
LEICESTERSHIRE, LEICESTER AND RUTLAND STRUCTURE PLAN

Report of the Corporate Director of Regeneration and Culture

1 Purpose of Report

To allow Cabinet to consider the next steps in the adoption of the Leicestershire, Leicester and Rutland Structure Plan.

2 Summary

The report tells members of the response to the most recent Structure Plan consultation - on the further modification to delete Green Belt Policy 17.

3 Recommendations

That Cabinet recommends that the City Council:

- a) agree the Leicestershire Leicester and Rutland Structure Plan, comprising the Written Statement and Key Diagram, attached as Appendix 1;
- b) authorise the Corporate Director of Regeneration and Culture to carry out any further necessary steps including: publishing a Statement of Decisions and Reasons on Objections to the Further Proposed Modification, (See Appendix 2), and a revised Technical Paper on housing; giving notice of the Council's intention to adopt the Structure Plan after a period of 28 days and subsequently adopting the Structure Plan; agreeing the date of adoption and undertaking all actions necessary to give effect to the adoption of the Leicestershire Leicester and Rutland Structure Plan and the subsequent publication of an Explanatory Memorandum.

4 Financial & Legal Implications

4.1 Financial Implications

4.2 The costs of the proposed work programme will be met from within existing budgets. There could be additional costs if a legal challenge were to be made in the High Court following adoption of the Plan. (Alan Tomlins)

4.3 Legal Implications

4.4 The Planning and Compulsory Purchase Act (commenced in September 2004) sets out proposals for the abolition of Structure Plans. Transitional arrangements indicate that the Plan can be 'saved' for a period of 3 years. The Plan would thus form part of the statutory development plan until at least 2008. (Joanna Bunting)

5 Report Author

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DECISION STATUS

Key Decision	No
Reason	N/A
Appeared in Forward Plan	No
Executive or Council Decision	Cabinet



Leicester
City Council

WARDS AFFECTED:

ALL

**CABINET
COUNCIL**

**20TH December 2004
27TH January 2005**

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SUPPORTING INFORMATION

1 Policy Framework and Previous Decisions

- 1.1 On the 3rd July 2003, the City Council resolved to adopt the Plan following consideration by SPAR Scrutiny on 12th June and Cabinet on 16th June 2003.
- 1.2 Following the Direction from the Secretary of State, Cabinet agreed on 15th March 2004:
 - a) subject to Leicestershire County Council and Rutland County Council District Council also agreeing, to approve the publication of a Proposed Further Modification to the Structure Plan, deleting Strategy Policy 17: Green Belt; and
 - b) to authorise the Chief Executive to prepare, publish and consult on the Proposed Further Modification.
 - c) to request GOEM to advise Ministers to withdraw the Direction.

2 Report

- 2.1 Following the resolution of the City Council to adopt the Plan, the First Secretary of State on the 11th August 2003 directed the Three Councils to modify the Structure Plan. The direction required modification to two policies, **Strategy Policy 17: Green Belt** and **Housing Policy 1: The Quantity of Housing Land**.
- 2.2 Strategy Policy 17 proposed designation of land as Green Belt in North West Leicestershire. The First Secretary of State was not convinced that there were any exceptional circumstances that would justify adding the land proposed, nor that this land would meet the criteria set out in Planning Policy Guidance Note 2. On housing, the First Secretary of State was concerned that inappropriate account had been taken in the determination of the housing figures outside the Central Leicestershire Policy Area of unimplemented local plan allocations.

- 2.3 The Three Councils were therefore unable to adopt the Structure Plan in August 2003 as intended.
- 2.4 In order to satisfy the two elements of the direction, the Three Councils agreed a Further Proposed Modification deleting Strategy Policy 17: Green Belt, and issued a policy statement setting out how the housing figures were determined. This confirmed that no account had been taken of unimplemented local plan allocations. The First Secretary of State has written to say that he is now satisfied and is content for the Three Councils to proceed with the Structure Plan as proposed.
- 2.5 Accordingly, a Further Proposed Modification was placed on deposit for six weeks commencing Thursday 23rd September, deleting Strategy Policy 17: Green Belt. Green Belt designation will now be addressed in the forthcoming review of Regional Spatial Strategy.
- 2.6 At the same time a revision to the Statement of Decisions and Reasons on Objections to the Proposed Modifications was issued. The revised text set out how the housing figures were determined, and confirms that no account has been taken of unimplemented local plan allocations.
- 2.7 The deposit period for the Modification ended on the 4th November. Sixteen organisations or individuals made representations both on the Modification and the housing statement. The responses are summarised below and in the Statement of Decisions and Reasons on Objections to the Further Proposed Modification, set out in Appendix 2.

Green Belt Further Proposed Modification

➤ Support for Modification	6
➤ Objection to Modification	1
➤ No Comment	4

Housing

- 2.8 Six comments were also received on housing aspects of the Plan. These are summarised in Appendix 3. As there was no modification proposed to any other part of the Plan, so no change is proposed in the light of these comments.
- 2.9 The issues raised are summarised in Appendix 2. It is considered that the objection raised does not justify any further changes to the Plan.
- 2.10 The Three Councils have now received confirmation from GOEM that the Direction has been withdrawn.

3 Future Course of Action

- 3.1 Now that the Direction has been withdrawn, the Structure Plan can be adopted without further modification. The Written Statement and a draft of the revised Key Diagram which together will form the Structure Plan Written Statement are unchanged from the version previously approved save for the

- 3.2 deletion of Policy 17 and the removal of the Green Belt notation from the Key Diagram. In the interests of paper saving I have not therefore reproduced them again. The proposed timetable for adoption is attached in Appendix 4.
- 3.3 It is recommended that the City Council authorises the Corporate Director of Regeneration and Culture to agree the date of adoption jointly with partner authorities and undertake all necessary actions, including minor corrections to text, preparing and placing documents “on deposit” and serving and advertising statutory notices.
- 3.4 In addition, the Three Councils will publish a revised Technical Paper to accompany the Statement of Decisions and Reasons on Objections to the Further Proposed Modifications. This will rework the tables in the Paper previously published in June 2002, showing that unimplemented local plan allocations have not been taken into account.
- 3.5 The Explanatory Memorandum is not part of the statutory Plan, but is an important document which explains and interprets its policies. It is not proposed to publish the Explanatory Memorandum at this stage, until further work to update and amend the text has been completed.

4 Conclusion

No further modifications to the Leicestershire, Leicester and Rutland Structure Plan are required and the Plan should now proceed to adoption.

Appendices

- Appendix 2 Statement of Decisions and Reasons on objections to the Proposed Modifications.
- Appendix 3 Schedule of comments on housing.
- Appendix 4 Proposed timetable to adoption.

FINANCIAL, LEGAL AND OTHER IMPLICATIONS

5 Financial Implications

The costs of the proposed work programme will be met from within existing budgets. There could be additional costs if a legal challenge were to be made in the High Court following adoption of the Plan.

6 Legal Implications

The Planning and Compulsory Purchase Act (commenced in September 2004) sets out proposals for the abolition of Structure Plans. Transitional arrangements indicate that the Plan can be ‘saved’ for a period of 3 years. The Plan would thus form part of the statutory development plan until at least 2008.

7 Other Implications

OTHER IMPLICATIONS	YES/NO	PARAGRAPH REFERENCES WITHIN SUPPORTING PAPERS
Equal Opportunities	NO	
Policy	YES	Whole Report
Sustainable and Environmental	YES	See Para 6.2
Crime and Disorder	NO	
Human Rights Act	NO	
Older People on Low Income	NO	

8 Risk Assessment

- 8.1 Members should be aware, however, that uncertainties do remain, with two courses of action open to anybody who considers that the Plan or the procedures followed have been unsatisfactory:
- 8.2 If the Secretary of State considers a plan to be unsatisfactory, particularly in terms of its interpretation of national or regional policies, he may direct the authorities to modify it at any time before it is adopted. The authorities must then re-open the EIP or propose further modifications.
- 8.3 After the Plan has been adopted, there is a six week period during which an application can be made to the High Court to have the Plan quashed. This can only be done on the grounds that the Plan is not valid or the proper procedures have not been followed. It is not an opportunity to pursue any objections to policy. Melton Borough Council has informed the Three Councils that if the adopted Structure Plan includes a housing allocation not in accordance with the Examination in Public Panel recommendations the Borough Council intends to take the matter to Judicial Review, subject to Counsel's advice.
- 8.4 The scenarios can be summarised as the following: either
- a) The Structure Plan proceeds to adoption according to the attached timetable;
 - b) The Secretary of State directs the Three Councils to modify the Plan. Further Modifications would then have to be proposed. (This seems most unlikely, now that the previous Direction has been satisfied);
 - c) There is a High Court Challenge by an aggrieved party, such as Melton Borough Council after the Plan has been adopted. The High Court can only consider whether proper procedures have been followed, not whether the figure for Melton could be reduced or deleted altogether. It may not then be possible to review the housing figures under the current legislative arrangements.

9 Background Papers – Local Government Act 1972

Leicestershire, Leicester and Rutland Deposit Draft Structure Plan 1996-2016, (May 2000); Report of the Panel, (September 2001); Leicestershire, Leicester and Rutland Deposit Draft Structure Plan 1996-2016: Proposed Modifications, (June 2002); The letter from the Secretary of State directing the authorities to modify the proposals; Further Proposed Modification; Revised Statement of Decisions and Reasons. Letter from GOEM dated 6 December 2004 withdrawing the Direction.

10 Consultations

The Structure Plan is subject to many periods of statutory public consultation during the course of its preparation. This report is concerned with the latest.

Appendix 4

PROPOSED STRUCTURE PLAN TIMETABLE

Date	County	City	Rutland
18 November 2004	Cabinet		
8 December	Full Council		
14 December			Cabinet
20 th December		Cabinet	
10 January 2005			Full Council
27 January 2005		Full Council	
28 January	Notice issued of intention to adopt Plan after 28 days		
25 February	Adoption of Plan		
3 March	First notice (of two) stating date of adoption and the date it became operative Start of six week period during which an application can be made to the High Court to have the Plan quashed		
March			
15 April	End of six week period during which an application can be made to the High Court to have the Plan quashed		