
REPORT TO:	COUNCIL	AGENDA ITEM: 10
DATE OF MEETING:	29th JUNE 2017	CATEGORY: RECOMMENDED
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING SERVICES	OPEN PARAGRAPH NO:
MEMBERS' CONTACT POINT:	STUART BATCHELOR stuart.batchelor@south-derbys.gov.uk	DOC:
SUBJECT:	LOCAL PLAN PART 2 MODIFICATIONS	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Recommendations

- 1.0 To approve the main and minor modifications (Appendix A, B and C)
- 1.1 To approve consultation upon the main and minor modifications to allow continued progression on the Local Plan Part 2.

2.0 Purpose of Report

- 2.1 The report is submitted to update Members on the Local Plan process and to recommend that the modifications to the submitted version of the Plan are consulted upon. The modifications have resulted through comments received in the Regulation 19 consultation process and discussion held at the hearing sessions.

3.0 Detail

- 3.1 The Local Plan Part 2 was submitted to the Secretary of State on 24th January 2017 following agreement by Members at the Environmental and Development Services Committee on 5th January 2017 and at Full Council on 19th January 2017.
- 3.2 Following submission, Inspector Mike Hayden BSc (Hons) DipTP MRTPI was appointed to conduct an examination into the soundness of the Plan.
- 3.3 The Inspector undertook initial checks and asked the Council to clarify some issues in a set of questions sent on the 13th February. Following the Council's response to these questions, the Inspector set out his matters, issues and questions and a draft timetable for the hearing sessions. The hearing sessions were held across three days on the 25 – 27th April.
- 3.4 As agreed by Members on 19th January, Officers of the Council were delegated powers to consider modifications required to the submitted Local Plan Part 2 during the examination process.
- 3.5 It has been necessary for Officers to consider changes to the Plan to ensure that the Plan is sound. These changes have come through responses to the Regulation 19 consultation and

the Inspectors matters, issues and questions and also through discussion at the hearing sessions with the Inspector.

- 3.6 The modifications are classed as either main or minor. Main modifications are required to ensure that the Plan is considered sound and it is necessary to consult upon these for a period of six weeks. The minor modifications do not require consultation but it is proposed to publish them alongside the main modifications.
- 3.6 The main modifications can be seen at Appendix A, the minor modifications at Appendix B and the policy map modifications at Appendix C. There are 53 proposed main modifications which relate to both policy and surrounding text. Alongside the consultation will be an update of the Sustainability Appraisal that includes considerations of the modifications.
- 3.7 The policies that have suggested main modifications suggested are:
- SDT1
 - H23
 - H24
 - H25
 - H26
 - H27
 - H28
 - BNE5
 - BNE7
 - BNE8
 - BNE9
 - BNE10
 - BNE11
 - BNE12
 - RTL1
 - RTL2
 - INF12
 - INF13
- 3.8 Whilst all of the above have proposed changes, some are to clarify a position whilst others have proposed change to ensure consistency with the Local Plan Part 1 or additional criteria that the Inspector through discussion felt was necessary.
- 3.9 This report does not run through every modification in detail but instead considers those with the most significant change. All the proposed modifications are appended to this report.
- 3.10 Policy SDT1 (Settlement Boundaries and Development) is modified through MM2 to clarify the status of land outside of settlement boundaries and allocated sites and that development outside those boundaries 'will be limited to that considered acceptable inter alia by Policy BNE5'.
- 3.11 Policy H23 (Non-Strategic Housing Allocations) is proposed to be modified so that all of the housing site dwelling numbers are considered as 'around' rather than 'up to'. There is also an additional criteria included for H23 C to consider impact upon the Hilton Gravel Pits Site of Special Scientific Interest which was requested by Natural England.
- 3.12 A proposed modification (MM36) to policy BNE5 (Development in the Countryside) has already been considered by members on the 19th January following comments received by the Council on the Pre-Submission version of the Plan. The policy was discussed in detail at

the hearings and further changes were considered. It was felt necessary to make clear those policies that would allow for development in the countryside alongside policy BNE5 in the first criterion of the policy. The criterion referring to 'appropriate for its location in the countryside' was altered to be covered by two criterion ii) and iii). Modification MM37 was necessary to update the explanation text to BNE5 given the changes proposed to the policy.

- 3.13 Policy BNE8 (Local Green Spaces) was discussed as to its merit when a separate Development Plan Document is being written to cover the allocation of the sites. The Inspector agreed that the policy would allow for Neighbourhood Plans to bring forward Local Green Spaces in the period between now and the Local Green Spaces document being adopted which would ordinarily include the policy. The proposed modification (MM41) make clear the circumstances that exist to allow limited development on a space once designated but also the intended aim for enhancing a designated space.
- 3.14 As Members will be aware the discussion around a new secondary school or schools within the District has been ongoing since before the adoption of the Local Plan Part 1. Policy INF12 proposed two sites for allocation for secondary education provision; Lowes Farm and Thulston Fields. Whilst the entirety of the known SHLAA sites was proposed, it was only intended that a 10 hectare area would be taken forward for a school or schools.
- 3.15 The Inspector considered that due to the Green Belt nature of the Thulston Fields site that it was not appropriate to include the site as a possible location for a secondary school. The Inspectors position is set out in his note to the Council dated 8th May (Appendix D) where he suggests that the matter could be considered by the District Council 'via a planning application process, in the light of all of the necessary evidence.'
- 3.16 The Inspector was happy though with Lowes Farm being left as the site allocated within INF12 for secondary education provision (MM51).
- 3.17 Policy INF13 was a new policy put forward to consider the area referred to as Southern Derby Area/Infinity Garden Village as a proposed main modification at the time of submission of the Local Plan Part 2. This modification was agreed by both Environmental and Development Services Committee on 5th January and Full Council on 19th January for submission. Through discussion at the hearings, the Inspector was keen to clarify the purpose of the policy and to ensure that the policy supports the delivery of the Garden Village through the already allocated sites (through Local Plan Part 1) in a detailed development framework document (MM53) and to include a map showing the location (referred to as 'Map X' in the original modification).
- 3.18 If this report is approved then consultation on the modifications will start in the week commencing 3rd July for a period of six weeks. A tracked changed version of the submitted Plan will be published as part of the consultation that includes all the modifications. Following the consultation which is open for all to comment upon including the new policy INF13, the Inspector will consider the responses and write a report into the soundness of the Local Plan. Once received by the Council and if it proposes the Plan is sound then a Council report will be prepared proposing adoption of the Plan, most likely subject to the main modifications being made.

4.0 Financial Implications

- 4.1 There are no financial implications arising from this report.

5.0 Corporate Implications

5.1 Delivery of both parts of the Local Plan is an action of the Corporate Plan's Place theme. The Part 1 has now been adopted but it is essential that the second part is adopted to allow for the 1998 Local Plan to be fully superseded.

6.0 Community Implications

6.1 A fully adopted Local Plan will ensure that development across the District is achieved in as sustainable manner as possible and in a way that provides the infrastructure of community facilities for both the new residents but also existing residents.

7.0 Background Papers

7.1 Submission Local Plan Part 2

7.2 Local Plan Part 2 Sustainability Appraisal

Appendix

A Main Modifications

B Minor Modifications

C Policy Map Modifications

D Inspectors Letter dated 8th May