



Greater Nottingham Strategic Plan Examination

Post Hearing Note 2: Compliance and Soundness Issues

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1 October 2026

Introduction

1. This note does not address all the issues raised in representations or discussed at the hearing but rather focuses on those matters which we needed to consider in more detail. These matters are in addition to the modifications discussed at the hearing.
2. Our final conclusions regarding legal compliance and soundness will be set out in our report, which will be produced following consultation on the schedule of proposed main modifications. These provisional conclusions are necessary to enable the formulation of modifications for inclusion in the schedule.

Legal Compliance

Sustainability Appraisal

3. The Council submitted a sustainability appraisal (SA) with the Plan (SD/5). Having reviewed the SA, we consider that some further work is required and request that the Councils prepare an addendum or an update of the SA report. The purpose of this work is to ensure that the SA complies with Strategic Environment Assessment requirements, provides a robust evidence base and a clear and transparent audit trail for the choices made in preparing the Plan.
 4. The SA is largely unaltered following Gedling Borough Council's withdrawal from the Plan. The updated SA should take account of the Plan's revised geographical scope, including a reassessment of any reasonable alternatives that incorporated Gedling, the outcomes of that reassessment and how those outcomes have informed the conclusions of the SA and the preferred strategy.
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5. It is not always clear from the SA and supporting evidence which alternatives were selected as the preferred options, which were rejected, and the reasons for those choices. In particular, the reasons for selecting or rejecting options relating to the spatial strategy, housing need and requirement, the redistribution of Nottingham City's unmet need and employment provision would benefit from further explanation. This would provide additional clarity and help to demonstrate how the SA has informed the Plan. The updated SA should clearly explain the reasons for selecting preferred options and rejecting reasonable alternatives, including how any finely balanced judgements were reached.
6. The appraisal outcomes relating to the assessment of reasonable alternatives for the redistribution of Nottingham City's unmet need differ between the Preferred Approach SA (December 2022) (PC/7) and the Publication Document SA (March 2025) (SD/5). A clear explanation should be provided for the changes in scoring between the successive iterations of the SA.
7. The SA applied site size thresholds, excluding sites below a specified size from the assessment of reasonable alternatives. However, no justification is provided for those thresholds. While not every potential site must be assessed, the basis for the thresholds should be explained.
8. The SA Addendum or updated SA should be accompanied by a note explaining how the issues above have been addressed and any implications for the Plan. The note should clearly describe the work undertaken, the evidence relied upon, and the reasons for the conclusions reached. The accompanying Non-Technical Summary will also require updating to reflect any subsequent changes to the SA.
9. The Councils should provide us with a timescale for undertaking the further SA work set out above. This work will need to be completed before the SA work relating to the main modifications is commenced.

Other legal compliance issues

10. At the hearing we said we would be giving further thought to legal arguments on whether the Plan is a joint plan and whether it accords with the transitional arrangements in the 2024 Framework. Having considered those issues in more detail, we have decided not to require any further main modifications beyond those already proposed by the Council or discussed at the hearing. We will set out our reasoning on these issues in our examination report.

Soundness

Local housing need, supply and requirement

11. In our initial questions we queried the interpretation of the transitional arrangements that had formed the basis for the plan submission. That resulted in the recalculation of local housing need based on the 2023 standard method (GNC1). The recalculation has consequences for the Plan meeting its local

housing need, which we sought to explore in more detail in our MIQs and the discussions we had at the hearing.

12. Following the hearing we also asked for the housing land supply to be recalculated taking into account evidence we heard on delivery rates and removal of under or over delivery of housing prior to the date on which local housing need has been calculated using the standard method (GNC35).
13. Based on those revised figures, the overall housing land supply of 43,099 does not meet the local housing need of 44,047. That equates to a shortfall of some 2% between supply and need.
14. For individual authority areas, the housing supplies for Broxtowe and Rushcliffe do meet (and exceed) their respective local housing needs, but the housing supply for Nottingham City does not. The Plan therefore falls short of national policy on delivering a sufficient supply of homes.
15. There are however some positive aspects that flow from the Plan. The most important of those is that all three authorities would be able to demonstrate five-year housing land supplies on adoption of the Plan. That would include Nottingham City. That is because the Plan front loads housing supply, with housing being delivered in significant quantities early on in the Plan period.
16. The Plan would also enable the continued development of housing planned on strategic sites, including the release of Green Belt where necessary to ensure that infrastructure can be provided, and would make provision for strategic distribution and logistics development.
17. The shortfall in meeting local housing need in Nottingham City only comes towards the end of the Plan period. All three authorities have issued notices of intention to commence plan preparation under the new plan making system. The adoption of new style local plans is therefore likely to take place before the shortfall occurs.
18. We have also considered whether effective cooperation has taken place between neighbouring planning authorities. Because the Councils thought that meeting 80% of the 2024 standard method meant that they did not need to redistribute housing need, little discussion has taken place on that issue. Since we have found that Nottingham City Council cannot meet its need, such discussion should have taken place. That discussion should have been not only with the authorities engaged in the Plan but those which also fall within the wider housing market area of Nottingham.
19. Effective cooperation between authorities is important in the context of Nottingham where the City is largely built out to its administrative boundaries and where meeting its long-term housing needs is almost certain to require provision being made in surrounding areas. However, we are satisfied that all three Councils are likely to be able to show five-year housing land supplies on adoption, including Nottingham City. The shortcoming in effective cooperation would not therefore prevent a sufficient supply of housing to meet local housing need in the early years of the Plan. The redistribution that is likely to be needed

to meet longer term housing need can therefore be part of the plans being developed under the new plan making system. In due course the spatial development strategy for the wider Nottingham area will provide a more strategic basis on which to plan for the city region.

20. We have considered whether the Plan should be paused and further work undertaken to identify further housing sites, in cooperation with neighbouring authorities. However, such work would duplicate that anticipated in the new style local plans. It would also lead to significant delay in adoption of this Plan and bringing forward the strategic sites contained within it. For those reasons, we do not see any benefit in recommending such a course of action.
21. The housing requirement of the Plan needs to be modified to have regard to the correct calculation of local housing need (GNC1), and for the calculation of local housing need between 2025-2041 (GNC35). It also needs to be modified to provide housing requirements for the individual authorities, as requested by the Councils (GNC4A). We have considered whether the housing requirements for Broxtowe and Rushcliffe Borough Councils should equate to their local housing needs, with that for Nottingham City Council equating to its supply. However, we consider that the housing requirements for Broxtowe and Rushcliffe should reflect meeting some of the unmet need of the City.
22. To that end, we consider the housing requirements for Broxtowe and Rushcliffe should equate to their respective identified housing supplies (as revised in GNC35). The housing requirement for Nottingham City should also equate to its identified housing supply. We therefore require the Councils to modify the individual and total housing requirements for the Plan. The five-year housing land calculations will also need to be rerun in accordance with the revised housing requirements and should be published as an addendum to GNC35.
23. In summary, while recognising that the Plan does not fully meet local housing need and that greater effective cooperation will be needed in the longer term to address such a shortfall, we consider these shortcomings are outweighed by the significant benefits the Plan would embody in housing delivery, particularly in delivering significant quantities of housing in the short term. We consider the steps already taken by the Councils to start plan making under the new system have the potential to mitigate the shortcomings identified above. When taken in the round, we consider that, subject to the modification of the housing requirement as set out above, we consider the housing aspects of the Plan can be found sound. We will explain our reasoning in more detail in our examination report.

Plan period

24. National policy requires strategic policies to look ahead over a minimum 15-year period from adoption. It is unlikely that the minimum period will be achieved. However, we recognise the time limited nature of the Plan, given that the Councils have now committed themselves to producing plans under the new plan making system. We are not seeking any further modifications in respect of the plan period and will explain our reasoning in our report.

Office and general industrial and warehousing

25. The Employment Land Needs Study Update (GNC7) revises the modelling period to align with the plan period and incorporates the latest data on forecasts, past take-up and losses. While the Plan provides slightly less office floorspace and general industrial and warehousing land (taking into account the proposed deletion of Stanton Tip) than the Study identifies as needed, the identified need includes a flexibility margin which provides an additional buffer.
26. We are satisfied that the buffer provides sufficient flexibility to meet the needs of these employment uses over the plan period. The supporting text to Policy 5 needs to be updated to reflect the findings of the Employment Land Needs Study Update (GNC7), including the identified need for office and general industrial and warehousing development and the justification for the level of provision proposed in the Plan. The Councils should prepare a main modification to address these changes.

Strategic distribution and logistics

27. We are satisfied that the evidence in the Logistics Study (EM/4) provides a robust justification for assessing strategic logistics development needs across a wider geographical area than the Plan area alone. Accordingly, we do not regard the absence of a separately quantified logistics need for the Plan area to be inherently unsound. We consider the contribution the Plan would make to strategic distribution and logistics to be meaningful to the wider need identified by the Study (EM/4).
28. Proximity to the rail network and the potential to support modal shift from road to rail is a factor in the Councils' site selection process for strategic logistics development. This supports the Plan's spatial objective relating to climate change. The preferred sites are distinguished from the alternative sites by their proximity to the rail network and their potential to accommodate a future rail freight connection.
29. However, the delivery of rail freight infrastructure is dependent on a range of factors beyond the control of the Councils and developers. In these circumstances it would not be justified or effective to treat the provision of rail freight connection as the determining factor in the assessment of planning applications. We therefore consider that the proposed modification MM35 reflects a pragmatic and proportionate approach that continues to recognise the benefits of rail freight connectivity and seeks to facilitate its provision, while avoiding an unduly onerous requirement that could prejudice the delivery of strategic logistics development.
30. Accordingly, we do not consider that the proposed modification represents a departure from the site selection methodology or undermines the basis upon which the preferred sites were selected. Therefore, we do not consider that the site selection process requires revisiting.

31. The Councils have proposed a further main modification to Policy 5 (GNC30). This includes deletion of reference to rail connection within part 1(a) of the policy and a new section at part 1(g) to indicate support for proposals for additional strategic distribution and logistics development where the specified criteria are met. We see merit in the proposed modification. However, we have identified the following issues with the drafting of the revised policy which need to be addressed by the Councils:
- a. The proposed deletion of rail accessibility for storage and distribution uses, where feasible, from part 1(a) is inconsistent with part 1(g)(ii) which seeks rail freight infrastructure for strategic distribution sites where possible. The Councils should amend the proposed modification to ensure the policy is internally consistent.
 - b. We consider that (g) contains an error. It refers to proposals for additional strategic distribution 'floorspace' of 25 hectares or more. Based on the Logistics Study, the policy should instead refer to 'sites' of 25 hectares or more.
 - c. In addition, the policy should clarify how proposals for logistics development on sites below 25 hectares or non-strategic logistics sites, would be assessed. As drafted, it is unclear whether such proposals would fall to be considered under part 1(a) or against a different policy framework. The Councils should amend the proposed modification to provide greater clarity on this matter and ensure that the policy can be applied effectively.
 - d. As drafted, the policy is unclear what evidence applicants would be required to provide in order to demonstrate 'a clear unmet need' for the purposes of criterion (g)(i). The proposed modification should be amended to provide greater clarity on this matter, thereby ensuring that the policy is effective.
 - e. Criterion (g)(i) requires proposals to make a 'significant contribution' towards meeting the identified unmet need. However, the policy does not define what constitutes a 'significant contribution'. Moreover, given that the policy applies only to sites of at least 25 hectares, it is unclear what this additional requirement is intended to achieve. We therefore suggest that this element of the criterion be deleted in the interests of clarity and effectiveness.
 - f. The first part of criterion (g)(v) duplicates (g)(iii) and is therefore considered unnecessary. The plan should be read as whole; therefore, the requirement that proposals are consistent with the overall spatial strategy of the Plan is unnecessary.
32. Based on the evidence before us, we are satisfied that the Councils' overall approach to strategic distribution and logistics development is justified, positively prepared and supported by proportionate evidence. Importantly, the Plan will deliver two large strategic logistics sites, currently within the Green Belt, to contribute towards meeting identified needs across the wider functional market area.

Next Steps

33. As discussed with the Councils at the conclusion of the hearing, we have asked that a schedule of main modifications be drawn up. That schedule should be based on the modifications suggested by the Councils, those discussed during the hearing, and those included in this note.
34. Once that schedule of main modifications is finalised, it will need to be published for consultation for a minimum period of 6 weeks. We will consider any representations made in response to that consultation as part of our examination of the Plan.
35. The schedule is likely to require sustainability appraisal and may require an appropriate assessment under the Habitats Regulations. That work should be carried out prior to the public consultation and the documents published alongside the schedule of main modifications.
36. Although outside the scope of the examination, it would be appropriate for the schedule of changes to the adopted Policies Maps, and any additional modifications that the Councils intend to make to the Plan, to be published at the same time as the schedule of main modifications.
37. We are not inviting comments on our interim conclusions reached in this note. As explained in the introduction, they are provisional at this stage. The consultation on the schedule of main modifications will provide an opportunity for any further representations on the matters discussed above.
38. A copy of this letter should be published on the examination website.