

Derby and Derbyshire Waste Local Plan - Adoption

RECOMMENDATION

- 1.1 That the Council adopts the Revised Edition of the Derby and Derbyshire Waste Local Plan, as modified by the Cabinet decision on 9th November 2004, in accordance with the provisions of Part II of the Town and Country Planning Act 1990 and authorises the carrying out of the legal adoption process.

SUPPORTING INFORMATION

- 2.1 Members may recall that in June 2004 the City and County Councils jointly held a public local inquiry, headed by an independent Inspector, into objections to the Derby and Derbyshire Waste Local Plan. On 9 November 2004, Cabinet approved publication by the two Councils of a "Statement of Response to the Inspector's Report and Schedule of Proposed Modifications". The Statement contained nine modifications, proposed by the Council in accordance with the Inspector's recommendations.
- 2.2 At that Cabinet meeting, Members also resolved that "if there are no duly-made objections to the Modifications to recommend to the full Council that the Revised Edition of the Derby and Derbyshire Waste Local Plan, as modified by this Cabinet decision, be adopted and the necessary legal adoption processes undertaken."
- 2.3 The Modifications were advertised for the statutory six-week period and the objection period expired on 7 January 2005. There were two objections but both were subsequently withdrawn. There were three other letters that did not contain objections.
- 2.4 The objections were from Mr John Gower and English Heritage. In both cases, the objectors asked me to inform Members that they considered their objections to the specified paragraphs to be well founded and were withdrawing them only to enable the plan as a whole to progress to adoption.
- 2.5 It should also be noted that the objectors submitted related objections at the Revised Deposit stage of the local plan, when Cabinet considered them. The Inspector also considered them and consequently made the recommendations that led to the modifications. For that reason, these issues have already been given full consideration.

The Adoption Process

- 2.6 As the Councils have received no duly made objections to the modifications, they may adopt the plan, provided that they have given the statutory notice. At the time of publication of the proposed modifications, the Councils published the required notice of intention to adopt. Therefore, I am now asking Members to authorise adoption of the Derby and Derbyshire Waste Local Plan.
- 2.7 When the two councils have adopted the plan, they must carry out certain publicity and make the plan available for viewing and for purchase. Aggrieved persons may challenge the legal validity of the plan within six weeks of its adoption.

Price of the document

- 2.8 The plan is about 100 pages and is an uncomplicated document to produce, with four monochrome maps. The Revised Deposit version of the plan was similar and was made available for purchase at £10.00. I suggest the same price for the adopted version, which is available on the Council's web site for downloading at no fee.
- 2.9 A copy of the plan as modified is available to view on the Council's web site. The County Council have also considered a similar report to this, and agreed adoption of the plan.

OTHER OPTIONS CONSIDERED

None.

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Background papers:	Full copy of the modified Waste Local Plan on City Council website
List of appendices:	Appendix 1 – Implications Appendix 1 – Implications

IMPLICATIONS

Financial

- 1.1 As set out in this report.

Legal

- 2.1 The Local Plan is being prepared under the provision of the 1990 Town and Country Planning Act, as amended by the Planning and Compensation Act 2004.

Personnel

- 3.1 None.

Equalities impact

- 4.1 None.

Corporate objectives and priorities for change

- 5.1 The plan contains policies to ensure developments protect health and the environment and so helps take forward the Council's objective of making a City with "a healthy environment".