

CITY OF DERBY LOCAL PLAN REVIEW – RESPONSE TO REVISED DEPOSIT PLAN CONSULTATION

Report of the Director of Development and Cultural Services

SUMMARY OF REPORT

- 1.1 The report explains the background to the latest stage of the Local Plan Review process, which was a consultation on revisions previously agreed by Cabinet and Council. This will allow the Local Plan Review to proceed to the Public Inquiry stage.
Paragraphs 5.1 – 5.7
- 1.2 The report identifies some of the more significant issues arising from the Revised Deposit stage, but notes that most issues are of a fairly minor nature.
Paragraph 5.8

OPTIONS CONSIDERED

2. Each stage of the Local Plan Review involves the consideration of a wide range of options covering all the policies, which have raised issues in the consultation process. The Public Inquiry will allow further consideration to be given to options being promoted by other parties as well as testing the Council's preferred policies.

RECOMMENDATIONS

- 3.1 To agree the recommendations set out in the "Response to Revised Deposit Plan Consultations" document, subject to consideration of the views of the Planning and Prosperity and Environment and Sustainability Commissions. These views are set out in a separate report to this Cabinet meeting.
- 3.2 To authorise officers to prepare proofs of evidence in support of the Council's position as set out in this and previous reports.
- 3.3 To authorise officers to negotiate with objectors to put minor changes before the Inspector in the interests of resolving objections.

REASON FOR THE RECOMMENDATION

4. The City Council needs to keep the City of Derby Local Plan under review. Considering the response to the Revised Deposit Plan will enable the review process to move on to its next statutory stage.

MATTER FOR CONSIDERATION

- 5.1 The preparation of the Local Plan Review is a statutory requirement on the Council and subject to national best value performance targets. The Council issued the First Deposit version of the Review in 2001 and received 1640 objections and nearly 500 supporting representations on it. A report was prepared outlining summaries of these representations, responses to them and recommendations for change. Proposed revisions to policies were set out in a separate document. These documents were considered by joint meetings of the Planning & Prosperity and the Environment & Sustainability Commissions in August 2002. They were considered by Cabinet, together with additional recommendations from the Commissions, on 17 September 2002.
- 5.2 Documents were then prepared setting out the agreed changes in the form of a revised version of the Local Plan Review. These were placed on deposit at the end of October 2002 for a statutory 6 weeks period. At this stage, valid representations could only be made to actual revisions. Comments have therefore only been registered where they meet this test. 292 objections and 225 supporting representations have been received on this 'Revised Deposit Plan'. This is a much smaller number than we received on the First Deposit Plan.
- 5.3 The Council now needs to consider these representations in order for the plan preparation process to proceed to the Public Inquiry stage. Summaries and responses to the representations have been prepared. These are set out in a separate document "Response to Revised Deposit Plan". This document is available from Member Services on request. Where appropriate, these indicate further changes to the plan that may help overcome an objection. In most cases though, the recommendations do not set out the detailed forms of wording. This is because the intent is to seek to negotiate an agreed change with the objector to put before the Inspector to consider as part of the Inquiry. Some recommendations seek authority to put a change directly to the Inspector. Approval is not being sought for specific further revisions at this stage, although in some cases a more detailed recommendation is made. It is intended, though, that the nature of the change I would seek to negotiate will be clear from the report. These are mostly minor issues.
- 5.4 The "Response to Revised Deposit Plan" document has been considered by the Planning and Prosperity and the Environment and Sustainability Overview and Scrutiny Commissions. The views of these Commissions are set out in a separate report to this Cabinet meeting. Cabinet Members are asked to consider these views as part of their consideration of this report and the "Responses to Revised Deposit Plan" document.
- 5.5 The Public Inquiry is a statutory process where unresolved objections to both the First Deposit and Revised Deposit Plan are considered by an independent Inspector. An Inspector has already been appointed and it is anticipated that the Inquiry will begin in early October this year and hopefully finish before Christmas. The Inspector will then report back to the Council with

recommendations for changes to the Plan. It is hoped that this will be around the middle of next year although it will depend on the precise length and complexity of the Inquiry.

- 5.6 My recommendations seek authority for the preparation of proofs of evidence and for cases to be presented at the Inquiry in support of the Council's position as set out in this and previous reports. I am also seeking authority for officers to continue to negotiate minor issues with objectors where this might help overcome an objection. This approach is commended as best practice by the Government. Indeed, a solution to an objection sometimes emerges at the Inquiry itself. All such changes would be put to the Inspector for his consideration. If he recommends them to the Council, Members will have the opportunity to consider them as part of the Council's consideration of his report.
- 5.7 The Inquiry timetable should enable the Council to consider the Inspector's report and agree any modifications arising out of the Inquiry for a further 6 week period of consultation. Depending on whether any significant issues arise as a result of this, it should be possible to formally adopt the reviewed Local Plan by mid-2005. This will meet Local Plan Best Value targets and enable the Council to meet Government requirements for the early preparation of the new Local Development Documents.
- 5.8 Most of the issues arising from the Revised Deposit stage are much less complex than last time. Many are of a minor technical nature. The following are emerging as some of the more important ones:

Regeneration

A number of objections have been received regarding the revised proposals for the Kingsway Hospital site (Policy R4). Friends of the Earth argue that the revised proposals are too intensive and development orientated. There are still outstanding objections from FoE and others to the First Deposit version of this proposal. The health organisations with an interest in this site have supported the extension of the development site, but argue that the scheme as a whole should be residential led rather than employment led.

Agents acting for the Health Trusts have very recently submitted additional information regarding their objections to the Manor/Kingsway proposals. This information takes the form of two reports intended to support their case for the site to be reallocated as a housing-led scheme rather than an employment led one. The first seeks to demonstrate that the site is well related to the surrounding area, to existing services and facilities, especially by means of transport other than the car. The second seeks to demonstrate that the Council's preferred employment-led scheme will have a serious impact on the highway network. I understand that a third report, seeking to demonstrate that the employment-led scheme is commercially unviable, will be submitted shortly. These reports will take some time to consider properly and it will not be possible to report them to Cabinet this time round. However, if they suggest that a change to the Council's policy on that site should be made, a

separate report will be presented before the Inquiry. If I am not convinced they sufficiently make a case for change, I will simply treat them as additional supporting material to be considered at the Inquiry.

City Centre

Derby HEART and a private individual have objected to the additional land safeguarded for the Connecting Derby scheme (Policy T2a). This is part of a wider campaign and separate objections have also been made to the planning application.

Objections have been received to the additional 500 car parking spaces proposed as part of the Becket Well Policy Area (Policy CC4). These include Derby HEART and Friends of the Earth.

Housing

A number of objections have been received against the new housing allocations, mainly from agents promoting alternative locations. Objections have been received against the allocation of Ashbourne Road allotments (Policy Hx2), including from Derby Friends of the Earth.

Economic Prosperity

Derby Friends of the Earth and two members of the public have objected to the extension of the employment site south of Sinfin Moor Lane (Policy EP1). The Environment Agency has also expressed concern about flooding issues associated with this proposal.

FINANCIAL IMPLICATIONS

6. Planned expenditure on the CDLP Review has been allowed for in current budgets. These include an estimate for the costs of the Public Inquiry, but there is inevitably uncertainty over the actual cost. This is because these costs will depend largely on the length of the Inquiry, which is largely outside the control of the Council.

LEGAL IMPLICATIONS

7. The CDLP review is a statutory requirement on the Council and is governed by the Town and Country Planning Acts and the relevant regulations.

PERSONNEL IMPLICATIONS

8. The CDLP Review is a key item in the Plans and Environment Group Business Plan.

ENVIRONMENTAL IMPLICATIONS

9. The CDLP Review contains important policies which seek to protect and enhance the environment whilst also seeking to address development needs.

EQUALITIES IMPLICATIONS

10. The CDLP Review gives a high priority to equality and social inclusion issues with land use implications, such as affordable housing, lifetime homes and access issues.