

<b>REPORT TO:</b>	<b>COUNCIL</b>	<b>AGENDA ITEM: 6</b>
<b>DATE OF MEETING:</b>	<b>13<sup>th</sup> JUNE 2016</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY AND PLANNING SERVICES</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>NICOLA SWOROWSKI</b> <b>01283 595983,</b> <a href="mailto:nicola.sworowski@south-derbys.gov.uk">nicola.sworowski@south-derbys.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>ADOPTION OF SOUTH DERBYSHIRE LOCAL PLAN PART 1</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: PL01</b>

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## **1.0 Recommendations**

1.1 To adopt the Local Plan Part 1 2011 – 2028 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.

## **2.0 Purpose of Report**

2.1 The report is brought to Members to inform the Council of the Inspector's final report into the Local Plan Part 1 2011 – 2028 (Appendix A) that recommends adoption of the Plan subject to modifications. If adopted, the Plan will replace a number of the policies in the 1998 Local Plan.

## **3.0 Detail**

3.1 The Local Plan sets the strategic housing allocations and the employment allocations for South Derbyshire alongside a number of key Development Management policies for the period up to 2028.

3.2 The Local Plan Part 1 was submitted for examination in August 2014. Hearings took place in November and December 2014, October 2015 and December 2015. These included two days of joint hearings with Derby City and Amber Valley and Amber Valley's Inspector at the time.

3.3 The main modifications were prepared following the close of the hearings on 10<sup>th</sup> December and were consulted upon from 29<sup>th</sup> January to 13<sup>th</sup> April 2016. Following this consultation the modifications and the responses made to that consultation were submitted to the Inspector.

3.4 The Inspector has considered the modifications and consultation responses and issued her report (Appendix B) which concludes that the main modifications with one amendment, one additional modification and one modification as a main

modifications not additional modifications satisfies Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended) and meets the criteria to be sound and legally compliant.

- 3.5 The additional modification requested by the Inspector is further clarification on the affordable housing target being a starting point for negotiations and subject to viability. The additional modification that has been reverted to a main modification is concerned with Policy S3 Environmental Performance and the surrounding text. The modification offers an updated position following the Government's review of housing standards.
- 3.6 There are 71 main modifications that are all required to be made to the Plan in order for it to be sound and legally compliant. These are set out in Appendix C. The additional modifications are set out in Appendix G with any further changes such as the contents page being updated or typographical corrections that hadn't been noticed previously included.
- 3.7 Alongside the Local Plan is a Glossary (Appendix D), Monitoring Table (Appendix E) and Proposals Map (Appendix F). These have been updated accordingly (any modifications have been taken into account) and will be published alongside the Plan. The Sustainability Appraisal documents are also included in the appendix of the report as Appendix H to M.
- 3.8 Subject to the Council agreeing to adopt the Local Plan it will be necessary to prepare an adoption statement, to send a copy of the adoption statement to those who asked to be notified of the adoption of the Plan and to make available the adopted Local Plan, the adoption statement, the sustainability appraisal report and details of where and when the Plan and documents are available for inspection.
- 3.9 Following adoption, there is a six week period for a High Court Challenge from the date of adoption of the Local Plan (this takes effect immediately on resolution of the Council). Any person who is aggrieved by the Local 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.

#### **4.0 Financial Implications**

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

#### **5.0 Corporate Implications**

- 5.1 The adoption of a South Derbyshire Local Plan is a key action within the Place theme of the Corporate Plan.
- 5.2 Legal implications – The Local Plan has been prepared in accordance with the relevant planning acts and the Town and Country Planning (Local Development) (England) Regulation 2012.
- 5.3 Following adoption, there is a six week period for a High Court Challenge where any person who is aggrieved by the Local 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.

5.4 The Local Plan has been prepared with extensive consultations. Following adoption, the Plan will be made available along with an adoption statement and updated sustainability appraisal.

## **6.0 Community Implications**

6.1 This is the first step in replacing the 1998 Local Plan. This 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**

None

Appendix A Local Plan Part 1 2011 – 2028 (incorporating modifications)

Appendix B Inspector's Report

Appendix C Main Modifications

Appendix D Glossary

Appendix E Implementation and Monitoring Table

Appendix F Proposals Maps

Appendix G Additional Modifications

Appendix H Sustainability Appraisal Non-Technical Summary

Appendix I Sustainability Appraisal Main Report

Appendix J Sustainability Appraisal Technical Appendices Part 1

Appendix K Sustainability Appraisal Technical Appendices Part 2

Appendix L Sustainability Appraisal Technical Appendices Part 3

Appendix M Sustainability Appraisal Technical Appendices Part 4

Appendix N Sustainability Appraisal addendum (August 2015) and Non-Technical Summary