



**Nottingham**  
**City Council**

**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](http://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](mailto:localplan@nottinghamcity.gov.uk)

Please return this response form to [localplan@nottinghamcity.gov.uk](mailto: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 10<sup>th</sup> 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 organization ✓  
 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. 3512

#### Q3 Your Details

Title	
First Name	
Last Name	
Job Title (if relevant)	
Organisation (if relevant)	Kentucky Fried Chicken

#### Q4 Agent's Details (if relevant)

Mr
Steve
Simms
Director
SSA Planning Limited

Address Line 1	(Great Britain) Limited	
Address Line 2	Orion Gate	PO Box 10201
Address Line 3	Guildford Road	Nottingham
Address Line 4	Woking	
Address Line 5	Surrey	
Post Code	GU22 7NJ	NG9 9FZ
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><b>Q6</b> 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>	Proposed Change reference: PC115
<p><b>Q7</b> Alternatively, if you do not know the Proposed Change reference please answer the following questions:</p> <p><b>What does your response relate to?</b> (please select <u>only one</u> from a) to e) below).</p> <p><b>a) A site?</b> (if yes, please specify the site and move to Q8)</p> <p><b>Which site?</b> (please provide details of the site including ref number and site name).</p>	<p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> Please give site details:  <b>Site Ref:</b> _____  <b>Site Name:</b> _____</p>
<p><b>b) A Policy?</b> (if yes, please give the Policy reference then move to Q8)</p> <p><b>Which Policy?</b> (please provide the Policy reference)</p> <p><b>Policy text or justification text?</b></p>	<p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><b>Policy Ref</b> _____</p> <p><input type="radio"/> Policy text</p> <p><input type="radio"/> Justification text</p>
<p><b>Which part of the text?</b> (please provide the</p>	<p>_____</p>

related Policy criteria or paragraph number)

**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.**

5303

Whilst we welcome the proposed change to exclude schools other than secondary schools insofar as it will reduce the harm that the policy will have on jobs, services and accessibility, it is insufficient to overcome our objection to the policy approach as a whole, which remains flawed for the reasons set out in our original objection (which we maintain).

5304

There is no basis in national policy for banning hot food takeaways based on their proximity to schools. National policy identifies hot food takeaways as a main town centre use that should be located in town centres or in the next most accessible location based on need. Creating zones in which they may not be located inevitably works against this approach.

5305

The policy as amended still implies that food sold from hot food takeaways must by default have a specially negative impact on health and wellbeing, without any further assessment of the number, location or impact of other uses such as bakeries, coffee or sandwich shops, or indeed the extent of any negative impacts of the policy.

5306

Research since the previous draft (Pearce, Matthew et al; (2017) 'Weight gain in mid-childhood and its relationship with the fast food environment' J. Public Health 1-8) identified by the City Council did not relate specifically to Class A5 and studied proximity to dwellings, not schools. As dwellings are far more widespread, this approximates to concentration.

5307

A further problem with the policy as amended is that it still does not offer clarity as to how mixed uses containing elements of use within Class A5 will be treated. As an example, it is impossible to know before opening what proportion of the turnover of a drive-through will be hot food taken away. Clearly, though, school children are unlikely to drive.

(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.**

The amendment sought, and the only change to the Nottingham City Land and Planning Policies DPD Revised Publication Draft that would render it sound, is deletion of criteria (e), (f) and (g) in Policy LS1. Similar objectives might be achieved with retail policy based on a wider application of proportional limits.

(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.

Because the City Council has not presented evidence to support the proposed policy and it may be necessary to discuss research that exists in this area to explain why it does not support the specific policy proposed and to suggest alternative approaches.

(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.

## 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><b>Q7</b> If you know the Proposed Change reference number provided in the <b>Schedule of Changes to the Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2), Publication Version</b>, please provide it and move to Q8.</p>	<p>Proposed Change reference: PC117</p>
<p><b>Q7</b> Alternatively, if you do not know the Proposed Change reference please answer the following questions:</p> <p><b>What does your response relate to?</b> (please select <b>only one</b> from a) to e) below).</p> <p><b>a) A site?</b> (if yes, please specify the site and move to Q8)</p> <p><b>Which site?</b> (please provide details of the site including ref number and site name).</p>	<p> <input type="radio"/> Yes  <input type="radio"/> No   <input type="radio"/> Please give site details:                  Site Ref: _____                  Site Name: _____             </p>
<p><b>b) A Policy?</b> (if yes, please give the Policy reference then move to Q8)</p> <p><b>Which Policy?</b> (please provide the Policy reference)</p> <p><b>Policy text or justification text?</b></p>	<p> <input type="radio"/> Yes  <input type="radio"/> No                   Policy Ref _____   <input type="radio"/> Policy text  <input type="radio"/> Justification text                  _____             </p>
<p><b>Which part of the text?</b> (please provide the related Policy criteria or paragraph number)</p> <p><b>c) Another part of the document?</b> (if yes, please state which section then move to Q8)</p>	<p> <input type="radio"/> Yes  <input type="radio"/> No                  If yes, please specify which section below.             </p>
<p><b>Which section?</b></p>	<p> <input type="radio"/> Policies Map  <input type="radio"/> Section 1: Introduction  <input type="radio"/> Section 2: Background  <input type="radio"/> Appendix 1: Parking Guidance  <input type="radio"/> Appendix 2: Schedule of Proposed Transport Network Schemes  <input type="radio"/> Appendix 3: Housing Delivery  <input type="radio"/> Appendix 4: Employment Delivery  <input type="radio"/> Appendix 5: Retail Delivery  <input type="radio"/> Appendix 6: Methodology for Significant HMOs Concentration  <input type="radio"/> Appendix 7: Schedule of Caves             </p>
<p><b>d) Supporting documents?</b> (if yes, please specify which document, then move to Q8)</p>	<p> <input type="radio"/> Yes  <input type="radio"/> No             </p>

**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.

Whilst we welcome the proposed change to exclude schools other than secondary schools insofar as it will reduce the harm that the policy will have on jobs, services and accessibility, it is insufficient to overcome our objection to the policy approach as a whole, which remains flawed for the reasons set out in our original objection (which we maintain).

The paragraph as amended still implies that food sold from hot food takeaways must by default have a specially negative impact on health and wellbeing, without any further assessment of the number, location or impact of other uses such as bakeries, coffee or sandwich shops, or indeed the extent of any negative impacts of the policy.

Because there is no evidence that the proximity of hot food takeaways to schools makes any difference to health outcomes, it is hard to see how an applicant might prove that their proposal would be any different. The example cited would simply prevent anyone, be they a school child or not, from accessing that specific hot food takeaway around school times.

5308

5309

It would not prevent them from visiting a coffee shop, bakery, café, convenience store or more distant hot food takeaway (e.g. near a bus stop at the other end of their journey). It would not improve nutritional content at that or existing hot food takeaways and could not take account of whether the school itself has or will have healthy eating or locked gates policies.

5310

It would very likely cause some potential customers to use less sustainable means of transport to travel to the next nearest hot food takeaway and the custom of those whose use of the hot food takeaway might be harmless as part of a balanced diet and lifestyle to be lost to the local economy, with consequences for jobs and the viability of local parades.

(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.**

5311

The amendment sought, and the only change to the Nottingham City Land and Planning Policies DPD Revised Publication Draft that would render it sound, is deletion of criteria (e), (f) and (g) in Policy LS1 and consequential deletion of paragraph 4.158. Similar objectives might be achieved with retail policy based on a wider application of proportional limits.

(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.**

Because the City Council has not presented evidence to support the proposed policy and it may be necessary to discuss research that exists in this area to explain why it does not support the specific policy proposed and to suggest alternative approaches.

(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.

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><b>Q8</b> 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: PC118</p>
<p><b>Q7</b> Alternatively, if you do not know the Proposed Change reference please answer the following questions:  <b>What does your response relate to?</b> (please select <u>only one</u> from a) to e) below).  <b>a) A site?</b> (if yes, please specify the site and move to Q8)  <b>Which site?</b> (please provide details of the site including ref number and site name).   <b>b) A Policy?</b> (if yes, please give the Policy reference then move to Q8)  <b>Which Policy?</b> (please provide the Policy reference)  <b>Policy text or justification text?</b>   <b>Which part of the text?</b> (please provide the related Policy criteria or paragraph number)  <b>c) Another part of the document?</b> (if yes, please state which section then move to Q8)</p>	<p><input type="radio"/> Yes  <input type="radio"/> No</p> <p><input type="radio"/> Please give site details:  <b>Site Ref:</b> _____  <b>Site Name:</b> _____</p> <p><input type="radio"/> Yes  <input type="radio"/> No</p> <p><b>Policy Ref</b> _____</p> <p><input type="radio"/> Policy text  <input type="radio"/> Justification text</p> <p>_____</p> <p><input type="radio"/> Yes  <input type="radio"/> No          If yes, please specify which section below.</p>
<p><b>Which section?</b></p>	<p><input type="radio"/> Policies Map  <input type="radio"/> Section 1: Introduction  <input type="radio"/> Section 2: Background  <input type="radio"/> Appendix 1: Parking Guidance  <input type="radio"/> Appendix 2: Schedule of Proposed Transport Network Schemes  <input type="radio"/> Appendix 3: Housing Delivery  <input type="radio"/> Appendix 4: Employment Delivery  <input type="radio"/> Appendix 5: Retail Delivery  <input type="radio"/> Appendix 6: Methodology for Significant HMOs Concentration  <input type="radio"/> Appendix 7: Schedule of Caves</p>
<p><b>d) Supporting documents?</b> (if yes, please specify which document, then move to Q8)</p>	<p><input type="radio"/> Yes  <input type="radio"/> No</p>
<p><b>Which document?</b></p>	<p>_____</p>

(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.

Whilst we welcome the proposed change to exclude schools other than secondary schools insofar as it will reduce the harm that the policy will have on jobs, services and accessibility and to clarify how distances will be assessed, it is insufficient to overcome our objection to the policy approach as a whole, which remains flawed for the reasons set out in our original objection (which we maintain).

The distance set would not prevent school children from visiting a coffee shop, bakery, café, convenience store or more distant hot food takeaway (e.g. near a bus stop at the other end of their journey). It would not improve nutritional content at that or existing hot food takeaways and could not take account of whether the school itself has or will have healthy eating or locked gates policies.

It would very likely cause some potential customers to use less sustainable means of transport to travel to the next nearest hot food takeaway and the custom of those whose use of the hot food takeaway might be harmless as part of a balanced diet and lifestyle to be lost to the local

economy, with consequences for jobs and the viability of local parades.

(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.

The amendment sought, and the only change to the Nottingham City Land and Planning Policies DPD Revised Publication Draft that would render it sound, is deletion of criteria (e), (f) and (g) in Policy LS1 and consequential deletion of paragraph 4.159. Similar objectives might be achieved with retail policy based on a wider application of proportional limits.

(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.

Because the City Council has not presented evidence to support the proposed policy and it may be necessary to discuss research that exists in this area to explain why it does not support the specific policy proposed and to suggest alternative approaches.

(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.