
REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES	AGENDA ITEM: 7
DATE OF MEETING:	5th JANUARY 2016	CATEGORY: RECOMMENDED
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING SERVICES	OPEN PARAGRAPH NO:
MEMBERS' CONTACT POINT:	NICOLA SWOROWSKI, x5983 nicola.sworowski@south-derbys.gov.uk	DOC:
SUBJECT:	LOCAL PLAN PART 2 SUBMISSION	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS03

1.0 Recommendations

- 1.1 The Committee is being asked to note the content of the report regarding the Regulation 19 consultation.
- 1.2 To endorse the continuation of the Local Plan Part 2 to progress towards submission of the Plan to the Secretary of State. This decision would also involve approval by Full Council in due course.

2.0 Purpose of Report

- 2.1 The report is submitted to update Members on the Local Plan process as the Regulation 19 process has been undertaken 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 people the opportunity to state how they wanted their representations to be taken account of, whether it be written representations or through attending the examination in public.
- 3.3 Two drop in sessions were held in Etwall and Aston that were attended by around 80 people. There were also six drop in sessions ran at the Council Offices during the consultation period to which 15 people took the opportunity to discuss the consultation with Officers.
- 3.4 There were 74 people who made comments on the plan which have been entered into a database ready to be sent to the Planning Inspectorate as part of the evidence base. Each

comment made has been entered against a specific policy/paragraph number/section of the Plan, Sustainability Appraisal or the Habitat Regulations Screening. This has resulted in 231 comments being reported. The responses will be made available on the Council's website.

- 3.5 A range of comments, both in support and by way of objection have been received regarding many of the policies and sites proposed with additional sites also having been suggested. Only three policies received no comment – BNE9: Advertisements and Visual Pollution, BNE11: Shopfronts and INF11: Telecommunications. Whilst policies H24 to H27, BNE6 and RTL1 received only one comment each from the County Council and one comment was received on RTL2 from the Post Office.
- 3.6 Around half of the concerns were with the housing site policies and a further quarter of comments were issues with the settlement boundaries with various settlements named including Repton, Hilton, Aston, Etwall and Shardlow.
- 3.7 Developers/landowners have put forward 21 suggestions of sites to be included. In the main, the suggestions are that the sites are included as additional rather than replacement sites.
- 3.8 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
- 3.9 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.
- 3.10 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, the result of which is awaited.
- 3.11 The next steps for the Local Plan Part 2 are that the Plan and modifications will be considered by Full Council assuming approval by this Committee. If approved then the Plan and proposed modifications along with the evidence base will be submitted to the Secretary of State soon after. Once the Planning Inspectorate has received all of the documents they will appoint a Planning Inspector 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.

4.0 Financial Implications

4.1 None arising directly 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 Pre Submission Local Plan

7.2 Local Plan Part 2 Sustainability Appraisal

Both approved at 29th September 2016 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

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