
REPORT TO:	COUNCIL	AGENDA ITEM: 9
DATE OF MEETING:	2nd NOVEMBER 2017	CATEGORY:
REPORT FROM:	STUART BATCHELOR DIRECTOR OF COMMUNITY AND PLANNING SERVICES	OPEN
MEMBERS' CONTACT POINT:	KAREN BEAVIN karen.beavin@south-derbys.gov.uk	DOC:
SUBJECT:	ADOPTION OF SOUTH DERBYSHIRE LOCAL PLAN PART 2	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: PL01

1.0 Recommendations

- 1.1 To adopt the Local Plan Part 2, 2011 – 2028 incorporating all the main modifications set out by the Inspector and the additional modifications proposed by the Council, including any consequential and other appropriate alterations for the purposes of clarification or typographical corrections.

2.0 Purpose of Report

- 2.1 The report is brought to Members to inform the Council of the Inspector's final report into the Local Plan Part 2, 2011 – 2028 (Appendix A-D) that recommends adoption of the Plan subject to modifications. If adopted the Plan, in conjunction with the already adopted Local Plan Part 1, would replace the 1998 South Derbyshire Local Plan entirely.

3.0 Detail

- 3.1 The Local Plan Part 1 sets out strategic housing allocations and employment allocations for South Derbyshire, alongside key Development Management policies for the period up to 2028. The Local Plan Part 2 completes the 'handover' from the 1998 Local Plan and includes 14 non-strategic housing allocations (that is, allocations of fewer than 100 dwellings) together with a suite of development management policies.
- 3.2 The Local Plan Part 2 was submitted for examination in January 2017. Hearings subsequently took place 25-27 April 2017. Following the close of the hearing, the main modifications were prepared and then consulted on for six weeks until 18 August 2017. Following this consultation, the responses made were submitted to the Inspector.
- 3.3 The Inspector has considered all of the modifications and consultation responses and issued his report (Appendix E). In two cases the Inspector has recommended a one-worded change to the detailed wording; these are with modifications MM37 and

MM51, regarding policies BNE5: Development in Rural Areas and INF12: Provision of Secondary Education Facilities, respectively.

- 3.4 There are 53 main modifications that all need to be applied to the Plan in order for it to be both sound and legally compliant. These are set out at Appendix F. The additional modifications are set out at Appendix G, with any further changes such as the contents page being updated or additional typographical corrections included. The Policies Maps, which illustrate both the Part 1 and Part 2 policies, are at Appendix H and I.
- 3.5 Published alongside the Local Plan Part 2 is the Implementation and Monitoring Table (Appendix J), with any modifications taken into account. The Sustainability Appraisal documents are also included at Appendices K to P.
- 3.6 Subject to the Council agreeing to adopt the Local Plan Part 2, it will be necessary to: prepare an adoption statement; send a copy of the adoption statement to those who have asked to be notified of the adoption of the Plan and; to make available the adopted Local Plan Part 2, the Inspector's Report, the adoption statement, the sustainability appraisal report and its adoption statement and publicise details of where and when the documents are available for inspection.
- 3.7 Following adoption, there is a six week period for a High Court challenge to the adoption of the Plan. These six weeks start at the point of adoption. Any person aggrieved by the Local Plan Part 2 may make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004, on the grounds that the document is not within the appropriate power and/or procedural requirements have not been complied with.

4.0 Financial Implications

- 4.1 The only possible foreseeable financial implication would come from any necessary costs incurred in the event that a high court challenge ensued.

5.0 Corporate Implications

- 5.1 The adoption of the South Derbyshire Local Plan is a key action within the Place theme of the Corporate Plan.
- 5.2 Legal implications – The Local Plan has been prepared in accordance with the relevant planning acts and the Town and Country Planning (Local Development) (England) Regulations 2012.
- 5.3 As stated above, following adoption, there is a six week period for a High Court challenge to the adoption of the Plan. Any person aggrieved by the Local Plan Part 2 may make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004, on the grounds that the document is not within the appropriate power and/or procedural requirements have not been complied with.
- 5.4 The Local Plan has been prepared with extensive consultations. Following adoption, the Plan will be made available along with the updated Sustainability Appraisal and the associated adoption statements.

6.0 **Community Implications**

6.1 Adoption of the Local Plan Part 2 provides complete replacement of the 1998 Local Plan and will ensure that development across the District is achieved in a sustainable way, providing necessary infrastructure and community facilities for existing and new residents.

7.0 **Background Papers**

7.1 The appendices listed below are available to view at www.south-derbys.gov.uk/localplanpart2

Appendices

Appendix A – Local Plan Part 2 Part A

Appendix B – Local Plan Part 2 Part B

Appendix C – Local Plan Part 2 Part C

Appendix D – Local Plan Part 2 Part D

Appendix E – Inspector’s Report

Appendix F – Main Modifications

Appendix G – Additional Modifications

Appendix H – Policies Maps Part 1

Appendix I – Policies Maps Part 2

Appendix J – Implementation and Monitoring Table

Appendix K – Sustainability Appraisal Non-Technical Summary

Appendix L – Sustainability Appraisal Main Report

Appendix M - Sustainability Appraisal Technical Appendices Part 1

Appendix N - Sustainability Appraisal Technical Appendices Part 2

Appendix O - Sustainability Appraisal Technical Appendices Part 3

Appendix P - Sustainability Appraisal Technical Appendices Part 4