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<b>REPORT TO:</b>	<b>FULL COUNCIL</b>	<b>AGENDA ITEM: 9</b>
<b>DATE OF MEETING:</b>	<b>19<sup>th</sup> JANUARY 2017</b>	<b>CATEGORY: RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY AND PLANNING SERVICES</b>	<b>OPEN PARAGRAPH NO:</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>NICOLA SWOROWSKI, x5983 nicola.sworowski@south-derbys.gov.uk</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>LOCAL PLAN PART 2 SUBMISSION</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:</b>

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## **1.0 Recommendations**

- 1.1 That Council approve the modifications as set out in Appendix B, having given consideration to the Duty to Co-operate under section 33A of the Planning and Compulsory Purchase Act 2004 (the 'Act'), and progress to submission of the Local Plan Part 2.
- 1.2 That Council grant the Director of Community and Planning and the Planning Policy Manager authority to prepare and submit reports, statements, proofs of evidence and to make further changes during the hearings, in pursuit of the Council's agreed position following submission.

## **2.0 Purpose of Report**

- 2.1 The report is submitted to update Members on the Local Plan process and to recommend suggested modifications to the Plan prior to submission.

## **3.0 Detail**

- 3.1 The adoption of the Local Plan Part 2 would allow for full replacement of the 1998 Local Plan following the adoption of the Local Plan Part 1 in June last year.
- 3.2 Members will be aware that a consultation known as a Regulation 19 consultation, which is a statutory consultation concerned with the soundness and legal compliance of the Local Plan Part 2, was undertaken from 14 October to 7 December 2016. This formal stage of Local Plan consultation is required by the Town and Country Planning (Local Plan) (England) Regulations 2012. This consultation also offered the opportunity to state how stake-holders wanted their representations to be taken account of, whether it be written representations or through attending the examination in public.
- 3.3 A range of comments, both in support and by way of objection were received regarding many of the policies and sites proposed. The responses received can be viewed on the Council's website at: <http://www.ldf.consultations.south-derbys.gov.uk/>.

- 3.4 Policy S4: Housing Strategy of the Local Plan Part 1 set out that 600 dwellings would be delivered through non-strategic (less than 100 dwellings) sites in the Local Plan Part 2. Developers/landowners have put forward 21 suggestions of sites other than those proposed for allocation to be included. In the main, the suggestions are that the sites are included as additional rather than replacement sites.
- 3.5 Changes have been suggested to many of the policies but the suggested modifications are proposed for the following policies:  
H23A: Moor Lane, Aston  
H23B: Jacksons Lane, Etwall  
H23C: Derby Road, Hilton  
H23I: Land off Kingfisher Lane, Willington  
H23J: Land at Oak Close, Castle Gresley  
H23M: Land at Montracon, Swadlincote  
BNE5: Development in the Countryside  
BNE10: Heritage  
RTL1: Retail Hierarchy  
INF12: Provision of Secondary Education Facilities
- 3.6 The modifications are set out in Appendix B and are split between minor and main modifications. Each modification has a reference number. The modifications M1 to M7 are suggested in order to update the Plan from its Pre-Submission status. Modifications M8 to M27 relate to minor changes to policies with the exception of M25 which relates to the explanation text to policy BNE5: Development in the Countryside. A suggested main modification is proposed for Policy BNE5 (MM1) as a result of the test the policy received at a recent appeal inquiry.
- 3.7 A new policy is proposed at modification MM3 whereupon, subject to approval, a statement of common ground would be sought with the developer that has suggested the policy. The policy relates to the Southern Derby Area that includes the Part 1 allocation of Wragley Way, the extension to the existing Infinity Park in Derby City and requires the delivery of the South Derby Integrated Transport Link. Progress has been made on this wider area with all the relevant parties including Highways England having met on several occasions; highways consultants have been appointed by the developers to develop the required transport information. This area was also the subject of a Garden Village bid for additional funding which has been successful, the details of which are awaited.
- 3.8 The next step for the Local Plan Part 2 if approved will be the submission of the Plan and proposed modifications along with the evidence base to the Secretary of State on the 24<sup>th</sup> January. Once received a Planning Inspector will be appointed to examine the Plan's 'soundness'. This will include setting hearing dates and most likely seeking clarification on some matters prior to the hearings. A Programme Officer has been appointed as an independent person to assist the Inspector and is the main contact point for anyone wishing to know about the examination once the process has started.
- 3.9 Following the close of the hearings, the Inspector will consider whether further information is necessary and following that whether more hearings are required to consider that additional information. If this isn't necessary then the Inspector will allow for a consultation to be undertaken on any required modifications before then writing their report into the soundness of the Plan. Following this a report would be brought to Members again at Full Council for hopeful adoption of the Plan.

#### **4.0 Financial Implications**

- 4.1 There will be costs associated with the Inspection. The exact cost will depend on the time taken to undertake the Inspection and therefore, the total cost is not known at this stage. The Budget for the Planning Service does contain provision to meet such costs. It is considered that the costs will be met within this provision, but will be kept under review with any major variances being reported to the Finance and Management Committee.

#### **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 Pre Submission Local Plan  
7.2 Local Plan Part 2 Sustainability Appraisal

Both approved as part of the 29th September Environmental and Development Services Committee - LOCAL PLAN PART 2 – REGULATION 19 CONSULTATION (agenda item 13).

The documents can be viewed at:

[http://www.south-derbys.gov.uk/council\\_and\\_democracy/edsc20160929/default.asp](http://www.south-derbys.gov.uk/council_and_democracy/edsc20160929/default.asp)

#### **Appendix**

- A Regulation 22 Local Plan Part 2 Consultation Statement (and appendices A - C)  
B Schedule of Proposed Minor and Main Modifications  
C Proposals Maps