



**MINUTES
OF THE MEETING OF THE
CABINET
TUESDAY 12 JANUARY 2010**

Held at 8.00pm in the Council Chamber, Civic Centre, Pavilion Road, West Bridgford

PRESENT:

J N Clarke - Chairman

Councillors J A Cranswick, J E Fearon, R Hetherington and Mrs D J Mason

ALSO IN ATTENDANCE:

Councillors Mrs D M Boote, S J Boote, L B Cooper, C J Evans, M J Hemsley, A MacInnes, G R Mallender, F J Mason, B Venes and T Vennett-Smith

OFFICERS PRESENT:

C Bullett	Deputy Chief Executive (CB)
A Graham	Chief Executive
R Mapletoft	Planning Policy Manager
D Mitchell	Head of Partnerships and Performance
N Morton	Head of Financial Services
P Randle	Deputy Chief Executive (PR)
D Swaine	Head of Corporate Services
P Wigginton	Member Services Manager

MEMBERS OF THE PUBLIC

102 Members of the public were also in attendance at the meeting.

APOLOGY FOR ABSENCE:

Councillor D G Bell

57. Declarations of Interest

There were none declared.

58. Minutes

The minutes of the meeting held on Tuesday 8 December 2009 were approved as a correct record and signed by the Chairman.

59. Rushcliffe Core Strategy – Options for Consultation

The Chairman welcomed the Members of the public to the meeting of Cabinet and recognised the importance of the issue being considered for Rushcliffe's residents. He explained the procedure involved and the decision now to be considered by Cabinet.

He went on to confirm the Council's continued opposition to the imposition by Government of the large number of new homes being proposed for Rushcliffe.

In his view these figures were not a fair distribution of homes throughout the county. In addition the Borough had few Brownfield sites and this would mean significant encroachment into the Green Belt. He believed the targets for housing growth were unjustified and should be opposed. Therefore the Council would continue to lobby Central Government about the targets and its opposition to them.

At the invite of the Chairman the Deputy Chief Executive (PR) gave a presentation to Cabinet outlining the current position. He also circulated an amended sheet to replace page 62 of the appendix to the report which provided extra information about the requirement of sites for employment purposes.

He explained that the Local Development Framework was a complicated, complex and lengthy process and the purpose of the report was to seek agreement to publish the Core Strategy for initial consultation. Its proposed publication was in line with the arrangements with all the other authorities that made up the Nottingham Core Housing Market Area. In effect this meant that the aligned Core Strategies would be published jointly, however each individual authority had to make decisions affecting their particular area.

The Core Strategy included a delivery strategy to achieve the objectives, including policies and it set out how much development was intended to happen, where it could possibly be located, when and by what means.

He reminded the Cabinet of the housing requirements and possible site options for both urban and rural parts of the Borough. He then went on to explain the timetable for the process as set out below –

Issues and Options	June/July 2009
Options for Consultation	Jan – March 2010
Pre-submission draft	September 2010
Submission to Secretary of State	January 2011
Hearing	April 2011
Adoption	December 2011

Following his presentation the Deputy Chief Executive (PR) went on to outline the key issues in his report reminding Cabinet that the Local Development Framework (LDF) Group had met on two occasions to consider this issue. Consideration by the LDF Group had formed part of the process by which all of

the Greater Nottingham local planning authorities were working together to develop core strategies which aligned with each other.

At the first meeting in November 2009, the LDF Group was not inclined to identify locations for housing adjacent to the Principal Urban Area because of the scale proposed, the erosion of the Green Belt and the known level of opposition from residents affected.

At the December 2009 meeting of the Group, a report was presented identifying the risks involved to the Council should it fail to comply with the published timescale and consultation plan. Fundamentally this could be construed as demonstrating a lack of intention to exercise a statutory duty. In summary the associated risks were:

- *The potential for Government intervention to develop the Rushcliffe Core Strategy and recover the costs from the Council after removing the Council's plan making powers;*
- *The potential for planning applications to be received that, if refused and appealed, could not be legitimately defended because of the Council's failure to plan for growth. In such circumstances, the risk of the appellant being awarded costs would be high thus exacerbating the financial risk to the Council;*
- *That 'planning by appeal' or Government intervention could be viewed as a lack of democratic and community leadership;*
- *The potential for negative press and a damaged reputation due to the poor use of public money to defend a failure to exercise a statutory duty;*
- *The potential loss of significant Growth Point funding and HCA 'single conversation' money for affordable housing and infrastructure ;*
- *Unplanned development with insufficient associated infrastructure*

The LDF Group had given serious consideration to these risks and the majority of its Members felt compelled to continue to proceed with the consultation process in line with the agreed timetable. The Group was strongly opposed to referring to this stage in the process as the Council's 'Preferred Option' but they felt that they had no real alternative other than to recommend proceeding to consultation. They still maintained their opposition to the scale of housing growth required in Rushcliffe by the Government's Regional Plan and confirmed the commitment to defending the principles of the Green Belt and associated protection given by it.

At this point in the meeting the Chairman again reiterated that the figures for housing growth had been imposed on the Council by Central Government and the Council remained opposed to the proposed scale of development required. He went on to state that the proposed recommendation within the report should be amended to take account of the strength of opposition of both the Council and the residents of the Borough as shown through the findings of the Big Picture campaign and the number of people attending the meeting. He suggested that the recommendation should read as follows –

- a) Cabinet (i) deplores and strongly disagrees with the Government's target for housing growth in Rushcliffe and recognises the strength of local opposition to it, and (ii) will continue to proactively lobby Central Government to review this figure in order that it be reduced;
- b) in view of the significant risks associated with not complying with the Local Development Framework, the Rushcliffe Core Strategy – Option for Consultation document be published in accordance with the timetable agreed by the Greater Nottingham Joint Planning Advisory Board;
- c) the publication of the document forms the basis for the required public consultation but does not commit the Council to the development of any site in Rushcliffe;
- d) Cabinet strongly urges residents to take the opportunity to participate in the formal consultation process and provide their views on the options identified;
- e) a further report be provided to Cabinet following the consultation period outlining its findings and detailing the proposed ways forward at that stage; and
- f) the Head of Corporate Services be given delegated authority to make any minor amendments to the Rushcliffe Core Strategy - Option for Consultation document prior to publication following consultation with the portfolio holder.

In addition the Chairman urged both Elected Members and residents to continue to lobby Government to express concerns about the unjustified and high targets for housing growth.

Councillor Cranswick supported the amended recommendations and indicated that the Council was being forced to comply with the process but he hoped that circumstances might change in the future which might influence the issue.

Councillor Mrs Mason supported the comments by the Chairman and felt that the number of houses imposed on the Borough, when compared to other districts was disproportionate. She recognised the importance of the consultation document and the need to seek views from all interested parties which would feed into the process. She also recognised the strength of local opposition and the real concerns that had been expressed.

In response to a question from Councilor Mrs Mason, the Head of Financial Services indicated that the Council had set aside a reserve of £330,000 to cover costs relating to future planning appeals. Although very difficult to quantify at this stage he anticipated that if the Council failed to comply with the Local Development Framework process, the amount of £330,000 could well be insufficient to cover all the potential costs.

Councillor Hetherington expressed real concerns about the number of houses being proposed and also about the ability of the Council to protect the Green

Belt. In response, the Planning Policy Manager reported that although it was desirable to protect the Green Belt wherever possible, that protection was not there in perpetuity. He added that there might be a need to review Green Belt boundaries at some time in the future as a consequence of potential development and he reminded Members that it had been encroached by the outcome of the planning appeal for the Sharphill site at Edwalton.

Commenting on this the Chairman reported that the Council had always been opposed to the development at Sharphill but that it had been granted by a Government inspector at appeal.

In response to a comment from Councillor Fearon, the Chairman indicated that there would be a General Election in the next few months and the outcome of that could have a bearing on the future of the Local Development Framework process. However at this stage it was important for the process to carry on, particularly in view of the significant risks should the Council fail to do so. However if things were to change then the Council would need to react and reflect when the outcome of the General Election was known.

Councillor Fearon felt that it was vital that the consultation exercise undertaken was comprehensive and that rural areas were included. This was because it provided the opportunity for people to voice their concerns and influence the way forward.

The Deputy Chief Executive (PR) indicated that if the recommendation to proceed was approved, the Council would be undertaking a comprehensive and extensive consultation exercise in order to engage with as many people as possible.

Councillor Cranswick indicated that it was important for the public to lobby Government at every opportunity to continue to apply pressure on them to change the proposals for housing growth. The Chairman supported these comments and indicated that the allocation of houses to the Borough was totally disproportionate when compared to other areas.

In response to a question from the Chairman, the Deputy Chief Executive (PR) indicated that although it was possible that the other authorities involved might not proceed to the consultation stage their representative on the Greater Nottingham Joint Planning Advisory Board had agreed the aligned core strategies and the proposed timetable. He referred to the risks identified earlier as set out in the report and stressed that these would still be relevant to the Council and the Borough irrespective of what other authorities decided.

In response to a question from Councillor Cranswick, the Planning Policy Manager indicated that if only part of the strategy was agreed then the process would fail and the Government would instruct the Council to amend the document. He indicated that the Council had to evidence compliance with the requirements of the Core Strategy process in order to proceed.

The Chairman referred to other parts of the consultation document, in particular the employment sites. In response the Planning Policy Manager reported that the Regional Plan was not specific about the requirement for each authority, but that it was a requirement to provide reasonable levels of

employment land, particularly in larger settlements and this requirement would be fulfilled.

The Chief Executive also drew Cabinet's attention to the need to provide details of an economic assessment, in particular relating to employment land. The Planning Policy Manager confirmed this and indicated that a study had been commissioned to identify levels of land and its findings had been incorporated into the consultation document.

In reply to a question from Councillor Cranswick about housing allocations, the Planning Policy Manager reported that although it was theoretically possible to redistribute the housing allocations between authorities in the Housing Market area, there was no appetite to do this from the authorities concerned. It was not possible to transfer allocations from one housing market area to another.

The Chairman noted these comments but felt that it was vital for the Council to continue to make every effort to reduce the numbers of housing allocated to the Borough as he was aware that other areas had indicated that they required more housing than had been allocated to them. In conclusion he stated that the Council would continue to oppose the Government's target for housing growth in Rushcliffe, but the risks associated with not taking the matter forward were so significant that it would be irresponsible not to do so.

The amended recommendation was referred to Cabinet and it was **AGREED UNANIMOUSLY**

RESOLVED that

- a) Cabinet (i) deplores and strongly disagrees with the Government's target for housing growth in Rushcliffe and recognises the strength of local opposition to it, and (ii) will continue to proactively lobby central Government to review this figure in order that it be reduced;
- b) in view of the significant risks associated with not complying with the Local Development Framework, the Rushcliffe Core Strategy – Option for Consultation document be published in accordance with the timetable agreed by the Greater Nottingham Joint Planning Advisory Board;
- c) the publication of the document forms the basis for the required public consultation but does not commit the Council to the development of any site in Rushcliffe;
- d) Cabinet strongly urges residents to take the opportunity to participate in the formal consultation process and provide their views on the options identified;
- e) a further report be provided to Cabinet following the consultation period outlining its findings and detailing the proposed ways forward at that stage; and

- f) the Head of Corporate Services be given delegated authority to make any minor amendments to the Rushcliffe Core Strategy - Option for Consultation document prior to publication following consultation with the portfolio holder.

The meeting closed at 8.45 p.m.

CHAIRMAN