

## **CABINET**

**19 MAY 2005**

Councillor I.S. Gollop (Chairman)

Councillors:	R.F. Spencer	P. Feeney
	W.H. Golland	R.J. Nicholson
	R.A. Poynter	A.J. Gillam (Observer)
	G.J. Griffiths (Observer)	J.M. Parr (Observer) (a)

### **20 APOLOGIES FOR ABSENCE.**

An apology for absence was received from Councillor Parr.

### **21 DECLARATION OF INTERESTS.**

Councillor Griffiths declared a personal and prejudicial interest in item 3 because of previous involvement with related issues.

(Councillor Griffiths left the Chamber)

### **22 LOCAL PLAN PROPOSED MODIFICATIONS - RESPONSES TO OBJECTIONS RECEIVED**

The Chairman reported that following the Presentation given by Bob Wilson the Local Plans Manager, there would be a 10 minute adjournment to allow any members of the public in attendance at the meeting an opportunity to speak.

The Local Plans Manager on behalf of the Portfolio Holder reported that following the receipt of the Local Plan Inquiry Inspector's report in March and May 2004, the Council had agreed its Proposed Modifications to the Local Plan in January 2005. Prior to this a Special meeting of the Cabinet had been held on 21st December 2004 to consider the options before the Council in terms of progressing further stages in the adoption of the Local Plan. The Modifications had been placed on deposit for 6 weeks in Borough libraries and Council Offices.

6,488 responses had been received. Many of these were not duly made because they referred to issues previously addressed by the Council and/or the Inspector in his report to the Council. The matters raised were however included in the report, after the 'duly made' replies at Appendix 1, for completeness. Because some objections covered a number of issues on one form or letter, some of which were duly made and some of which were not,

the report dealt with these particular responses in one place. So this meant amongst the duly made section there were some issues regarded as not duly made. However, if considered in the first part of the report they did not reappear in the second part to ensure there was no double counting of representations.

In addition GAG 5 a group comprised of Bestwood, Linby, Newstead, Papplewick and Ravenshead Parish Councils had sought Counsel's Opinion on the Council's proposals and had forwarded a copy of the Opinion to the Council for consideration. This had been treated as a duly made objection in its own right and was summarised at the beginning of Appendix 1. The advice submitted on behalf of GAG5 had addressed the issues considered by the Cabinet meeting in December 2004, which were subsequently agreed by the Full Council on 12th January 2005. The Cabinet report had been made available to GAG 5 and the public, and was accessible from the Council's web site.

The Council in turn had sought their own Counsel's Opinion on the advice contained in GAG 5's opinion, on the way in which the Council had handled the development of the Local Plan following receipt of the Local Plan Inspector's Report and also on the advice contained in the report submitted to Cabinet in December 2004. Counsel had disagreed with the advice given by GAG 5's Counsel, was very complimentary about the analysis and advice of the officers contained in the December 2004 cabinet report, confirmed that the Council was right to continue on the basis of Option 2 as set out in that report and confirmed that there were no grounds for a successful legal challenge to the Council proceeding to adopt the Local Plan on the basis of the Statement of Proposed Decisions and Modifications adopted by the Council. Appendix 1 summarises the advice received and also made reference to a recent High Court case involving Wealden District Council, which was relevant to the Council's current position.

Appendix 1 set out the representations received with a summary of the objections and support, followed by the Council's response. Appendix 2 dealt with the next stage in the process towards full adoption.

Having taken into account all the 'duly made' and 'not duly made' objections received, it was considered that no further change should be made to the Plan. Cabinet was accordingly requested to agree the responses and recommend the Council proceed to adopt the Plan.

The recommendations contained in the report were moved and seconded.

The meeting was adjourned at 6.45pm to give Mr Ian Griffiths of Papplewick Parish Council and Paddy Tipping MP for Sherwood an opportunity to address those members present.

The meeting was re-convened at 7.00 pm and it was:-

RESOLVED:

That Cabinet

1. Approve the responses to the objections received to the Proposed Modifications, and

2. Recommend to Council that no further modifications materially affecting the content are made to the draft Plan and that the draft Plan as modified in accordance with the Statement of Proposed Decisions and Modifications be adopted as the Gedling Borough Local Plan (First Replacement).

**23**

**ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS URGENT.**

**INVITATION FROM RUSHCLIFFE BOROUGH COUNCIL**

The Chairman reported that an invitation had been received from Rushcliffe Borough Council for members of the Cabinet to attend an informal joint meeting to explore future working arrangements at Rushcliffe Borough Council Offices.

RESOLVED: To accept the invitation to attend on 17 June 2005.

The meeting closed at 7.35 pm.