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FAO: Mr Richard Ling – Planning Manager

Your Ref: adoption

Our Ref: EMP 3000/475/23

Date: 16 February 2006

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT PLAN) (ENGLAND) REGULATIONS 1999
NOTICE OF INTENTION TO ADOPT PROPOSALS FOR THE REPLACEMENT OF THE
NOTTINGHAMSHIRE AND NOTTINGHAM JOINT STRUCTURE PLAN WITHOUT FURTHER
MODIFICATIONS**

Thank you for your letter to the Government Office dated 17 January 2006 and the enclosed set of relevant plan documents, including a copy of the requisite advertisement in relation to the intention of Nottinghamshire County Council and Nottingham City Council to adopt the above-mentioned replacement plan without further modifications on (or after) 16 February 2006.

Proposals for the replacement of a structure plan shall not be adopted by a local planning authority until the period given by the authority in their last notice of intention to adopt has expired. The Notice of Intention to Adopt Proposals for the Replacement of the Structure Plan without further Modifications gave 28 days notice of the prescribed statutory period (expiring 16 February 2006). As you know, this period is provided in order that the First Secretary of State can consider whether to exercise his powers to direct modifications to the plan or to call-in all, or part, of the plan for his own determination. This letter is to confirm that the First Secretary of State does not intend to exercise his powers in respect of the Nottinghamshire and Nottingham Joint Structure Plan.

With regard to your query about the intention of your two Councils in providing a list of local plans that remain or do not remain in conformity with the adopted Joint Structure Plan, which you raised in relation to plans prepared by District Councils and linked to the transitional arrangements provided by the Town and Compulsory Purchase Act 2004. We subsequently discussed this matter and confirmed that the requirement relates to Regulation 41 of the Town and Country Planning (Development Plan) (England) Regulations 1999.

Regulation 41(1) requires that an authority responsible for a structure plan shall, where any proposal of theirs for the...replacement of a structure plan are adopted..., prepare a statement in respect any local plan **for which the authority is responsible** (my emphasis), and any minerals





local plan and waste local plan for their area, stating whether the plan is, or as the case may be, is not, in general conformity with the....new structure plan. Regulation 41(2) requires that a statement prepared under paragraph (1) stating that a local plan, minerals local plan or waste local plan is not in general conformity with a structure plan shall specify the respects in which it is not in such conformity. Regulation 41(3) requires that a local planning authority which makes available for inspection a plan to which a statement under section 35C or paragraph (1) relates, shall make a copy of the statement available for inspection at any place at which the plan is made available for inspection. You were to discuss this matter with Nottingham City Council in view of the joint plan-making arrangements and responsibilities. It would be appreciated if you could provide a copy of the relevant statement as soon as it is available.

In relation to Regulation 19 and the requirement to give notice by advertisement of the adoption of the plan, it would be appreciated if you could provide a copy of the statutory notice of adoption as soon as possible. As regards Regulation 38(1) and the availability of printed copies of the plan as soon as practicable after adoption, and the requirement of Regulation 19(3) to send four copies of the adopted proposals to the Secretary of State, we appreciate that printing of the final documents will need to await the end of the 6 week legal challenge period, which allows for any aggrieved person to make an application to the High Court under section 287 of the 1990 Act.

I am also copying this letter to Matt Gregory at Nottingham City Council.

Yours sincerely

A handwritten signature in black ink that reads "M. Smith".

Michael Smith
Senior Planning Officer
Infrastructure Team, Nottinghamshire

