in the location she is most concerned about. The detailed design, landscaping and environmental measures are still to be worked up in detail. The housing allocation South of Lambley Lane has been deleted from the Local Plan (and I am recommending that this remains the case). In addition the edge of the existing urban area is the boundary of the Community Forest and also the Green Belt. I am not recommending any change to these boundaries in this location. It therefore seems to me that this objection has been met as comprehensively as it is possible for the Local Plan to do. I conclude that no further modification arises.

RECOMMENDATION

7. **I recommend no modification to the Local Plan in response to these objections.**
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1B.36 ENV41 GEDLING COUNTRY PARK

Objector Number	Objection Number	Objector Name
001936	004524	Forestry Commission

Summary of Objection

It would be helpful to state that the restoration of mineral sites will follow the latest guidelines. These are encapsulated in DETR 'Soil Forming Materials - Their Use in Land Reclamation'.

Objector Number	Objection Number	Objector Name
000336	002124	Mrs L Taylor

AND ABOUT 40 INDIVIDUAL OBJECTIONS

Summary of Objection

Support for Gedling Country Park but concern over traffic generation.

Objector Number	Objection Number	Objector Name
001180	002593	Mr W Chambers

AND ABOUT 10 INDIVIDUAL OBJECTIONS

Summary of Objection

Supports Country Park. Instead of housing on Lambley Lane include this site within the Country Park.

Objector Number	Objection Number	Objector Name
001199	002625	Mrs M Shaw

Summary of Objection

The Country Park is acceptable but will result in more traffic. The by-pass and Country Park is an acceptable alternative to housing.

Objector Number	Objection Number	Objector Name
001201	002628	Mr A Shaw

AND ABOUT 10 INDIVIDUAL OBJECTIONS

Summary of Objection

The Country Park is acceptable but (only) with no housing development. The traffic will increase.

Objector Number	Objection Number	Objector Name
001556	004462	Miss H Wakefield

AND ABOUT 20 INDIVIDUAL OBJECTIONS

Summary of Objection

Supports Country Park but concerned over increase in traffic and the effect on the environment and quality of life.

Inspector's Reasoning and Conclusions

1. There is some support for the Country Park proposal in the Local Plan, although in many instances there is also concern about the possible impact of additional traffic. Some objectors see the Country Park proposal as "bargaining counter" to be set against the Gedling Colliery / Chase Farm development and its access road, although I am bound to say this is not how I see it. In my view the proposal has to be assessed on its own merits.
2. As things stood at the end of the Local Plan Inquiry, it is my understanding that the prospects for the Country Park were very uncertain and beyond the knowledge and control of the Borough Council. My understanding is that the proposal relied on a restoration scheme for the site that involved some reworking of the spoil tip to win any workable minerals. The restoration scheme may no longer be viable or imminent and the whole project may therefore be in jeopardy. The mineral workings, restoration and Country Park are matters for the County Council.
3. In my view this is a disappointment but one that the Local Plan has to take on board if necessary. My general view is that the Country Park would be an asset to the area both because of the recreation facilities it would provide and visually.

4. As far as the objections to the Local Plan are concerned, the most common cause for objection is the increased road traffic that a Country Park would attract to the area. However, I note that both the Highway Authority and GBC find the proposal acceptable in this respect and I have no technical evidence to support the proposition that traffic volumes would be so high as to indicate that the proposal should be stopped for this reason. Other concerns about disturbance and the environment may have some force but again not, in my view, sufficient to warrant stopping the proposal and losing the advantages it would bring. I therefore consider that the proposal is acceptable in principle.
5. The Forestry Commission suggests a detailed alteration to the text in the Local Plan but in my view this is too detailed a matter to appear in the Local Plan.
6. However, if the Country Park proposal is no longer realistic within the time scale of the Local Plan it should be deleted.
7. I therefore conclude that this policy should be reviewed at the time the modifications to the Local Plan are made in the hope that the future will be clearer by that time. If by then the Country Park proposal has a real prospect of implementation by 2011, then I conclude that it and policy ENV41 should be retained. If there is no realistic hope of implementation by 2011 then I conclude that the proposal and policy ENV41 should be removed from the Local Plan.

RECOMMENDATION

8. I recommend that the future of the Gedling Country Park and policy ENV41 are reviewed at the modification stage.

1B.37 ENV42 ANCIENT WOODLANDS

Objector Number	Objection Number	Objector Name
001936	004522	Forestry Commission

Summary of Objection

The policy is supported. It might be helpful to refer to DETR (spring 1999) guidance that local authorities seek advice from the Forestry Commission on the impact of development within 500m of ASNW and AWS.

Inspector's Reasoning and Conclusions

1. The Council says that it is not necessary to include consultation arrangements in the Local Plan, although I notice that this view is not consistently applied throughout the plan. Be that as it may, I consider there is no need to do so in this instance and conclude that no modification to the Local Plan is needed.

RECOMMENDATION

2. I recommend no modification to the Local Plan.

1B.38 ENV43 AMENITY AND COMMERCIAL WOODLANDS

Objector Number	Objection Number	Objector Name
001158	002536	Nottingham County Council (Strategic Property)

Summary of Objection

The policy sets tests that cannot be applied by reference to the policy or text. It is in an inappropriate form for a Local Plan. The text (1.93) could be retained and the woodlands shown on the Proposals Map.

Objector Number	Objection Number	Objector Name
001936	004521	Forestry Commission

Summary of Objection

The policy is supported. A paragraph could be added on 'pre-landscaping' identified development sites.

Inspector's Reasoning and Conclusions

1. **NCC:** I have no reasons to regard amenity and commercial woodlands as being an inappropriate subject for inclusion in a Local Plan (and NCC does not say it is). I conclude that the policy should not be deleted. NCC has not suggested how the policy could be modified to meet their aspirations and I cannot think of any improvements.
2. I conclude that no modifications to the policy arise from this objection.
3. GBC says there is no requirement to show these woodlands on the Proposals Map. Normally I would take the view that all the policies in the Local Plan should be represented on the Proposals Map but in this case some of the amenity woodlands may be very small. There might also be a need for some survey work before this could be done and I would not want to see the adoption of the Local Plan held up for this reason.
4. In all the circumstances I consider it is unnecessary in this case and conclude there is no need for a modification.
5. As far as the **Forestry Commission** is concerned, the Council says that there is no need for the additional text and I also conclude it is unnecessary.

RECOMMENDATION

6. I recommend no modification to the Local Plan in response to these objections.
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1B.39 ENV44 TREE PRESERVATION ORDERS

Objector Number	Objection Number	Objector Name
001158	002537	Nottingham County Council (Strategic Property)

Summary of Objection

Sets three tests which can't be applied by reference to text or policy. Therefore inappropriate.

Objector Number	Objection Number	Objector Name
004893	201470	County Land & Business Association

Summary of Objection

The additional guidance notes referred to in the Second Deposit should be subject to wide consultation.

Inspector’s Reasoning and Conclusions

1. Regarding the **NCC** objection, I have no reasons to regard the impact of development on preserved trees as being an inappropriate subject for inclusion in a Local Plan (and this objector does not say it is). I conclude that the policy should not be deleted.
2. The objector has not suggested how the policy could be modified to meet their aspirations and I cannot think of any improvements. The Council says the tests in the policy are derived from the T & C P (Trees) Regulations.
3. I conclude that no modifications to the policy arise from this objection.
4. As to the **CL & B Association**, the Council says that consultation is not necessary on guidance notes to assist in the completion of planning applications. Be that as it may, I consider that the Local Plan is not the right place to determine or set out future consultation arrangements.
5. I conclude no modification is needed.

RECOMMENDATION

6. I recommend no modification to the Local Plan in response to these objections.
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1B.40 ENV45 HEDGEROW PROTECTION

Objector Number	Objection Number	Objector Name
001158	002538	Nottingham County Council (Strategic Property)

Summary of Objection

The policy contains a test that is a matter of subjective judgement and is inappropriate for a Local Plan. The text should be retained.

Objector Number	Objection Number	Objector Name
001215	004449	Mr P Grinnell

Summary of Objection

Hedgerow protection is important – The Gedling Relief Road will destroy a hedge over 300 years old. The Local Plan is lacking in detail and this makes it impossible to comment in a constructive manner.

Inspector's Reasoning and Conclusions

1. In response to **NCC**, GBC says that the test included in this policy is derived from the Hedgerow Regulations and therefore is the relevant test in this acknowledged subject of importance. For my part, I also regard this as an important topic and have no reasons to regard it as being an inappropriate subject for inclusion in a Local Plan (and this objector does not say it is). I therefore conclude that the policy should not be deleted.
2. The objector has not suggested how the policy could be modified to meet their aspirations and I cannot think of any improvements. I do not regard the weighing of different impacts, which must always be a subjective matter, as an inappropriate activity in the planning process. If such an activity is to be carried out in assessing development proposals then it should be set out in the Local Plan for the area. I conclude that no modification is needed.
3. **Mr Grinnell** is concerned about the impact of the proposed GCCF access road on an important hedge. However, he does not appear to be seeking any modification to policy ENV45, which is the matter I have to resolve here.
4. I see his objection as being directed more against the Gedling Colliery / Chase Farm access road than seeking any modification to this policy. Be that as it may, I too am aware that the plans for that road are still at a relatively early stage in the design process and that a full Environmental Assessment will be needed. Such an assessment will necessarily examine any impact on hedges and habitats to determine what action needs to be taken.
5. I also note that in the Second Deposit the diagrammatic road line was moved further from Oak Tree Drive and this change in the route may mean that the hedge about which he is concerned will no longer be affected. Also, I am not recommending that the First Deposit housing allocation South of Lambley Lane is reinstated.
6. I conclude that no modification is needed.

RECOMMENDATION

7. **I recommend no modifications in response to these objections.**

1B.41 GENERAL OBJECTIONS TO THE ENVIRONMENT CHAPTER

(NOT INCLUDED IN THE SKELETON REPORT BUT LISTED IN THE DATABASE)

Objector Number	Objection Number	Objector Name
000405	000867	English Nature
000405	200148	English Nature

Summary of Objection

(First Deposit) The interpretation of Article 10 of the Habitats Directive (92/43/EC) (also Reg 37 of the Habitats Regulations) and PPG9 set out in Local Plan paragraph 1.78 is not correct. Plans should include policies to encourage the management of features of the landscape which are of major importance for wild flora and fauna. None of the policies in the Local Plan achieve this. A new policy is needed and the wording for one is suggested.

(Second Deposit) The objection is repeated but a slightly different policy is suggested.

Objector Number	Objection Number	Objector Name
000717	001492	NCC

Summary of Objection

A suggestion is made that the publication "UK Sustainable Development Strategy: A Better Quality of Life (1999)" could be referred to with advantage.

Objector Number	Objection Number	Objector Name
001328	002875	Government Office (EM)

Summary of Objection

More material is needed in the Local Plan to explain the role of Environmental Appraisal.

Objector Number	Objection Number	Objector Name
001330	002923	CPRE

Summary of Objection

An additional policy to protect important open areas is needed. In addition all open areas in or adjoining conservation areas should be reviewed to assess whether this policy should be applied to them.

Objector Number	Objection Number	Objector Name
001345	003152	NWT
001345	003163	NWT
001345	003166	NWT

Summary of Objection

A new policy on the Biodiversity Action Plan is needed.

There is a need for a new policy on "green corridors" to create a network of sites for wildlife movement.

Paragraph 1.88 is welcomed but reinforces the need for green corridors and Biodiversity Action Plans.

Objector Number	Objection Number	Objector Name
001951	004613	Kirkby & District Conservation Society

Summary of Objection

There is a need for a new policy to control development in the Community Forest to ensure that the maximum economic and tourist advantage can be made of it.

Objector Number	Objection Number	Objector Name
003837	010554	Severn Trent Water

Summary of Objection

It is important to secure adequate water supplies to and drainage from sites for new development. Consultation arrangements are suggested.

Objector Number	Objection Number	Objector Name
003981	201639	English Heritage

Summary of Objection

(Second Deposit) Paragraph 1.40: the Council's intention to undertake assessments of its Conservation Areas is welcomed but the terminology "conservation area character appraisals" is preferred. Conservation Area Character Statements should be adopted as supplementary planning guidance.

Inspector's Reasoning and Conclusions***English Nature***

1. The Council accepted the objection to the First Deposit and intended to deal with it by altering existing policies in the Local Plan (ENV34, ENV35 and ENV36). This has clearly failed to satisfy English Nature who have come back at the Second Deposit

stage. This time the Council accepts that management issues may not be adequately covered by the existing policies but thinks that the deficiency can be overcome by an addition to the text at paragraph 1.74.

2. My view of the matter is that English Nature has a point, as the Council concedes. I am therefore inclined to accept their expert advice that this is best dealt with in a policy rather than in the text. Pragmatically, why expose the Local Plan to the risk of challenge when all that is at stake is how the matter is dealt with and presented? It is accepted that the attempt to deal with this matter in a different way at the Second Deposit failed. I am also willing to be led by English Nature because there does not appear to be any difference of substance between the Council and the objector.
3. Be that as it may, the objector has identified an area where the Local Plan needs improvement and the Council accepts this in principle. I can find no fault with the way the objector wants to deal with the matter, which appears to rely on an accurate interpretation of both the Regulations and PPG9.
4. For these reasons I conclude that these objections should succeed and the Local Plan should be modified by the addition of a policy as suggested by English Nature (Second Deposit objection) and an explanatory text. The new policy should be placed at an appropriate place in the Environment chapter. (N B In framing the policy and/or text bear in mind that I have already recommended that Appendix 2 in the Local Plan should be split into two.)

Nottinghamshire County Council

5. GBC's view is that it is not necessary to refer to the additional document as suggested (which is now five years old) and that brevity is more important. I have no reason to insist on it and conclude that no modification should be made.

Government Office

6. The Council added text to the Introduction of the Local Plan in response to the objection seeking more information on Environment Appraisal. I am recommending that this is expanded in the adopted plan. I therefore consider that this objection will be met and that no (further) modification is needed.

CPRE

7. The Council says that important open spaces in Conservation Areas are protected by policy ENV15 and paragraph 1.43. I have no evidence that other important sites have been missed (although there is an objection site in Papplewick). This objector has not suggested any additional sites, although the Council says it is a topic they intend to return to. I am also recommending that policy R1 is strengthened and applied more widely. I conclude that the new policy sought by this objector is unnecessary.

Nottinghamshire Wildlife Trust

8. In response to the First Deposit objection that more emphasis should be given to the Biodiversity Action Plan the Council said that it would achieve this by rewording policies ENV34, ENV35 and ENV36 (now ENV33, ENV34 and ENV34A) and the text that accompanies them. I note that the new policy ENV33 and in particular paragraph 1.74 deals with these matters. The objector referred in several First Deposit objections to the importance of the Biodiversity Action Plan but has not done so in their Second

Deposit objections. I deduce from this that the extensive redrafting and rearrangement of the nature conservation policies have satisfied them on this point.

9. As to the need for green corridors, the Council says that it has enough policies protecting various aspects of the environment and does not see the need for another type of policy. For my part, I do not know what form such a policy would take or which areas and sites it would impinge on. Without much more information I feel I cannot come to even an “in principle” view that green corridors are desirable in Gedling, although I do take the Council’s point about the proliferation of nature conservation policies and controls.
10. On the basis of the evidence before me I conclude that no (further) action is warranted in relation to these three objections.

Kirkby & District Conservation Society

11. The Council says that there is no need for a new policy to achieve the best economic and tourist advantages from the Community Forest. These matters are dealt with in the Forest Plan and tourism is dealt with in the Recreation chapter of the Local Plan. I also note that much of the Community Forest is in the Green Belt and this will have a considerable influence on what economic and tourism development can take place in the Forest area. I do not have any evidence on the nature, scale or likelihood of such activities. On the basis of the information before me I am not convinced that a new Local Plan policy is needed or justified. I conclude that no modification is needed.

Severn Trent Water

12. The Council takes the view that it is unnecessary to make any change to the Local Plan in response to this objection and I have no reason to disagree. I conclude that no modification to the Local Plan is required.

English Heritage

13. The Council accepts the suggested terminology and is willing to make the change. It is also prepared to add a sentence to paragraph 1.40 saying that character appraisals will be adopted as supplementary planning guidance. I see no harm in these changes and I conclude that the wording of paragraph 1.40 should be modified as agreed.

RECOMMENDATION

14. I recommend the Local Plan is modified by the addition of a policy as suggested by English Nature (Second Deposit objection 200148) and explanatory text.
15. I recommend that the wording of paragraph 1.40 should be modified as agreed between the Council and English Heritage.
16. Otherwise I recommend no modifications in response to these objections.

3.1 S1 RETAILING IN SHOPPING CENTRES

Objector Number	Objection Number	Objector Name
001948	004587	Aldergate Properties Ltd

Summary of Objection

The definition of Arnold Shopping Centre on the Proposals Map should be amended to accord with PPG6 and within that area primary and secondary frontages should be defined. The boundary should be more tightly drawn. Any extension of the centre should be in accord with PPG6. Important non-retailing uses should be retained where they are.

Inspector’s Reasoning and Conclusions

1. This objection has three main elements:
 - the definition of Arnold town centre on the Proposals Map is too large;
 - or more particularly it is too large if policy S1 is to sanction new shopping facilities anywhere within it;
 - the definition of primary shopping in the centre is also too large and the Local Plan should define primary frontages not areas.

The Definition of Arnold Town Centre

2. I have walked around the centre more than once looking at the distribution of land uses and the movement of people. It seems to me the centre as defined on the Proposals Map has a rather tightly drawn boundary encompassing all the existing uses that could be described as appropriate in a town centre. Certainly it seems to me the boundary accurately distinguishes between the existing town centre and the surrounding residential areas.
3. I also note that the boundary on the current Proposals Map is the same as the one used in the adopted (1990) Local Plan, except at the southern end (where the current boundary is more tightly drawn, but for more on this see below). However, this comparison involves regarding both policy areas S4 and E17 in the adopted plan as town centre designations. In fact only policy S4 in that plan sanctions shopping uses.
4. Taking all this into account I consider that the town centre as depicted on the Proposals Map is not too large as a representation of the existing situation. Since there is no particular wish or intention that the centre as a whole should contract (except at the southern end which is not especially contentious for this objector), I conclude that the centre as currently defined is not too large.

The Location of Shopping in Arnold

5. And yet, having regard to the linear pattern of shopping in the centre and the routing of traffic around it, I agree with the objector that not all of the area included within this boundary should be regarded as part of the shopping centre and suitable for shopping development. The possibility of shopping proposals coming forward in Arnold is not entirely an academic consideration, partly because any landowner (or group of landowners) could make proposals. Also, the Council says it intends to explore the possibility of some shopping development in the centre in response to the small potential for more shopping it is agreed exists.
6. However, my agreement with the objector is not complete. This is because my main reason for considering some of the defined town centre unsuitable for new shopping

development is limited to not wanting to see a significant increase in pedestrian movements across High Street. Although High Street is (and will remain) the main traffic route through Arnold, it is certainly not the prime shopping street. Front Street will remain the main shopping focus. The area to the west of High Street should not, in my view, see a significant expansion of retailing. Even so, the area to the west of High Street might be a better location for new shops than an out-of-town site.

7. But the objector has other reasons as well. In particular the objector is concerned to retain some of the existing uses in the centre that are felt to be particularly important to the way the centre currently operates. The car parks, market, leisure centre and health centre were all mentioned. However, in my view, the importance of keeping such uses on their current sites is less a matter of principle than something to be assessed as and when redevelopment and relocation proposals come forward (if they ever do).
8. The existing car parks are a particular case in point. The objector thinks that the present amount and location of parking are vital for the continued vitality of the centre. PPG13 (paragraph 56) says that a balance has to be struck between encouraging investment in town centres and the risk of congestion because of too many cars. It also says (paragraph 57) that parking charges should be used to encourage the use of alternative modes of travel. Arnold is well served by buses and there are many complaints about congestion; so encouraging alternative modes ought to be possible. On the face of it, therefore, the free parking in Arnold does not suggest that the number and management of spaces are currently the best possible – certainly as far as government policy and guidance are concerned. Such evidence as I have does not support the notion that the present car parking arrangements have to be kept as they are as part of an integrated package of management measures for the centre.
9. For these reasons I conclude that the approach in the Local Plan should be modified so that it precludes any significant new shopping redevelopment west of High Street. However, I also conclude that the policy should not be modified so that it retains existing facilities in the centre on their present sites as a matter of principle when future town centre plans are drawn up. But any proposal to relocate a facility away from the centre altogether would need to be assessed in the round and in relation to PPG6.

Primary and Secondary Shopping in Arnold

10. As far as the definition of primary shopping within Arnold is concerned, my first reaction is to agree with the objector that the definition of primary **frontages** is a more accurate approach than defining primary **areas**. This is reinforced by considering, as an example, the Asda store, where I am also sceptical about regarding its High Street frontage as primary.
11. However, in practice the importance of the distinction between the primary and secondary shopping areas (or frontages) in Arnold is not in relation to policy S1 but in relation to policies S2, S5 and S6:
 - S2 limits the extent to which non-retail uses can be located in district centres, but paragraph 3.7 says that in Arnold the policy will only apply in the primary part of the centre;
 - S5 says that retailing and other appropriate uses will be allowed in Arnold provided certain conditions are met. Paragraph 3.18 says, in effect, that retail uses will be consolidated in the primary area by redevelopment and

store extensions. Non-retail uses can be relocated from the primary area to more peripheral locations in the secondary area to assist consolidation;

- S6 says that a mix of uses (retail and other uses) will be allowed in the secondary area, provided two conditions are met.

12. For all these purposes it does not matter whether the distinction between primary and secondary is achieved by identifying areas or frontages, and in my view a definition based on areas has some practical advantages because it makes the meaning of paragraph 3.18 and policy S5 clearer.
13. I conclude there would be no advantage is redefining the primary shopping areas in Arnold as frontages.
14. As to the extent of the defined primary and secondary areas, the changes from the adopted Local Plan are at the extremities of the centre. At the south the centre's boundary has been drawn inwards to prevent the coalescence of the centre and its shopping area with the new Sainsbury's, which in my view is sensible. In any event this objector does not contest this. At the north the extent of the primary area is drawn in to reflect what the Council sees as a shift in activity southwards. In my view this is in accord with reality and also seems to be in accord with what this objector wants. The objector has reservations about the treatment of frontages on the east side of High Street but in the context of policies S2, S5 and S6 I see no harm in these being included in the primary areas.

Overall Conclusions

15. The above considerations lead me to conclude that there is no need or reason to modify the extent of Arnold town centre on the Proposals Map.
16. I also conclude there is no need or reason to add a clause to this policy seeking to retain certain non-retailing uses in their present locations.
17. I conclude there is no advantage in altering the way primary and secondary shopping is depicted on the Proposals Map.
18. However I am concerned that the policies should not facilitate a development on the west (wrong) side of High Street that would lead to a significant increase in the number of pedestrians crossing that road. But in my view the best place to deal with this issue is in policies S5 and S6.
19. S5 already talks in terms of "maintaining the compact nature of the existing shopping centre", "creating attractive and convenient pedestrian routes" and "retaining the shopping function of the centre". Even so, and for the avoidance of doubt, I would add a new clause to policy S5, as follows: "would not significantly increase shopping provision on the west side of High Street". I would also add the word "safe" to the existing clause (c).
20. As far as policy S6 is concerned, I would add the same new clause ("would not significantly increase shopping provision on the west side of High Street").

RECOMMENDATIONS

21. I recommend no modification to policy S1 or the Proposals Map.
 22. I recommend that a new clause is added to policy S5: would not significantly increase shopping provision on the west side of High Street.
 23. I recommend that policy S5 (c) should read: creating safe, attractive and convenient pedestrian routes.
 24. I recommend that a new clause is added to policy S6: the proposal would not significantly increase shopping provision on the west side of High Street.
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3.2 S2 NON-RETAIL USES IN DISTRICT SHOPPING CENTRES

Objector Number	Objection Number	Objector Name
001328	002883	Government Office for the East Midlands

Summary of Objection

The second sentence of paragraph 3.7 contains policy content that should be incorporated in policy S2.

Objector Number	Objection Number	Objector Name
000777	001222	Mr D Lawson

Summary of Objection

There is inconsistency between policy S2 and paragraph 3.7; there are also various concerns about the wording of the policy and text. A definition of 'appropriate' purposes is needed in policy S3.

Inspector’s Reasoning and Conclusions

1. I consider that the **Government Office** is right to say that the text of paragraph 3.7 attempts to alter significantly the meaning and applicability of the policy and that such a source of confusion should be avoided. Although it will not be elegant I consider that the policy should be clarified by altering the policy to start: **“In the secondary shopping areas in Arnold and throughout the other district shopping centres, proposals for development”** . . . continue the rest of the policy as now. I have considered whether the title of the policy needs changing but on balance think this is unnecessary. Paragraph 3.7 will not need to be altered.
2. As far as **Mr Lawson** is concerned, it is true that paragraph 3.7 says that appropriate uses are defined in a certain way but that the policy implies that other uses may be regarded as appropriate. This may appear inconsistent but in my view it is not actually wrong in this context. This is because proposals for other uses may arise that would be appropriate but which do not fall within the standard definition derived from the Statutory Instrument. There is another problem however, which is that the Statutory Instrument changes from time to time. For the sake of clarity, therefore, the Council should review matters at the time of the modifications to make sure the latest version is being referred to. The text in paragraph 3.7 could also be changed to say **“Uses appropriate to a town centre include those defined in the T & C P”** continue as now. I agree with the objector that the words “number of” in paragraph 3.8 are superfluous and should be removed.

3. As to Mr Lawson’s comment on policy S3, I consider it is unnecessary to revisit the definition of “appropriate” here.

RECOMMENDATIONS

4. I recommend that policy S2 should start: “In the secondary shopping areas in Arnold and throughout the other district shopping centres, proposals for development” . . . *continue as now*.
 5. I recommend that the Council reviews the definition of appropriate uses in town centres in the light of the latest Statutory instrument and modifies the text of paragraph 3.7 to remove any ambiguity.
 6. I recommend that the words “number of” are deleted from paragraph 3.8.
 7. I recommend no modification to policy S3 or paragraph 3.9.
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3.3 S4 ENVIRONMENTAL IMPROVEMENTS

Objector Number	Objection Number	Objector Name
000021	000721	Mr M Spick

Summary of Objection

Concern that existing public toilet facilities (one main facility in the town centre) are inadequate. Also there is a lack of bus shelters (especially in outlying areas, the number 90 bus terminus has been neglected).

Inspector’s Reasoning and Conclusions

1. I do not minimise or deny the importance of public toilets, especially for those who have medical conditions that can create problems in this respect. Providing public toilets is a Borough Council responsibility, although not usually one carried out as part of the planning function. In all my experience of Local Plans I cannot recall one that has dealt with the subject. This is because, although toilets could come under the general heading of “environmental improvements” or “enhancing town centres”, the number and siting of such facilities is a very detailed matter. Thus the subject might appear in a detailed plan for the town centre but is not suitable for inclusion in the Local Plan.
2. Much the same could be said about bus stop shelters. The Council says bus facilities in Arnold are to be improved but this is a subject for the Town Centre Action Area Plan.
3. So, although I sympathise with the objector and acknowledge the importance of the matters he raises, I conclude that these are not for inclusion in the Local Plan.

RECOMMENDATION

4. I recommend no modification to the Local Plan.

3.4 S5 ARNOLD TOWN CENTRE

Objector Number	Objection Number	Objector Name
000021	000720	Mr M Spick

Summary of Objection

Concern is expressed about the mix of traders and businesses in Arnold Town Centre. There are too many cheap clothes shops, charity shops, estate agents, pubs and eating establishments and not enough small traders. The mix encourages undesirables, especially at night, and deters respectable residents.

Objector Number	Objection Number	Objector Name
000526	000753	Mr N Fletcher
000581	000828	N.M. Properties (Nottingham) Ltd
000582	000830	Mr M Mason

Summary of Objection

Draft Policy S.7 in the Consultative Draft Plan should be included in the Local Plan.

Objector Number	Objection Number	Objector Name
001948	004576	Aldergate Properties Ltd

Summary of Objection

Concern is expressed about the vague wording of the policy and text. The text should specify exactly how much new floorspace is needed. Car parks are vital to the vitality of the town centre and no development should take place on them without replacement car parking. Loss of the main car park would be disastrous.

Inspector’s Reasoning and Conclusions

1. **Mr Spick** comments on the mix of traders in the town centre. Whilst it is true that there is some planning control over such uses as pubs, cafes and estate agents, the types of shops are a matter to be determined by the workings of the market. In other words, in the normal course of events the Council has no planning powers to control whether a shop is used to sell clothes or greengrocery. As far as the proliferation of non-retail uses is concerned (for example cafes and estate agents) this matter is dealt with in policy S2. It is the general intention to limit the extent of such uses in the core (or prime) shopping areas but to be more accommodating in the peripheral (or secondary) areas. This is in line with government guidance and in my view is as far as the Local Plan can properly go. I have already said that the Council intends to return to the issues of pedestrianisation, a bus station and interchange facilities in the more detailed Town Centre Action Area Plan that it intends to prepare.
2. I conclude that no modification to the Local Plan arises from this objection.
3. **Draft Policy S7** is a matter raised in three objections. The Council says that expansion of the town centre at Worrall Avenue was a matter it explored in an earlier consultative exercise. However, in the light of the public response it decided not to pursue the matter, partly because it would require the compulsory purchase of property that it thought would not succeed. On the basis of three short objections I do not have enough reasons or evidence to resurrect this proposal in the Local Plan. However the Council does say it intends to prepare a Town Centre Action Area Plan and the issue may arise again then.
4. I conclude that no modification is justified.
5. **Aldergate** raises issues that I have already partly touched on under policy S1. As far as a lack of clarity in policy S5 is concerned, I consider that the words “some or all of” are a hostage to fortune. Would an improvement to the appearance of the centre that detracted from the shopping function of the centre really be acceptable? Or vice versa?

On balance I conclude that these words should be removed, leaving proposals to be assessed in the round in relation to all the criteria at once.

6. But the main complaint is about the lack of precision in the assessment of the scope for more shopping development. But in my view any imprecision is excusable because:
 - this is an imprecise and uncertain science;
 - various studies seem to agree that the scope for growth in Arnold is small, may be marginal and may take time to materialise;
 - the results of the Aldergate appeals on Mansfield Road have eroded what scope there was still further.
7. I therefore do not agree that paragraph 3.17 should be modified as the objector suggests.
8. As far as maintaining the amount of car parking in the centre at existing levels is concerned, I have already given my reasons (under policy S1) for not agreeing with what the objector wants in this regard.

RECOMMENDATION

9. **I recommend that the words “some or all of” should be deleted from policy S5.**
 10. **Otherwise I recommend no modification in response to these objections.**
 11. **I have already recommended (see under policy S1) that a new clause is added to policy S5: would not significantly increase shopping provision on the west side of High Street.**
 12. **I have already recommended (see under policy S1) that policy S5 (c) should read: creating safe, attractive and convenient pedestrian routes.**
-

3.5 S6 ARNOLD SECONDARY SHOPPING CENTRE

Objector Number	Objection Number	Objector Name
000581	000829	N.M. Properties (Nottm) Ltd
000582	000831	Mr M Mason
000526	000752	Mr N Fletcher

Summary of Objection

Policies S5 and S6 are objected to. Reinstatement of Consultative Draft Policies S7 and S8 is advocated. The proposals to move the Health Centre and leisure facilities to the frontage of the King George V Recreation Ground (thus freeing areas for redevelopment) seem sensible.

Inspector’s Reasoning and Conclusions

1. The Council says it is firmly against using the King George V Recreation Ground to relocate uses from the town centre. These objections appear to depend on such a relocation. So the objections fall at this first hurdle. Even if this proves to be wrong in the longer term, the proposals are too uncertain and too distant to be included in this review of the Local Plan.
2. In any event I consider that three short objections are an inadequate basis for making such a change to the Local Plan. I do not have sufficient reasons or evidence to resurrect this proposal in the Local Plan. However the Council says it intends to prepare a Town Centre Action Area Plan and the issue may be considered again in that context.
3. I conclude that no modification to the Local Plan is warranted.

RECOMMENDATION

4. I recommend no modification to the Local Plan in response to these objections.
5. But I have already recommended that a new clause is added to policy S6: the proposal would not significantly increase shopping provision on the west side of High Street.

3.6 S7 CARLTON SQUARE

Objector Number	Objection Number	Objector Name
001948	004575	Aldergate Properties Ltd

Summary of Objection

It is unrealistic to include the BT premises in the shopping centre boundary. The premises are not capable of being developed viably for retail uses and certainly could not be effectively linked to the existing facilities. The property is not likely to come onto the market.

Inspector's Reasoning and Conclusions

1. I do not have up-to-date information on BT's intentions. The latest information I have is from the Council, which reiterates the position set out in paragraph 3.25 of the Local Plan. Thus it is not clear to me what scope there is for redevelopment. Be that as it may, it seems to me to be sensible to try and link the Tesco store and the older local centre more effectively if this is possible.
2. However, in my view including the BT site within the boundary of the centre would not help in this respect. I say this because:
 - the BT site is not located on the same side of the road as either the Tesco store or the older centre. To reach the BT site from either involves crossing a busy road;
 - the BT site is not on a direct or natural pedestrian route between the Tesco store and the centre;
 - the BT site is at a higher level than the main road, making frontage development difficult even if it were appropriate;
 - the Tesco store and its parking are not designed to facilitate integration with the centre whether or not the BT site is included;
3. In any event my view is that the Carlton centre is not obviously in need of more shops so that the case for more shopping (and including the BT site in the centre) is suspect.
4. I therefore conclude that the BT site should not be included within the boundary of the Carlton Square district centre.

RECOMMENDATION

5. I recommend that the BT site should not be included within the boundary of the Carlton Square district centre.

3.7 S9 NETHERFIELD

Objector Number	Objection Number	Objector Name
001948	004574	Aldergate Properties Ltd

Summary of Objection

It is unrealistic to expect all retail uses to “eventually move into appropriate vacant properties in a contracted centre”. Short of utilising CPO powers sites large enough to accommodate the vast majority of modern retailers’ requirements cannot be met.

Inspector’s Reasoning and Conclusions

1. It is not clear what modification to the Local Plan the objector is seeking. The Council says that the policy does not prevent site assembly and redevelopment. If this does happen it will be useful for the Local Plan to indicate the approach that will be followed. I therefore conclude that no modification to the Local Plan is justified.

RECOMMENDATION

2. I recommend no modification to the Local Plan.
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3.8 S10 LOCAL SHOPPING CENTRES

Objector Number	Objection Number	Objector Name
001343	003119	Post Office

Summary of Objection

The delivery office at 19 Westdale Lane should be included in the local centre at Westdale Lane to support its development and enhancement.

Objector Number	Objection Number	Objector Name
000550	000783	Mr B Hardwick

Summary of Objection

A3 hot food takeaways should not be in close proximity to residential property. In the adopted Local Plan policy S13 says this. There will always be problems of cooking smells, late opening and disturbance to nearby residents if takeaways are sited close to residential property.

Objector Number	Objection Number	Objector Name
000777	001212	Mr D Lawson

Summary of Objection

There is concern that A3 takeaways could come to dominate local shopping areas. A clause should be added (as in policy S2b) to limit over-concentration but with a lower threshold.

Inspector’s Reasoning and Conclusions

1. **The Post Office** delivery office is not contiguous with the local shopping centre. To include it would not be in the interests of keeping the centre compact and commensurate to its local function. I conclude the Local Plan should not be modified.
2. **Mr Hardwick** says that hot food takeaways always cause problems (smells, late hours, and disturbance) if they are close to residential properties. This can be avoided if separation is maintained, as was the case in the adopted Local Plan policy S13.
3. The Council says that experience shows that takeaways can be located in local shopping centres without material harm being caused to residential amenity. The

Council expects the change in approach (from the adopted Local Plan) to make very little difference to the outcome in most cases. The Council also notes that the boundary of the Netherfield centre (near to where the objector lives) has been changed to exclude most of the residential properties, so that the potential for conflict in that area has been reduced.

4. I note that the Council's view is based on experience gained over a number of years throughout the borough. To that extent it is to be preferred to the objector's more personal but limited experience. In any event the crucial consideration when assessing any proposal will be whether any harm would actually result from what is proposed. Proximity, by itself, does not amount to harm.
5. On balance, therefore, I conclude that the wording in the (review) Local Plan is acceptable and that no modification is needed.
6. **Mr Lawson** is concerned that some local centres could become dominated by A3 uses. The Council is not happy with his suggested mechanism of control (i.e. setting a threshold) and I can see the reasons for this. Nevertheless, I consider that the concern is a legitimate one that cannot be dismissed out of hand. In some local centres in some areas (but not in Gedling, as far as I know) I observe that restaurants have become the predominant occupiers and that local shopping facilities have been completely squeezed out.
7. I conclude that an additional clause should be added to the policy as follows:

would not, individually or cumulatively, damage the character and viability of the centre as a local shopping facility.

RECOMMENDATION

8. I recommend that an additional clause is added to the policy as follows:

(d) would not, individually or cumulatively, damage the character and viability of the centre as a local shopping facility.

9. Otherwise I recommend no modification to policy S10.

3.9 S11 EXISTING RETAIL WAREHOUSE PARKS

Objector Number	Objection Number	Objector Name
001948	004573	Aldergate Properties Ltd

Summary of Objection

There are concerns about the prescriptive nature of the policy in relation to which goods may appropriately be sold out of centre and the imposition of a 1000 square metre threshold for subdivision. There are no sites identified as suitable for out of centre retailing. A simpler statement of policy is preferred.

Objector Number	Objection Number	Objector Name
001343	003113	Post Office

Summary of Objection

The Post Office is concerned about the impact of any expansion of the Victoria Retail Park on their Colwick Road Delivery Office. The policy for this area should be in line with Local Plan S13, PPG4, PPG6, and PPG13. Retail development should comply with the sequential test and should not compromise traffic safety or flow. Changes are sought to policies S11 and S13.

Objector Number	Objection Number	Objector Name
001345	003280	Nottinghamshire Wildlife Trust

Summary of Objection

The policy should be deleted.

Inspector’s Reasoning and Conclusions

1. I consider that policy S13 should come before this policy.
2. I do not know, and in a sense I do not wish or need to know, all the details of the planning permissions for retail developments that have already been granted in the areas covered by this policy. However, to the extent that existing planning permissions allow or do not allow certain activities (with or without restrictions), that is water under the bridge. I therefore recognise that there may be limits on the extent of controls that can be used in the future because of the terms of past planning permissions. My main concern is to recommend policies that will comply with PPG6 and will protect the town (and city) centres in the area in a way that can be applied whatever the inherited planning history in the area.
3. **Aldergate** are concerned about what they see as the over-prescriptive and inflexible approach written into policy S11 as it stands. The Council says that the policy is derived from national policy and appeal decisions locally and nationally. The Council also says that shop units smaller than 1000 Square metres would be in direct competition with town centre shops and that “need” is the first requirement that any shopping proposal should satisfy.
4. I accept what the Council says but I still doubt the wisdom of, and necessity for, such a detailed and inflexible policy. The objector has put forward a more general statement that could guide decisions in the circumstances envisaged without getting involved in the detailed specification of floor areas and types of goods that may be sold. On balance I consider it would be more in keeping with the purpose of a Local Plan to keep the policy statement at a relatively general level. I also consider that a stronger form of control would result. I am therefore basing my recommendation on the objector’s suggested policy, although I believe it can be improved in some respects. The possible mechanisms and criteria contained in the Council’s current policy can be incorporated in the accompanying text.

5. I therefore conclude that policy S11 should be replaced by (this includes some wording to replace policy S12 – see below):

Where planning permission has been (or is in future) granted relating to retail floorspace outside the district and local centres (and this includes the existing superstores at the Home Brewery Site and Victoria Business Park as well as all the units at Victoria and Madford Retail Parks), planning powers (including conditions and/or obligations) will be used to ensure that the development does not change its character in such a way as to harm the vitality and viability of existing centres. Planning powers may be used to restrict the range of goods to be sold and/or to control the future use, extension and subdivision of retail floorspace.

6. I also conclude that the detailed specifications in the Second Deposit policy S11 should be moved to a new paragraph in the accompanying text to illustrate the sort of conditions and obligations that may be used in relation stores in retail parks.
7. **The Post Office** is concerned about the impact of any expansion of retailing near their Colwick Road Delivery Office. In particular they want this policy to say that any extensions to the existing stores should pass the following tests:
- that there is a need for the additional floorspace;
 - that the sequential approach to site selection has been satisfied;
 - that harm will not be caused to the vitality and viability of town centres.
 - that the additional traffic generated will not prejudice the safe and free flow of traffic in the area.
8. To some extent my suggested revision to the policy (above) addresses these issues and the objector recognises that policy S13 is also important.
9. As far as need and the sequential approach in relation to proposed extensions are concerned, I consider that these matters are dealt with adequately under policy S13, which I am recommending should explicitly deal with extensions and should be moved before this policy. Impacts on town centres are also dealt with in policy S13 and are included in my redraft of this policy. As to the impact on traffic, whilst in this day and age completely free flowing traffic is no longer a priority, I consider that policies ENV1, T1 and T10 are the best safeguards the objector can hope for.
10. Thus for all these reasons I conclude that no further modification to policy S11 arises from this objection.
11. **NWT** suggests the deletion of this policy. I am afraid that the reasons they give for this are too cryptic for me to follow fully. Neither do I understand how their comments fit in with the general thrust of their approach to the Local Plan. I see little reason to expect that any subdivision of large stores would necessarily result in small local enterprises being established. The Council anticipates that there may be problems in the future if large retailing units are split into smaller units and on this basis I accept the need for a policy on this topic.
12. I conclude that no modification arises from this objection.

RECOMMENDATION

13. I recommend that policy S11 should be replaced by:

Where planning permission has been (or is in future) granted relating to retail floorspace outside the district and local centres (and this includes the existing superstores at the Home Brewery Site and Victoria Business Park as well as all the units at Victoria and Madford Retail Parks), planning powers (including conditions and/or obligations) will be used to ensure that the development does not change its character in such a way as to harm the vitality and viability of existing centres. Planning powers may be used to restrict the range of goods to be sold and/or to control the future use, extension and subdivision of retail floorspace.

14. I also recommend that the detailed specifications in the Second Deposit policy S11 should be moved to a new paragraph in the accompanying text to illustrate the sort of conditions and obligations that may be used.

15. Otherwise I recommend no modification to this policy.

16. But see my further recommendations relating to policy S12.

3.10 S12 EXISTING FOOD SUPERSTORES

Objector Number	Objection Number	Objector Name
000713	001045	WM Morrison Supermarkets PLC

Summary of Objection

There is concern that the policy seeks to apply controls retrospectively when the matters that are dealt with in the policy should have been the subject of conditions when the stores were approved. The policy should only be retained if it is re-worded to apply to new superstore provision, and made the subject of qualification in relation to harm.

Objector Number	Objection Number	Objector Name
001343	005138	Post Office

Summary of Objection

The Post Office is concerned about the impact of any expansion of the Victoria Retail Park on their Colwick Road Delivery Office. The policy for this area should be in line with Local Plan S13, PPG4, PPG6, and PPG13. Retail development should comply with the sequential test and should not compromise traffic safety or flow. Changes are sought to policies S11 and S13.

Inspector's Reasoning and Conclusions

1. I do not know, and in a sense I do not wish or need to know, all the details of the planning permissions for retail developments that have already been granted in the areas covered by this policy. However, to the extent that existing planning permissions allow or do not allow certain activities (with or without restrictions), that is water under the bridge. I therefore recognise that there may be limits on the extent of controls that can be used in the future because of the terms of past planning permissions. My main concern is to recommend policies that will comply with PPG6 and will protect the town (and city) centres in the area in a way that can be applied whatever the inherited planning history in the area.
2. **Morrison Supermarkets** are concerned that the policy seeks to gain control over these stores that should have been imposed when the original planning permissions were granted (if at all). If the appropriate conditions were not imposed, the policy cannot be implemented. If the conditions were imposed, the policy is unnecessary because further planning permission is needed before any change could take place.
3. The objector does not say whether they consider their store is (or is not) fettered by conditions or agreements dating back to the original planning permission and I have said I do not need to know this. But whatever conditions were imposed then, situations may arise in which further planning permissions are sought. In such circumstances it is my view that it will be useful to all concerned if there is a policy in the Local Plan that indicates what the Council's approach is likely to be.
4. For this reason I do not agree with the objector that this policy should be altered to refer only to new stores.
5. However, it does seem to me that this is a matter that would best be dealt with in a similar way to that which I have used in relation to policy S11. By this I mean that the policy should set out the general intent, leaving any detailed specifications that are appropriate to the text. Indeed, having reached this conclusion I see no reason why the two sorts of stores should not be dealt with in the same policy and I have already redrafted policy S11 with this in mind.

6. Two details remain to be resolved:

- in redrafting policy S11, I have used the geographical descriptions in the original policies S11 and S12 (“existing units at the retail warehouse parks of Victoria Business Park and Madford retail park” and “the existing out-of-town food superstore at Victoria Business Park and the edge-of-centre superstore on the former Home Brewery Site”). This makes for rather cumbersome wording in the combined policy and if any editing is possible to achieve a shorter description without a loss of accuracy then it has my blessing.
- a new paragraph is needed in the text to indicate what sort of controls (relating to sub-division and the proportion of floorspace at superstores that can be devoted to comparison goods) that are likely to be imposed. Because this new paragraph and the controls it will describe would apply to any new (as well as the existing) stores, it does not seem to me that it is necessary for a careful reconciliation with the planning conditions imposed when the two existing stores were approved.

7. I recognise that this is not what this objector wanted but it does respond to the important legal point they made about the original policy S12. It also provides a clear framework for future planning decisions.

8. The **Post Office** raises issues that I have already considered under policy S11. I have taken them into account again here but consider that what I am recommending goes as far as can reasonably be expected towards meeting their objection. I conclude that no further modification arises from the Post Office's objection to policy S12.

RECOMMENDATION

9. I recommend that policy S12 is deleted from the Local Plan because the matters it deals with can be incorporated in a revised policy S11 (see above).

10. However, if that policy can be simplified by editing the geographical descriptions it contains, I recommend this is done.

11. I also recommend that a paragraph is added to the text accompanying the revised policy S11 to describe the sort of controls that might be applied to the existing (and any new) out-of-centre superstores.

3.11 S13 MAJOR RETAIL DEVELOPMENT OUTSIDE SHOPPING CENTRES

Objector Number	Objection Number	Objector Name
001330	002952	Council for the Protection of Rural England

Summary of Objection

CPRE notes that there is no need for major new shopping developments and is concerned that underused Park and Ride facilities will be seen as potential sites for new out-of-town retail centres.

Objector Number	Objection Number	Objector Name
001343	003115	Post Office

Summary of Objection

The Post Office is concerned about the impact of any expansion of the Victoria Retail Park on their Colwick Road Delivery Office. The policy for this area should be in line with Local Plan S13, PPG4, PPG6, and PPG13. Retail development should comply with the sequential test and should not compromise traffic safety or flow. Changes are sought to policies S11 and S13.

Objector Number	Objection Number	Objector Name
001345	003282	Nottinghamshire Wildlife Trust

Summary of Objection

Concerns that policy allows the development of out-of-town retailing in some circumstances.

Objector Number	Objection Number	Objector Name
001948	004572	Aldergate Properties Ltd
001948	201947	Aldergate Properties Ltd

Summary of Objection

(First Deposit) An employment use or allocation should not preclude retailing. Clause (h) should be deleted.
(Second Deposit) It is inappropriate and unnecessary to add the words 'to the satisfaction of the Highway Authority'. The Highway Authority is a consultee and this should be recognised within the text.

Inspector's Reasoning and Conclusions

- Arising from my consideration of policies S11 and S12, I have already reached two conclusions about policy S13:
 - this policy should be moved to come before policy S11;
 - this policy should explicitly refer to and include extensions to existing stores.
- CPRE** notes that there will be little scope for new retail development. They therefore seek a simple and direct statement that no further out-of-centre retailing outlets will be permitted. It may well be that CPRE are right that any future proposals would fall at the first hurdle in this policy because there is no need for additional shopping. The evidence I have suggests that they are right. But this policy is in a form that complies with PPG6, which suggests that the possibility should not be completely pre-judged. I therefore find no fault with the present policy in this respect.
- NWT** has the same general approach as CPRE and my conclusions are the same.
- As far as **CPRE** and Park and Ride are concerned, I have already considered this in relation to Green Belt policy and I have not recommended that Park and Ride sites should be taken out of the Green Belt (unless this is already the case for other reasons). Any retailing proposal would thus have to comply with (or overcome) not only policy S13 but also Green Belt policy. I consider these are adequate safeguards.
- I conclude that no modification arises from these objections.
- The **Post Office** raises issues that I have already considered under policy S11. I have taken them into account again here but consider that what I am recommending goes as

far as can reasonably be expected towards meeting their objection. My conclusion that policy S13 should explicitly include and relate to extensions to existing out-of-centre retail facilities addresses one of their particular concerns. I conclude that no further modification arises from the Post Office’s objection to policy S13.

7. **Aldergate** seek two deletions from the policy.
8. As far as clause (h) of the policy is concerned, my reading of it is that an employment use or allocation by itself would not preclude a retailing development. Such an allocation or use has also to be required to meet the employment objectives of the Local Plan. Considerations such as the scarcity of available employment land allocated in policy E1 and whether the site is identified in policy E3 would thus come into play. To this extent I consider the Aldergate objection misinterprets the policy as it stands. Be that as it may, because of this important caveat, I consider that Clause (h) is necessary to secure internal consistency in the Local Plan. For the same reason I conclude that this part of the policy complies with government guidance and should be retained.
9. As far as the “satisfaction of the Highway Authority” is concerned, I completely agree with the objector. The form of words is too imprecise to be useful and the analogy with planning conditions is apposite. The interests of the Highway Authority are adequately safeguarded by policies T1 and T10. I conclude that the contentious words should be deleted.
10. **Major Retail Developments**: upon reflection (and with the benefit of the experience of a concurrent planning appeal in Gedling) I am not persuaded that this policy should apply only to major proposals. It seems to me that it ought to apply equally to proposals that are (just) under the Structure Plan threshold as much as to proposals that exceed it. The first test is “need” in any event, which could be dealt with very simply in the case of very small proposals to serve a restricted area. Removing this caveat would also remove any problems that might arise where the cumulative impact of several small proposals was an issue. I conclude that consideration should be given to deleting the word “major” from the policy.

RECOMMENDATION

11. I recommend this policy is moved to come before policy S11.
12. I recommend that this policy should explicitly refer to and include extensions to existing stores (. . . retail developments, including extensions to existing floorspace, will not . . .).
13. I recommend that the words “to the satisfaction of the Highway Authority” are deleted from the policy.
14. I recommend that consideration is given to deleting the word “major” from the policy (and its title).
15. Otherwise I recommend no modification to policy S13.

3.12 S14 LOCAL DAY-TO-DAY SHOPPING NEEDS

Objector Number	Objection Number	Objector Name
001158	002411	Nottinghamshire County Council (Strategic Property)
001158	002415	Nottinghamshire County Council (Strategic Property)

Summary of Objection

There are concerns about the wording of the policy, in particular the use of ‘daily’, as the frequency of shopping cannot be defined in the Local Plan. Redraft to reflect above and to provide an operational definition of ‘primarily’ in criterion (a). Delete criteria (c) to (g).

There is a need for an additional policy dealing with retail provision in major new housing. It is suggested the policy refers to minimum standards for provision of retail facilities on major new housing developments.

Objector Number	Objection Number	Objector Name
001345	003284	Nottinghamshire Wildlife Trust

Summary of Objection

It is important that small-scale local convenience stores are distributed throughout the Borough (to reduce car journeys). The policy should be widened so that any new development of a scale that warrants would include the provision of local shopping facilities.

Inspector’s Reasoning and Conclusions

1. **NCC (Strategic Property)** suggested some drafting revisions to the First Deposit that were taken on board in the Second Deposit. I consider this aspect of the objections have been met. In clause (a), rather than define the word “primarily” I would prefer it to be deleted. If exceptions arise these can be dealt with on a case by case basis. As far as criteria (c) to (g) are concerned, these all seem to me to be sensible and necessary and I see no need for deletion or alteration.
2. As to a new policy for large housing allocations, it seems to me that the only two that are large enough to definitely require a local shopping provision are Gedling Colliery / Chase Farm and Top Wighay Farm. In both these cases I have recommended that there should be a policy in the Local Plan setting out all the requirements for the integrated development of the sites. It seems to me that the need for local shops as part of those developments can be dealt with in those housing policies and there is thus no need for a general shopping policy on this subject.
3. I conclude that the only modification that arises from these objections is the deletion of the word “primarily” from clause (a) of the policy.
4. **NWT** make a similar point about providing shops in new housing developments but suggest the matter can be dealt with by broadening the existing policy S14. However, my answer is the same. As only two sites are likely to be affected, this issue is being addressed in another way. I realise that it could be argued that a lower threshold should be set but I have no evidence on this. In my experience small local shops are having a hard time of it and a new (and therefore expensive) shop would need a large catchment area. I conclude that no modification arises from this objection.

RECOMMENDATION

5. I recommend that the only modification that arises from these objections is the deletion of the word “primarily” from clause (a) of the policy.

3.13 S15 FOOD AND DRINK USES

Objector Number	Objection Number	Objector Name
000550	000788	Mr B Hardwick

Summary of Objection

Hot food takeaways cause problems for nearby residents (cooking smells, noise, disturbance, traffic, late hours). Takeaways should only be in shopping centres and well away from dwellings. This policy should be deleted. The policy in the adopted Local Plan was preferable.

Inspector’s Reasoning and Conclusions

1. As with **Mr Hardwick’s** other objection on this subject, he says that hot food takeaways always cause problems (smells, late hours, and disturbance) if they are close to residential properties. This can be avoided if separation is maintained, as was the case in the adopted Local Plan policy S13.
2. The Council says that experience shows that takeaways can be located in and outside local shopping centres without material harm being caused to residential amenity. The Council expects the change in approach (from the adopted Local Plan) to make very little difference to the outcome in most cases.
3. I note that the Council’s view is based on experience gained over a number of years throughout the borough. To that extent it is to be preferred to the objector’s more personal and limited experience. In any event the crucial consideration when assessing any proposal will be whether any harm would actually result from what is proposed. Proximity, by itself, does not amount to harm.
4. On balance, therefore, I conclude that the wording in the (review) Local Plan is acceptable and that no modification is needed.

RECOMMENDATION

5. I recommend no modification to the Local Plan in response to this objection.
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7.1 RECREATION – GENERAL OBJECTIONS

Objector Number	Objection Number	Objector Name
000715	001064	Sport England
000715	201290	Sport England

Summary of Objection

(First Deposit) Sport England advocates carrying out a playing pitch assessment. Local standards should be developed to reflect the need for playing fields and pitches locally. The text should explain how the Local Plan's 133.56 ha requirement for pitches has been arrived at.

(Second Deposit) The Nottinghamshire Facilities Strategy Group (which includes Gedling) commissioned playing pitch assessments for each local authority area. The results were expected in September 2002. Information from the playing pitch assessment and strategy should be used to inform the Local Plan.

Objector Number	Objection Number	Objector Name
001158	002457	Nottinghamshire County Council (Strategic Property)
001158	201298	Nottinghamshire County Council (Strategic Property)

Summary of Objection

The whole chapter is objected to and needs to be re-written. PPG17 should be the starting point and the Local Plan should respond to local circumstances. No audit of current open space has been carried out and there is no analysis of the community's needs. There are no calculations supporting the public open space standards for new development and no data on existing shortfalls. The impact of development on existing open space is not addressed nor issues concerning contributions to provision and appropriate thresholds.

Paragraph 7.4 is misleading and confusing. NPFA standards do not recommend 2.43 ha of open space per 1000 population but 2.43 ha of playing space per 1000 population. The NPFA standards specifically relate to playing fields. Objection is also raised to the proposed means of monitoring the provision of open space and to the figures quoted at end of para 7.4.

Objector Number	Objection Number	Objector Name
000364	000514	Mr R Buckley

Summary of Objection

The Local Plan recognises that Ravenshead is deficient in protected open space and leisure facilities and says that future provision should be in areas of need. The surrounding countryside and Newstead Abbey do not reduce the need in Ravenshead. Other villages are more favourably treated. Cornwater Fields should be designated as protected open space with a view to the long-term provision of more recreation facilities.

Objector Number	Objection Number	Objector Name
003835	010548	R.A.G.E.

Summary of Objection

There should be a policy on tourism in the Redhill area, which has great potential. The area is attractive and has many good footpaths linking it to surrounding attractions with historical connections.

Inspector's Reasoning and Conclusions

General Objections and PPG17 (Sport England and NCC Strategic Property)

1. The Local Plan (First Deposit and Second Deposit) was prepared before the latest version of PPG17 was published. In my view, therefore, GBC cannot be blamed for not following its advice. Nevertheless I have to have regard to it.
2. The 2002 version of PPG17 was a distinct departure from the guidance that preceded it, so the current draft of the Local Plan is out of step with current guidance. In particular PPG17 emphasises that the starting point for Local Plan formulation should be an audit of existing open spaces and an analysis of local conditions and needs. Reliance is no longer to be placed on nationally derived standards.
3. In these circumstances I have given careful consideration to whether the whole chapter should be deleted from this review of the Local Plan, as suggested by NCC. However, on balance, I have come to the view that to leave a gap in the Local Plan's coverage could be dangerous. This could have untoward consequences both for the protection of existing open spaces and for securing adequate provision in association with the built development that will be taking place in the borough.

4. But the issues involved need urgent attention. More survey data on the quantity and quality of existing open space than was available at the time of the Local Plan Inquiry is needed. The deficiencies in the current approach will also need to be kept in mind as each policy and the objections to them are considered.
5. As far as the specific objections from Sport England and the County Council are concerned, some changes were made in the Second Deposit directed to meeting the points made. I note, for example, that the first sentence in paragraph 7.4 has been altered to refer to outdoor playing space rather than open space (in response to NCC). Also the table at the end of the paragraph has been expanded somewhat to show how the figures have been derived (in response to Sport England). However, the generality of these objections has not, in my view, been met. I consider that the following changes would assist:
 - an indication of what further work is in hand;
 - an indication of when and how the further work is to be used, reported and incorporated in the Local Plan;
 - an indication that the work will lead to locally derived and responsive standards;
 - a clearer indication of the interim nature of this chapter of the Local Plan;
 - a revision of all the references to PPG17 to reflect the current version and an indication of how it is to be reflected in future work;
 - a commitment to a full audit of existing facilities;
 - a commitment to the principles underlying the current PPG17, for example in paragraphs 7.13, 7.15, 7.17 and 7.18;
 - an indication that monitoring the Local Plan will be undertaken in addition to any monitoring that may be carried out as a result of the Council's Leisure Strategy.
6. I conclude that although the whole recreation chapter in the Local Plan should not be withdrawn or rewritten, the introductory paragraphs (7.1 to 7.4) should be substantially redrafted to reflect the new PPG17 and the above points.

Ravenshead (Mr Buckley)

7. The Council acknowledges that Ravenshead is deficient in open space, although this is not true of the southwest part of the village where there is already a concentration of such facilities. It is difficult to argue, therefore, that this is where future provision should be in order to make good a local deficiency. In any event, even if more open space is to be provided in this area, there is considerable scope for selecting a site.
8. In the housing chapter I have identified the land immediately south of Regina Crescent as being the most suitable site for housing development in the village and have recommended its allocation. Nothing that is in this objection leads me to alter that recommendation or to identify land for additional recreation facilities in this area.
9. I conclude that the Local Plan should not be modified in response to this objection.

New Farm (RAGE)

10. In response to this objection the Council says only that the New Farm area is retained in the Green Belt in the First Deposit and that this will prevent inappropriate development. However, I am recommending that New Farm is removed from the Green Belt, although it would still be protected from inappropriate development as Safeguarded Land.
11. Without denying the attractiveness of the area in question, in my view it is not so attractive as to be an obvious focus for tourism within the borough. Indeed it seems to me that the objection accepts this because it stresses the links from this area to other parts of the borough with more established tourism attractions. Be that as it may, in my view the area does not have so much potential for tourism that it warrants separate and special treatment in the Local Plan in this respect. I consider that this area should be subject to the same policies, initiatives and constraints as the rest of the borough as far as tourism is concerned.
12. I conclude that no modification to the Local Plan arises from this objection.

RECOMMENDATION

13. **I recommend that the introductory paragraphs of the recreation chapter (7.1 to 7.4) should be revised and rewritten to reflect the latest information and guidance (see paragraph 5 above).**
 14. **Otherwise I recommend no modifications in response to these objections.**
-

7.2 R1 PROTECTION OF OPEN SPACE, GENERAL OBJECTIONS

Objector Number	Objection Number	Objector Name
000715	001051	Sport England
000715	001052	Sport England
000715	001053	Sport England

Summary of Objections

Paragraph 7.6: there is no mention of playing fields in the (revised) categorisation.

Paragraph 7.7 and Table: The table does not include any information on the amount of playing fields and/or pitches in secured or unsecured public use. Neither does it indicate what the shortfall is. It is misleading to include Country Parks in the general calculation (as is suggested might be the case in paragraph 7.8).

Paragraph 7.8 indicates that further work is to be carried out but gives no indication of time-scales, who will do the work or how the additional work will form part of the Local Plan process.

Objector Number	Objection Number	Objector Name
001158	002459	Nottinghamshire County Council (Strategic Property)
001158	002460	Nottinghamshire County Council (Strategic Property)
001158	002461	Nottinghamshire County Council (Strategic Property)
001158	002462	Nottinghamshire County Council (Strategic Property)
001158	002463	Nottinghamshire County Council (Strategic Property)

Summary of Objection

Paragraph 7.5 refers to NPFA and Sport England standards in assessing open space requirements. The Local Plan should be self-contained. It should also list all the protected sites.

Paragraph 7.6 is misleading and contains inadequate information. It is misleading to say that the overlap between categories can affect provision. The amount of land in each category should be given and related to the NPFA and Sport England standards if these are being used.

Paragraph 7.7 and the following table are unclear and of little value. The population at end of plan period is not given. There is no distinction between supply and demand. It is misleading to relate the NPFA standard to 613 ha (now 587 ha). Above all there are no figures for the existing pitch provision, which is an elementary requirement. The statement that R1 covers 617 ha is unsubstantiated.

Paragraph 7.8 is objected to. Country Parks cannot be included in comparisons with NPFA standards. There is no cross-reference to the previous table. The paragraph says there is a shortfall but fails to say how it has been arrived at or will be rectified. A pitch provision of 134 ha is mentioned but the issue of whether this provision exceeds, falls short or matches any standard or requirement is not addressed. The Council appears reluctant to rectify any shortages.

Paragraph 7.9 lacks specificity and clarity because it is not clear whether the listed areas lack provision completely or are under provided. The areas are listed but there is no map. It is contested that proximity to open countryside can be an adequate substitute for the lack of useable open space. Rural rights of way may cater for some needs but paths may not exist in some rural areas.

Objector Number	Objection Number	Objector Name
001344	003133	Slack; Kirkham; Goldby; Grococks (Joint)

Summary of Objection

The protected open space is not located the serve the housing allocations proposed by the objectors.

Objector Number	Objection Number	Objector Name
000708	001025	Ibstock Property and Minerals

Summary of Objection

Dorket Head Brickworks – the policy and the area of open space south of the brick-works shown on the Proposals Map are supported. However, the objector is concerned that the caveat in the policy could allow development (if a proposal enhances or improves facilities) on site. The protected open space is in an important green wedge that should be protected and kept open.

Objector Number	Objection Number	Objector Name
001345	003272	Nottinghamshire Wildlife Trust

Summary of Objection

Generally supports the policy but development relying on the relocation of open space should not leave the locality with a deficit of open space.

Objector Number	Objection Number	Objector Name
001936	004520	Forestry Commission

Summary of Objection

It would be helpful if the benefits of trees and small woodlands were referred to. Tree planting could enhance “green deserts”.

Inspector's Reasoning and Conclusions

General Introduction

1. As with the general introduction to this chapter (see above), this policy was drafted before the latest version of PPG17 was published. In my view, therefore, GBC cannot be blamed for not following its advice. Nevertheless I have to have regard to it.
2. The 2002 version of PPG17 was a distinct departure from the guidance that preceded it, so careful scrutiny of this policy is needed to establish to what extent the policy complies with the current guidance. PPG17 emphasises that the starting point for policy formulation should be an audit of existing open spaces and an analysis of local conditions and needs. Since these are missing in this case, I consider that this policy should, at best, be regarded as a “holding operation” pending more work.
3. Again, I have considered whether the policy should be deleted from this review of the Local Plan. However, on balance, I have come to the view that to leave a gap in the Local Plan's coverage would be dangerous. This could have untoward consequences for the protection of important and valuable open spaces
4. However, reference to the current PPG17 suggests to me that there are two major difficulties with the current policy :
 - first, my reading of the policy is that it applies only to protected open space identified on the Proposals Map. In the absence of an overall audit, I consider this to be unwise and in conflict with PPG17;
 - second, the conditions under which development will be allowed on open space (in the policy) are not the same as PPG17 suggests.
5. In these circumstances, I start from the position that a substantial redrafting of the policy (and the text accompanying it) will be required. I shall return to this after I have considered the specific objections to the policy and text as it stands.

Sport England

6. Sport England support the policy in principle in the belief that it aims to protect all open space regardless of land ownership.
7. However, paragraph 7.6 is criticised because there is no mention of playing fields within the categorisation of open space that is used. In my view playing fields and sports pitches are such a major land user (with rather specific requirements) that they ought to be separately identified and assessed in the Local Plan. However, I do not have enough information to do this properly at this stage.
8. Paragraph 7.7 and the table that follows it are criticised because the table does not include any information on the amount of playing fields and/or pitches in secured or unsecured public use at the moment. Neither does it indicate what the shortfall is. This goes to the heart of the current policy's inadequacies as far as PPG17 is concerned.
9. Similarly Country Parks and Newstead Abbey are in my view a distinct sort of open space that should not be included in general calculations (as is suggested might be the case in paragraph 7.8). They can only be regarded as serving the same needs and purposes as local open space or playing fields to the extent to which they serve a local

area close to them or contain playing fields. They cannot legitimately be included in an overall assessment.

10. Paragraph 7.8 is also criticised because it says that further work is to be carried out but gives no indication of time-scales, who will do the work or how the additional work will form part of the Local Plan process. In my view these criticisms are justified.
11. I conclude that the objections from Sport England point to the need both for further work and for considerable redrafting in the text accompanying policy R1.

NCC (Strategic Property)

12. NCC criticises paragraph 7.5 for relying on national NPFA and Sport England standards for assessing open space requirements. PPG17 and the Companion Guide on Assessing Needs and Opportunities support their view. I note that Appendix 4 lists the protected sites shown on the Proposals Map. However, I am more concerned with the basis on which the protected sites have been identified in the absence of an audit of sites than with whether they are listed or not.
13. I also find paragraph 7.6 somewhat misleading with inadequate information. This is partly because the categories used seem rather inadequate when compared to the typology on page 11 of the Companion Guide on Assessing Needs and Opportunities. Nor is it clear, whatever typology is used, why an overlap between categories should affect the overall provision. In any event if national standards are to be used, the amount of land in each category should be given and related to the NPFA and Sport England standards.
14. I also doubt the value of paragraph 7.7 and the table that follows it, because it is not clear how the figures have been obtained or how they relate to what already exists in the area. Similarly paragraph 7.8 is suspect in my view because of the suggestion that Country Parks can be included in comparisons with NPFA standards. In the last analysis the paragraph says there is a shortfall but fails to say how this conclusion has been reached or how it will be rectified, although the need for more work is acknowledged. Pitch provision of 134 ha is mentioned but there is no reliable figure for the existing situation for comparison.
15. However, unlike the objector I find paragraph 7.9 convincing because it contains information on informal open spaces and appears to be based on actual survey data. The Companion Guide on Assessing Needs and Opportunities accepts that people living in rural areas may have to travel further to reach a full range of facilities but says that villages expect to have local facilities such as village greens and play areas.
16. Therefore, I conclude that the objections from NCC also point to the need both for further work and for considerable redrafting of the text accompanying policy R1.

Objector 1344

17. This objection arises from and supports objections seeking the allocation of land for development to the east of Calverton. Since I am recommending against such an allocation, I conclude that this objection should also fail.

Ibstock Property and Minerals

18. I note the objector’s concerns that the policy as worded could lead to development. I shall bear this in mind when redrafting the policy. As far as this particular site is concerned, it is in the Green Belt and general development is unlikely in any event. I have considered elsewhere in my report the principle of whether the Local Plan should identify “green wedges” and have concluded that it would be an unnecessary complication and confusion in an area that is already protected by the Green Belt. I conclude that no specific modification should arise from this objection.

Nottinghamshire Wildlife Trust

19. I share this objector’s concern that the policy as it stands (“or secondly elsewhere in the Borough”) is too loosely worded and could lead to areas that are already deficient in open space having their provision further eroded. PPG17 suggests a far stricter form of control.
20. I conclude that this objection is well founded and will address the issue when I redraft the policy.

Forestry Commission

21. I note that the Council made changes in the Second Deposit to paragraph 7.1 in response to this objection. It is not clear whether the objector is satisfied with this.
22. Whilst I do not disagree that tree planting will often improve amenity, public enjoyment and the wildlife value of open land, this policy is generally not specific about how sites will be improved. There are also other policies in the Local Plan concerned with tree planting. On balance, I consider that this is not the place to go into detail on this matter.
23. I conclude that no (further) modification arises from this objection.

Overall Conclusions: The Policy

24. I have considered whether it would be safe to delete this policy entirely and have come to the view that it would not be. I have also considered whether the progress of the whole Local Plan should be held up while new information is obtained, assimilated and used to formulate a new policy. I consider that this would be most unacceptable. Bearing in mind the objections that such a course of action could generate, the delay to Local Plan adoption could be considerable.
25. I therefore consider that, pending the further work that is needed on this topic, it is best to regard this policy as an interim measure. As such it should give wide, clear and strong protection to open spaces and recreation land, including sports facilities and pitches. It should also reflect the guidance in the current PPG17.
26. My first specific concern with the current policy is that it only applies to open spaces shown on the Proposals Map. In the absence of a thorough audit of open space and recreation areas this is dangerous. In any event it may not be possible or desirable to show all the small areas of such land on the Proposals Map even when an audit has been carried out. Secondly, as NWT points out, the policy would allow the relocation of facilities to “elsewhere in the borough” whether or not this denuded a locality of its provision. The Council sees this as a “sequential approach” but, although preference

would be given to relocation to a nearby site, there is nothing in the policy as currently drafted to stop relocation to a remote site if no closer one is available.

27. When I come to consider school playing fields (policy R4) I conclude that these should be subsumed in this policy and treated in the same way as all other playing fields. The following draft of the policy takes this into account. The Council has accepted that school playing fields should be shown on the Proposals Map and I consider that they should be designated as Protected Open Space. The Government Office wants the text to set out the requirements of the directive on playing fields and I consider this would be useful.

28. I therefore conclude that the policy should be replaced by:

Planning permission will not be granted for development on land that is used, or was last used, as open space. This will include:

- urban and country parks;
- formal and informal recreation and play areas;
- areas used for sport and sports pitches;
- playing fields, including school playing fields;
- incidental open spaces in urban areas and villages;
- land identified as Protected Open Space on the Proposals Map.

Exceptions to this policy will be allowed where one of the following conditions are met:

- the land is in an area of surplus and can no longer contribute as an open space (in its present or an alternative open space use) to meeting a local or wider need;
- the development would enhance or improve the recreational or sporting potential or quality of the site;
- the facility is to be replaced at an alternative location in a way that is at least equivalent in terms of its size, usefulness, attractiveness and quality in a location that is at least as accessible to current and potential users;
- the proposed development is ancillary to the use of the site as a playing field and would not adversely affect the quantity or quality of pitches or their use;
- the land is part of a larger playing field area and is incapable of forming a playing pitch or part of one;
- the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field.

Unless the site is surplus to requirements as open space, the proposed development shall:

- avoid the erosion of the recreational function and maintain or enhance the character of the open space;
- ensure that open spaces do not suffer from increased overlooking, traffic flows or other encroachment;

- **protect or enhance those parts of the rights of way network that might benefit open space;**
- **have regard to the impact on biodiversity and nature conservation.**

29. In drafting this proposed policy I have had specific regard to PPG17. I have also had regard to two other conclusions elsewhere in my report.
30. I am aware that at the Housing Round Table developers said increased protection of open space would reduce housing windfalls. However, the Council produced evidence that the contribution of open space (as opposed to gardens and other previously developed land) has been small in recent years. I also regard the admittedly stringent policy I am recommending here as an interim measure. Therefore I take the view that this proposed policy does not conflict with the view I have taken on housing windfalls.
31. Secondly, I note in passing that the whole of the Carlton Football Club site will be subject to this policy, whether or not it is all shown on the Proposals Map as Protected Open Space.

Overall Conclusions: The Text

32. In view of the above it is clear that paragraphs 7.5 to 7.10 will need substantial revision and redrafting. In general terms it seems to me that the many shortcomings (see my discussion of the Sport England, NCC and NWT objections above) of these paragraphs arise because they seek to justify a policy that was based on out of date guidance and insufficient data. The revised text should be more forthright about the inadequacies of the Council's current information as well as indicating how and when this will be put right. The revised text should also place reliance on and reflect the guidance in the latest PPG17. The redrafting should also take into account my comments on the objections from Sport England and NCC, although if the general approach I am suggesting is followed many of these detailed points will fall by the wayside.
33. The text should also be expanded to deal with (school) playing fields and the consultation requirements imposed by Statutory Instrument 1996-1817.
34. However, for the avoidance of doubt I record that in my view paragraph 7.9 is generally acceptable in its present form. This is because it appears to be based on survey data that has not been the subject of any site-specific objections.

RECOMMENDATION

35. I recommend that policy R1 is replaced by:

Planning permission will not be granted for development on land that is used, or was last used, as open space. This will include:

- **urban and country parks;**
- **formal and informal recreation and play areas;**
- **areas used for sport and sports pitches;**
- **playing fields, including school playing fields;**
- **incidental open spaces in urban areas and villages;**
- **land identified as Protected Open Space on the Proposals Map.**

Exceptions to this policy will be allowed where one of the following conditions are met:

- the land is in an area of surplus and can no longer contribute as an open space (in its present or an alternative open space use) to meeting a local or wider need;
- the development would enhance or improve the recreational or sporting potential or quality of the site;
- the facility is to be replaced at an alternative location in a way that is at least equivalent in terms of its size, usefulness, attractiveness and quality in a location that is at least as accessible to current and potential users;
- the proposed development is ancillary to the use of the site as a playing field and would not adversely affect the quantity or quality of pitches or their use;
- the land is part of a larger playing field area and is incapable of forming a playing pitch or part of one;
- the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field.

Unless the site is surplus to requirements as open space, the proposed development shall:

- avoid the erosion of the recreational function and maintain or enhance the character of the open space;
- ensure that open spaces do not suffer from increased overlooking, traffic flows or other encroachment;
- protect or enhance those parts of the rights of way network that might benefit open space;
- have regard to the impact on biodiversity and nature conservation.

36. I recommend that paragraphs 7.5 to 7.10 are substantially redrafted to reflect the above policy, PPG17 and my comments above.

37. I recommend that school playing fields should be identified as Protected Open Space on the Proposals Map and referred to in the text accompanying the policy.

7.3 R1 PROTECTION OF OPEN SPACE – SPECIFIC SITES

Objector Number	Objection Number	Objector Name
000225	000320	Mr C Hanson

Summary of Objection

Governors Field Woodborough: the area shown as Protected Open Space includes part of the garden at 70 Main Street adjacent to Governors Field.

Objector Number	Objection Number	Objector Name
000717	001527	Nottinghamshire County Council

Summary of Objection

The designation of Protected Open Space on either side of Mapperley Plains prejudices the safeguarded route of the Arno Vale section of the proposed Gedling Bypass. (The County Council sees this as a matter of such importance that it prejudices the general conformity of the Local Plan with the Structure Plan.)

Objector Number	Objection Number	Objector Name
003863	010602	Mr D Clark

Summary of Objection

Land at Mews Lane, Collyer Road and Nabarro Court in Calverton: the land is designated Protected Open Space but is to be sold with planning permission for residential development.

(THE DATABASE WRONGLY RECORDS SEVERAL OTHER OBJECTIONS AS RELATING TO THIS SITE)

Objector Number	Objection Number	Objector Name
000410	000589	Mrs M Bethell

Summary of Objection

Stoke Bardolph: the Protected Open Space on the Proposals Map only covers the existing play equipment and has no clear boundaries. A larger area should be designated.

Objector Number	Objection Number	Objector Name
000722	001082	Severn Trent Water Limited

Summary of Objection

Stoke Lane: The Protected Open Space (playing fields) should be reserved for the new road.

Shaftesbury Avenue Burton Joyce: this is an essential operational site for water treatment.

Objector Number	Objection Number	Objector Name
000002	000002	Mr S Hill
000118	000150	Mr J Beardsley

Summary of Objection

The Grove, Burton Joyce: whilst the designation of Protected Open Space reflects the intended use of this land it is much abused and vandalised. The land should be used for housing or as part of the school or for some other use to prevent its current misuse and the distress caused to local residents.

Objector Number	Objection Number	Objector Name
001940	004541	Nottingham High School for Girls

Summary of Objection

Private open space cannot have the same value as public open space. Two sites at Redhill should be allocated for residential development.

THIS OBJECTION IS DEALT WITH UNDER POLICY H2 (ADDITIONAL SITE NEW FARM).

Inspector's Reasoning and Conclusions

Governors Field, Woodborough

1. The Council accepts that an error has been made in defining this Protected Open Space on the Proposals Map. I conclude that the Proposals Map should be corrected.

Mapperley Plains / Arno Vale

2. As far as the objection from the County Council is concerned, I have already concluded that it is not sensible to protect the line of the Gedling Bypass as a distinct and separate transport proposal because of the Gedling Colliery / Chase Farm Access Road.

3. The future designation of the land (currently R1) north of Arnold Lane and east of Mapperley Plains will need to be reviewed in the light of:
 - the exact alignment of the Gedling Colliery / Chase Farm Access Road;
 - the future of the Gedling Colliery spoil heaps (and Country Park proposal);
 - my recommendations on the removal of the Green Belt from this area;
 - the deletion of the small housing allocation immediately north of Arnold Lane;
 - the future viability of the Scout landholding in this area and the future intentions of its owners.
4. It is possible that the R1 designation will no longer be tenable, although I do not have enough information to determine this. I consider that all I can usefully do is recommend that the matter is reviewed at the time of the modifications. However, I am clear that a wish to protect the line of the Gedling Bypass should carry no weight in this review.
5. I conclude that the future of the R1 designation east of Mapperley Plains and north of Arnold Lane should be reviewed at the time of the modifications.
6. The situation on the other side of Mapperley Plains (between Mapperley Plains and Arno Vale) is not the same because the Gedling Colliery / Chase Farm Access Road will not extend beyond Mapperley Plains. However, the County Council acknowledges that a bypass proposal is not in accord with current transport strategies and that public funds are unlikely for this section of new road. It is not included in the Local Transport Plan. It seems to me that if this section of road could not be justified as part of the access road it is most unlikely to be funded as a separate scheme in the foreseeable future. Notwithstanding the County Council view that to abandon the scheme would be premature, I see no point in continuing the blight.
7. Accordingly I conclude that the R1 designation should be retained on the strip of land between Mapperley Plains and Arno Vale.
8. Whatever the outcome on this, in my opinion it is not a matter of such importance as to threaten the general conformity of the Local Plan with the Structure Plan.

Nabarro Court Calverton

9. The Council accepts that part of this area has been sold for development and says the money is to be used to enhance the local recreational facilities. Be that as it may, it would appear that there is a planning permission for residential development, which puts matters beyond my influence. I conclude that the Protected Open Space boundary should be altered to reflect the planning permission.

Stoke Bardolf

10. The Council accepts that the Protected Open Space on the Proposals Map should be extended as suggested by the objector. I conclude this should be done.

Stoke Lane Playing Fields

11. I have already dealt with this site because of objections from the County Council (Highway Authority), the Carlton Football Club and (many) others. The upshot is that that the line of the new road will be shown on the Proposals Map but the Protected

Open Space designation will be retained on the rest of the site. I intend this to assist in the implementation of the road but also to protect the position of the footballers. In any event with my redrafting of policy R1 the designation of Protected Open Space is not necessarily a decisive consideration. Be that as it may, I doubt whether this is the end of the matter. No further modification is called for in response to this objection.

Shaftesbury Avenue Burton Joyce

12. The Council agrees that this Protected Open Space designation should be deleted from the Proposals Map and I conclude that this should be done.

The Grove, Burton Joyce

13. Whilst I (and the Council) acknowledge the problems that can be caused to local residents by the anti-social behaviour of a minority of people who behave badly, it does not seem to me that this minority should determine the future planning of the area. Most of this land is owned by the Parish Council, which I am told is investigating how the problems associated with the site can be overcome. It is in an area that needs local open space and for these reasons I consider the designation should remain as it is. I conclude that the Proposals Map should not be changed.

RECOMMENDATIONS

14. I recommend that the boundary of Governors Field Woodborough on the Proposals Map is corrected.
15. I recommend that the future of the R1 designation east of Mapperley Plains and north of Arnold Lane should be reviewed at the time of the modifications.
16. I recommend that the R1 designation should be retained on the strip of land between Mapperley Plains and Arno Vale.
17. I recommend that the boundary of the Protected Open Space as shown on the Proposals Map at Nabarro Court Calverton should be modified to reflect the existence of a planning permission for residential development.
18. I recommend that the Proposals Map should be modified to show a larger area of Protected Open Space at Stoke Bardolf.
19. I reiterate my recommendation that the line of the A612 Integrated Transport Scheme should be shown on the Proposals Map but that the rest of the Carlton Football Club site should be shown as Protected Open Space.
20. I recommend that the Protected Open Space designation at Shaftesbury Avenue Burton Joyce is deleted from the Proposals Map.
21. Otherwise I recommend no modifications in response to these objections.

7.4 R2 ACCESSIBLE PUBLIC OPEN SPACE

Objector Number	Objection Number	Objector Name
001595	004152	Mr F Knowles

Summary of Objection

Gedling Wood: too little attention is paid to small scale, vital areas like this. The area should not be developed and public access should be maintained.

Objector Number	Objection Number	Objector Name
001158	002464	Nottinghamshire County Council (Strategic Property)

Summary of Objection

Paragraph 7.11: The text is not sufficiently related to the policy. The identified problems are unlikely to be mitigated by the development control process dealing with new developments. Redraft the policy.

Inspector’s Reasoning and Conclusions

Gedling Wood

1. The Council says that Gedling Wood is protected as a Local Nature Reserve. It is also ancient woodland with a public right of way running through it. It is in the Green Belt. Although the GCCF access road has been moved closer to it in the Second Deposit (and this may need careful design and mitigation measures) it does not appear to me to be in any danger from development. I see no reason to suppose that public access to it will change. I conclude that no modification to the Local Plan is needed to secure the retention of this area.

Paragraph 7.11

2. Although this paragraph may describe existing problems, it also describes avoidable problems that may be caused or made worse by new development. On some occasions new development may also present the opportunity to improve access to existing facilities. All in all I consider the contentious text to be acceptable and conclude that no modification is necessary.

RECOMMENDATION

3. I recommend no modification to the Local Plan in response to these objections.
-

7.5 R3 PROVISION OF OPEN SPACE IN NEW RESIDENTIAL DEVELOPMENT

Objector Number	Objection Number	Objector Name
000453	000639	Powergen UK PLC

Summary of Objection

The level of provision required by the policy is arbitrary. Existing facilities near to a site should be taken into account. Over provision in one area doesn't compensate for under provision elsewhere. Therefore, the need and provision on each site should be assessed individually.

Objector Number	Objection Number	Objector Name
000721	001253	St Modwen Developments Ltd
000721	200271	St Modwen Developments Ltd

Summary of Objection

(First Deposit) The standard for open space on new residential development is too prescriptive. If existing open space in the area is sufficient then less or no additional open space may be required. See PPG3.

(Second Deposit) There will be no justification for open space or financial contributions on some sites. The original objection is reiterated.

Objector Number	Objection Number	Objector Name
001937	004528	Mr N Foster c/o F P D Savills

Summary of Objection

The requirement in the policy is arbitrary and should be described as a maximum. The level of provision in proximity to any one site may make new provision unnecessary.

Objector Number	Objection Number	Objector Name
001325	002821	Papplewick Parish Council
001330	002914	Council for the Protection of Rural England

Summary of Objection

The open space requirement at Gedling Colliery / Chase Farm can be relaxed because of the adjacent Country Park proposal.

Objector Number	Objection Number	Objector Name
001948	201950	Aldergate Properties Ltd

Summary of Objection

(Second Deposit) The deletion of the original criterion b ("provision elsewhere") is objected to. It should be reinstated. The explanatory text should be amended to reflect this and to say that contributions should be flexible depending on the adequacy of existing local facilities.

Objector Number	Objection Number	Objector Name
001341	003109	McCarthy & Stone (Developments) Ltd

Summary of Objection

Sheltered housing is likely to be in centrally located sites where open space would be inappropriate. This and security concerns will normally preclude it.

Inspector's Reasoning and Conclusions

General Objections

1. I note that this policy relates to sites of above 0.4 ha. I also note that the requirement in the policy is not inflexible because it is described as a minimum, even though most of these objectors seem to have regarded it as a maximum for the purposes of their objections. I also regard this policy as a stopgap until further work on local needs and provision is carried out.
2. Whilst it may be the case that some areas where development is to take place will be so well endowed with open space that a reduced (or even no) requirement within a development would be justified, in my view this will be the exception rather than the rule. We are, after all, talking about relatively large housing sites in this policy. I have had regard to PPG3 paragraph 53, which says that provision should be incorporated in new development where the local supply of existing spaces is not adequate within easy access of new housing. I acknowledge that this may give rise to a relaxation of the policy in some cases but the adequacy of existing provision will need to be assessed

site by site. In my view proximity alone would not indicate that an existing provision is adequate to the needs arising from a new development.

3. If local conditions do make the provision of open space on the scale envisaged in the policy unnecessary at any particular site, it would be open to a developer to seek a lower provision. In these circumstances, local conditions would be a material planning consideration that could indicate that the provisions of the Development Plan need not be strictly adhered to.
4. Most of the objectors have argued their cases largely from a theoretical standpoint and I have been given no convincing specific examples of where this applies. In all the circumstances I take the view that there are no convincing reasons to alter the approach of this policy or the level of provision that will (usually) be expected.
5. I conclude that the policy should not be altered to make it more flexible or to reduce the 10% requirement.

Gedling Colliery / Chase Farm

6. If the Gedling Country Park proposal were certain and reliable, I agree that this might provide a case for reducing open space provision in nearby developments (and not just at GCCF – it could also be relevant at Ashwater Drive). But as I record elsewhere (see policy ENV41) this is far from the case. I therefore conclude that policy R3 should not be modified for this reason.

Off Site Provision

7. In the Second Deposit criterion (b) of the policy refers to “on or off site”. It does not seem to me that the loss of the word “elsewhere” has had any real impact on the meaning of the policy. I conclude that no modification arises from the Aldergate objection.

Sheltered Housing

8. Of course objector 1341 is right when they say that children's play areas will seldom be appropriate in association with sheltered housing for the elderly. But quiet and convenient areas for sitting and thinking might be, as might seats between the development and the nearest Post Office in lieu of open space on the site. Again I emphasise that we are talking about relatively large sites in this policy. Moreover the developments under consideration here may have a relatively high density of units and no individual gardens.
9. I conclude that the general policy should not be modified on account of this objection, even though I recognise that the circumstances in each case may lead to negotiations about how the spirit of the policy may best be realised.

RECOMMENDATION

10. I recommend no modification to the Local Plan in response to these objections.

7.6 R4 SCHOOL PLAYING FIELDS

Objector Number	Objection Number	Objector Name
001328	002890	Government Office for the East Midlands
001328	201547	Government Office for the East Midlands

Summary of Objection

(First Deposit) The policy does not comply with PPG17 (1991 version) – school playing fields should be protected like all other playing fields unless mitigating circumstances exist. School playing fields should be shown on the Proposals Map.

(Second Deposit) The policy still does not fully reflect PPG17 (1991 version) An additional criteria is needed in the policy. Also the text needs to clarify the purpose and requirements of the 1998 Direction.

Objector Number	Objection Number	Objector Name
001158	002465	Nottinghamshire County Council (Strategic Property)

Summary of Objection

Paragraph 7.13 is inadequately related to the policy. More explanation is needed.

Objector Number	Objection Number	Objector Name
003835	010546	R.A.G.E.

Summary of Objection

PPG17 refers to the protection of all playing fields, not just school playing fields.

Objector Number	Objection Number	Objector Name
001948	201951	Aldergate Properties Ltd

Summary of Objection

It is unduly onerous for there to be an established surplus of 'all forms' of open space in the same catchment area. The word 'grounds' should be deleted. Schools may hold 'grounds' for future expansion of key facilities that would be unrealistically denied them by this policy.

Inspector's Reasoning and Conclusions

1. To cut a long story short, I shall deal with objector 3835 (RAGE) first. I consider that this objection has some force. In terms of overall guidance and policy, I see no reason to treat school playing fields any differently from all other playing fields. The Council says in response to this objection that other playing fields are dealt with in policy R1. But that policy, as it stands, does not specifically mention playing fields; so policy R4 makes it appear that school playing fields are being dealt with differently in some way. I therefore conclude that this policy should be deleted and subsumed in policy R1. My recommendations on that policy have anticipated this conclusion.
2. I note that the Council has agreed to show school playing fields on the Proposals Map and conclude that this should be done. The other objections from the Government Office and NCC can be taken on board in the redrafting of the text to accompany the new policy R1 and I conclude that this should be done.
3. As to Aldergate, my revised policy R1 follows PPG17 closely and I conclude that no modification arises from their objection.

RECOMMENDATION

4. I recommend policy R4 is deleted and the subject is dealt with in policy R1.
5. I recommend that school playing fields are shown on the Proposals Map.
6. I recommend that the text accompanying R1 is expanded to deal with this subject and to reflect objections 2890, 201547 and 2465.

7.7 R5 GOLF COURSES

Objector Number	Objection Number	Objector Name
001158	002466	Nottinghamshire County Council (Strategic Property)
001158	002467	Nottinghamshire County Council (Strategic Property)

Summary of Objection

The policy is inadequate. Development or redevelopment of a golf course is likely to raise wider issues than alternative provision.

Paragraphs 7.14 and 7.15 are inadequately related to the policy.

Objector Number	Objection Number	Objector Name
001936	004519	Forestry Commission

Summary of Objection

If golf course developments are accepted they can provide environmental and landscape benefits by including significant areas of woodland.

Objector Number	Objection Number	Objector Name
004893	201471	County Land & Business Association

Summary of Objection

The Local Plan should also encourage the expansion and enhancement of golf courses.

OBJECTIONS RELATING TO MAPPERLEY GOLF COURSE

Objector Number	Objection Number	Objector Name
000559	201308	Dr P Martin
003906	201307	Mrs T Martin

Summary of Objection

Because Mapperley Golf Course will be surrounded by housing development, it will be even more valuable as a local amenity. A golf course also supports wildlife. It should not be lost as a sporting facility and should be retained in the Green Belt.

Objector Number	Objection Number	Objector Name
001158	201969	Nottinghamshire County Council (Strategic Property)

Summary of Objection

The new text added to paragraph 7.16 is inaccurate because Mapperley Golf Course remains in the Green Belt until the Local Plan review is adopted. There are no exceptional circumstance to justify the removal of this land from the Green Belt. It is not required for development so its removal is contrary to the Structure Plan. This additional paragraph should be deleted.

Inspector's Reasoning and Conclusions

1. To avoid unnecessary repetition the three objections (000559-201308, 003906-201307 and 001158-201969) relating specifically to Mapperley Golf Course are dealt with in the context of policy H2 (Additional Site – Mapperley Golf Course) and policy H4.
2. I have considered whether I should deal with this policy in the same way as policy R4. However, because of the relatively few but large areas of land involved, on balance, I consider that this policy should be retained as a distinct entity. It also seems to me that the information presented on this subject is more comprehensive than for other sports. However, I note that the policy is directed only towards retaining the current level of provision.
3. As such it seems to me to be adequate to the task. Although NCC says that the policy and text are inadequate, with this limited remit it seems to me to be sufficient. It is not clear to me what other and wider considerations should be identified in this policy and the objector does not say what they are. The Council says in response to this and the County Land & Business Association objection that other considerations are dealt with by other policies in the Local Plan. Chief amongst these (Mapperley Golf Course apart) will be Green Belt policy. New golf courses will usually be appropriate development in

the Green Belt. Proposals to redevelop golf courses will need to be in accord with Green Belt policy. In most cases these will be the determining considerations, in my view. I see no need for this policy to go into these (or other) matters.

4. I completely agree with what the Forestry Commission says about tree planting. However, I think this matter is adequately dealt with in the Environment chapter (and policy ENV40 in particular).
5. I conclude that no modifications are needed in response to these objections.

RECOMMENDATIONS

6. **For my recommendations on Mapperley Golf Course see policy H2 (Additional Site – Mapperley Golf Course) and policy H4.**
 7. **I recommend no modification to policy R5 in response to these objections.**
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7.8 R6 ALLOTMENTS

Objector Number	Objection Number	Objector Name
000233	000329	Killisick Gardeners (Mr P Tritton)

Summary of Objection

Allotments sold when there is low demand are lost forever but the demand for allotments fluctuates. Redundant sites should be kept open so the allotment use can be resumed if demand rises again. Permanent protection and far stronger promotion of allotments are needed. Redundant sites should be kept open and used as wildlife reserves. The policy and text should not refer to the possibility of built development on allotment sites.

Objector Number	Objection Number	Objector Name
000309	000442	House Builders Federation

Summary of Objection

Redundant allotment sites are often suitable for development. Wording changes to the policy are sought.

Objector Number	Objection Number	Objector Name
001158	002468	Nottinghamshire County Council (Strategic Property)
001158	002471	Nottinghamshire County Council (Strategic Property)

Summary of Objection

The policy is inadequate. The development of allotments will raise wider issues than alternative provision. The policy should reflect this. Also a distinction should be made between statutory and other allotments. Reviews of usage do not ensure allotments are effectively used and managed. Paragraph 7.17 of the Local Plan should set out steps to promote allotment use.

Objector Number	Objection Number	Objector Name
001345	003283	Nottinghamshire Wildlife Trust

Summary of Objection

If developed, allotment sites should always be replaced elsewhere because they are a valuable resource for residents and wildlife. If an alternative use is proposed, public access and wildlife should be the priorities.

Inspector's Reasoning and Conclusions

1. The wording change suggested by the HBF was incorporated in the Second Deposit. I therefore regard this objection as having been met.
2. At least two of the objectors want the Local Plan (and me) to go further in promoting the use and enjoyment of allotments than I consider proper for a Development Plan. The Local Plan is concerned primarily with the use and development of land and should not, in my view, become involved with the management or promotion of facilities, important though these may be in other contexts.
3. Another issue is whether this policy should express any presumption in favour of a particular type of after-use if and when allotments become redundant. In particular it is suggested that open uses and wildlife should receive priority. In my view the question of what uses should replace redundant allotments can only be resolved on a site by site basis. The outcome in each case will depend on the site, its surroundings, whether it is in the Green Belt and what wildlife is established on the site. I consider it is not sensible to attempt to determine these matters for all allotment sites in advance of their becoming surplus to requirements. In particular, without a detailed survey of each site, I am not convinced that it is sensible to decide at this point that built development would be inappropriate in every case. Nor do I advocate carrying such surveys in advance of the sites becoming surplus to requirements because the situation may never arise or may be so far in the future that conditions at the site (for example its wildlife) will have changed in the meantime.

4. Nevertheless existing allotments are open spaces and PPG17 suggests that, as such, they should have the protection of policy R1. For the above reasons I consider that applying policy R1 to all allotments at least as an interim measure is justified.
5. I see no need to distinguish between statutory and other allotments in a Local Plan because the land-use issues are likely to be the same.
6. Overall, therefore, I conclude that (if this is not already the case) all existing allotments should be designated as Protected Open Space under policy R1 and shown on the Proposals Map accordingly. I see no need for any further modification, although the accompanying text could usefully refer to this dual notation.

RECOMMENDATION

7. **I recommend that all existing allotments are shown on the Proposals Map as Protected Open Space and that the text accompanying policy R6 should refer to this dual notation.**
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7.9 R6 ALLOTMENTS (STOKE LANE ALLOTMENTS)

Objector Number	Objection Number	Objector Name
000609	001330	Ashley Travis Garage
000888	001386	Mr W H Moore

Summary of Objections

Allotments are valuable recreational, wildlife and community resources and should not be developed. In particular, no part of the allotments at Stoke Lane should be allocated for housing development.

AND ABOUT 350 INDIVIDUAL OBJECTIONS (SOME NOW WITHDRAWN)

Inspector’s Reasoning and Conclusions

1. These objections were made at the time of the First Deposit of the Local Plan. The Second Deposit of the plan deleted the housing allocation that gave rise to the objections. The whole of the allotments at Stoke Lane are now retained and protected by policy R6 (and R1 if my recommendation above is followed). I therefore regard the objections as having been met. Accordingly I recommend no modification to the Local Plan in response to these objections.

RECOMMENDATION

2. **I recommend no modification to the Local Plan in respect of these objections to the already deleted housing allocation at Stoke Lane.**
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7.10 R7 RECREATIONAL USES IN THE GREEN BELT

Objector Number	Objection Number	Objector Name
001158	002472	Nottinghamshire County Council (Strategic Property)
001158	002473	Nottinghamshire County Council (Strategic Property)

Summary of Objection

The policy sets tests – especially (b) and (c) – that cannot be applied by reference to policy and its supporting text alone. The policy provides spurious certainty about the treatment of planning applications for planning permission for recreational uses.

Paragraph 7.18 provides inadequate support for the policy. It is not clear or specific. Temporary and permanent uses should be distinguished.

Objector Number	Objection Number	Objector Name
001325	002818	Papplewick Parish Council

Summary of Objection

Specific reservations expressed about floodlighting in the Green Belt.

Objector Number	Objection Number	Objector Name
001328	002891	Government Office for the East Midlands

Summary of Objection

Because Green Belt policy will apply anyway criterion (a) is unnecessary. The nature of any development that is acceptable in the Green Belt should be set out.

Objector Number	Objection Number	Objector Name
001948	004561	Aldergate Properties Ltd

Summary of Objection

There does not appear to be a policy relating to private leisure facilities. A sequential test and locations for these in Green Belt should be included as they are often too large for town centres.

Inspector’s Reasoning and Conclusions

1. Having considered this policy, the objections to it and the issues these raise, I am not clear as to the purpose or intent of this policy. In my view it deals with matters already covered by other policies without adding anything to them. And yet by failing to deal with some of the difficult issues in enough detail it raises legitimate concerns about its impact. But to go into sufficient detail would make for a very cumbersome policy.
2. On balance I conclude that the policy should be deleted.
3. As far as Aldergate are concerned, it seems to me that with or without this policy the Local Plan is neutral with regard to whether leisure developments should be privately or publicly owned and managed.

RECOMMENDATION

4. I recommend that policy R7 is deleted from the Local Plan.

7.11 R8 INDOOR LEISURE FACILITIES

Objector Number	Objection Number	Objector Name
001158	002474	Nottinghamshire County Council (Strategic Property)

Summary of Objection

The policy should start “planning applications for new indoor recreation facilities will be favourably considered . . . ” and not “planning permission will be granted for new indoor facilities . . . ”.

Objector Number	Objection Number	Objector Name
001948	004560	Aldergate Properties Ltd

Summary of Objection

There does not appear to be a policy relating to private leisure facilities. These are often too large for town centre locations. Establishing that there is a need for a development should precede the sequential test that should contain a third category for “other areas”. A particular site is proposed.

Inspector’s Reasoning and Conclusions

1. I am not persuaded that the Local Plan would be materially improved (or even changed very much) by adopting NCC’s proposed wording and see no merit in it.
2. As far as Aldergate are concerned, it seems to me that this policy is neutral with regard to whether leisure developments should be privately or publicly owned and managed. I do not, therefore see a need for another policy.
3. Apart from this, it seems to me that the policy nods in the direction of PPG6 without reflecting its guidance very faithfully. Aldergate are right that the consideration of the need for a new facility is missing. They are also right to say that the sequential test is rather truncated but in my view the omission of “edge of centre” sites is more important than “other areas”. I therefore consider that the policy should be reworded as follows:

Where there is a need for a new indoor leisure facility its location and siting should satisfy a sequential search:

- first, sites in district and local centres;
- then, sites on the edge of district and local centres;
- and then, other urban sites well served by public transport.

4. I conclude that the policy should be modified accordingly.
5. As for Aldergate’s suggested site, they have given me no information about it, the need for any leisure development in that location or whether the sequential approach can be satisfied. I conclude that it should not be identified in the Local Plan.

RECOMMENDATION

6. I recommend that policy R8 is replaced by:

Where there is a need for a new indoor leisure facility its location and siting should satisfy a sequential search:

- first, sites in district and local centres;
- then, sites on the edge of district and local centres;
- and then, other urban sites well served by public transport.

7.12 R9 SHERWOOD FOREST/GREENWOOD COMMUNITY FOREST

Objector Number	Objection Number	Objector Name
000715	001055	Sport England

Summary of Objection

The word "informal" should be deleted from the first sentence of the policy.

Objector Number	Objection Number	Objector Name
001158	002477	Nottinghamshire County Council (Strategic Property)

Summary of Objection

The policy sets subjective tests that cannot be applied by reference to policy and text alone. The policy should be redrafted to reflect this.

Objector Number	Objection Number	Objector Name
001325	002846	Papplewick Parish Council

Summary of Objection

The boundary of Sherwood Forest on the Proposals Map is inconsistent with other areas in the County and does not follow recognisable features on the ground. The boundary shown should be changed to follow the historic boundary of the forest dating back to 1218.

Objector Number	Objection Number	Objector Name
001328	002895	Government Office for the East Midlands

Summary of Objection

Outside the urban areas Green Belt policy will apply in any event. Criterion (a) is therefore unnecessary. It should be replaced by "it relates only to uses of land which are of a small scale that preserve the openness of the Green Belt and do not conflict with the purposes of including land in it."

Inspector's Reasoning and Conclusions

1. The change requested by **Sport England** was made in the Second Deposit and I consider this objection has been met.
2. As far as **NCC** is concerned, the tests in the policy appear to me to be comprehensible and usable. I do not share this objector's aversion for policies containing criteria. In this case the criteria are relevant and appropriate. I conclude that no modification is needed.
3. In response to **Papplewick Parish Council's** objection to the First Deposit GBC agreed to alter the boundary to follow physical features on the ground but not to follow the historic boundary as this would have removed too much land from the policy area. I do not appear to have any further information as to whether a change was made in the Second Deposit, although I note that the Parish Council did not repeat or persist with their objection.
4. However, it appears to me to be sensible for the boundary to follow modern features on the ground so that it can be easily recognised. There is no necessity for the boundary to follow a historic boundary, even one as old and well researched as the 1218 boundary. This is because the policy area is forward looking rather than backward looking, which is to say it looks forward to where the policy should be applied in future.
5. In all the circumstances I conclude that the boundary should be revised and that a map of the new boundary (or a revised Proposals Map) should be published at the modification stage to allow detailed objections if need be.
6. As to the **Government Office** objection, the Council says that the change suggested would make the policy unduly long and complicated. I agree and also consider that the suggested form of words is, at best, inelegant. Moreover, not all of the R9 policy area is

in the Green Belt. In my view criterion (a) should read “on sites outside urban areas and villages proposals should accord with Green Belt policy”. I conclude that the policy should be modified accordingly.

RECOMMENDATION

7. I recommend that the policy R9 boundary should be revised to follow physical features on the ground and that a map of the new boundary (or a revised Proposals Map) should be published at the modifications stage.
 8. I conclude that criterion (a) should read “on sites outside urban areas and villages proposals should accord with Green Belt policy”.
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7.13 R10 TOURIST ACCOMMODATION

Objector Number	Objection Number	Objector Name
000045	000053	National Farmers Union

Summary of Objection

New buildings may be appropriate in some locations. Not all suitable sites will be accessible by public transport. Therefore either delete criteria (b) and (d) or allow for exceptions to them.

Objector Number	Objection Number	Objector Name
001158	002480	Nottinghamshire County Council (Strategic Property)

Summary of Objection

The policy should be redrafted. It gives a spurious indication of certainty by saying that planning permission will be granted. It sets tests that cannot be applied by reference to the policy and supporting text alone. The policy does not deal with the large area outside the Sherwood Forest area.

Objector Number	Objection Number	Objector Name
001328	002896	Government Office for the East Midlands

Summary of Objection

The text says that tourist development will be directed to built up areas and villages excluded from the Green Belt. This should be included in the policy. Outside these areas Green Belt policy will apply in any event so criterion (a) is unnecessary. The emphasis on the re-use of buildings in (b) is essential.

Inspector’s Reasoning and Conclusions

1. The **NFU** says that two of the criteria in the policy are too onerous. However, because all the rural areas in the borough are either in the Green Belt or will be subject to Green Belt policy because they are Safeguarded Land, I consider that the Council is right to not to make any allowance for new buildings. Therefore criterion (b), which relates only to conversions, is appropriate. However, existing buildings that are suitable for conversion will not always be accessible by bus. In my view it is therefore too onerous to retain criterion (d) as well. I conclude that criterion (d) should be deleted.
2. As far as **NCC** is concerned, I note that in the Second Deposit the geographical coverage of the policy was extended to cover most rural areas in the borough and consider that this meets that part of the objection.

3. The tests in the policy appear to me to be comprehensible and usable. I do not share this objector’s aversion for policies containing criteria. In this case the criteria are relevant and appropriate. Neither do I consider that rephrasing the policy specifically to avoid using the words “will be allowed” would improve the Local Plan.
4. I conclude that no modification is needed.
5. As far as the **Government Office** objection is concerned, it also seems to me that the general effect of the policy would be clearer if the preference for urban and village locations were to be included in the policy. However, even if this were done, in my view criterion (a) would still be necessary to protect the openness of the Green Belt. Nevertheless I conclude that the policy should be redrafted.

RECOMMENDATION

6. I recommend that policy R10 is replaced by:

Tourist related accommodation will be concentrated in built up areas and the larger villages. Outside these areas tourist accommodation will be allowed where:

- (a) it involves the re-use and adaptation of an existing rural building, and;
- (b) it accords with Green Belt policy, and;
- (c) it would not be seriously detrimental to residential amenity in nearby property.

7. I also recommend that the text accompanying this policy is modified accordingly.
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7.14 R11 RECREATIONAL ROUTES

Objector Number	Objection Number	Objector Name
001325	002828	Papplewick Parish Council

Summary of Objection

The disused mineral line from Papplewick to Calverton should be designated as a recreational route.

Objector Number	Objection Number	Objector Name
001664	003926	W Hardy & Sons

Summary of Objection

There has not been adequate examination of the proposed routes. The proposed routes will increase conflict with landowners.

Objector Number	Objection Number	Objector Name
001936	004518	Forestry Commission

Summary of Objection

The creation and linking of recreational routes is supported. More information about such routes should be given to the public.

Inspector’s Reasoning and Conclusions

1. **Papplewick Parish Council’s** suggestion of a new route is accepted by GBC. I conclude that the text accompanying policy R11 should be modified to refer to the potential of the Calverton mineral line and that it should be shown on the Proposals Map as a recreational route.
2. **Hardy & Sons** assert that there has been inadequate examination of the proposed routes and that they will cause conflict with landowners. However, this is not supported by any evidence. It seems to me that the Local Plan process is an early step in examining the routes and assessing whether unacceptable conflicts would arise. Specific objections have, for example, led me to recommend that one recreational cycle route is deleted from the Local Plan. In the absence of any specific criticisms of the proposed routes, I am not persuaded that I should agree with this objection and I conclude that no modification is justified.
3. The **Forestry Commission** supports the policy. Promotional activity is not a matter for the Local Plan and no modification arises from this representation.

RECOMMENDATION

4. I recommend that the text accompanying policy R11 is modified to refer to the potential of the Calverton mineral line and that it should be shown on the Proposals Map as a recreational route.
5. Otherwise I recommend no modification to policy R11.

7.15 R12 EQUESTRIAN DEVELOPMENT

Objector Number	Objection Number	Objector Name
001158	002483	Nottinghamshire County Council (Strategic Property)

Summary of Objection

The policy gives a spurious indication of certainty by saying that planning permission will be granted. It sets tests that cannot be applied by reference to the policy and supporting text alone. There is confusion between “equestrian development” and “equestrian activities”. There is no justification for separate treatment of equestrian activities that could be included in policy R7.

Objector Number	Objection Number	Objector Name
001328	002898	Government Office for the East Midlands

Summary of Objection

Criterion (a) is unnecessary because Green Belt policy applies in any event. The nature of acceptable development should be clearly set out in full.

Objector Number	Objection Number	Objector Name
001345	003290	Nottinghamshire Wildlife Trust

Summary of Objection

Reinforce the nature conservation considerations. Preservation of remaining grassland sites of interest is identified as a priority the Biodiversity Action Plan.

Inspector’s Reasoning and Conclusions

1. As far as **NCC** is concerned, the tests in the policy appear to me to be comprehensible and usable. I do not share this objector’s aversion for policies containing criteria. In this case the criteria are relevant and appropriate. Neither do I consider that rephrasing the policy specifically to avoid using the words “planning permission will be granted” would improve the Local Plan.
2. I am recommending that policy R7 is deleted so this material cannot be subsumed in that policy. But equestrian activities and development arise quite often in urban fringe areas and in my view this justifies a policy on this topic. However, it would be clearer if the policy referred to development rather than activities. I therefore conclude that the first part of the policy should be redrafted.
3. As to the **Government Office** objection, whilst they say that criterion (a) is unnecessary, it seems to me that their alternative wording is cumbersome and would not be helpful to people with no planning background. I consider that a suitable compromise in this case would be to have two criteria covering the point and I conclude that this redrafting should take place.
4. The **NWT** objection seeks the addition of another criterion to the policy concerned with protecting grassland. However, as the Council points out, SINCs and other designated areas are already protected by clause (e), which also leaves the door open for controls in other sensitive areas if need be. I conclude that no modification is needed.

RECOMMENDATION

5. I recommend that the policy should start:

Planning permission will be granted for development connected with equestrian activities provided:

6. I recommend that criteria (a) in the policy should be replaced by two criteria as follows:

(a) it is in accord with Green Belt policy and would not conflict with the purposes of including the site within the Green Belt;

(b) as in the Second Deposit;

(c) any new building in the countryside is small in scale and is an essential facility required in connection with outdoor sport or recreation;

but replace “they” with “it” in criteria (b), (c), (d), (e) and (f).

7.16 R13 KEEPING OF HORSES AND CONSTRUCTION OF SMALL STABLES

Objector Number	Objection Number	Objector Name
001158	002485	Nottinghamshire County Council (Strategic Property)
001158	002486	Nottinghamshire County Council (Strategic Property)

Summary of Objection

The policy gives a spurious indication of certainty by saying that planning permission will be granted. It sets tests that cannot be applied by reference to the policy and supporting text alone. The policy does not distinguish between keeping horses and the erection of associated buildings.

Objector Number	Objection Number	Objector Name
001328	002899	Government Office for the East Midlands

Summary of Objection

Criterion (a) is unnecessary because Green Belt policy applies in any event. The nature of acceptable development should be clearly set out in full.

Objector Number	Objection Number	Objector Name
001948	201952	Aldergate Properties Ltd

Summary of Objection

(Second Deposit) Object to criterion (e) as unnecessary, undesirable and unduly restrictive.

Inspector’s Reasoning and Conclusions

1. As far as **NCC** is concerned, the tests in the policy appear to me to be comprehensible and usable. I do not share this objector’s aversion for policies containing criteria. In this case the criteria are relevant and appropriate. Neither do I consider that rephrasing the policy specifically to avoid using the words “planning permission will be granted” would improve the Local Plan.
2. I also consider that no confusion arises with regard to the use and new buildings.
3. I conclude that no modification is needed on account of these objections.
4. As to the **Government Office** objection, whilst they say that criterion (a) is unnecessary, it seems to me that their alternative wording is cumbersome and would not be helpful to people with no planning background. I consider that a suitable compromise in this case would be to have two criteria covering the point and I conclude that this redrafting should take place.
5. In my view **Aldergate** are objecting to a clause in the policy that was added to achieve consistency between this policy and the previous one. As such I find no fault with it. In my view the landscape and nature conservation are material planning considerations and the protection afforded by this addition to the policy is warranted. I conclude that there should be no modification to the Local Plan because of this objection.

RECOMMENDATION

6. I recommend that criteria (a) in policy R13 is replaced by two criteria as follows:

- (a) they are in accord with Green Belt policy and would not conflict with the purposes of including the site within the Green Belt;
- (b) any new building in the countryside is small in scale and is an essential facility required in connection with outdoor sport or recreation;

7.17 R14 RECREATIONAL VALUE OF WATER COURSES

Objector Number	Objection Number	Objector Name
001158	002489	Nottinghamshire County Council (Strategic Property)

Summary of Objection

There is spurious certainty about the treatment of applications. There is no acknowledgement of other considerations.

Objector Number	Objection Number	Objector Name
001325	002825	Papplewick Parish Council
001325	002827	Papplewick Parish Council
001325	201593	Papplewick Parish Council

Summary of Objection

(First Deposit) The environmental value of the Leen washland outweighs the benefits of limited recreational access.

(First Deposit) The policy should say that planning permission will not be granted for development that would inhibit the recreational and environmental value of the River Leen and its washlands.

(Second Deposit) Supports revised wording and welcomes deletion of last sentence of paragraph 7.37 in respect of housing proposal north of Papplewick Lane. Would wish original comments to stand.

Inspector’s Reasoning and Conclusions

1. As far as **NCC** is concerned, I consider that rephrasing the policy specifically to avoid using the words “planning permission will be granted” would not improve the Local Plan. To introduce other considerations to the policy could lay it open to the objection that it was including criteria that are not free standing and/or could be used as a development control checklist. Whilst I would not object to this, NCC has consistently opposed this throughout the Local Plan. It would be cumbersome to add the words “subject to other policies in the Local Plan” to every policy where it might apply. I conclude that no modification is justified.
2. Papplewick Parish Council’s objections to the First Deposit have largely been met by the changes introduced to this policy in the Second Deposit. Although they wish their original objections to stand, in my view further modification would be getting into matters of detail that ought to be determined if and when any proposals come forward.

RECOMMENDATION

3. I conclude that no (further) modifications are made to this policy.
-

8 GENERAL

Objector Number	Objection Number	Objector Name
000021	000021	Mr M Spick

Summary of Objection

All important matters are settled by secret consultations. Wider consultation is of no value because the public are only concerned with the small area important to them, not the Local Plan as a whole.

Also several questions:

What is the future of the leisure centre?

Why no bus station (in Arnold)?

Why not a mini-cinema?

Why not develop at least part of Mapperley Golf Course?

Why so many closures of small shops?

Objector Number	Objection Number	Objector Name
001158	002476	Nottinghamshire County Council (Strategic Property)
001158	002492	Nottinghamshire County Council (Strategic Property)

Summary of Objection

A Glossary is required.

A chapter and policies on implementation and monitoring are needed.

Objector Number	Objection Number	Objector Name
003863	010605	Mr D Clark

Summary of Objection

Representatives of the Council told people at a public meeting that only objections on the Council's forms would be accepted. This is not necessary or good practice. It may make matters easier for the bureaucrats but most people do not like filling in forms.

Inspector's Reasoning and Conclusions

1. **Mr Spick** says, in effect, that public involvement in preparing the Local Plan is a waste of time. The Council says only that it is required by law to do it. In fact the law on plan making is currently being revised by parliament and it looks as if the requirement for two formal deposit stages for each plan will be removed, although it is likely to be replaced by more intensive public involvement at the start of the process.
2. Be that as it may, in my experience it is true that some objectors are only concerned with their immediate surroundings. However, this does not invalidate their comments. And others make far-reaching comments affecting the whole plan.
3. None of the business of the Local Plan Inquiry was conducted in secret and all the documentation connected with it is open to public inspection.
4. As far as his more detailed points are concerned, the Local Plan says that an Action Area Plan will be prepared for Arnold Town Centre, which will investigate such matters as the future of the leisure centre and a bus station. I have not seen any proposals for a cinema in the area. I have dealt with the future of Mapperley Golf Course elsewhere in my report (under policies H2 and H4). As to the viability of small shops, this is part of the national trend toward larger retail chains.
5. I conclude that no modifications to the Local Plan arise from this objection.
6. **NCC** suggested the inclusion of a Glossary in the Local Plan. This was done in the Second Deposit and I note that no further objection has been made to its contents. I therefore consider that this objection has been met.

7. **NCC** also suggested that there should be a chapter and policies in the Local Plan on implementation and monitoring. The Council responded that there would be a phasing policy in the Second Deposit version of the plan and monitoring would be dealt with in a new section in the plan’s Introduction.
8. In the event I am recommending that the phasing policy is deleted from the Local Plan, although I am recommending regular monitoring of the housing land supply situation in the borough and have recommended a limited response mechanism in the event of a shortfall arising. A paragraph on monitoring was added to the Introduction to the Local Plan in the Second Deposit and this objector has not objected to it. However, others have objected to it and I am recommending that it is expanded.
9. **NCC’s** particular policy suggestion on implementation is akin to the policy I am recommending to replace (or expand) policy C2 and I consider it is not necessary to duplicate this. The suggested policy on monitoring is little more than a statement of intent and in my view it would add little meaningful to the Local Plan.
10. I conclude that no (further) modifications to the Local Plan are needed.
11. **Mr Clark** takes issue with the Council wanting to restrict objections to those using one of the Council’s forms. As a bureaucrat I have to say that my task has been made far easier by the forms – at least this guarantees that I know which parts of the plan people are objecting to. The large number of objections indicates to me that people have not been deterred from objecting by this requirement. The Council also says that it accepted objections that did not use the forms if all the necessary information was included in the letter. I note that where necessary objectors have expanded their cases with supporting letters and information.
12. I conclude that no modification to the Local Plan arises from this objection.

RECOMMENDATION

13. I recommend no modifications to the Local Plan in response to these objections.
-

9.1 STRATEGY: THE RSPB

Objector Number	Objection Number	Objector Name
000180	000254	RSPB

Summary of Objection

Objective Environment 9: the Objective should be widened to include the enhancement of other habitats as well as woodland (e.g. herb rich grasslands, wetlands and scrub).

Inspector’s Reasoning and Conclusions

1. I understand from their objections to policies in the Local Plan that the RSPB opposes indiscriminate woodland planting because this could harm the natural habitats of some species of birds. The Council explains that the other habitats of importance are dealt with in Environment Objective 5. It seems to me that Environment Objectives 11 and 13 are relevant as well.
2. I am also aware that for other wider environmental reasons Community Forest planting is to be encouraged throughout much of the borough, which is why I consider that a separate Objective on this topic is appropriate. I also note that the contentious Objective is qualified by the words “where appropriate”.
3. Taking all this into account, I take the view that things should be left as they are in the Second Deposit Local Plan. Whilst this will not give the RSPB the complete assurance they seek, I consider that their position is adequately represented and protected at this general level of objective setting. Of course the devil will be in the detail but this would be true even if the Objective were altered in the way they want.

RECOMMENDATION

4. I recommend no modification in response to this objection.

9.2 STRATEGY: THE HBF

Objector Number	Objection Number	Objector Name
000309	000424	House Builders Federation
000309	000425	House Builders Federation
000309	000426	House Builders Federation

Summary of Objection

Environment Aim B: whilst broadly supporting the Local Plan’s Aims, some Aims are by definition mutually exclusive. This Aim should be qualified by “as far as possible” or “subject to meeting people’s needs”.

Housing Objective 2: there needs to be a balance between maximising densities and creating good quality housing conditions for local people.

Housing Objective 7: the Objective of limiting and controlling development in rural areas to protect the character of rural settlements is largely negative and somewhat elitist. The following should be added: “to create sustainable rural communities and where appropriate to control development in the rural settlements in order to safeguard their character”.

Inspector's Reasoning and Conclusions

1. As far as Environment Aim B is concerned, it is true that Aims may come into conflict with each other in practice. But generally the Aims are not qualified by “as far as possible” and I see no reason why this Aim in particular should be treated in this way. This could only serve to weaken it in comparison to all the others. PPG7 says that the countryside is worth protecting for its own sake. I conclude that no modification is needed.
2. As to Housing Objective 2, the HBF says that the wish to achieve higher densities should be balanced against the need to create good quality housing conditions for local people. The Council says this is dealt with in another Objective. However, to my surprise, there is no Objective concerned with protecting and creating residential amenity through good design. I consider that there should be – especially in view of the importance PPG3 attaches to good design. I conclude a Housing Objective to this effect should be added.
3. I have no problem with the Aim of limiting the amount of development in rural areas. I accept that this is derived from the Structure Plan and is generally consistent with an overall Aim of achieving sustainable development. Even so, having dealt with several objections to the Second Deposit, I am surprised to find the word “character” here. Be that as it may, I do not consider this to be primarily a **Housing** Objective so much as an environmental one. I note in this regard that the word “housing” does not appear in the Objective, which implies that it applies to all development and not just housing.
4. Later, when I consider objections from English Nature and NCC (Strategic Property), I agree with them that there is a need for a new Aim for the Local Plan (and some Objectives to support it) concerned with the creation of sustainable patterns of development. I therefore conclude that there should be a new Aim: “create a sustainable pattern of development”. I further conclude that Housing Objective 7 should be moved under the heading of “SUSTAINABILITY”, together with Objectives:
 - Environment 1 and 3;
 - Housing 1 and (7);
 - Transport 2, 3, 5 and 11;
 - Town Centres 1 and 5;
 - Employment 4 and 5.

RECOMMENDATION

5. I recommend that a new Housing Objective is added: to protect and create residential amenity through the good design of housing.
6. I recommend that there should be a new Sustainability Aim “create a sustainable pattern of development”.
7. I recommend that the following Objectives should be moved and grouped under the new heading of “SUSTAINABILITY”: Environment 1 and 3; Housing 1 and 7; Transport 2, 3, 5 and 11; Town Centres 1 and 5; Employment 4 and 5.

9.3 STRATEGY: ENGLISH NATURE

Objector Number	Objection Number	Objector Name
000405	000839	English Nature, East Midlands Team
000405	000840	English Nature, East Midlands Team
000405	000841	English Nature, East Midlands Team
000405	000842	English Nature, East Midlands Team
000405	000843	English Nature, East Midlands Team
000405	000844	English Nature, East Midlands Team
000405	000847	English Nature, East Midlands Team
000405	000848	English Nature, East Midlands Team
000405	000934	English Nature, East Midlands Team
000405	200160	English Nature, East Midlands Team

Summary of Objection

Whilst supporting the principle of setting Aims and Objectives for the Local Plan, EN object that the Aims are not introduced by some scene setting. They also object in particular to the lack of an Aim concerned with sustainability and the lack of emphasis on biodiversity.

Environment Aim (a) does not properly encompass biodiversity.

Environmental Aim (d) is not really an Environmental Aim, but an Access Aim.

Environmental Objective 3 relates to sustainability and reducing the need to travel.

Environment Objective 11 is too narrow in that its scope is limited to areas of nature conservation value and therefore is too focused on specific identified sites.

Environmental Objective 13 is also limited to areas of the countryside which are most important for their landscape, wildlife and natural features and may ignore the wider picture.

Environment Objective 2 goes beyond the Environmental Aims because these do not include resource or pollution issues.

(Second Deposit) Environmental Aim (f) needs rewording. Add 'and enhancement'.

Inspector’s Reasoning and Conclusions

1. English Nature certainly seems to be keen on getting the Local Plan’s Aims and Objectives right! The Council made some changes in the Second Deposit, which they hoped would meet these objections. In the event the objections have not been withdrawn, so I must assume that the Council has not completely succeeded in this, although EN made more favourable representations to the Second Deposit..
2. As far as the general comment that the Aims and Objectives should be introduced by a brief description of the borough, in my view this is a matter that should be left for the Council to decide. In any event I do not feel in a position to write such an introduction and EN has not offered one. The same is true of an overarching vision for the plan, which EN says is missing. I conclude that no modifications arise from these general objections.
3. However, I share this and other objector’s concern that sustainability does not figure in the current Aims and Objectives as much as current government guidance would suggest that it should. I therefore conclude that there should be at least one Aim under a heading of “Sustainability”. The first Aim in this respect should be “create a sustainable pattern of development”.
4. I also agree with EN that the following should be included under this heading:
 - maintain and enhance biodiversity;
 - reduce the need for travel;
 - use and conserve natural resources prudently;
 - maintain air, soil and water quality.

5. However, I notice that these topics are covered by Environmental Aim (f) introduced in the Second Deposit, so I would move this under the new heading of Sustainability. I would also move the current Environmental Aim (d) “safeguard and promote the vitality and viability of district and village centres” under this heading.
6. I therefore conclude that there should be a new class of Aims for the Local Plan under the heading “Sustainability” under this heading the first Aim would be “create a sustainable pattern of development”. I also conclude that the existing Environmental Aims (d) and (f) should be moved under this heading.
7. As far as Objectives are concerned, it seems to me that as a consequence there should also be a new heading of “SUSTAINABILITY” for these. I would move the following existing Objectives under this heading:
 - Environment 1 and 3;
 - Housing 1 and 7;
 - Transport 2, 3, 5 and 11;
 - Town Centres 1 and 5;
 - Employment 4 and 5;
8. I also agree with EN that Environmental Aim (e) would be better placed under the heading of Access Aims.
9. Having concluded that these changes should be made and having noted the wording changes introduced by the Second Deposit and EN’s comments on them, I conclude that these objections have now been reasonably taken into account and met.

RECOMMENDATION

10. I recommend that there should a heading of “Sustainability” for the Aims of the Local Plan. The first Aim under this heading should be “create a sustainable pattern of development”. I also recommend that the existing Environmental Aims (d) and (f) should be moved under this heading.
11. I recommend that there should be a new heading of “SUSTAINABILITY” for the Objectives of the Local Plan. I recommend that the following existing Objectives are moved and grouped under this new heading:
 - Environment 1 and 3;
 - Housing 1 and 7;
 - Transport 2, 3, 5 and 11;
 - Town Centres 1 and 5;
 - Employment 4 and 5;
12. I recommend that Environmental Aim (e) should be placed under the heading of Access Aims.

9.4 STRATEGY: SPORT ENGLAND

Objector Number	Objection Number	Objector Name
000715	001056	Sport England

Summary of Objection

Environment (Countryside) Objective 14: the inference that all noise is a nuisance is objected to. The word “nuisance” should be deleted.

Inspector’s Reasoning and Conclusions

1. My everyday understanding of the two words has always been that “sound” is a neutral term but that “noise” is unwelcome sound. To that extent I start from the position that noise is always **by definition** a nuisance, although there are dangers in using the word “nuisance” because of its statutory significance in relation to public health legislation.
2. The Council says that the deletion of the word “nuisance” would cause confusion but for the reason given above (its particular statutory meaning) I take the view that confusion could also be avoided by its removal. In addition, it does not seem to me that the meaning, clarity or intent of the Objective would in any way be impaired if the contentious word were removed. Indeed, removal of the word nuisance could be said to strengthen the intent and applicability of the Objective. Quiet areas of the countryside would warrant protection whether or not any noise would be a nuisance. This does not seem to me to be what the objector intends, but so be it.
3. On balance I conclude that the word “nuisance” should be deleted from Environment (Countryside) Objective 14.

RECOMMENDATION

4. I recommend that the word “nuisance” should be deleted from Environment (Countryside) Objective 14.
-

9.5 STRATEGY: NOTTINGHAMSHIRE CC (STRATEGIC PROPERTY)

Objector Number	Objection Number	Objector Name
001158	002482	Nottinghamshire County Council (Strategic Property)
001158	002484	Nottinghamshire County Council (Strategic Property)
001158	002487	Nottinghamshire County Council (Strategic Property)
001158	002488	Nottinghamshire County Council (Strategic Property)
001158	002490	Nottinghamshire County Council (Strategic Property)
001158	002540	Nottinghamshire County Council (Strategic Property)

Summary of Objection

The entire Local Plan Strategy should be reconsidered and amended to reflect the purposes and policies of the Structure Plan.

There is no reference to sustainable development in the Aims of the Local Plan.

Housing Objective 4 should be reworded to refer to an adequate supply of housing land that is realistic and commercially viable.

Housing Objective 2 should seek to increase densities rather than maximise them. The relationship between the Housing Objectives should be clarified so that higher densities are not achieved at the expense of providing a range and choice of sites.

Recreation Objective 2 should be reworded to refer to the provision of open space to serve the current and future needs of residents.

Community Services Objective 4 refers to the working capacity of facilities but this is an unusable measure that is often outside the control of the planning system. This Objective should be deleted.

Employment Objective 3 should include the word “adequate”.

Inspector’s Reasoning and Conclusions

1. NCC has been quite specific about which policies in the Structure Plan it considers the Local Plan does not accord with. It has also indicated what policies and allocations in the Local Plan should be changed. But, with some exceptions, it has not indicated how the Local Plan’s Aims and Objectives should be changed. Where NCC has suggested specific changes to the Aims and Objectives I will deal with their objections below. Otherwise I am at something of a loss to know what changes to this part of the Local Plan they are seeking. I conclude that no modification to the Local Plan arises from the general criticism of the Aims and Objectives.
2. However, I agree that the lack of a specific reference to creating a sustainable pattern of development in the Aims of the Local Plan does not reflect the current emphasis given to this topic in government guidance and elsewhere. This is a matter I have already addressed in relation to objections from English Nature and consider that my recommendations in that context have dealt with the matter.
3. As far as the Housing Objectives are concerned, I accept the point that these do not establish that an adequate supply of housing land is required and that Housing Objective 4 should be reworded to include the word “adequate”. However, I consider it is unnecessary for the Objective to specify that the allocated land is realistic and commercially viable because I take this as read. In my view these matters are subsumed in “adequacy”. As to Housing Objective 2 and densities, this Objective is already qualified in so far as it places particular emphasis on urban sites. With this qualification I consider it acceptable for the Objective to seek to maximise densities. The precise weight to be given to each Objective may vary from site to site and in some cases this may create conflicts or pose choices. I therefore consider that there is no need to clarify the relationship between the Housing Objectives in the abstract.

4. I conclude that Housing Objective 4 should be reworded to refer to the need for an adequate supply of housing land.
5. NCC says that the Recreation Objectives are deficient because they do not refer to the need to provide enough facilities to meet the needs of the (planned) population. Although GBC says this matter is covered elsewhere, it seems to me that the matter is already adequately covered here because the Objective refers to overcoming deficiencies. To my mind this incorporates a commitment to ensuring that there is adequate provision to meet the needs of residents. I conclude that Recreation Objective 2 need not be modified. I also consider that no purpose would be served by altering the order of the Recreation Objectives.
6. As far as Community Services Objective 4 is concerned, I appreciate the point that the “working capacity” of facilities is a problematic concept. However, I also see the need to ensure that additional housing is not achieved at the expense of adequate facilities by placing too great a strain on them. This is a matter that arises in the objections from local residents time after time. I therefore consider that the Objective should not be deleted as NCC suggests. I conclude that the Objective should be reworded to avoid the problematic concept of working capacity.
7. As with the Housing Objectives, I accept that there is a need for the Employment Objectives to encompass the notion of maintaining an adequate supply of development land. I therefore accept and conclude that Employment Objective 3 should be modified to cover this point.

RECOMMENDATION

8. I recommend that Housing Objective 4 should be modified to say:

to provide an adequate supply of housing land to achieve a range and choice of housing.
 9. I recommend that Community Services Objective 4 should be modified to say:

to ensure existing community services are not placed under undue strain in areas where (extensive) new housing developments are proposed and to safeguard land for the expansion (or provision) of facilities where additional capacity will be required.
 10. I recommend that Employment Objective 3 should be modified to say:

to provide an adequate supply of sites for employment development.
-

9.6 STRATEGY: BRITISH WIND ENERGY ASSOCIATION

Objector Number	Objection Number	Objector Name
001340	003106	The British Wind Energy Association
001340	003107	The British Wind Energy Association

Summary of Objection

The Aims should refer to the need to promote renewable energy development.

The Objectives should refer to the need to promote renewable energy development.

Inspector’s Reasoning and Conclusions

1. The Council considers that this matter is adequately dealt with in Environment Objective 2. For my part, whilst recognising the importance of renewable energy (as set out in PPG22), I am reluctant to go beyond this. I say this because, as is also apparent when the policies for this topic are considered, there are practical limitations and important planning constraints on exploiting wind generation in Gedling. I therefore consider that this cannot be regarded as a fundamental Aim or Objective of this particular Local Plan. I conclude that the Local Plan should not be modified.

RECOMMENDATION

2. I recommend no modification to the Local Plan in response to these objections.
-

9.7 STRATEGY: ALDERGATE PROPERTIES

Objector Number	Objection Number	Objector Name
001948	004589	Aldergate Properties Ltd

Summary of Objection

Recreational Objective 3: it may not be possible to make provision for leisure development in District and Local Centres. A sequential test should apply. Delete the words “District and Local Centres”.

Inspector’s Reasoning and Conclusions

1. I have considered this objection in parallel to Aldergate’s objection to the Recreation policies. Whilst I accept that a sequential procedure for site selection should be incorporated in the policies, I see no need for it in the Objectives of the Local Plan. I consider that deleting any reference to District and Local Centres in this Objective would not be in keeping with the philosophy underlying the Local Plan or with government guidance. I conclude that no modification is justified.

RECOMMENDATION

2. I recommend no modification to the Local Plan in response to this objection.
-

9.8 STRATEGY: ENGLISH HERITAGE

Objector Number	Objection Number	Objector Name
003981	010849	English Heritage
003981	201635	English Heritage

Summary of Objection

(First Deposit) There is no mention of sustainable development in the Introduction. Environment Objectives 1 and 3 refer to the topic but it is not defined. Sustainable principles should be included and the term defined.

(Second Deposit) The additional Environmental Aim (f) is welcome but it should include historic assets as well as biodiversity.

Inspector’s Reasoning and Conclusions

1. I agree that the lack of a specific reference to creating a sustainable pattern of development in the Aims of the Local Plan does not reflect the current emphasis given to this topic in government guidance and elsewhere. This is a matter I have already addressed in relation to objections from English Nature and consider that my recommendations in that context have dealt with the matter, although I note that the term is still not defined in the Glossary. However, I am inclined to the view that the definition of this term should be left open so that it evolves with government guidance on the matter. In any event its meaning for this Local Plan will be apparent when there are specific Aims and Objectives dealing with the topic.
2. As to the (Second Deposit) suggestion that historical features should also be referred to in the new Environment Aim (f), I note that the Council says that this is dealt with in Environment Objective 11. This is true but does not, in my view, obviate the need for a reference in Aim (f) as well. I conclude that Aim (f) should be modified accordingly.

RECOMMENDATION

3. I recommend that Environmental Aim (f) should be modified to read:

assess all new development in terms of sustainability to ensure the maintenance and enhancement of biodiversity, reducing the need to travel, the prudent use of natural resources, the maintenance of air, soil and water quality and the preservation of historic and natural features of interest and importance.

9.9 STRATEGY: COUNTY LAND & BUSINESS ASSOCIATION

Objector Number	Objection Number	Objector Name
004893	201458	County Land & Business Association
004893	201459	County Land & Business Association

Summary of Objection

(Second Deposit) Sustainability should be included in the housing, employment and social objectives because it is not just an environmental matter.

(Second Deposit) Environment Objective 11: it is not necessary to insert “in situ and throughout the Borough” here, although it is agreed that historical sites should be included.

Inspector’s Reasoning and Conclusions

1. I consider that I have dealt with the matter of sustainability in the Aims and Objectives already.
2. As to “in situ and throughout the borough”, the objector gives no reasons for wanting these words removed. I find the Council’s response, which indicates why they should be retained, convincing and conclude that no modification arises.

RECOMMENDATION

3. I conclude that no modification to the Local Plan arises from these objections.
-

9.10 STRATEGY: COUNTRYSIDE AGENCY

Objector Number	Objection Number	Objector Name
005017	201987	The Countryside Agency

Summary of Objection

Environmental Aim (f) is welcomed but it should be expanded to include wider aspects of landscape and countryside.

Inspector’s Reasoning and Conclusions

1. I consider that the wider matters that this objector is concerned about are already adequately covered elsewhere (notably Environmental Aim (a) and Environment Objectives 4, 9, 10 and 13).

RECOMMENDATION

2. I recommend no modification to the Local Plan in response to this objection.
-

10 PREFACE

Objector Number	Objection Number	Objector Name
001158	002475	Nottinghamshire County Council (Strategic Property)

Summary of Objection

The preface fails:

to state the Local Plan’s overall vision,
to give a definition of sustainability,
to define time periods,
to indicate when a further review is likely to take place,
to explain the significance of the second (now third) stage in Local Plan preparation,
to refer to supplementary planning guidance.
In places it is ungrammatical and the purpose of the map is unclear.

Inspector’s Reasoning and Conclusions

1. I think it is fair to say that if NCC (Strategic Property) or its agent had prepared the Local Plan it would have been a different document.
2. As far as these criticisms of the Preface are concerned, the Council says that some of the information referred to is in other parts of the plan. It seems to me that this is generally true and that it should be left to the Council to organise and set out the Local Plan in the way that it wishes. What is at issue is whether the effectiveness of the plan can be improved. Transforming the Preface into a longer introduction would not, in my view, contribute to this.
3. I note that some changes were made in the Second Deposit in response to this objection and that the objector made no further representations as a result.
4. In the circumstances I consider it is unnecessary for me to tinker with this part of the Local Plan if no tangible improvements would result. I conclude that no modification is called for.

RECOMMENDATION

5. I recommend no modification to the Local Plan in response to this objection.
-

11 INTRODUCTION

Objector Number	Objection Number	Objector Name
000405	000852	English Nature, East Midlands Team
000405	200155	English Nature, East Midlands Team

Summary of Objection

(First Deposit) the Local Plan does not appear to have been subject to a systematic environmental or sustainability appraisal that accords with PPG12 and PPG9. The Local Plan should be changed to reflect the findings of such an appraisal and this should be made clear in the document. The assessment should start by setting out the borough's environmental resources and their capacity to absorb change. The assessment should lead to a commitment to continued monitoring.

(Second Deposit) The environmental assessment is acknowledged but this falls short of what PPG12 suggests because it does not contain an outline of the area's environmental resources and their capacity to absorb change. There should also be a clearer commitment to monitoring the effects of the policies and their impact on the environment in particular.

Objector Number	Objection Number	Objector Name
001158	002481	Nottinghamshire County Council (Strategic Prop.)
001158	002478	Nottinghamshire County Council (Strategic Prop.)
001158	002479	Nottinghamshire County Council (Strategic Prop.)

Summary of Objection

There should be a diagram and text setting out the programme and timetable for preparing the Local Plan and the opportunities for making representations.

Section 1 of the Introduction is misleading because it refers to the First Deposit "replacing" the Consultative Draft. It should be described as a stage in preparing a Local Plan that will ultimately replace the current adopted Local Plan. Not enough prominence is given to Section 54A of the Town & Country Planning Act and the importance of this for the Local Plan.

Section 3 of the Introduction makes inadequate reference to the national, regional, and strategic context in which the Local Plan is produced.

Objector Number	Objection Number	Objector Name
001328	201542	Government Office for the East Midlands

Summary of Objection

Notwithstanding the additions in the Second Deposit, there is still a need to clarify what elements of the environmental appraisal have informed policies and proposals in Local Plan. The Introduction to the Local Plan should be expanded to clarify this by including parts of the conclusions in the Technical Paper in a wider explanation of its role and purpose.

Objector Number	Objection Number	Objector Name
005017	201986	The Countryside Agency
005017	201988	The Countryside Agency

Summary of Objection

(Second Deposit) The new section on monitoring is welcomed, but it should be a more specific commitment to monitor specific aspects of plan, especially rural issues (eg policies R11 and E9). Specific targets should be set, against which monitoring can take place.

(Second Deposit) The new material on environmental appraisal is welcomed but the appraisal should be expanded to embrace the wider principles of sustainable development.

Objector Number	Objection Number	Objector Name
003892	010663	Ms B Hall
003893	010666	Mr D Jolley

Summary of Objection

Gedling Borough Council has not been proactive enough about the consultation process and allowing for objections. The exercise was over bureaucratic and lacked a full commitment to communicating with the public. Insufficient details on issues such as roads, sewerage, drainage and education have been included in the Local Plan. The consultations were a sham because some Councillors had made up their minds on some issues before the consultation took place.

The number of houses needed in the borough should reassessed.

Inspector's Reasoning and Conclusions

1. The Introduction to the Local Plan will need modifying in any event. This is because the current version is presented as part of the plan preparation and consultation process. When the Local Plan is adopted it will need to be introduced as a completed document. I therefore conclude that some modification will be needed in any event.

English Nature

2. I am not sure exactly what change(s) to the Local Plan English Nature is seeking in these objections. It is acknowledged that environmental appraisal work has been undertaken and this is now referred to in the Introduction to the Local Plan. However, this work is now rather old. The appraisal work relates mainly to the First Deposit and earlier versions of the Local Plan. It does not incorporate all the changes made in the Second Deposit, let alone the modifications that I am recommending.
3. However, I draw some comfort from the fact that there is no suggestion that the policies and proposals in the Local Plan are basically flawed in this respect or that the appraisal is so inadequate as to be misleading. It does not appear to me that the appraisal or these objections highlight any areas where the Local Plan should be modified for environmental reasons. I also note that I have not been asked by any objector to reject the Local Plan in its entirety because of its impact on the environment.
4. In these circumstances I consider that rejecting the Local Plan as a whole is not an option that is open to me even if I thought this were a desirable thing to do (which I do not). Nor, in the circumstances in which we find ourselves, do I consider that it would be right to impose a requirement on the Council to do further environmental appraisal work before the Local Plan can be adopted. This could lead to delay in the Local Plan's adoption and could lead to further modifications and objections (also resulting in further delay).
5. The main reason for objection by English Nature is that the form of appraisal adopted by the Council does not fully reflect the guidance in PPG12 and PPG9 and that the impact of the appraisal work on decisions taken within the Local Plan are not easily traced. In particular it is said that the assessment should start by setting out the borough's environmental resources and their capacity to absorb change. The assessment should also lead to a commitment to continued monitoring. These basic objections are maintained in relation to the Second Deposit.
6. It seems to me that I can readily commend this approach to the Council and urge them to embark on both the monitoring of this Local Plan and the next review on this basis. However, it is not at all clear what English Nature wants me to do in relation to this review of the plan as it now stands. I consider that it would be unreasonable of me to make a nebulous and generalised recommendation that had uncertain consequences for the timing of the adoption of this review.
7. I therefore conclude that the Council should consult English Nature and others on how it will monitor and review this Local Plan with a view to setting up a system for continuous environmental appraisal. I conclude that this should be referred to in the monitoring section of the Introduction. However I conclude the adoption of the Local Plan should not be held up while more environmental appraisal work is undertaken.

NCC (Strategic Property)

8. It seems to me that some of NCC's objections will fall by the wayside when this review of the Local Plan is adopted because there will be no need to explain the consultation and objection process. However, I accept that the Introduction should refer to Section 54A of the Town & Country Planning Act and the importance of this for the Local Plan. However, I see no need for the Introduction to make more detailed reference to the national, regional, and strategic context in which the Local Plan is produced.
9. I conclude that the Introduction to the Local Plan should refer to Section 54A of the Town & Country Planning Act and its significance in relation to the Local Plan when it is adopted.

The Government Office

10. Like English Nature, this objector wants more included in the Introduction on environmental appraisal. However, I note that there is no suggestion that the work that has been undertaken is either inadequate or flawed. Nevertheless this is an important part of the Local Plan preparation process and it does seem to me that what is at present included in the Local Plan does not pay sufficient regard to its importance. Neither does it do the work that has been done justice.
11. I conclude that the section in the Introduction that describes the environmental appraisal work should be expanded. This should indicate its importance and findings (as well as the commitment to further work and monitoring already alluded to in relation to English Nature).

The Countryside Agency

12. I also see this objector as being allied to English Nature and consider that any consultations should include the Countryside Agency so that a more specific commitment to environmental appraisal and monitoring can be included in the Local Plan Introduction.

Ms Hall and Mr Jolley

13. These objections are largely concerned with the adequacy of the public consultation arrangements at the First Deposit. However I note that many changes were made to the Local Plan at the Second Deposit stage (demonstrating that the First Deposit consultation was not an entirely empty gesture). I also note that this objection was not repeated at the Second Deposit stage.
14. Be all that as it may, there is a tension between the need to consult and the need to produce a Local Plan quickly. In my view a reasonable balance was struck and the number of objections I have had to consider does not suggest to me that the consultation process was entirely ineffective.
15. I have considered the matter of how many houses are needed in the borough already and concluded that the figure should be derived from the current Structure Plan.
16. I conclude that no modification to the Local Plan arises from these objections.

Overall Conclusions

17. What emerges from my consideration of these objections to the Introduction to the Local Plan is that the sections on environmental appraisal and monitoring need to be expanded to give a more detailed and specific commitment to the work that will be done in the future. It also has to be kept in mind that I have recommended in the housing section that housing land availability should be formally monitored at certain specific dates.
18. However, I am definitely not recommending that the adoption of the Local Plan is delayed by further work at the modification stage.

RECOMMENDATION

19. I recommend that the Introduction to the Local Plan is updated when the Local Plan is adopted.
 20. I recommend that the Council should consult English Nature and others on how it will monitor and review the Local Plan with a view to setting up a system for continuous environmental appraisal and monitoring. I recommend that this should be referred to by expanding the environmental appraisal and monitoring sections in the Introduction. The expanded text should also give a fuller account of the environmental appraisal work that has been undertaken.
 21. But I recommend that the adoption of the Local Plan is not held up while more environmental appraisal work is undertaken.
 22. I recommend that the Introduction to the Local Plan should refer to Section 54A of the Town & Country Planning Act and its significance in relation to the Local Plan when it is adopted.
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12 THE PROPOSALS MAP

Objector Number	Objection Number	Objector Name
000777	001204	Mr D Lawson

Summary of Objection

The Proposals Map designations are difficult to match with the relevant policies and the Ordnance Survey base is hard to follow in some places.

Objector Number	Objection Number	Objector Name
001158	002495	Nottinghamshire County Council (Strategic Property)
001158	002502	Nottinghamshire County Council (Strategic Property)
001158	201953	Nottinghamshire County Council (Strategic Property)

Summary of Objection

(First Deposit) The Gedling Relief Road is not properly shown on the Proposals Map.

(First Deposit) Public Transport Corridors should be shown on the Proposals Map.

(Second Deposit) Objection is raised to the absence of numbering for the revisions to the Proposals Map.

Objector Number	Objection Number	Objector Name
003863	010604	Mr D Clark

Summary of Objection

Calverton Village – the Proposals Map requires updating because some existing housing is not shown and the colliery is still shown.

Objector Number	Objection Number	Objector Name
000722	201975	Severn Trent Water Limited

Summary of Objection

The Proposals Map's Key should read "Areas potentially at risk of flooding (as identified by the Environment Agency - 2002)".

Objector Number	Objection Number	Objector Name
001345	201504	Nottinghamshire Wildlife Trust

Summary of Objection

All SINC boundaries should be shown on Proposals Map.

Inspector's Reasoning and Conclusions

1. **Mr Lawson** has two suggestions for improving the Proposals Map:
 - individual housing allocations should be numbered (eg H2(a), H2(b), H3, H4) and these numbers should be included on the Proposals Map;
 - as up to date OS base should be used as is possible.
2. The Council accepts both these suggestions and I conclude that they should be incorporated in the final published Proposals Map.
3. **NCC (Strategic Property)** raises concerns about the depiction of the Gedling Relief Road on the Proposals Map. I consider this matter has been resolved in the Second Deposit changes. It is also a matter I have considered elsewhere in my report and I have concluded no modification is required.
4. **NCC (Strategic Property)** also wants Public Transport Corridors shown on the Proposals Map. The Council says that it will define these in supplementary planning guidance and that the policies in the Local Plan will include criteria to explain how they are to be defined. However, they give no reasons for not showing them on the Proposals Map.
5. In my view this matter is an important part of the Local Plan and its strategy. In the absence of any reasons for not doing so, I conclude that Public Transport Corridors should be shown on the Proposals Map.

6. **NCC (Strategic Property)** complains about the lack of numbering for the Second Deposit changes to the Proposals Map. The Council accepts the point as far as the maps at the back of the Second Deposit are concerned and I trust this omission will not be repeated at the time of the modifications. The housing allocations are to be numbered when the Proposals Map is finally revised after adoption.
7. **Mr Clark** complains that an up to date OS base was not used for the Proposals Map. I have already concluded that as up to date a base map as possible is used.
8. **Severn Trent Water Limited** want the Proposals Map's Key to read "Areas potentially at risk of flooding (as identified by Environment Agency - 2002)". The Council accepts this and I conclude that it should be done.
9. **NWT** wants the boundaries of SINC's shown on the Proposals Map. The Council accepts this and I conclude that it should be done.

RECOMMENDATION

10. I recommend that individual housing allocations should be numbered (eg H2(a), H2(b), H3, H4) and these numbers should be included on the Proposals Map;
 11. I recommend that as up to date OS base is used for the Proposals Map as is possible.
 12. I recommend that Public Transport Corridors are shown on the Proposals Map.
 13. I recommend that when maps showing changes to the Proposals Map are published in connection with the modifications, each map is numbered.
 14. I recommend that the Proposals Map's Key should read "Areas potentially at risk of flooding (as identified by Environment Agency - 2002)".
 15. I recommend that the boundaries of the SINC designations are shown on the Proposals Map.
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