

<b>REPORT TO:</b>	<b>ENVIRONMENT AND DEVELOPMENT SERVICES</b>	<b>AGENDA ITEM: 9</b>
<b>DATE OF MEETING:</b>	<b>24<sup>th</sup> SEPTEMBER 2020</b>	<b>CATEGORY: RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>ALLISON THOMAS, STRATEGIC DIRECTOR – SERVICE DELIVERY</b>	<b>OPEN</b>
<b>MEMBERS’ CONTACT POINT:</b>	<b>KAREN BEAVIN - PLANNING POLICY TEAM LEADER, TEL: 07501 698400</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>ADOPTION OF LOCAL GREEN SPACES PLAN</b>	
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: EDS03</b>

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## **1. Recommendations**

- 1.1 To adopt the Local Green Spaces Plan as a Development Plan Document, 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. Purpose of the Report**

- 2.1 To inform the Council of the Inspector’s final report following the examination of the South Derbyshire Local Green Spaces Plan (the LGSP), which recommends adoption of the Plan subject to modifications.

## **3. Detail**

- 3.1 The planning system provides a framework for managing the development and use of land. A key element of this system is the preparation of development plans, which establish where and what type of development can take place and provides the basis for the consideration of planning applications.
- 3.2 Section 15 of the Planning and Compulsory Purchase Act 2004, as amended by Section 111 of the Localism Act, requires that the District Council prepare a Development Plan to manage growth across the District. The LGSP, together with the Local Plan Part 1 and Local Plan Part 2 (LP1 and LP2) will seek to manage development within South Derbyshire up to 2028 or earlier if a new Local Plan is adopted before.
- 3.3 In brief:

- LP1 establishes a long-term strategy (up to 2028) to manage development. It comprises the spatial vision and objectives, a spatial strategy (setting out how much growth is required and where strategic growth will be located) and strategic policies to inform the detailed design of new development.
  - LP2 sets out additional non-strategic policies and guidance. It supplements and provides additional detail concerning how development will be managed including through the allocation of 14 non-strategic sites. The LP2 also identified those locations within settlement boundaries where development is, in principle, acceptable and included a strategic policy committing the Council to the preparation of a Local Green Spaces Plan.
  - The LGSP identifies around 100 Local Green Spaces across the District and includes policies in respect of the enhancement and development of these areas.
- 3.4 Work on the LGSP formally commenced in May 2018; prior to this the Council had intended to designate Local Green Spaces through the LP2. At this point the Council consulted on its sustainability appraisal scoping report and its proposed methodology for identifying sites that could be designated as Local Green Spaces within the LGSP. Consultation on the Draft LGSP which included, for the first time, the sites to be designated as well as policies to enhance the value of Local Green Spaces, was subject to consultation for six weeks starting in October 2018. Following amendments to the Draft LGSP and supporting evidence to reflect consultation responses, the LGSP was subject to a further six-week consultation (the proposed submission consultation). This commenced in February 2019. Following the close of this consultation the LGSP, together with any representations made to the Council, were submitted to the Secretary of State on 24 May 2019.
- 3.5 An examination hearing was held into the Plan on the 12 September 2019. In accordance with section 20(7C) of the Planning and Compulsory Purchase Act, the Council requested that the Inspector recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. Following the examination hearings and receipt of post hearing correspondence issued by the Inspector, the Council prepared a schedule of proposed MMs and carried out a sustainability appraisal of them. The MMs schedule (i.e. the main changes to the LGSP required to make it sound) were subject to public consultation for six weeks, which commenced in January 2020.
- 3.6 There are four MMs that all need to be applied to the LGSP in order for it to be both sound and legally compliant. These are set out at Appendix B. The additional modifications are set out at Appendix C, with any further changes, such as the contents page being updated, or additional typographical corrections included. The Policies Maps, which illustrate the location and boundaries of the Local Green Spaces are included at Appendix A.
- 3.7 Published alongside the LGSP is the Sustainability Appraisal and Habitat Regulations Assessment documents, included at Appendix D.

3.8 Subject to the Council agreeing to adopt the LGSP, 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 LGSP and; to make available the adopted LGSP, 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.

#### **4. Financial Implications**

The only foreseeable financial implication would come from any necessary costs incurred in the event that a High Court challenge ensued – see below.

#### **5. Corporate Implications**

##### **Employment Implications**

5.1 Not identified

##### **Legal Implications**

5.2 Following adoption, there is a six-week period for a High Court challenge to the adoption of the LGSP. These six weeks start at the point of adoption. Any person aggrieved by the Plan 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.

##### **Corporate Plan Implications**

5.3 The adoption of the LGSP is likely to contribute towards the delivery of a number of Corporate Plan themes. These include:

- to enhance biodiversity across the District (Our Environment).
- to improve public spaces to create an environment for people to enjoy (Our Environment).
- Promote health and wellbeing across the District (Our People).
- To influence the improvement of infrastructure to meet the demands of growth (Our Future).

##### **Risk Impact**

5.4 Adoption of the LGSP could have a beneficial mitigating action against corporate risk of failing to meet increasing community aspirations for environmental stewardship and protection. However, it also puts the Council at risk of a legal challenge by any aggrieved parties as outlined above.

#### **6. Community Impact**

##### **Consultation**

6.1 None. Extensive consultation has been undertaken during the preparation of the LGSP.

##### **Equality and Diversity Impact**

6.2 None.

### **Social Value Impact**

- 6.3 Beneficial: the LGSP will provide additional protection for these locally valued green spaces across the District.

### **Environmental Sustainability**

- 6.4 Beneficial: sites, once adopted, will gain further protection from inappropriate development and policies included in the LGSP will support enhancements to the condition and accessibility of sites where appropriate.

## **7. Background Papers**

- 7.1 The appendices listed below are also available to view at:  
<https://www.southderbyshire.gov.uk/our-services/planning-and-building-control/planning/planning-policy/current-consultations-version-two/local-green-spaces>  
and  
<https://www.southderbyshire.gov.uk/our-services/planning-and-building-control/planning/planning-policy/current-consultations/consultation-draft-local-green-spaces-plan>

- Appendix A Local Green Spaces Plan (updated to include main and minor modifications and including Policies Maps)
- Appendix B Main Modifications Schedule
- Appendix C Additional Modifications Schedule
- Appendix D1 Sustainability Appraisal Non-Technical Summary
- Appendix D2 Sustainability Appraisal Main Report
- Appendix D3 Sustainability Appraisal Technical Appendices
- Appendix D4 Sustainability Appraisal Addendum
- Appendix D5 Habitat Regulations Screening Report