

Agenda Item No. 4(d)

**DERBYSHIRE COUNTY COUNCIL**

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND  
INFRASTRUCTURE**

**31 May 2016**

Report of the Strategic Director – Economy, Transport and Communities

**CONSULTATION: SCHEDULE OF MAIN MODIFICATIONS TO THE SOUTH  
DERBYSHIRE SUBMISSION LOCAL PLAN PART 1**

(1) **Purpose of Report** To agree the County Council's formal response to South Derbyshire District Council's (SDDC) public consultation on its Schedule of Main Modifications to South Derbyshire Submission Local Plan Part 1 (Main Modifications).

(2) **Information and Analysis** SDDC submitted the South Derbyshire Local Plan Part 1 (LPPT1) to the Secretary of State in August 2014, and an Inspector held an Examination in Public (EIP) in November and December 2014. The LPPT1 sets out strategic level policies for the District, includes larger-scale site allocations for housing and employment development, and identifies major infrastructure projects. In response to the Inspector's provisional findings on the EIP, SDDC carried out further work to address a number of outstanding issues. Following completion of that work, the EIP resumed on 8 and 9 December 2015. On 28 January 2016, SDDC published Main Modifications to the LPPT1, which are designed to address those issues identified by the Inspector following completion of the EIP process and are required to make the Local Plan 'sound' and legally compliant with national planning policy and legislation.

A report on the South Derbyshire Pre-Submission Local Plan Part 1 (PSLP), setting out Derbyshire County Council's Member and Officer technical comments, was agreed at the Cabinet Member Meeting - Jobs, Economy and Transport on 29 May 2014 (Minute No. 94/14 refers). Since then, Derbyshire County Council's officers have submitted extensive additional comments to SDDC and the Inspector on a range of matters throughout the EIP process and have also signed two Statements of Common Ground (SoCG) with SDDC and one SoCG with SDDC and two strategic site promoters (see below).

Full details of the Main Modifications consultation can be viewed at:

<http://www.south->

[derbys.gov.uk/planning\\_and\\_building\\_control/planning\\_policy/local\\_plan\\_examination/main-modifications-consultation/default.asp?VD=mods](http://derbys.gov.uk/planning_and_building_control/planning_policy/local_plan_examination/main-modifications-consultation/default.asp?VD=mods)

In order to meet the statutory deadline of 13 April 2016 for submission of comments, informal Member and Officer technical comments were submitted on the Main Modifications, subject to agreement at this Cabinet Member meeting. A copy of the response can be made available on request.

### **Local Member Comments**

Local County Councillors with electoral divisions in South Derbyshire District were consulted on the Main Modifications. No comments have been received, however, Members submitted extensive comments on the PSLP consultation.

### **Officer Comments**

The Officer technical comments on the Main Modifications below are made in the context of Derbyshire County Council's previous Officer responses to SDDC on the following consultations:

- PSLP (Officer comments agreed at the Cabinet Member Meeting - Jobs, Economy and Transport on 29 May 2014);
- LPPT1: Core Strategy Examination Inspector's Matters, Issues and Questions (Additional statements submitted on 7 November 2014);
- South Derbyshire Local Plan Sustainability Appraisal Addendum (comments submitted on 12 October 2015); and
- South Derbyshire Local Plan Part 1 – Proposed Strategic Allocation on Land West of Mickleover (SALWOM) (comments submitted on 24 November 2015).

The three SoCG relating to the policies and proposals in the LPPT1 and the SALWOM are referred to below in relation to a number of the Main Modifications.

### **Main Modifications MM6, MM7, MM8, MM9, MM12, MM13, MM14 and MM15**

These Main Modifications all relate to the LPPT1's proposed housing provision requirement of 12,618 dwellings over the period 2011 to 2028, and the objectively assessed housing needs (OAHN) of the Derby Housing Market Area (HMA) as a whole of 33,388 dwellings over the same period.

The OAHN of the Derby HMA was agreed by the Amber Valley and South Derbyshire Local Plan Inspectors to be 33,388 dwellings between 2011 and 2028, following a joint Local Plan hearing session in December 2014 and based on extensive evidence. Since then, Amber Valley Borough Council (AVBC), Derby City Council (the City Council) and SDDC, assisted by Derbyshire County Council, have agreed the levels of housing provision that should be proposed in each of the three individual local authority areas to

meet this overall HMA housing requirement. Through this joint working and based on extensive evidence, the four authorities have agreed that Derby City's OAHN is 16,388 dwellings over the Plan period of 2011 to 2028. However, only sufficient capacity has been identified within the City to accommodate 11,000 dwellings. As a consequence, 5,388 dwellings of the City's future housing needs will be required to be met in Amber Valley Borough and South Derbyshire District, as sustainable urban extensions (SUEs) to the City. This position has been jointly reached through the Officer working of the Derby HMA Core Strategy Coordination Group and ratified by Council Members of the Derby HMA Joint Advisory Board.

In March 2015, SDDC resolved to increase its LPpt1 housing requirement to a range of between 12,341 and 12,618 dwellings over the period 2011 to 2028. This was subject to public consultation in October 2015 as part of the SALWOM (see below). In August 2015, the City Council published its Derby City Local Plan Part 1- Core Strategy Pre-Submission (DCCSPS), which set out the City Council's proposals to make provision for 11,000 dwellings over the plan period. Derbyshire County Council's Member and Officer technical comments on the DCCSPS were agreed at the meeting of the Cabinet Member - Highways, Transport and Infrastructure on 1 December 2015 (Minute No. 157/15 refers) which, subject to the resolution of a number of minor policy wording matters, expressed support for the policies and proposals in the DCCSPS and the range of strategic allocation sites to meet the City's future housing requirement. The Derby City Local Plan Part 1- Core Strategy Submission was submitted to the Secretary of State in December 2015 and, at the time of writing, is subject to an EIP, which commenced on 26 April 2016.

On 11 December 2015, AVBC withdrew its Amber Valley Local Plan Part 1 Core Strategy Submission from the examination process. However, officers of the four HMA authorities signed a Statement of Continued Joint Working (SCJW) on 16 February 2016, which committed:

- AVBC, the City Council and SDDC, supported by Derbyshire County Council, to continue their joint working to ensure that 33,388 dwellings were delivered across the whole of the HMA over the period 2011 to 2028; and
- AVBC to ensure that provision will be made in the Borough for 9,770 dwellings over the same period in its new Local Plan, currently in preparation.

In the context of the above, the range of new housing provision requirements proposed by AVBC, the City Council and SDDC, would meet the full OAHNs of the Derby HMA for 33,388 dwellings, including the City's unmet needs of 5,388 dwellings.

Main Modifications MM6, MM7, MM8, MM9, MM12, MM13, MM14 and MM15, therefore, are fully supported which set out SDDC's housing provision contribution of 12,618 dwellings towards the overall HMA requirement.

### **Main Modifications MM16, MM17 and MM18**

These Main Modifications all relate to the LPPt1's proposed employment land provision requirement of 53 hectares (ha) of land. Derbyshire County Council's comments on the PSLP supported this proposed allocation, set out in Policy S5, as this formed SDDC's contribution to a requirement of 276ha of employment land for the whole of the Derby HMA. This HMA requirement was based on extensive evidence set out in the Derby HMA Employment Land Update (2013). MM18 is an accurate reflection of the agreement between the four HMA authorities that the Derby HMA Housing Sensitivity Analysis, carried out in March 2014, had a negligible impact on the employment land requirements across the HMA, set out in Policy S5. In the context of the above, Main Modifications MM16, MM17 and MM18 are fully supported.

### **Main Modification MM23**

This Main Modification relates to the settlement hierarchy for the District set out in Policy H1 of the LPPt1 and clarification that the settlement framework boundaries will be reviewed in the South Derbyshire Local Plan Part 2 (LPPt2).

SDDC published the LPPt2 for consultation in December 2015. A report on the consultation, setting out the County Council's Officer technical comments was agreed at the Cabinet Member Meeting - Highways, Transport and Infrastructure on 22 March 2016 (Minute No. 33/16 refers). These comments supported the methodology adopted by SDDC for the review of the District's settlement boundaries, as being well justified, comprehensive and robust. Modification MM23 is supported.

### **Main Modifications MM25, MM26, MM27, MM28, MM29, MM30, MM31, MM32, MM36, MM37 and MM38**

These Main Modifications all relate to Derbyshire County Council's Officer comments and concerns expressed on the PSLP that the Newhall Bretby Household Waste Recycling Centre (HWRC) is over capacity and cannot be expanded further on-site to provide additional capacity due to its constraints. An additional criterion in Housing Policies H2 to H12 was requested that developer contributions should be made as part of these strategic allocations towards a new HWRC in the Swadlincote area. Derbyshire County Council's officers signed a SoCG with SDDC on 19 December 2014, which set out an agreed wording for this requirement to be included in Policies H2 to H12.

In the context of the above, Main Modifications MM25, MM26, MM27, MM28, MM29, MM30, MM31, MM32, MM36, MM37 and MM38 are fully supported.

### **Main Modification MM41**

This Main Modification relates to the SALWOM for the proposed development of around 1,650 dwellings, a one-form entry primary school, district centre, community centre and associated highways infrastructure on land west of Ladybank Road, Mickleover. Derbyshire County Council's officers submitted extensive comments on this proposed allocation on 24 November 2015, which concluded that:

- the proposed site could meet some of the District's overall housing provision needs and five year housing land supply requirements, and could form a SUE to the City of Derby;
- the proposed site would be in an accessible location to the strategic and local highway network, public transport and shops, services and facilities in Derby and the wider area;
- there were no highway objections in principle to the proposed development of the site. However, Derbyshire County Council, as Highway Authority for the area, was of the view that it would be possible, and indeed desirable, to provide a suitable means of access to serve the strategic allocation site by means of an at-grade roundabout on the A516. A Transportation Assessment and Travel Plan should be submitted with any planning application for the development of the site;
- as Local Authority (for education), Derbyshire County Council's officers supported the reference in the proposed policy to the need for a one-form entry primary school to be provided on the site to cater for the primary school needs of children likely to be generated by the proposed 1,650 dwellings. Officers indicated that the impacts of the proposed allocation on secondary education provision was being considered as part of the ongoing South Derbyshire Secondary Education Strategy, and that developer contributions had been requested for primary and secondary school provision as part of the planning applications for 300 dwellings on the southern part of the site and 252 dwellings on land west of Ladybank Road; and
- there was a need to ensure that drainage problems associated with the Mickleover Greenway and the need for its protection and enhancement were appropriately addressed as part of the proposed policy.

Prior to the resumption of the South Derbyshire Local Plan hearing sessions in December 2015, Derbyshire County Council's officers signed a SoCG on 8 December 2015 with SDDC, Commercial Estates Group and Richborough Estates, that set out the agreed position to address the above issues and concerns. The SoCG included a revised policy for the proposed allocation, which is appropriately set out in Main Modification MM41, and therefore is supported.

### **Main Modification MM52**

This Main Modification relates to the inclusion in the LPPT1 of new Policy E7: Rural Development. In its comments on the PSLP, Derbyshire County Council's officers raised significant concerns that the Plan did not include any specific policy for the assessment of agricultural development and promotion of diversification in rural areas, consistent with the requirements of paragraph 28 of the National Planning Policy Framework.

This issue was discussed during the Local Plan hearing sessions in December 2014, when Derbyshire County Council's officers expressed the above concerns. At the request of the Inspector, officers of the County Council and SDDC drafted an agreed proposed policy to address the County Council's concerns, which was included in a SoCG submitted to the Inspector on 12 December 2014. The agreed Policy E7 and background explanation is appropriately set out in Main Modification MM52, which is fully supported.

(3) **Financial Considerations** There are no financial considerations associated with this report.

(4) **Legal Considerations** The recommendation in this report is made in the context of the County Council's responsibilities and services under the provisions of the Localism Act 2011 and the Planning and Compulsory Purchase Act 2004.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(5) **Key Decision** No.

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on file within the Economy, Transport and Communities Department. Officer contact details – Steve Buffery, extension 39808.

(8) **OFFICER'S RECOMMENDATION** That the Cabinet Member delegates authority to officers to send a formal response to South Derbyshire District Council in response to its public consultation on the Schedule of Main Modifications to the South Derbyshire Submission Local Plan 1, in line with the issues and comments set out in this report.

**Mike Ashworth**  
**Strategic Director – Economy, Transport and Communities**