



**Nottingham City Council
Local Plan Part 2: Land and
Planning Policies Document
Revised Publication Version**

Ref:

For office use only

Response Form

A number of changes have been made to the previous 'Publication Version' of the Local Plan. These changes cover Site Allocations and Development Management Policies with additions shown in blue underline and deletions in ~~red strikethrough~~ in the Revised Publication document. A full schedule of changes is also available as are updates/addendums to the supporting documentation and these can be found at www.nottinghamcity.gov.uk/revisedpublication. This consultation is focusing on these changes and comments made in response to the previous 'Publication Version' consultation need not be repeated.

You are advised to read the [guidance note](#) before completing this form, but if you have any questions, please email the Planning Policy and Research Team 0115 876 4594 or localplan@nottinghamcity.gov.uk

Please return this response form to localplan@nottinghamcity.gov.uk

The Council is encouraging electronic responses for ease of processing, however, should you need to submit comments in writing, these should be addressed to:
Local Plan Revised Publication Consultation, Planning Policy and Research Team, Nottingham City Council, LH Box 52, Loxley House, Station Street, Nottingham, NG2 3NG.

Responses must be received by 5.00pm Friday 10th November 2017

Part A – Contact Details and Future Notifications

Please tick the boxes as appropriate.

Q1 Are you responding as?

- An individual
 A Landowner/Developer
 An organisation
 Other _____

Q2 If you have commented before on the Local Plan and have your consultee ID number (this will have been provided on your consultation letter) please provide it.

ID No. _____

Q3 Your Details

Title	
First Name	
Last Name	
Job Title (if relevant)	
Organisation (if relevant)	Lidl UK GmbH

Q4 Agent's Details (if relevant)

Mrs
Julie
White
Indigo Planning

Address Line 1		
Address Line 2		
Address Line 3		
Address Line 4		
Address Line 5		
Post Code		
Telephone Number		
E-mail Address		

Q5 Do you wish to be notified of any of the following?
(please tick yes or no for each question)

Submission of the Local Plan Part 2 for Examination? Yes No
Publication of the Recommendations of the Inspector? Yes No
Adoption of the Local Plan Part 2? Yes No

Part B – Your Response

If you wish to comment on more than one issue please complete a separate form for each response (although you only need to complete Part A once).

<p>Q6 If you know the Proposed Change reference number provided in the <u>Schedule of Changes to the Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2), Publication Version</u>, please provide it and move to Q8.</p>	<p>Proposed Change reference: _____</p>
<p>Q7 Alternatively, if you do not know the Proposed Change reference please answer the following questions: What does your response relate to? (please select <u>only one</u> from a) to e) below). a) A site? (if yes, please specify the site and move to Q8) Which site? (please provide details of the site including ref number and site name).</p>	<p><input type="radio"/> Yes <input type="radio"/> No</p> <p><input type="radio"/> Please give site details: Site Ref: _____ Site Name: _____</p>
<p>b) A Policy? (if yes, please give the Policy reference then move to Q8) Which Policy? (please provide the Policy reference) Policy text or justification text?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Policy Ref <u>SH4</u> _____</p> <p><input checked="" type="checkbox"/> Policy text <input checked="" type="checkbox"/> Justification text</p>
<p>Which part of the text? (please provide the related Policy criteria or paragraph number)</p>	<p>_____</p>

c) Another part of the document? (if yes, please state which section then move to **Q8**)

Yes

No

If yes, please specify which section below.

Which section?

- Policies Map
- Section 1: Introduction
- Section 2: Background
- Appendix 1: Parking Guidance
- Appendix 2: Schedule of Proposed Transport Network Schemes
- Appendix 3: Housing Delivery
- Appendix 4: Employment Delivery
- Appendix 5: Retail Delivery
- Appendix 6: Methodology for Significant HMOs Concentration
- Appendix 7: Schedule of Caves

d) Supporting documents? (if yes, please specify which document, then move to **Q8**)

Yes

No

Which document?

(e.g. Sustainability Appraisal)

e) Another issue?

(please specify then move to **Q8**)

Yes (please give details)

Q8 and Q9 are required by Planning Regulations. Please refer to the [guidance note](#) for more information.

Q8 Do you consider the Local Plan Part 2 to be legally compliant? (please tick yes or no and explain in the box to **Q10**. You will also need to answer **Q9**).

Yes

No

Q9 Do you consider the Local Plan Part 2 to be 'sound'? (please tick yes or no).

Yes (go to **Q10**)

No (answer a-d below)

a) Do you consider the Plan is unsound because it is not 'positively prepared'?

Yes

No

b) Do you consider the Plan is unsound because it is not 'justified'?

Yes

No

c) Do you consider the Plan is unsound because it is not 'effective'?

Yes

No

d) Do you consider the Plan is unsound because it is not 'consistent with national Policy'?

Yes

No

If you consider that the Plan is unsound, explain why in the box to **Q10**).

Q10 Please explain why you 'support' or 'do not support' the Proposed Changes set out in the Revised Publication Version of the Local Plan Part 2 (i.e. why you think the Plan is/is not legally compliant/sound). Try and be as precise as possible.

Please refer to accompanying representations letter appended.

(please continue on a separate sheet if necessary)

Q11 Please set out what change(s) you consider necessary to make the Plan legally compliant or sound, having regard to the reasons you identified in Q10. You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any Policy or text. Try and be as precise as possible.

Please refer to accompanying representations letter appended.

(please continue on a separate sheet if necessary)

Please note your response should cover succinctly all the information, evidence and supporting information necessary to support/justify the response and the suggested change, as there may not be a subsequent opportunity to make further responses. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Q12 If your response is seeking a change, do you consider it necessary to participate at the Examination in person?

- Yes, I wish to participate in person at the Examination
- No, I do not wish to participate in person at the Examination

Q13 If you wish to participate in person at the Examination, please outline why you consider this to be necessary.

(please continue on a separate sheet if necessary)

Please note the Inspector will determine who participates at the Examination and the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the Examination.

Responses must be received by 5.00pm on Friday 10 November 2017.

Thank you for taking the time to have your say on the Nottingham City Council Local Plan Part 2: Land and Planning Policies Document. You are kindly requested to complete the Equality Opportunities Monitoring questions on page 6, however this is OPTIONAL.

Data Protection - The response(s) you submit on the Local Plan Part 2 will be used in the plan making process and may be in use for the lifetime of the Local Plan in accordance with the Data Protection Act 1998 although address, telephone and email details will not be published.. The information will be analysed and the Council will consider issues raised. Please note that responses cannot be treated as confidential and will be made available for public inspection. All responses can be viewed at the Council offices. If you provide your email address this will be the method of communication used in the future by default unless you advise us otherwise.

Nottingham City Council
Loxley House
Station Street
Nottingham
NG2 3NG

By email
localplan@nottinghamcity.gov.uk
let.012..SM.24530001

10 November 2017

Dear Sir / Madam

**REPRESENTATIONS TO THE NOTTINGHAM CITY LAND AND PLANNING
POLICIES LOCAL PLAN PART 2 DEVELOPMENT PLAN DOCUMENT
CONSULTATION**

We write on behalf of our client Lidl UK GmbH to make representations to Draft Policy SH4 of the Nottingham City Council Local Plan Part 2 Development Plan Document which is currently out for consultation.

Draft Policy SH4 relates to main town centre uses and states that planning applications for such uses will be subject to the sequential and impact tests as set out in the NPPF.

Whilst the principle of the policy accords with the NPPF, the policy requires impact assessments for new retail development over 1,000sqm gross which is significantly below the NPPF threshold. It also requires that proposals for out of centre and edge of centre retail and main town centre uses are considered against a number of criteria.

The justification for the proposed impact threshold is that 1,000sqm is reasonable and practicable for all edge of and out of centre locations, and that proposals above this quantum are unlikely to be a purely local facility and will tend to draw trade from outside of the local catchment.

The PPG (Paragraph 016 Reference ID: 2b-2016-20140306) states that in setting a locally appropriate threshold it will be important to consider the scale of proposals relative to town centres, the existing vitality and viability of town centres, the cumulative effects of recent developments, whether local town centres are vulnerable, and the likely effects of development on any town centre strategy and impact on any other planned investment.

However, there is no evidence that retail proposals over 1,000sqm gross would result in a significant adverse impact on existing shopping centres, in particular given the majority of the district and local centres are identified as being healthy and viable in the Greater Nottingham Retail Study (2015). As such there is no reason or justification to set a lower impact threshold than 2,500sqm gross. The

low threshold also does not take account of differences between retailer's business model's and does not directly relate to the impact of a new store, specifically in regard to discount retailers.

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The NPPF highlights at paragraph 21 that investment in business should not be over-burdened by the requirements of planning policy. It adds that planning policies should recognise and seek to address potential barriers to investment. However, as currently worded the policy is therefore overly restrictive for developers, and will discourage and prevent discount retailers such as Lidl from opening new stores within Nottingham and will remove the opportunity to bring discount retailers to the wider authority area.

We therefore request that the council amend the policy in favour of the approach used in the NPPF, and do not set a local threshold, thereby defaulting to the national threshold of 2,500sqm (gross) when applying the impact test.

Paragraph 3 of Policy SH4 also requires that proposals for out of centre and edge of centre main town centre uses are considered against a number of criteria. This includes whether the proposal is for small scale retail provision to meet an identified local need (criteria 3a).

Paragraph 3.117 adds that the justification for the policy is to provide small scale convenience shopping facilities (i.e. up to 280sqm net) in areas of deficiency which meet the day to day requirements of local residents.

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However, larger scale convenience stores over 280sqm net floorspace also have an important role in meeting both the main and top up shopping needs of local residents.

Moreover, there is no longer a requirement to demonstrate 'need' for out of centre retail development. The only two tests which should be applied for planning applications for main town centre uses which are not in an existing town centre are the sequential and impact test, as set out in paragraphs 24-26 of the NPPF and paragraph 001 of the PPG (Paragraph 001 Reference ID: 2b-001-20140306).

It is the intention of the NPPF to positively plan for, and encourage appropriate and sustainable new economic development. The NPPF is clear that there is a presumption in favour of sustainable development and the role of planning is not to unnecessarily restrict, burden or delay appropriate development.

However, as currently worded Policy SH4 is overly restrictive in requiring applications for new convenience retail to demonstrate a 'need' for such proposals which does not reflect national planning policy. As such the requirement to demonstrate 'need' is unjustified and should be removed from the draft policy to make the policy sound and comply with the policy tests set out in paragraph 24-26 of the NPPF.

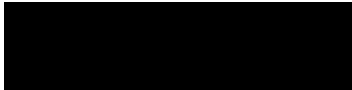
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Furthermore, criteria 3a of Policy SH4 should be amended to support larger scale convenience retail provision to serve local shopping needs subject to satisfying the sequential and impact test.



I trust that you will take the above comments into consideration, but please do not hesitate to contact me if you have any queries or require any further information.

Yours faithfully



Julie White

Enc: