

**WARDS: All**

**AGENDA ITEM NO. 5**

**DUDLEY METROPOLITAN BOROUGH COUNCIL**

**REPORT TO SPECIAL MEETING OF THE CABINET – 12<sup>th</sup> JULY 2005**

**REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT**

**THE REVISED DEPOSIT UNITARY DEVELOPMENT PLAN – RESPONSES TO THE OBJECTIONS/REPRESENTATIONS TO THE PROPOSED MODIFICATIONS OCTOBER 2004.**

**1.0 PURPOSE**

- 1.1 To approve the responses to objections received into the Proposed Modifications made with respect to the Revised Deposit Unitary Development Plan. These are available in the Members' library.
- 1.2 To seek Cabinet approval to proceed to the next stage in the Development Plan preparation and publish the 'Notice of Intention to Adopt the Dudley UDP after 28 days'.
- 1.3 To consider the situation relating to the Coopers Bank site as set out in Appendix 2.

**2.0 BACKGROUND**

- 2.1 The Revised Deposit UDP was approved for publication at the Full Council meeting held on 21<sup>st</sup> January 2002. Prior to commencement of the Public Local Inquiry two sets of Pre-Inquiry Changes to the Plan were approved for publication. The first set of Pre-Inquiry Changes was approved by Full Council on 7<sup>th</sup> October 2002. The second set was approved by the Executive on 28<sup>th</sup> November 2002 under delegated authority given by Full Council on 18<sup>th</sup> November 2002.
- 2.2 The Public Local Inquiry into the objections/representations to the Revised Deposit Unitary Development Plan for Dudley MBC was held from 17<sup>th</sup> December 2002 to 12<sup>th</sup> June 2003.
- 2.3 The Inspector's report was received on the 31<sup>st</sup> January 2004. The report contained details of his conclusions and recommendations on the objections/representations made in relation to specific policies contained in the Plan. The Inspector only made recommendations in relation to policies for which objections/representations were received. Any policy which did not receive any objections, which form the overwhelming majority of the plan's contents, were not considered by the Inspector. On 21<sup>st</sup> April 2004, full Council approved the responses to the Inspector's recommendations.

- 2.4 In response to the Inspector's recommendations, certain changes were proposed to the Revised Deposit Unitary Development Plan. These changes, called Proposed Modifications to the Plan, were approved by full Council on 18<sup>th</sup> October 2004 and then subject to a statutory six week consultation period from 22<sup>nd</sup> October to 3<sup>rd</sup> December 2004. A number of representations were made by objectors. Officers have considered the representations made and have recommended proposed responses to the objections made. These are detailed in **Appendix 1**. If Members' agree with the proposed responses a further Public Local Inquiry will not be required and the Council can then proceed to the next stage in the Development Plan production, and publish its notice of intention to adopt the Plan after the statutory 28 days notification period.
- 2.5 The consideration of this report has been deferred since the 20<sup>th</sup> April and 15<sup>th</sup> June Cabinet meetings for the Council to give careful consideration to the specific issues raised regarding the Gibbons Refractory Site at Coopers Bank which has been allocated as a strategic housing site in the modifications stage of the UDP review. An update to this report with specific regard to this issue has therefore been attached as **Appendix 2**. This considers that the Council should proceed on the basis of the way forward set out in paragraph 2.4.

### **3.0 PROPOSAL**

3.1 Members are asked to :-

- Approve the responses to the objections made to the proposed modifications as detailed in Appendix 1.
- Consider the Coopers Bank site situation as set out in Appendix 2.
- Recommend that the proposed modifications be put forward to full Council for approval and subsequent publication of the Council's 'Notice of Intention to Adopt the Dudley Unitary Development Plan after 28 days publication notice'.

### **4.0 FINANCE**

4.1 The costs of preparing the Revised Deposit Plan are met from budgets specifically identified for that purpose. The costs of a modification inquiry could be significant and may not be able to be met from existing budgets.

### **5.0 LAW**

5.1 The review of the UDP is being prepared under Part 2 of the Town and Country Planning Act, 1990.

5.2 Once adopted, the UDP will be a saved Plan in accordance with the Planning and Compulsory Act 2004.

## **6.0 EQUAL OPPORTUNITIES**

6.1 The preparation of the UDP has been undertaken in full accordance with the Council's equal opportunities policy and part 1 of the UDP emphasises the priority attached to this in formulating the policies.

## **7.0 RECOMMENDATION**

7.1 It is recommended that the proposals set out in Section 3 of this report be approved with the proviso that the Planning Authority would not welcome a planning application for residential development on the Gibbons Refractory site prior to the second phase of housing development commencing March 2007 as set out in Appendix 2 of the report.

## **8.0 BACKGROUND PAPERS**

Proposed Modifications September 2004

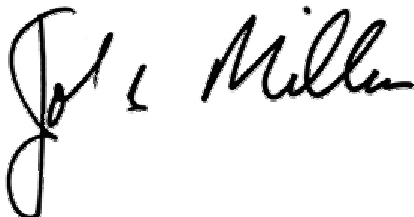
Inspectors Report into the Revised Deposit Unitary Development Plan

Second Set of Pre-Inquiry Changes November 2002

First Set of Pre-Inquiry Changes October 2002

Revised Deposit Unitary Development Plan

Counsel Advice with regard to Gibbons Refractories Site, Coopers Bank. Kings Chambers, Manchester (Council's appointed UDP Barrister) 28 June 2005.



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