

# Greater Nottingham Planning Partnership

## AGENDA

### GREATER NOTTINGHAM JOINT PLANNING ADVISORY BOARD Tuesday, 12 December 2023 2:00pm: via Microsoft Teams

- |   |                         |
|---|-------------------------|
| 1. Introductions and Apologies  |                         |
| 2. Declaration of Interests   |                         |
| 3. Approval of minutes of last meeting and matters arising                |                         |
| 4. Presentation on Greater Nottingham Strategic Housing Market Assessment | <b>Iceni Consulting</b> |
| 5. Greater Nottingham Strategic Planning Update                           | <b>MG/JK</b>            |
| 6. Levelling-up and Regeneration Act update                               | <b>MG</b>               |
| 7. Waste and Minerals Local Plans Update                                  | <b>JS/SB</b>            |
| 8. Homes England Capacity Funding Projects Monitoring                     | <b>KS</b>               |
| 9. Future Meetings  |                         |
| 10. Any other business (previously notified to the Chair)                 | <b>ALL</b>              |



**ITEM 3      MINUTES OF THE GREATER NOTTINGHAM JOINT PLANNING  
ADVISORY BOARD (JPAB) VIRTUAL MEETING HELD ON  
TUESDAY 26 SEPTEMBER 2023 VIA MS TEAMS**

Apologies for absence were received from:

Nottinghamshire County Council Councillor N Clarke  
Ashfield District Council Christine Sarris  
East Midlands Development Company Ken Harrison  
Derbyshire County Council Joe Battye, Steve Buffrey

**1      INTRODUCTION AND APOLOGIES**

**PRESENT**

Broxtowe Borough Council: Councillor M Radulovic MBE (Chair)  
Gedling Borough Council: Councillor J Hollingsworth (Vice-Chair)  
Derbyshire County Council: Councillor Renwick  
Rushcliffe Borough Council: Councillor R Upton  
Nottingham City Council Councillor A Kandola  
Ashfield District Council Councillor M Relf

Officers in Attendance:

Ashfield Melanie Wheelwright  
Broxtowe: Ruth Hyde, Mark Thompson and Steve Simms  
Erewash: Oliver Dove  
Gedling: Alison Gibson and Mike Avery  
Nottingham City: Paul Seddon  
Nottinghamshire County Council: Stephen Pointer  
Derbyshire County Council: Alison Richards  
Rushcliffe: Richard Mapletoft, Leanne Ashmore  
Greater Nottingham Planning Partnership Matt Gregory, John King and Karen Shaw

**2      DECLARATION OF INTERESTS**

Councillor M Radulovic declared he had a planning interest but was not related to the Joint Planning Advisory Board area.

**3      APPROVAL OF MINUTES OF LAST MEETING AND MATTERS ARISING**

The minutes of the meeting held on 6 June 2023 were approved as a correct record.

**4      GREATER NOTTINGHAM STRATEGIC PLANNING UPDATE**

Members noted the progress made on the Greater Nottingham Strategic Plan, Erewash Core Strategy Review and Ashfield Local Plan. A presentation was provided to the board from the Conurbation Planning Policy Manager outlining a 'Preferred Approach' to Distribution and Logistics development. The identified sites included the Former Bennerley Coal Disposal Area and Ratcliffe on Soar Power Station that would make a contribution to meeting the need of the distribution and logistics. Across the Nottingham Core and Outer Housing Market Area. Members were concerned with the lack of ambition and the potential environmental impact. Logistic Parks need to be sustainable, provide carbon off sets, and be revolutionary to manufacturing and distribution across the whole of the East Midlands. The board was assured that the site selection had access to rail connections and would have development requirements on them to include biodiversity, renewal energy and carbon off sets.

(A) HOUSING COMPLETIONS IN GREATER NOTTINGHAM 2022/23

The board noted the Greater Nottingham Housing Completions 2022/23. An update was provided at the meeting with data from Erewash Borough Council completion rates. The data indicated that Gedling Borough Council, Rushcliffe Borough Council and Nottingham City Council had exceeded the standard method requirement, whilst Ashfield and Broxtowe Borough Completion figures were lower than the standard method requirement. Gedling Borough Council and Nottingham City Council had exceeded its Local Plan target. The current downturn in the housing market may impact on completions in future years.

5 LEVELLING UP AND REGENERATION BILL: CONSULTATION ON IMPLEMENTATION OF PLAN MAKING REFORMS

Members noted the Levelling up and Regeneration Bill and the proposed response from JPAB in relation to a consultation on plan making reforms. Concerns with the Government proposals to make local plans and mineral and waste plans simpler, faster to prepare and more accessible was discussed. Supplementary plans reduced engagement with local people and Members through the planning process and expansion of permitted development was a concern, especially with different styles of properties.

It was unanimously agreed with Members that all the comments contained within the report of the Government proposals was sent as part of the consultation response.

**RESOLVED that the comments, as detailed within the report were responded to as part of the consultation process of the Government proposals.**

6 WASTE AND MINERALS LOCAL PLANS UPDATE

The board was updated on progress with the Nottinghamshire, Nottingham and Derbyshire Waste and Mineral Local Plans. Nottinghamshire County Council and Nottingham City Councils were preparing a single joint Waste Local Plan to replace the Waste Core Strategy. The Draft Waste Local Plan, after an assessment of representations received was updated. Derbyshire County Council and Derbyshire City Council were consulting on a range of minerals topic papers. A consultation had

taken place and the report would be presented to the Joint Advisory Committee in November 2023 with submission of the plan to the Secretary of State, March 2024. A series of background and evidence papers on local and strategic waste matters had been prepared along with an updated forecasting approach on waste capacity. Approaches had been made by Derbyshire County Council to all District and Borough Councils in the County to seek locations to accommodate potential new waste facilities on existing employment sites.

## 7 HOMES ENGLAND CAPACITY FUNDING PROJECTS MONITORING

The Joint Planning Advisory Board noted the progress made on Homes England Capacity Funding Projects. There had been no change to the status of finances since the previous report but progress had been made on projects with Erewash Borough Council. Gedling Borough Council and Nottingham City Council had outstanding funding with projects to be confirmed.

## 8 ANY OTHER BUSINESS (PREVIOUSLY NOTIFIED TO THE CHAIR)

There was no other business at the meeting.

## 9 FUTURE MEETINGS

The date of the next meeting was confirmed as 12 December 2023 at 2pm.

**ITEM 4      PRESENTATION ON GREATER NOTTINGHAM HOUSING  
NEEDS ASSESSMENT**

**1.0      SUMMARY**

- 1.1      The Greater Nottingham & Ashfield Housing Needs Assessment was originally prepared by Icení Consultants in October 2020. Subsequently, demographic information has been updated via the 2021 Census. Consequently Icení Consultants have been commissioned to update the study. This presentation looks at the updated findings of the study.
- 1.2      The Housing Needs Assessment does not consider the overall number of new homes required, as this is a function of the Government's standard method for determining housing need. Rather, it considers the size, type and tenure of housing needed for different groups in the community, so that these can be reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities and service families.
- 1.3      For affordable housing, the study identifies the overall need, and considers the most appropriate tenures (e.g. social rent, affordable rent, shared ownership, low cost home ownership) based on household type, household income and local rents and house prices. This will inform strategic plan policies and implementation through Part 2 Local Plans.

**Recommendations**

It is recommended that Joint Planning Advisory Board **NOTE** presentation on the Greater Nottingham & Ashfield Housing Needs Assessment

## 1.0 SUMMARY

- 1.1 JPAB agreed to the principle of preparing a new Strategic Plan covering Greater Nottingham at its December 2017 meeting. This report updates on progress on strategic plans across the area.

### Recommendations

It is recommended that Joint Planning Advisory Board **NOTE** the progress made on the Greater Nottingham Strategic Plan, Erewash Core Strategy Review and Ashfield Local Plan.

## 2.0 **Greater Nottingham Strategic Plan**

- 2.1 Following consultation in January on the Strategic Plan's 'Preferred Approach' to the quantity and distribution of housing and employment land and the identification strategic sites, the plan making authorities undertook an additional 'Preferred Approach' consultation between the 26 September and 7 November 2023. This focussed on strategic distribution and logistics, including the quantity of land required and preferred sites.
- 2.2 Informed by the Logistics Study (2022), which identified a residual need for 137 to 155 hectares of logistics across the Nottingham Core & Outer Housing Market Area, the plan making authorities, with Erewash and Ashfield undertook a 'Call for Sites' in August 2022 in order to identify suitable sites. As the Councils had not yet completed their assessments of these sites, the previous 'Preferred Approach' did not include strategic distribution and logistics sites. Comments received during this consultation also highlighted the need to consult on this issue before consultation on the final publication draft plan.
- 2.3 The Distribution and Logistics Preferred Approach has revised the residual need across the Nottingham Core & Outer Housing Market Area to between 131 and 147 hectares. The approach identifies the following sites which will make a considerable contribution to meeting this need:
- Former Bennerley Coal Disposal Area
  - Ratcliffe on Soar Power Station
- 2.4 The consultation document was supported by a Strategic Distribution Background Paper and Sustainability Appraisal.
- 2.5 The authorities received 127 comments from 46 respondents via the consultation portal and 27 email responses (some of which duplicate submissions on the portal).

- 2.6 Comments were received from statutory consultees (including the key environmental bodies, parish councils and some local authorities), a limited number of residents, and several landowners (represented by agents) who are promoting their land for logistics development.
- 2.7 Several landowners considered the calculations of existing supply incorrect, questioning the residual need which they believe is greater than calculated. All promoted their land as an alternative or additional allocations. Some questioned the site selection approach, including the selection of reasonable alternatives which excluded sites outside Areas of Opportunity along the A46 or in Gedling. Others did not agree that rail access should be a determining factor.
- 2.8 Comments from Historic England require the completion of a heritage impact assessment for both the Bennerley and Power Station allocations.
- 2.9 Once all the comments submitted have been reviewed and the key elements of the evidence base completed (see 5.0 below), it is intended to publish a full Pre Submission (Regulation 19) version of the Strategic Plan in 2024, prior to submission for examination.

### **3.0 Erewash Core Strategy Review**

- 3.1 On 30 November 2023 the Government issued the Council with a letter under Section 27 of the Planning and Compulsory Purchase Act 2004. This resulted in the adjournment of the vote on the withdrawal of the Erewash Core Strategy, which was due to take place that evening. Following discussions with the Planning Inspectorate, the Council will shortly be publishing amended dates on its website in relation to hearing statement deadlines and a new timetable for Hearing Sessions in the new year. Further details can be found on the council's website - [Latest News \(erewash.gov.uk\)](https://www.erewash.gov.uk).

### **4.0 Ashfield Local Plan**

- 4.1 The Council has resolved to move forward the Local Plan reflecting the standard method of housing need; providing a minimum of a 10-year housing supply and to remove the new settlements at Whyburn Farm and Cauldwell Road from the emerging Plan. A revised Local Development Scheme (LDS) was considered by the Council's Local Plan Development Committee on 11<sup>th</sup> September and approved by Cabinet on 18<sup>th</sup> September. A Regulation 19 consultation is planned to commence in late November/early December, following Full Council approval on 27<sup>th</sup> November.

### **5.0 Ongoing work**

#### *Strategic Transport Modelling*

- 5.1 Transport modelling is a key piece of evidence to support any chosen development strategy. The East Midlands Gateway Model covers the whole of Greater Nottingham, and it is being used to provide an assessment of the strategic transport impacts of the selected draft growth scenario.

- 5.2 The Gateway Model was originally built around the assumption of the HS2 Hub at Toton and has therefore re-based taking into account the Integrated Rail Plan (IRP) before being used to assess accurately the transport impacts of new development. The government has agreed funding to renew the Growth Plan despite the recent decision to cancel HS2. Officers have aligned the Strategic Plan transport modelling with that being undertaken for the Growth Plan, supported by both Nottingham City and Nottinghamshire County strategic transport teams. This has achieved significant cost savings. Following agreement on the methodology, the plan making authorities provided data on completions between 2016 and 2023 and commitments between 2023 and 2041. The highways authorities have also provided details of transport schemes. Systra have used this information and have developed the reference case for 2041 (without GNSP developments) and a GNSP scenario (with GNSP developments). This identifies that, even without GNSP proposals, both the strategic and local road network will experience increases in traffic and that congestion will increase at junctions, with some junctions likely to exceed their capacity.
- 5.3 Modelling the contribution developments proposed within the GNSP indicates that congestion will increase on the strategic road network, especially on the strategic routes between the centre of Nottingham and M1. In some cases, this increase will result in reduced vehicle flows as vehicles use other routes to avoid it. This is evident along the A453, A610 and M1. A significant number of junctions, also between the M1 and the centre of Nottingham will see congestion increase by more than 10%.
- 5.4 Discussions between the plan making and highways authorities are now focussing on viable mitigation measures. These will be tested within the final model.

*Other work:*

- 5.4 Responses to comments on the Preferred Approach have nearly been completed within the Report of Responses. Comments on the Distribution and Logistics Preferred Approach are being summarised and will be amalgamated within the Report of Responses alongside authority responses.
- 5.5 Given the delays in plan making, the Housing Needs Assessment will be over 3 years old at the time of submission and critically Census data for 2021 has been published. Consequently, the Partnership (excluding Erewash) have commissioned Icenl to undertake an update of the Housing Need Assessment. A draft chapter for Ashfield has been provided and the complete draft will be provided by the 5 December.
- 5.6 The Infrastructure Delivery Plan (IDP) - Meetings with infrastructure and service providers (notably education, health and transport) were undertaken during April and May. These have helped establish the infrastructure required, costs and sources of funding. Following consultation, the baseline analysis will be reviewed and revised, identifying where infrastructure issues exist and where, in order to ensure delivery, strategic development will be required to contribute to new or improved provision. Completion of the IDP is dependent on the progress of the Transport Modelling, which is critical to the identification of transport infrastructure required to deliver the plan.
- 5.7 Nexus have been commissioned to undertake the Greater Nottingham Centres Study. The study recognises and addresses issues currently affecting city, towns and local centres. Specifically, the changes occurring as a result of the pandemic and increased online shopping which require centres to diversify, providing leisure and



cultural attractions. Consequently, it seeks recommended policy approaches that will enhance the vitality and viability of our centres, rather than simply quantitative retail floorspace requirements. Centre data has been provided and workshops with stakeholders will take place during late November and early December. A draft of the study is expected around the New Year.

- 5.8 Following a tender process, managed by Gedling, Lepus have been commissioned to undertake the HRA.
- 5.9 The brief for the Plan Wide Viability Appraisal has been published and tenders requested. Final agreements on the contributions which will be included in the appraisal for each authority are being sought.
- 5.9 A further brief has also been published and tenders requested to undertake the Carbon Reduction Study. This study will identify a range of policies to move towards net zero in the Greater Nottingham Strategic Plan area. Alongside this work, the commission will also produce a SPD for Broxtowe and Nottingham Councils.
- 5.10 Led by Rushcliffe Borough Council, the plan making authorities are examining whether there is justification for seeking 20% biodiversity net-gain. This involves the collection of evidence which shows that within the plan area there is less biodiversity when compared to other areas. If justified, it will be fed into the viability appraisal before a decision is made regarding this increase above national requirements of 10% (which come into force in January).
- 5.11 Agreements with the EA have been reached regarding the SFRA, notably that, because of ongoing EA modelling work, an update of the SFRA is not currently required to inform the GNSP. Once the data is available, the SFRA update will include Erewash BC.
- 5.12 The policies contained within the Core Strategies have been reviewed and are being redrafted in the light of current national policy and guidance and updated evidence, as it becomes available. Comments on both Preferred Approach consultations will inform policies on the strategic distribution of development and sites. This policy drafting is taking place in conjunction with the Sustainability Appraisal process. Environmental and transport policies have been sent to key stakeholders for comment. The draft policies will be subject to consultation as part of the final publication draft plan which will be submitted for examination.
- 5.13 The next steps on the review of strategic policies are to:
- include comments on the Logistics Preferred Approach and responses within the Report of Responses;
  - develop the evidence base including completion of SA, transport modelling, viability assessment, centres study, infrastructure delivery plan and HRA;
  - complete the commissioning Carbon Reduction Study and Viability Assessment;
  - develop the Publication Version of the Strategic Plan, reviewing and updating, taking into account consultation responses received.

**Lead Officer:**

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## ITEM 6      LEVELLING-UP AND REGENERATION ACT UPDATE

### 1.0      **SUMMARY**

- 1.1      A response to the “Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms” was submitted on behalf of JPAB by the closing date of 18 October 2023. Royal assent was given on 26 October 2023.

### **Recommendations**

It is recommended that Joint Planning Advisory Board **NOTE** the changes to plan making brought about by the Levelling Up and Regeneration Bill, set out in the appendix to this report.

### 2.0      **Background**

- 2.1      The Government published a consultation on Government proposals to make local plans (and minerals and waste plans) simpler, faster to prepare, and more accessible on July 25 2023, with a closing date of 18 October 2023. The government announced on 26 October that the Levelling Up and Regeneration bill has now received royal assent.
- 2.2      The bill was first published in May 2022. Since then, both parliamentary houses have debated its provisions and made a number of amendments to the legislation.
- 2.3      According to the 2022 explanatory notes, “changes to planning procedures will begin to take place from 2024, once the Bill has Royal Assent and associated regulations and changes to national policy are in place”.
- 2.4      Bringing the provisions in Levelling Up and Regeneration Act into effect will require a raft of further consultations, detailed technical work and secondary legislation.
- 2.5      The final version of the Act is available at:  
<https://www.legislation.gov.uk/ukpga/2023/55/contents/enacted>.
- 2.6      Significant implications for local planning authorities (as identified by ‘Planning Resource’ 26 November 2023) are set out in the appendix attached to this report.

## **4 Background papers referred to in compiling this report**

4.1 Levelling Up and Regeneration Act 2023.

### **Contact Officer**

**Lead Officer:**

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## APPENDIX 1

Levelling Up and Regeneration Act 2023: Implications for local planning authorities  
(Planning Resource 26 November 2023)

**1. Local planning authorities will be required to have a design code in place covering their entire areas.** The legislation will require “all local planning authorities to have a design code in place covering their entire area”.

The explanatory notes state: “The area-wide codes will act as a framework, for which subsequent detailed design codes can come forward, prepared for specific areas or sites and led either by the local planning authority, neighbourhood planning groups or by developers as part of planning applications. This will help ensure good design is considered at all spatial scales, down to development sites and individual plots.”

**2. A new levy will replace section 106 planning obligations and the Community Infrastructure Levy.** On “infrastructure”, the Bill will replace the current section 106 and the Community Infrastructure Levy (CIL) regimes with a new Infrastructure Levy.

The rates and thresholds of this new levy will, as with the existing CIL regime, be set in charging schedules “and set and raised by local planning authorities (rather than nationally), meaning that rates are tailored to local circumstances and deliver at least as much onsite affordable housing”.

The notes add: “All schedules will be subject to public examination.”

**3. A new requirement will be placed on local authorities to prepare infrastructure delivery strategies.** The Act also places “a new duty on local authorities to prepare infrastructure delivery strategies to outline how they intend to spend the levy”. This is to “make sure that infrastructure requirements and levy spending priorities are considered carefully”, the notes say.

**4. More weight will be given to local plans, neighbourhood plans and spatial development strategies proposed by mayors or combined authorities.** Local plans, neighbourhood plans and spatial development strategies proposed by mayors or combined authorities “will be given more weight when decisions are made on applications so that there must be strong reasons to override the plan, providing communities more certainty”.

Meanwhile, local plans, minerals and waste plans, supplementary plans and neighbourhood plans will all be required to “take account” of new local nature recovery strategies.

**5. The scope of local plans will be limited to ‘locally specific’ matters, with ‘issues that apply in most areas’ to be covered by a new suite of national policies.** The Act “requires each local planning authority to prepare one local plan, with the content limited to locally specific matters such as allocating land for

development, detailing required infrastructure and setting out principles of good design”.

It adds: “General policies on issues that apply in most areas (such as general heritage protection) will be set out nationally and contained in a suite of National Development Management Policies (NDMPs), which will have the same weight as plans so that they are fully taken into account in decisions. Local plans will not be able to repeat these.

NDMPs will be subject to consultation in “all but exceptional circumstances”, but will not be subject to parliamentary approval.

**6. Ministers will have to have regard to climate change when preparing NDMPs.** The Act will require the drafting of policies that are to be designated as NDMPs to “have regard to the need to mitigate, and adapt to, climate change, taking into account the range of climate scenarios and risk relevant to the policies being developed.”

**7. The ‘duty to co-operate’ will be dropped, and time limits prescribed for different stages of plan preparation.** The notes also say “several other changes to improve the process for preparing local plans: new powers will enable the introduction of ‘Gateway’ checks so that issues are identified earlier during plan preparation, and allow time periods to be prescribed for different parts of the plan preparation process, enabling delivery of a time-bound end-to-end process; digital powers in the Bill will allow use of more standardised and reusable data, and there will be a new requirement for local planning authorities to produce a consolidated policies map of the full development plan for their area, improving the clarity and transparency of plans; and the ‘duty to co-operate’ contained in existing legislation is being repealed”.

**8. There will be a new power for planning authorities to quickly create ‘supplementary plans’ for some or all of their areas.** Local planning authorities “will have a new power to prepare ‘supplementary plans’, where policies for specific sites or groups of sites need to be prepared quickly (e.g. in response to a new regeneration opportunity), or to set out design codes for a specific site, area or across their whole area”.

**9. Groups of authorities will also be able to produce voluntary spatial development strategies on specific cross-boundary issues.** “Groups of authorities” will also be allowed “to collaborate to produce a voluntary spatial development strategy, where they wish to provide strategic planning policies for issues that cut across their areas (echoing the powers conferred on some mayoral combined authorities already)”, the notes say.

**10. The EU processes of environmental impact assessment and strategic environmental assessment will be replaced by ‘environmental outcomes reports’.** “A new system of Environmental Outcomes Reports will replace the EU processes of Environmental Impact Assessment and Strategic Environmental Assessment whilst retaining the UK’s obligations under the UN Aarhus and Espoo Conventions.”

This introduces an “outcomes-based approach that will allow the government to set clear and tangible environmental outcomes which a plan or project is assessed against”. This will “allow decision-makers and local communities to clearly see where a plan or project is meeting these outcomes and what steps are being taken to avoid and mitigate any harm to the environment. These outcomes will be set following consultation and parliamentary scrutiny but will, for the first time, allow the government to reflect its environmental priorities directly in the decision-making process.”

**11. A ‘simpler to prepare’ alternative to neighbourhood plans will be introduced.** The Bill introduces “a new neighbourhood planning tool called a ‘neighbourhood priorities statement’, providing communities with a simpler and more accessible way to set out their key priorities and preferences for their local areas. Local authorities will need to take these into account, where relevant, when preparing their local plans for the areas concerned, enabling more communities to better engage in the local plan-making process.”

**12. A ‘street votes’ system will permit residents to propose development on their street and hold a vote on whether planning permission should be given.** The Act includes provision for “street vote development orders”, replacing the placeholder clause in earlier versions of the bill, and clarifies how these orders will work in practice, by conferring “regulation-making powers relating to the preparation and making of an order, including provision for independent examination and a referendum”.

**13. Decision-makers will face a new duty to act in line with the development plan and national policies.** The Act imposes “a new duty on decision-makers to make planning decisions in accordance with the development plan and national development management policies unless material considerations strongly indicate otherwise”. The document says that this is to “increase certainty in planning decisions”.

**14. A new route will be created to allow the Crown to apply directly to the secretary of state for determination of nationally important development.** The Act will “speed up the process of dealing with applications for nationally important Crown developments in the planning system”, including through “a new process for nationally important and urgent developments, and a new route which allow the Crown to apply directly to the secretary of state for determination of nationally important development”.

**15. ‘Loopholes’ preventing planning enforcement will be closed.** The Act “amends and strengthens the powers and sanctions available to local planning authorities to deal with individuals who fail to abide by the rules and process of the planning system”.

This includes “facilitating enforcement action by closing existing loopholes which can be exploited to prolong unauthorised development, allowing more time for the investigation of breaches, introducing enforcement warning notices, making the enforcement timescales that currently apply more consistent, and increasing fines”.

**16. Registered parks and gardens will get the same level of planning protection as listed buildings.** The Act will “make changes so that designated heritage assets, such as registered parks and gardens, World Heritage Sites, protected wreck sites, and registered battlefields, enjoy the same statutory protection in the planning system as listed buildings and conservation areas”.

**17. The compulsory purchase order system will be changed.** The Act “streamlines and modernises Compulsory Purchase Orders (CPO) and grants the power to local authorities to use CPO for regeneration purposes”. These changes “would empower local decision-making and improve transparency regarding local authorities’ power to acquire brownfield land compulsorily for regeneration in their area”, the notes say.

The Act will allow ministers to disapply the “hope value” of land obtained via a compulsory purchase order - and see landowners compensated for just the existing use of their land - for schemes that include affordable housing, health or education provision.

**18. Urban development corporations’ planning powers will be revised, and a new type of corporation introduced.** Currently, there are four types of development corporation: “The New Town Development Corporation, the Urban Development Corporation, the Mayoral Development Corporation and the locally-led New Town Development Corporation”. The document says: “Each model reflects the time and circumstances when they were introduced, and thus have varying powers and remits.”

The Act “makes provision for a new type of locally-led Urban Development Corporation, with the objective of regenerating its area and accountable to local authorities in the area rather than the secretary of state”. It also “updates the planning powers available to centrally and locally-led development corporations, so that they can become local planning authorities for the purposes of local plan-making, overseeing neighbourhood planning and development management. This is to bring them in line with the Mayoral Development Corporation model.” The Act also “amends the process for establishing locally-led New Town Development Corporations, [removes] the cap on the number of board members and [removes] the aggregate limits to borrowing”.

**19. Planning authorities will get the power to instigate auctions to take leases on vacant high street properties.** A new measure is included, to give “local authorities powers to instigate auctions to rent vacant commercial properties in town centres and on high streets, for leases from one to five years to attract new tenants”. The notes say these new powers “can be exercised at the discretion of local authorities, based on their local context and need, but only on properties which have been vacant for over 12 months”.

**20. A council tax premium on second homes can be introduced.** The Act introduces a “discretionary council tax premium on second homes and changes the qualifying period for use of the long term-empty homes premium”. The document says that “local authorities may levy a premium of up to an additional 100 per cent on council tax bills for second homes and for empty homes after one year (as opposed

to two years which is the current requirement)". The government will consult on exemptions to this.

**21. A new route will be created for upper-tier councils to combine without the consent of lower-tier authorities in their areas.** At present, "the available model for establishing a combined authority is primarily designed for urban areas". To address this, "the Bill creates a new model for a 'combined county authority', which is made up of upper-tier local authorities only".

The Act "also includes measures to enable local authorities to move into directly elected leadership governance models more quickly to support devolution deals".

**22. New measures intended to make land ownership more transparent will be introduced.** The Act "includes measures that will facilitate a better understanding of who ultimately owns or controls land in England and Wales", supporting a 2017 housing white paper commitment by "collecting and publishing data on contractual arrangements used by developers to control land, such as rights of pre-emption, options and conditional contracts".

**23. The secretary of state will gain new powers to control changes to street names.** The Act grants a power to the secretary of state "to set out the process to secure consent on any proposed changes to a street's name". The notes say: "This will ensure all local authorities follow the same process for changing street names and that they cannot do without the consent of those who live on the street."

**24. Planning application fees will be raised by more than one-third.** The government intends to increase planning fees for major and minor applications by 35 per cent and 25 per cent respectively. The fee increase will take effect on Wednesday 6 December.

**25. The emphasis of the National Planning Policy Framework will shift to guiding plan-making.** Policies in the current National Planning Policy Framework (NPPF) that are intended to guide decision-making will be stripped out to form the basis of the promised National Development Management Policies that will take precedence over local plans as the primary policy guide for decision-making.

**26. Tools to force developers to complete schemes will be made easier for authorities to use.** The Act will make it easier for planning authorities to issue completion notices to developers to require them to complete their projects. And it will introduce commencement notices which will be required when a scheme with planning permission starts on site, which it says will address "perceptions of 'land banking' and slow build-out by larger developers".

**27. Benefit to the public purse will become a factor in authorities' land allocation decisions.** Planning authorities will be able to partially base their land allocation decisions on the option price of sites offered to them by developers, under legislation promised by the Act to enable the piloting of "Community Land Auctions".



“Landowners will be able to submit their land into an allocation process as part of an emerging local plan, offering the local planning authority an option on the land at a price set by the landowner”.

“The local authority will allocate land based on both planning considerations and the option price,” it continues. “It will then auction the development rights onto a successful bidder once land is allocated in the adopted plan. The difference between the option price offered by landowners, and the price offered to develop allocated land, will be retained by local authorities for the benefit of local communities”.

**28. Powers to require developers to engage with communities pre-application will be made permanent.** For decision-making, the Act will also enable pre-application engagement with communities to be required before a planning application is submitted, removing the sunset clause, making the powers that currently expire in 2025 permanent.

The companion document also promises new guidance on community engagement in planning, “including the opportunities which digital technology offers”. But it adds that any new digital engagement tools “will sit alongside existing methods of engagement (such as site notices and neighbour letters)”.

**29. Councils will have the power to decline to determine applications from applicants who have been slow to implement previous permissions across their entire authority areas.** Authorities will be able “to refuse to determine an application for planning permission in certain cases where there was a previous application relating to land within the authority’s area and the development was not begun or has been carried out unreasonably slowly”.

**30. Provisions to allow councils to benefit financially from land allocations will be introduced.** There is provision for the piloting of “community land auctions”, which will allow landowners to “grant options over land...with a view to the land being allocated for development in the local plan”.

The participating local planning authority will then have the power to “exercise or sell” the option, allowing it to capture “some of the increased value that would result from allocation for development”.

The difference between the option price and the post-allocation price could subsequently be used by authorities to “support development of the area”.

Authorities will be permitted to take into account the “financial benefits arising from options” when making decisions about the local plan.

**31. Statutory consultees can charge for advice related to Nationally Significant Infrastructure Project applications.** The secretary of state will be given the power to make regulations permitting “certain public authorities to charge fees for the provision of advice, information or other assistance in connection with applications for development consent orders”.

This will also apply to changes to Development Consent Orders for NSIPs and “other prescribed matters to do with nationally significant infrastructure projects”.

**32. New duty on councils to grant sufficient permission for self- and custom-build housing and include pre-existing unmet demand for this housing when calculating their current level of demand.** Local planning authorities must give sufficient permissions for self-build and custom housebuilding on serviced plots to meet the demand for such development in their area over a given period.

The government’s intention is that planning permissions will only qualify towards meeting demand for self-build and custom housebuilding as set out in the 2015 Act if they are actually designed for this purpose.

**33. The legislation makes provision for registration of short-term rental properties.** The secretary of state will “make provision by regulations requiring or permitting the registration of specified ‘short-term rental properties’”.

**34. The secretary of state can allow planning inspectors the power to conduct proceedings “wholly or partly remotely”.** This could apply to “any inquiry, hearing, examination, meeting or other proceedings...which relate to planning, development or the compulsory purchase of land”.

**35. The secretary of state can ask authorities to reimburse the government for local plan advice costs.** The secretary of state can “require a local planning authority to reimburse the secretary of state for expenditure incurred in connection with appointing a person to provide observations or advice on a proposed local plan or to pay any fees and expenses of that person”.

## ITEM 7 WASTE AND MINERALS LOCAL PLANS UPDATE

### 1.0 Summary

- 1.1 This report updates JPAB on progress with the Nottinghamshire/Nottingham and Derbyshire Waste and Minerals Local Plans.

#### Recommendations

It is recommended that Joint Planning Advisory Board **NOTE** the progress with the Nottinghamshire/Nottingham and Derbyshire Waste and Minerals Local Plans.

### 2.0 Plans Update

#### Nottinghamshire/Nottingham

- 2.1 The Nottinghamshire Minerals Local Plan covering the period to 2036 was adopted by the County Council at its meeting on 25 March 2021. The Plan will be subject to its first statutory review point in 2026.
- 2.2 The County and City Councils are preparing a single joint Waste Local Plan to replace the Waste Core Strategy adopted by both Councils in December 2013. An initial consultation on the new Local Plan, including a 'Call for Sites' was completed in May 2020. A Draft Waste Local Plan was prepared and consulted on between the 7th February and 4th April 2022.
- 2.3 A revised Waste Needs Assessment and Draft Plan was considered by Joint Waste Planning Members Steering Group on 28 March 2023. Members of both Councils requested re-consideration of projected commercial and industrial recycling rates which was subsequently addressed by AECOM. The final Plan was presented to both Councils in June and July 2023, to seek formal approval to publish for representations between 30th August and 11th October.
- 2.4 During this period, 172 representations were received from 18 respondents. Of these 52 were in support of the Plan and 120 representations formed objections. The most commented policy was Policy SP4: Managing residual waste, followed by Policy SP2: Future waste management provision and Policy DM6: Historic environment. Many representations related not to specific policies but Chapter 5, mainly around the choice of recycling scenarios and the capacity gap analysis, with several indicating the Councils

were not being ambitious enough on recycling and overplanning for Energy from Waste capacity.

- 2.5 Officers from both Councils have considered the representations and whilst accepting that some wording of policies and text could be modified if the Inspector considers these necessary for purpose of soundness, the overall Plan is considered generally sound and appropriate to submit to the Secretary of State for examination.
- 2.6 The Pre-Submission Plan is being taken to the County Council on 7 December to gain approval to submit the plan and representations made to the Planning Inspectorate. The City Council will consider the Plan at a future meeting with submission expected in the first few months of 2024.
- 2.7 Following this, the Plan will go through independent examination to test its soundness. Once the Plan is found to be sound, subject to any modifications, it can then be adopted by both Councils. It is hoped that the Plan will be adopted in the latter half of 2024.

### **Derbyshire/Derby**

- 2.8 Consultation on a range of minerals topic papers entitled 'Towards a Minerals Local Plan' – Proposed Approach was carried out in Spring 2018. Consultation on a Regulation 18 Joint Derbyshire and Derby Draft Minerals Local Plan was published on 2nd March 2022 and ran for a period of 8 weeks to 26th April 2022. A Pre-Submission Draft Regulation 19 Joint Derbyshire and Derby Local Plan was published for consultation on 7<sup>th</sup> March 2023 and ran for 8 weeks until 2<sup>nd</sup> May 2023, this included six public drop-in events across a range locations in the County. Responses to the consultation have been logged by officers at the County Council. Reports will be presented to the Councils' Joint Advisory Committee in November 2023, providing details of the consultation responses and a recommended timescale for submission of the Plan to the Secretary of State, which is likely to be in March 2024. Consultants have been commissioned to address issues raised by Historic England on the potential heritage impacts of a number of the sand and gravel allocations in the Reg 19 Plan. Statements of Common Ground are also being drafted with a range of stakeholders to address issues raised through the Reg 19 Consultation. A Planning Performance Agreement has been agreed with the Planning Inspectorate and a number of potential Programme Officers have been contacted to seek their availability for the Local Plan Examination, which is likely to take place in the Summer of 2024. Work on updating the Joint Minerals and Waste Local Development Scheme is also in progress.
- 2.9 A series of background and evidence papers on local and strategic waste matters have been prepared. This includes an updated forecasting approach on waste capacity need across the plan period. It also provides a summary of the quantities of waste generated. The papers include a series of questions or gaps in knowledge/evidence which will be used as the basis for the consultation roll out. The first consultation is likely to be a hybrid approach between issues and options and a preferred approach. Duty to Cooperate

Statements are being updated with relevant local authorities. Approaches have been made by the County Council to all the District and Borough Councils in the County to seek to identify broad locations to accommodate potential new waste facilities on existing employment sites.

- 2.10 Subject to agreement by the Derby and Derbyshire Joint Advisory Committee for a timetable to progress the Plan, it is anticipated that consultation on the papers could take place in early 2024, and will also include running some drop in events around the County to give residents the opportunity to view and comment. This will then be used to draw up the draft plan for consultation.

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<b>Item 8</b>	<b>HOMES ENGLAND CAPACITY FUNDING – QUARTER 2 (YEAR 7) JULY TO SEPTEMBER 2023</b>
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## **1.0 Summary**

- 1.1 To report to JPAB the progress made on Homes England (HE) Capacity Funding projects.

### **Recommendations**

It is recommended that Joint Planning Advisory Board <b>NOTE</b> this report.
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## **2.0 Background**

- 2.1 The Greater Nottingham Joint Planning Advisory Board successfully bid for £855,000 of HE grant funding in Spring 2017. Under the conditions of the grant award, the Partners are required to provide monitoring information to HE on a quarterly basis and identify key risks, issues and mitigation measures.

## **3.0 Progress/updates – Quarter 2 (Year 7) October to December 2023**

- 3.1 In summary there has been little change to the status of finances since the last report, but progress on projects are as follows:
- Erewash Borough Council - Repurposing of £98,622 funding, initially secured for Stanton Regeneration site but subsequently approved for studies in relation to accelerating housing delivery on Land South West of Kirk Hallam. The funding has supported 3 studies in relation to the Kirk Hallam Relief Road:
    - a) Hydraulic Modelling
    - b) Transport planning
    - c) Spine Road and Access Junction Design
- 3.2 Payment has now been made to conclude this project.
- 3.3 The final remaining elements of the funds are as follows:
- Gedling Borough Council – £33,195 in outstanding funds with projects to be confirmed.
  - Nottingham City Council - £20,269 in outstanding funds which is allocated to the Waterside.

## **4.0 Risks and Issues**

- 4.1 JPAB agreed to work up some reserve projects for both any underspend of the HCA funding and also to have projects 'oven ready' should further

opportunities for grant funding come forward. These will continue to be progressed.

## **5.0 Next Steps**

- 5.1 Authorities will continue to populate the monitoring spreadsheet and work up reserve projects. Progress on quarter 3, year 7 will be reported to the next JPAB meeting.

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**ITEM 9 ANY OTHER BUSINESS PREVIOUSLY NOTIFIED TO THE CHAIR**

**ITEM 10 FUTURE MEETINGS**

<b>JPAB</b>	<b>Time and Venue</b>
To be confirmed	