



Leicester
City Council

WARDS AFFECTED
All Wards

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

STRATEGIC PLANNING AND REGENERATION
SCRUTINY COMMITTEE

APRIL 17TH 2002

CABINET
COUNCIL

MAY 7TH 2002
MAY 30TH 2002

LEICESTERSHIRE, LEICESTER AND RUTLAND STRUCTURE PLAN - PROPOSED MODIFICATIONS

Report of the Director of Environment, Development and Commercial Services

SUPPORTING INFORMATION

1. Report

1. In June and July 2001 an Examination in Public (EIP) was undertaken. A Panel appointed by the, then, Department of the Environment, Transport and the Regions presided over the discussion and prepared a report. The Panel's Report was published in September 2001 setting out its recommendations on the matters discussed.
2. Prior to the EIP the three Councils prepared and consulted on Proposed Pre-EIP Changes to the Plan, and a Supplementary Housing Report (which set out suggested new housing policies taking account of new housing land availability and urban capacity information). These were not formal proposals of the three Councils but were debated at the EIP and taken into account by the Panel in formulating its recommendations.
3. The three Councils are required to consider the Panel's Report and decide what action to take on each of the Panel's recommendations. Government guidelines state that, although authorities will wish to accept the Panel's recommendations in most cases, they are not obliged to do so. At the same time as proposing any modifications the three Councils must prepare and make available for inspection:
 - a statement of decisions on each of the Panel's recommendations and give reasons for each one – paying particular attention to any recommendation they do not accept and their reasons for rejecting it (**Appendix 2 - Decisions and Reasons on the Panel's Recommendations**); and
 - a list of the recommendations that it is not intended to accept wholly or partially (**Appendix 3 - Panel Recommendations not Accepted**).
4. Where changes to policies are made, Proposed Modifications and the reasons for making such modifications must be prepared (**Appendix 4 - Proposed Modifications**). These may be:

- in response to the recommendations made in the EIP panel report which the authorities intend to accept;
 - as part of the formal process of incorporating proposed Pre-EIP Changes into the Plan; and
 - as a response to consideration of objections and representations made when the Plan was deposited.
5. The Proposed Modifications and the accompanying documents listed above must be made available for public inspection. Notice must be given by local advertisement and to any person who has objected to, or made a representation in respect of, the proposals and other persons as the authorities think fit.
6. **Appendix 1** to this report sets out the timetable up to the publication of Proposed Modifications. RPG8 has now been published and thus no longer poses a barrier to meeting the proposed timetable.

Regional Planning Guidance for the East Midlands (RPG8)

7. RPG8 was published on 24th January 2002. It sets the planning policy framework for the region and lays down the region's transport strategy up to the year 2021. The key changes, set out below, are of particular significance for the Structure Plan Area. Where appropriate these changes have been incorporated into the Proposed Modifications.

Policies 1 and 2 on Locational Priorities and Sustainability Criteria for Development

8. The locational priorities for development have been revised, ensuring that only the most sustainable sites are developed. It has been clarified, in line with Planning Policy Guidance Note 3 (PPG3), that there are circumstances where a greenfield site may be more sustainable than a poorly located previously developed site. In addition, the reference to considering public transport nodes in corridors has been removed.
9. It is proposed that Strategy Policy 2: Location of Development in the Deposit Draft Structure Plan is revised and simplified to bring it in line with the sequential approach as set out in RPG8 as well as PPG3. In redrafting the policy, particular attention has been paid to ensure that the policy applies to all forms of development and to integrate the approach to previously developed land within the sequential approach. The removal of the reference to assessing public transport nodes in corridors, in RPG8, is welcomed as the 3 Councils have consistently argued that such corridors have only limited potential to encourage more sustainable alternatives to the car.

Policy 20 Housing Provision

- 10 Overall regional housing provision has been adjusted downwards to take into account revised assumptions about numbers of empty dwellings, in line with the Government's policies to reduce vacancies. For the Structure Plan area this means an annual housing provision rate of 3,150 per annum between 2001 and 2021, compared with the annual rate of 3,200 previously proposed. The outcome for the Structure Plan area, is that the overall provision for Leicestershire, Leicester and Rutland is reduced from 64,000 to 63,000.

Policy 79 East Midlands Airport

- 11 Clarification has been provided in relation to the operational expansion and assessment of impacts of new development at East Midlands Airport.
- 12 No significant changes have been made to the policy guidance affecting development at, and around, junctions 23A/24/24A of the M1. The proposed Pre-EIP change to Strategy Policy 17 of the Deposit Draft Structure Plan reinforced the fact that further large concentrations of employment development or other travel intensive uses would not be acceptable in the vicinity of junction 23A/24/24A of the M1. This is consistent with the approach in RPG8.

Policy 84 Development in the Three Cities Sub-Area

- 13 Reference to concentrating employment and housing development within and adjoining Loughborough and outside Nottingham, Leicester and Derby has been removed. It is now proposed to direct development within and adjoining settlements, in scale with the size of those settlements, in locations that respect environmental constraints and the surrounding countryside, and have good public transport.
- 14 This proposed change is welcomed as the issue of promoting Loughborough as a focus for development had been a concern. It did not take into account existing traffic problems in the town and environmental constraints such as the Charnwood Forest, which limit development opportunities in this location.

Decisions and Reasons on the Panel's Recommendations

- 15 The suggested decisions and reasons of the three Councils in relation to the Panel's recommendations are set out in Appendix 2. In general, the Panel's recommendations have been wholly or partially accepted. However, it is proposed that the following are not accepted:
 - Reference to the exclusion of noisy sports in the National Forest (3.40) - Noisy sports can be an appropriate activity in the National Forest. The National Forest Strategy indicates that this location could be appropriate. It appears that the Panel misunderstood the request made at the EIP for the inclusion of reference to noisy sports.
 - Amending Strategy Policy 15 - Charnwood Forest (3.41) - the policy suggested only deals with the Countryside not the whole forest area. It is considered that the wording suggested by the three Councils provides a better policy framework, recognising the special qualities of the whole of the Charnwood Forest area, including its countryside and settlements, whilst taking into account the Panel's recommendation in relation to this matter.
 - Inclusion of named rail projects in Accessibility and Transport Policy 5 (7.72) - The inclusion of reference to the Ivanhoe line, rail stations at Ketton, Blaby, East Goscote and Kibworth and other service and infrastructure proposals, would be inconsistent with PPG12. This states that only proposals which have a reasonable degree of certainty of proceeding within the Plan period should be included in the development plan. Therefore, it is proposed to restrict such references to the Explanatory Memorandum.

- Terms of reference of Paragraph 5.52 of the EM in relation to major transport schemes over £5 million (7.78) - The government threshold for major transport schemes to be included in the Local Transport Plan is £5 million. It would be inconsistent to amend this threshold in the Structure Plan.

16 In addition, detailed consideration has been given to the Panel's recommendations (4.80-4.82) relating to the total housing provision figure and its distribution. RPG8 sets an annual rate of 3,150, equating to 63,000 dwellings for the Plan period which does not accord with the Panel's recommendations. Further details are set out in Appendix 4.

17 A full list of the Panel's recommendations that the three Councils do not accept, wholly or partly, is set out as Appendix 3.

Proposed Modifications

18 The suggested Proposed Modifications are set out in Appendix 4. It is important to remember that these Modifications set out the changes from the Deposit Draft version of the Structure Plan. Key changes from the Deposit Draft include:

- a) Revisions to the explicit guidance for development in the Central Leicestershire Policy Area (CLPA) as proposed by the Pre-EIP Change to Strategy Policy 2.
- b) An amended sequential approach to the allocation of land (Proposed Pre-EIP Changes Strategy Policy 3A and 3B) – to take into account circumstances where a greenfield site may be more sustainable than a poorly located previously developed site. In addition, the reference to considering public transport nodes in corridors, recommended by the Panel, has been removed. Both are in line with RPG8.
- c) Changes to allow the designation of new Green Wedges through local plans as recommended by the Panel (Strategy Policy 7).
- d) Strategy Policy 9 'Development in the Countryside' has been amended to address concerns that certain essential development in the countryside could be unduly constrained by the policy. These were proposed as Pre-EIP changes. Further amendment has been made to refine this approach and to take account of Panel recommendations with reference to landscape assessments, affordable housing, the overriding need for development and to ensure that the policy is consistent with Resource Management Policy 3 in terms of energy installations.
- e) Junction 23a/24/24a Area – to retain the Proposed Pre-EIP Change to Strategy Policy 17 that no further large concentrations of employment development will be acceptable in this location. This is in line with RPG8. Retaining the policy will give the clearest picture of the three Councils' intentions to those with an interest in this location.
- f) A new policy, Strategy Policy 19 'Strategic River Corridors' (proposed as a Pre-EIP Change), is incorporated to emphasise the key role of development plans in planning and managing such corridors. This is in accordance with RPG8.
- g) Pre-EIP Changes were proposed to Environment Policy 3, which seeks to safeguard the natural environment, by dividing the policy in two. Environment Policy 3 is proposed to be titled 'Biodiversity Enhancement' and improves the contribution made towards safeguarding and enhancing biodiversity. The Panel's recommendation to re-word the policy is accepted. Environment Policy 3A 'Protection of Important Species

and Habitats' provides fuller and more structured guidance for the protection of flora and fauna. The Panel's recommendation is accepted subject to minor wording changes to make consistent the reference to 'alternative solutions' to development that may affect habitats of importance.

- h) Amendment of Resource Management Policy 3 to guide the potential development of renewable and non-renewable energy installations as recommended by the Panel and in accordance with RPG8. This will ensure that there is strategic policy guidance for both renewable and non-renewable energy installations. This was not the case in the Deposit Draft Structure Plan.
- i) The Panel's recommendations in terms of the total housing provision and distribution **are not accepted**. Housing Policy 1 proposes a total provision figure of 63,000 dwellings for the Plan period (1996-2016), in accordance with RPG8. In terms of the distribution, the focus on the CLPA proposed by the Panel is not accepted. It is considered that a distribution based on the updated supply, and the distribution of Strategic Greenfield Sites, as set out in the proposed Housing Policy 2, is the most appropriate approach to distribution.
- j) Employment Policy 2 'Strategic Employment Sites' is re-worded so that the allocation of such sites is in accordance with the sequential approach set out in Strategy Policies 3A and 3B. In contrast to the Panel's recommendations, it is proposed to retain reference to site size and phasing to ensure that appropriate provision is made for sites that are strategic in nature. In accordance with the Panel's recommendations reference is made to provision in Leicester.
- k) Employment Policy 8 is amended to take into account reference in RPG8 to access to the road network and potential use of rail or water freight. The Panel recommendation that the last paragraph relating to additional regional scale storage and distribution provision is deleted pending the outcome of the Strategic Freight Distribution Study is accepted.
- l) Central Areas and Shopping Policy 4 'Out of Centre Retailing' is redrafted to give clearer guidance on proposals for out of centre retailing, which reflects the sequential approach set out in Strategy Policy 3A.

2. Consultation

The preparation of the Plan has involved extensive consultation with parish, district and adjoining councils, statutory undertakers, government departments, amenity and conservation groups and the general public at several stages of the process. The Panel's Report and recommendations deal with issues raised as a result of consultation on the Plan. The next stage in the preparation of the Structure Plan is for the three Councils to prepare and consult on Proposed Modifications to the Deposit Draft version of the Plan.

3. Financial, Legal and Other Implications

(a) Financial Implications

See covering report.

(b) Legal Implications

None are seen to arise from this report.

(c) Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph references within this report
Equal Opportunities	YES	A number of policies in the Plan deal explicitly with equal opportunity questions. E.G. Affordable Housing(H4) and Gipsies (H6)
Policy	YES	The Structure Plan is part of the statutory development plan for the City
Sustainable and Environmental	YES	The essence of the Plan is to achieve a sustainable and environmentally acceptable way of dealing with new development.
Crime and Disorder	YES	Policy SP11 “Good Design” requires all new development to take into account matters of personal safety, security and crime reduction.
Human Rights Act	NO	
Elderly people and people on low incomes	NO	

4. Recommendations

Members are requested to note the process and timetable, the implications of RPG8 and consider the suggested Decisions and Reasons on the Panel’s Recommendations set out in Appendix 2 and the Proposed Modifications set out in Appendix 4.

5. Background Papers - Local Government Act 1972

The Leicestershire, Leicester and Rutland Structure Plan File K.6

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Timetable to Proposed Modifications

	County and Joint	Leicester City	Rutland DC CC
11 th March	Lead Members - Report RPG and Implications for Structure Plan and seek a Member decision on the Proposed Modifications prior to the undertaking of the formal process of public consultation		
15 th March 2.30pm	Joint Member Steering Group to discuss proposed modifications		
26 th March	Executive Briefing (as above)		
11 th April am	District Member Symposium		
11 th April pm	Planning and Environment Scrutiny Committee		
17 th April	Scrutiny Commission	Strategic Planning & Regeneration Scrutiny Committee	
22 nd April	Lead Members		
24 th April 2pm	Joint Member Steering Group		
30 th April	Executive Briefing		Cabinet
7 th May		Cabinet or	
20 th May		Cabinet	Full Council
14 th May	Cabinet		
22 nd May	Full Council – to seek a final member decision on the Proposed Modifications prior to the undertaking of the formal process of public consultation		
30 th May		Full Council	
Spring/early Summer 2002 WB 3 rd June	Publication of Proposed Modifications for formal consultation for six weeks		