

REPORT TO:	Environmental and Development Services Committee	AGENDA ITEM: 6
DATE OF MEETING:	29 January 2015	CATEGORY: DELEGATED
REPORT FROM:	Director of Community and Planning Services	OPEN
MEMBERS' CONTACT POINT:	Nicola Sworowski (01283) 595983 nicola.sworowski@south-derbys.gov.uk	DOC:
SUBJECT:	Local Plan Part 1 Progress	REF:
WARD(S) AFFECTED:	All Wards	TERMS OF REFERENCE: EDS02

1.0 Recommendations

- 1.1 That Members note the content of the report.
- 1.2 Agree the continuation of the Local Plan Part 1 and the additional work as required, in agreement with the Chair of this Committee and the Director of Community and Planning Services.

2.0 Purpose of Report

- 2.1 To update Members on the Local Plan Part 1 following the examination of the document in November – December 2014.

3.0 Detail

- 3.1 As Members are aware the Local Plan Part 1 was submitted to the Secretary of State for examination on 8th August 2014. Initial questions from the Inspector, Ms Kingaby were received on 22nd September to which the Council responded on 7th October. Following the response the Inspector felt able to then issue her matters, issues and questions on 15th October which were for any interested parties to respond to including the Council.
- 3.2 This eventually led to dates being set for the examination in public that ran from 25th November to 5th December for 6 days.
- 3.3 The main areas for discussion were around all elements of housing, employment, viability, education and transport. There was much discussion around all of the sites proposed to be allocated for development and also those sites that were not selected.
- 3.4 As part of the examination a joint hearing session was held with Amber Valley and Derby City regarding the assessed housing need for the Derby Housing Market Area (DHMA) and the distribution of Derby City's unmet need. This joint session was presided over by both Ms Kingaby and Amber Valley's Inspector, Mr Foster.
- 3.5 Following the end of the examination, there has been correspondence from Ms Kingaby and also from Ms Kingaby and Mr Foster in regard to the housing requirement

for the DHMA.

- 3.6 The initial letter (10th December 2014) received was in regard to the DHMA housing need in which the Inspectors, after having heard and read all of the evidence submitted to them, stated they felt that the housing requirement of 33,388 dwellings across the DHMA over the period 2011 - 2028 was the most robust. Further clarification was sought on this letter to which the Inspectors replied on 19th December 2014. However, the Inspectors did have concerns regarding how the apportionment of Derby's unmet need between South Derbyshire and Amber Valley was arrived at and furthermore how consideration was given to this in South Derbyshire and Amber Valley's sustainability appraisals.
- 3.7 At the time of writing there is not an exact methodology and timeframe set out for this additional work, so a verbal update will be given at committee. Essentially though, work is required on the sustainability appraisal across the DHMA to address the Inspectors' concerns.
- 3.8 Members may recall the situation with regard to the DHMA housing requirement prior to the submission of the South Derbyshire Local Plan Part 1 in August last year. The housing number of 33,388 had been discussed through the Amber Valley examination in May last year and their Inspector Mr Foster had suggested that this requirement would be sound. At that point in time, all three plans were still considering a 20 year plan period from 2008 – 2028 which has since been changed to a 17 year period from 2011 – 2028.
- 3.9 As agreed through the examination South Derbyshire's Local Plan will now consider the period 2011 – 2028 and a housing target of 12,341 dwellings which will meet the District's objectively assessed need of 9,605 dwellings and provide 2,736 dwellings for helping Derby meets its housing needs.
- 3.10 The housing requirement set by Mr Foster represented an increase in the requirement which it was agreed, following discussions with the DHMA partners, that Amber Valley could accommodate within the Borough, which would also help them address a deficit in their five year supply. Only at this point was the South Derbyshire Plan submitted to the Secretary of State for examination.
- 3.11 Subsequently Amber Valley consulted twice on the changes to their Plan, the second of which removed several housing sites that were intended to accommodate the additional housing requirement. They also re-set their housing target to 9,651 from 10,060 dwellings. Derby City in the interim have increased their dwelling requirement by 13 dwellings to 11,000 dwellings which means that the DHMA is currently unable to find all its requirement, being 396 dwellings short. This will form part of the DHMA work as mentioned above.
- 3.12 The Council received a further note from Ms Kingaby alone which set out more specific comments on the South Derbyshire Local Plan Part 1, which covers five year housing land supply, affordable housing and viability and infrastructure on strategic sites.
- 3.13 Five year housing land supply – During the examination the Inspector asked for the five year supply to be updated according to the discussion during the examination but also to recalculate it using two methodologies. The first method being the way it had been previously calculated and the second was to accord with a recent appeal decision that

the Secretary of State approved. The difference in methodology relates to how the buffer is applied, which in the case of South Derbyshire is 20% given the persistent under delivery. One method applies the buffer to the requirement only and the other, favoured by the Inspector, applies the buffer to the requirement and the current backlog. Based on the first methodology the Council can demonstrate a five year supply but using the second methodology it cannot. One of the most prominent assessments of a Local Plan is the ability to demonstrate a five year supply upon adoption, which the Inspector has declared South Derbyshire cannot do currently. A further re-assessment of the supply is therefore required.

- 3.14 Affordable Housing and Viability – the Inspector, whilst in support of the flexibility of the Affordable Housing policy H20, felt that further evidence was required to support the starting point of 30% affordable housing that is sought on new schemes over 15 dwellings. A viability consultant has been appointed to consider South Derbyshire’s existing information along with further data in regard to site specifics to form a report that should address the Inspector’s concerns. The outcome of this work will be presented to Members at a later Committee.
- 3.15 Infrastructure and Strategic sites – the Inspector would like to see further information in regard to expected timings, costs and funding for the delivery of the Infrastructure required for the strategic sites. The information is currently in the Infrastructure Delivery Plan (IDP) but has not been undertaken on a site by site basis which the Inspector would like to see.
- 3.16 It is the intention of Officers to undertake this work as quickly as possible to allow the continued progression of the Local Plan Part 1. However, some of this work requires coordinated input from the other DHMA partners, the results of which may affect the work that is required specifically on the South Derbyshire Plan. So, whilst a timetable will be set out for all the work to be completed, Members need to be mindful that delays may occur dependent on the results and also the need to find a further 396 dwellings across the DHMA.

4.0 Financial Implications

- 4.1 None that arise directly as a result of this report but the continued lack of an updated Local Plan and specifically the allocations for housing will impact on the planning applications received and the ability to consider them according to the planning balance and not just in regard to a five year supply.

5.0 Corporate Implications

- 5.1 One of the Corporate actions as part of the Sustainable growth and opportunity theme is to prepare a replacement Local Plan. It is essential that this continues on with the required further work to allow for an adoption of the Part 1 and to progress with Part 2.

6.0 Community Implications

- 6.1 An adopted Local Plan will ensure that development across the District is achieved in as sustainable manner as possible across all themes of the Sustainable Community Strategy.

7.0 Conclusions

- 7.1 The Local Plan Part 1 has now been examined and the initial comments from the Inspector, Ms Kingaby have been received at both a DHMA level in regard to the objectively assessed housing need and more specifically in regard to the Plan.
- 7.2 The Inspectors have asked that further work is undertaken at a DHMA level on the objectively assessed housing need across the DHMA and the apportionment of Derby City's unmet need across South Derbyshire and Amber Valley.
- 7.3 At a South Derbyshire level, then further work is required around affordable housing and viability, five year supply and infrastructure on strategic sites.

8.0 Background Papers

- 8.1 Local Plan Part 1 Submission Version