
REPORT TO:	COUNCIL	AGENDA ITEM: 10
DATE OF MEETING:	21st JANUARY 2016	CATEGORY:
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING SERVICES STUART BATCHELOR	OPEN PARAGRAPH NO:
MEMBERS' CONTACT POINT:	NICOLA SWOROWSKI (EXT.5983) nicola.sworowski@south-derbys.gov.uk	DOC:
SUBJECT:	LOCAL PLAN PART 1 - MODIFICATIONS CONSULTATION	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Recommendations

1.1 To agree that the modifications to the Local Plan Part 1 are required in order to finalise the Plan (make 'sound') and that a consultation on the modifications can take place.

2.0 Purpose of Report

2.1 The report is submitted to provide Members with an up to date position on the Local Plan Part 1 and to seek endorsement on the necessary main modifications resulting from consultation responses and hearing sessions.

3.0 Detail

Background

3.1 South Derbyshire's Local Plan was reconvened for discussion on the 8th and 9th December 2015. This was to consider the additional work that had been requested by the Inspector at the previous hearing sessions but also the inclusion of an additional strategic site as agreed by members on the 24th September 2015.

3.2 As agreed by Members at the Council of 3rd July 2014, Officers of the Council were delegated powers to consider and agree modifications to the submitted Local Plan Part 1 during the examination process.

3.3 It has been necessary for Officers to agree and suggest changes to the Plan in order to make the Plan sound. These changes have come through consultation responses and also through the hearing sessions where agreements were often reached across the table as to the best way forward. The changes are classed as either main modifications or additional (minor) modifications. Main modifications are required to be consulted upon whereas additional modifications are not. However the recommendation for this report is that whilst we will consult on the main modifications the suggestion is to also publish the additional modifications alongside though not for

consultation. The main modifications are listed in the document at Appendix A and the additional modifications are at appendix B. There are 81 main modifications listed. Main modifications are required to ensure that the Plan is sound and legally compliant.

- 3.4 Two of the main modifications have already been considered by the Council which is the increase in housing target to a maximum of 12,618 dwellings and also the additional strategic housing site at Land West of Mickleover.
- 3.5 Through the hearing sessions that Amber Valley Borough Council undertook in 2014 it became evident that changing the Plan start date mainly because of the additional work undertaken around the housing numbers was the most appropriate action. Officers were not able to undertake this change prior to submission of the Local Plan but agreed from the first hearing sessions that this change would be made.
- 3.6 Members agreed on the 2nd March 2015 to increase the housing target within the range of 12,539 – 12,618 dwellings which was an increase of 198 – 277 dwellings. The upper limit of this target was considered through the sustainability appraisal work and policies such as the Sustainable Growth Strategy (S1) and Housing Strategy (S4) have modifications suggesting changes to that effect.
- 3.7 The Settlement Hierarchy policy (H1) was discussed through the first set of hearings and has been changed to take account of the conclusions reached. The hierarchy as modified in MM24 makes clear that for development outside of allocations the Hierarchy will be used based on the tiers: Urban Areas, Key Service Villages, Local Service Villages and Rural Villages and Rural Areas. Exception or cross subsidy sites (i.e. outside of the settlement boundary) will be allowed subject to limits set within this policy.
- 3.8 Around the housing sites the two key modifications to highlight are the removal of the cricket ground in Etwall from policy H10 which included this alongside the site off Willington Road.
- 3.9 The other change is the addition of the strategic site at Land West of Mickleover. Modification MM41 contains the policy for the housing site and includes a map for the site. This site was discussed at the hearings in December 2015 and changes were made to elements of the policy that was consulted on in October 2015. A signed statement between the developers of the site and the Council was presented to the Inspector with a revised policy. The changes focussed on the transport assessment of the site and vehicular access through the site for public transport penetration but not the whole site being accessed off Ladybank Road. The Environment Agency requested an additional criterion regarding surface water run-off which has therefore been added to the policy.
- 3.10 A more general point around the housing policies are that where applications have been granted permission and the numbers are different to those suggested through the Plan, then the policy has been changed to reflect this, as suggested by the Inspector. This affects the allocations in Hilton, Aston, Repton, Etwall and the Depot site in Swadlincote.
- 3.11 In terms of employment the strategic change is to add the words ‘a minimum’ in front of the 53 hectares in policy S5 to ensure alignment with the NPPF.
- 3.12 Two of the employment site policies also have suggested modifications. These relate to Land at Sinfin Moor (policy E4) and Dove Valley Park (policy E5). These

modifications listed as MM48 and MM50 are to offer greater flexibility and to be more positive about these new employment sites coming forward in the District.

- 3.13 In the initial hearings it was discussed that an additional policy regarding Rural Development should be considered to allow for appropriate diversification projects in rural areas. Through a statement of Common Ground with Derbyshire County Council the new policy was agreed and through main modification MM52 it will become policy E7.
- 3.14 These highlight some of the key main modifications. Where tables or maps require changing because of changes within the text of the Plan or more up to date information as available then these are also listed as modifications.
- 3.15 Alongside this consultation will be the Sustainability Appraisal that will be updated to take account of the modifications. The most recent Sustainability Appraisal was published and consulted on in October 2015 which considered the additional strategic site.
- 3.16 The next steps subject to approval of this report are to consult on the modifications document (Appendix A) for a period of six weeks. This will involve contacting those on our database to inform them of this consultation which will be on the Council's website with notices published in the local press. Following this period the responses are considered by the Inspector in order to finalise her report for a period of around three weeks. The Council will then have two weeks to complete a fact check of the report, followed by which the Inspector has a further three weeks in which to submit the report to the Local Authority. If the report confirms that the Local Plan is sound, it is then for the Council to formally adopt the Plan.

4.0 Financial Implications

- 4.1 None arising directly from this report.

5.0 Corporate Implications

- 5.1 A lack of an up to date Local Plan has the potential to impact on themes within the Corporate Plan as the Local Plan sets out development requirements up to 2028. An adopted Local Plan is a corporate priority as it will provide the Council with a clear plan for development and provide a robust defence in terms of planning appeals.

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 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 1 (August 2014)

Appendix

- A Schedule of Main Modifications to South Derbyshire Submission Local Plan Part 1
B Additional Modifications to South Derbyshire Submission Local Plan Part 1