

## **CITY COUNCIL–25 JUNE 2007**

### **REPORT OF THE PORTFOLIO HOLDER FOR TRANSFORMING NEIGHBOURHOODS**

#### **FUTURE OF THE MEADOWS AND SOUTHSIDE AREA ACTION PLAN**

##### **1 SUMMARY**

On 10<sup>th</sup> January 2007, a Submission Draft Area Action Plan (AAP) was submitted to the Secretary of State for independent examination by a Planning Inspector. On 21<sup>st</sup> March 2007 the Planning Inspector requested that an Exploratory Meeting be held in advance of the opening of the hearing sessions for the AAP examination. During the Meeting, the Planning Inspector outlined a number of significant issues, which would result in a significant time delay in any approval process. As a result of this, it is recommended that the AAP be withdrawn from the formal examination process. It is proposed that a non-statutory Local Neighbourhood Plan be prepared to replace the AAP and guide future land-use, investment decisions and transport proposals in the Meadows and Southside area.

##### **2 RECOMMENDATIONS**

IT IS RECOMMENDED that City Council:-

- (i) notes the outcome of the Exploratory Meeting called by the Planning Inspectorate on 21<sup>st</sup> March 2007;
- (ii) approves the recommendation to seek a direction from the Secretary of State to withdraw the AAP from the formal examination process; and to subsequently remove the Meadows and Southside AAP from the LDS 2007;
- (iii) notes the intention to develop a Meadows and Southside Local Neighbourhood Plan to provide a land use, investment decisions and transport planning framework for the area, to replace the Meadows and Southside AAP.

### **3 BACKGROUND**

- 3.1 The Planning and Compulsory Purchase Act 2004 introduced the requirement for local authorities to prepare a LDF for their area comprising a series of Local Development Documents. Under this system, the City Council decided to prepare an AAP for the Meadows and Southside area. The purpose of this document was to formalise work begun as part of 'Linking Up The Meadows', which had the aim of providing a co-ordinated strategy to promote regeneration, help address community safety and social inclusion and improve connectivity between the Meadows/Southside and City Centre. It could also provide the framework, and offer greater certainty, for future interventions as part of the City Council's emerging Neighbourhood Transformation Agenda.
- 3.2 Following the Issues and Options and Preferred Options preparation, and consultation stages, the AAP was submitted to the Planning Inspectorate for formal examination on 10<sup>th</sup> January 2007. A further six-week consultation period on the AAP also commenced after the submission of the AAP.
- 3.3 The Government Office for the East Midlands (GOEM) responded to the formal consultation at the Submission stage and, apart from some minor comments, had no objections to the Submission Draft AAP, or to the processes carried out. Similarly, the East Midlands Regional Assembly confirmed that the AAP was in general conformity with both the current Regional Plan and the submitted draft of the East Midlands Plan.
- 3.4 The hearing sessions for the AAP examination were due to commence in July 2007, however the Planning Inspector decided to convene an Exploratory Meeting in advance of the hearing sessions. At the Meeting, the Planning Inspector outlined a number of issues on the AAP. The issues he raised were as follows:-
- (1) the extent to which the AAP went beyond a traditional land use plan and is spatial;
  - (2) whether the AAP brought together and integrated policies from other programmes and strategies;
  - (3) the extent to which the policies in the AAP delivered its vision and objectives;

- (4) whether the City Council considered all reasonable options and alternatives in preparing the AAP;
- (5) the extent to which the AAP was consistent with national planning policy;
- (6) the extent to which the AAP was consistent with the Local Plan.

3.5 The first point is the most important. The new planning system represents a move away from traditional land use planning and requires local authorities to consider all relevant programmes and strategies (such as wider corporate documents and those written by other bodies and organisations within the City) when drawing up LDF documents. This is very different from the approach of the old Local Plan and the emphasis on development control policies. Future plans written under the new LDF system must be written more broadly so as to reflect and help realise the objectives of all relevant and significant stakeholders in the City. This demands a fully corporate approach to plan making.

3.6 All local authorities are now in a position of learning how to respond to the recent changes in the planning system. Specific guidance from central government and the Government Offices is yet to emerge and long overdue. At the time of the AAP Submission, no other AAPs had been through the examination process and been found to be 'sound'. The AAP is still also the first document to go forward for examination within the East Midlands region. The lack of guidance, and complexity of the new planning system, has meant that over half of all documents submitted for examination have been found 'unsound' or local authorities have been asked to withdraw their plans prior to examination. A Planning White Paper was recently published on 21<sup>st</sup> May 2007 and proposes further changes to the Planning System in an attempt to address this situation. These changes will however take time to come into force as both consultation and primary and secondary legislation are required.

3.7 It is clear that it would take considerable time to resolve these issues with The Planning Inspectorate. As a result, the City Council must now consider whether to proceed with the AAP examination or whether to ask GOEM to make a request to the Secretary of State for withdrawal of the AAP under Section 22(2)(b) of the Planning and Compulsory Purchase Act 2004.

## **4 PROPOSALS**

- 4.1 The LDF examination process is unlike previous development plan inquiries as the Planning Inspector's discretion to make changes to a LDF document is strictly limited. Essentially a LDF document must either be 'sound' or 'unsound'. It is considered, in light of issues 1, 2 and 4 above, that it is not possible to amend the AAP to address the Planning Inspector's concerns in a reasonable time-scale, without fundamentally re-writing the AAP. This would effectively mean commencing the document preparation process again in order to take into account the requirement for issues and options generation, Sustainability Appraisal work and consultation.
- 4.2 Work has now already started, and resources have been committed, to developing the Core Strategy which will take forward wider regeneration aims for the whole of the City, including the Meadows and Southside area.
- 4.3 It is therefore recommended that the AAP be withdrawn from the formal examination process. This involves applying to GOEM to request that a Direction from the Secretary of State is issued to withdraw the AAP. If the request to withdraw the AAP is agreed by City Council, City Council is also requested to approve the removal of the AAP from the LDF document timetable set out in the LDS 2007.
- 4.4 In the interim, before the Core Strategy is adopted, it is proposed to revisit the content of the AAP and produce a Local Neighbourhood Plan covering the Meadows and Southside area. This document will be non-statutory and will capture work already undertaken for the AAP. It will contain an overall land use, investment decision and transport framework, in order to guide regeneration within the area. In producing this document, it will be necessary to address all of the representations received during the Submission stage consultation period which took place between 10<sup>th</sup> January and 21<sup>st</sup> February 2007. Once this has been done, the revised document will be reported to the Dunkirk and Lenton and Bridge (Area 8) Committee prior to formal approval by Executive Board.

**5 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

- Notes of Exploratory Meeting held on 21<sup>st</sup> March 2007.

**6 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

- Submission Draft Meadows and Southside Area Action Plan (Nottingham City Council, January 2007).

**COUNCILLOR CLARK  
PORTFOLIO HOLDER FOR TRANSFORMING NEIGHBOURHOODS**