



CABINET – 14TH MAY 2002

**LEICESTERSHIRE, LEICESTER AND RUTLAND STRUCTURE PLAN -
PROPOSED MODIFICATIONS**

**REPORT OF THE ACTING DIRECTOR OF PLANNING AND
TRANSPORTATION**

PART A

Purpose

1. To seek the agreement of Cabinet on the Proposed Modifications to the Deposit Draft Structure Plan.

Recommendations

2. That the Cabinet approves the placing on Deposit of the Proposed Modifications to the Structure Plan attached to this report as Appendix 2, and approves the reasoned responses to the Panel Recommendations as set out in Appendix 4.

Reason for Recommendation

3. The Three Councils responsible for preparing the joint Structure Plan must set out their response to the recommendations made by the Panel in its report of the Examination in Public. If changes are proposed to the policies of the Deposit Draft Structure Plan the Three Councils must consult the public on Proposed Modifications.

Timetable for Decisions

4. The approval of the Proposed Modifications should be considered at the County Council meeting on 22nd May 2002. Leicester City Council and Rutland County Council District Council will be considering the Proposed Modifications at meetings shortly before this date.
5. The Proposed Modifications will be then placed on Deposit in the week beginning 27th May 2002, following which there will be a six week period of public consultation. The timetable leading up to publication of the Proposed Modifications is attached as Appendix 1. Any delay in the timetable will mean that the consultation period will have to be delayed until after the summer.

Policy Framework and Previous Decisions

6. The Plan contributes to all the corporate objectives, but in particular, Improving our Transport System, Caring for our Environment and Promoting Economic Well-being. More broadly the policy framework for preparing the Structure Plan is provided by national planning guidance (as set out in Planning Policy Guidance notes - PPGs) and by Regional Planning Guidance for the East Midlands (RPG 8).

7. The joint Structure Plan will be an entirely new Plan to replace the adopted Leicestershire Structure Plan 1991-2006 and is therefore a material departure from existing policy.
8. At its meeting on 8th March 2000 the County Council resolved that the Deposit Draft Structure Plan be approved for formal deposit. On 6th December 2000 the County Council noted the proposed modifications to Regional Planning Guidance proposed in the report of the Regional Planning Guidance Panel. In particular it was noted that the RPG Panel Report recommended a level of housing provision for the structure plan area for the period 1996-2021 broadly consistent with the housing provision proposed in the Deposit Draft Structure Plan. It was also noted that the RPG Panel had recommended against further significant development (over and above existing commitments) in the vicinity of Junctions 23A/24/24A of the M1.
9. At its meeting on 7th March 2001 the County Council resolved that approval be given to:
 - the placing on Deposit of the Proposed Pre-EIP Changes to the Structure Plan;
 - the reasoned responses and proposed policy actions in relation to the representations received on all Structure Plan policies as set out in the document entitled 'A Summary of Representations made on all Deposit Draft Structure Plan Policies and the Responses of the Three Councils to the Representations'.
10. At its meeting held on 10th April 2001, the Cabinet agreed to suggest to the EIP Panel revised housing policies containing a revised distribution of dwellings and greenfield housing requirement based upon updated housing land availability and urban capacity information. This was published in a Supplementary Housing Report (May 2001).

Resource Implications

11. The costs of printing and publicising the Proposed Modifications will be met from within existing budgets.

Circulation under Sensitive Issues Procedure

A copy of this report will be circulated to all Members under the Members Information Service.

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PART B

Background

12. 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.
13. In June and July 2001 an Examination in Public (EIP) was held. 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.
14. 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 revision to 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.
15. The Three Councils are required to consider the Panel Report and to 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 (see Appendix 2 - Decisions and Reasons to the Panel's Recommendations);
 - a list of the recommendations that it is not intended to accept wholly or partially (see Appendix 3 - Panel Recommendations not Accepted).
16. Where changes to policies are made, Proposed Modifications and their reasons for making such modifications must be prepared (see 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;
 - as a response to consideration of objections and representations made when the Plan was deposited.
17. 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.
18. 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)

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

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

20. 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. These changes are broadly welcomed.

Policy 20 Housing Provision

21. 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. This represents a positive outcome for the Structure Plan area, as the overall provision for Leicestershire, Leicester and Rutland is reduced from 64,000 to 63,000.

Policy 79 East Midlands Airport

22. Clarification has been provided in relation to the operational expansion and assessment of impacts of new development at East Midlands Airport.
23. 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 re-iterated the view of the Three Councils 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 approach is supported in RPG8.

Policy 84 Development in the Three Cities Sub-Area

24. Reference to concentrating employment and housing development within and adjoining Loughborough 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.
25. This proposed change is welcomed as the issue of promoting Loughborough as a focus for development was objected to as it did not take into account existing traffic problems in the town and environmental constraints such as the Charnwood Forest which will limit development opportunities in this location.

Decisions and Reasons to the Panel's Recommendations

26. 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 in the following areas it is not proposed to accept the Panel's recommendation in full:

- (a) Housing Policies 1 and 2 (Housing Provision) - it is recommended that the Panel's recommendations regarding the overall level of housing provision, scale of provision in the Central Leicestershire Policy Area, distribution by district, and the amount, location and phasing of greenfield provision should not be accepted in full. (This is discussed in more detail in Appendix 4.) Some of the detailed aspects of the Panel's recommendations on these matters have been accepted.
- (b) Strategy Policies 3A and 3B (Sequential Approach to the Allocation of Land) - whilst the thrust of the Panel's recommendations have been accepted, some detailed aspects have not. In particular, it is not felt appropriate to retain reference to 'transport nodes within good transport corridors'.
- (c) Employment Policy 2 (Strategic Employment Sites) - the Panel's recommendations that it is inappropriate to specify the size and phasing of Strategic Employment Sites is not accepted. Specifying the amount and phasing of land for the provision of such sites is consistent with the approach proposed for Housing Policy 2.
- (d) Reference to the exclusion of noisy sports in the National Forest contrary to the Panel's recommendation, it is considered that noisy sports are an appropriate activity in the National Forest. The National Forest Strategy indicates that this location would be appropriate for these uses. It appears that the Panel misunderstood the request made at the EIP for the inclusion of reference to noisy sports.
- (e) Amending Strategy Policy 15 - Charnwood Forest - the policy suggested by the Panel only deals with the Countryside. 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 recommendation in relation to this matter.
- (f) Inclusion of named rail projects in Accessibility and Transport Policy 5 - The Panel's proposal to include 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.
- (g) Terms of reference of Paragraph 5.52 of the EM in relation to major transport schemes over £5 million - 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.

Proposed Modifications

27. The suggested Proposed Modifications are set out in Appendix 4. The Proposed Modifications set out the changes from the Deposit Draft Structure Plan. Deletions to the wording are struck through and new wording is shown in bold italics. Key changes from the Deposit Draft include:

- (a) Revisions to the guidance for the number of dwellings to be built in the Central Leicestershire Policy Area (CLPA) as proposed by the Pre-EIP Change to Strategy Policy 2. The figure proposed is 31,500 dwellings, which is lower than the 35,450 recommended by the Panel. (see page 3 of Appendix 4)
- (b) An amended sequential approach to the allocation of land (Proposed Pre-EIP Changes to Strategy Policy 3A and 3B) – to take into account 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, recommended by the Panel, has been removed. Both are in line with RPG8. (see pages 4 – 5 of Appendix 4)
- (c) Changes to allow the designation of new Green Wedges through local plans as recommended by the Panel (Strategy Policy 7). (see page 12 of Appendix 4)
- (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. (see pages 14 – 15 and 34 of Appendix 4)
- (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 greater certainty of the Three Councils' intentions to those with an interest in this location. (see page 22 of Appendix 4)
- (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. (see page 25 of Appendix 4)
- (g) Pre-EIP Changes were proposed to Environment Policy 3, which seeks to safeguard the natural environment, to divide the policy into 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 recommendation is accepted subject to minor wording changes to make consistent the reference to 'alternative solutions' to development that may affect habitats of importance. (see pages 27 – 31 of Appendix 4)
- (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. (see page 34 of Appendix 4)

- (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 Modification to Housing Policy 2, is the most appropriate approach to distribution. (see pages 49 – 57 of Appendix 4)
- (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 Panel 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. (see pages 52 – 53 of Appendix 4)
- (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. (see pages 55 – 56 of Appendix 4)
- (l) Central Areas and Shopping Policy 4 'Out of Centre Retailing' is redrafted to give clearer guidance for proposals for out of centre retailing which reflects the sequential approach set out in Strategy Policy 3A. (see pages 70 – 71 of Appendix 4)

Background Papers

Leicestershire, Leicester and Rutland Deposit Draft Structure Plan 1996-2016

Proposed Pre-EIP Changes

Summary of Representations made on all Deposit Draft Structure Plan Policies and the Response of the Three Councils to the Representations

Report of the Panel

Regional Planning Guidance for the East Midlands (RPG8)

(A copy of the background papers has been placed in the Cabinet Office)

List of Appendices

1. Timetable to Proposed Modifications
2. Decisions and Reasons to the Panel's Recommendations
3. Panel Recommendations not Accepted
4. Proposed Modifications

Timetable to Proposed Modifications

	County and Joint	Leicester City	Rutland DC CC
14th May	Cabinet		Cabinet
			Full Council (if required)
22nd May	Full Council – to seek a final member decision on the Proposed Modifications prior to the undertaking of the formal process of public consultation		
Spring/early Summer 2002 WB 27th May TBC	Publication of Proposed Modifications for formal consultation for six weeks		