

REPORT TO:	ENVIRONMENTAL & DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 8
DATE OF MEETING:	25 JANUARY 2024	CATEGORY:
		DELEGATED or RECOMMENDED
REPORT FROM:	HEIDI MCDOUGALL (STRATEGIC DIRECTOR)	OPEN
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SUBJECT:	LOCAL PLAN ISSUES AND OPTIONS (REGULATIONS 18) CONSULTATIONS	
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Recommendations

1.1 For Members to note the responses received to the Local Plan Issues and Options (Regulations 18) consultation as summarised in **Appendix 1**. The responses in full are available to view at <http://www.southderbyshire.gov.uk/localplanreview>

2.0 Purpose of the Report

2.1 To present the responses to the Local Plan Issues and Options consultation, for Members to consider the implications for the revised Local Plan and to gain approval for further evidence gathering to inform the next stage of plan preparation.

3.0 Executive Summary

3.1 The Council undertook a public consultation in the autumn of 2022 inviting comments on the scope and content of the revised Local Plan that the Council has commenced production on. A full copy of the responses is available to view on the Council's website (link), a summary of the responses received, and the Council's response is available in Appendix 1.

3.2 The responses received provided feedback on the process that the Council should undertake when producing a local plan, the approach that the Council should adopt when drafting policies and allocations and suggestions as to the evidence needed to support the plan production.

3.3 The Council has considered all the consultation responses in detail and will reflect on these when drafting the Local Plan. This was an early consultation on plan making, and therefore consultees expressed a wide range of diverse views on the future needs

of the District and where development could take place. It is important to note that as the strategy takes shape there will be more focussed consultation on particular issues.

- 3.4 The current local plan is divided into Pt1 (which deals with strategic issues) and Pt2. If the current structure of the plan is replicated in the review, much of the comments made in this consultation will relate to issues dealt with in the Pt2 review, rather the first review which would take place on issues covered in pt1. The next iteration of the Local Plan (the 'draft plan') will be presented to this committee for consideration prior to the next round of public consultation.

4.0 Detail

- 4.1 In accordance with Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012, the Council undertook an eight-week public consultation inviting comments on what the revised Local Plan ought to contain. The consultation consisted of 162 questions (detailed in Appendix 2) covering a large variety of topics, including housing, jobs, infrastructure, health, climate change and the environment. The consultation ran from 10th October 2022 to 5th December 2022.
- 4.2 The consultation was undertaken in line with the Councils Statement of Community Involvement (SCI) which was adopted in September 2018. This included the Council sending letters/emails to 627 contacts on the Councils Local Plan database, holding in-person public consultation events, promoting events on the Councils website and via social media and in local libraries, issuing a press release, advertising in the main Council Offices, and distributing publicity to Parish Councils. 353 responses were received.

Overview of the Local Plan Issues and Options (Regulation 18) Consultation responses

- 4.3 **The Plan production process** - Just over half of respondents believe that the Local Plan period should be extended beyond 2039 with the timescale that the plan covers detailed in the plan and accompanied with a long-term version that stretches beyond the Plan period. Most respondents believe that the Council should prepare a single plan to provide certainty and clarity (both to residents and developers). There was a range of responses as to what the 'strategic' threshold should be for housing allocations with many stating that this depends on the distribution strategy and location of the proposed development. There was recognition that if the Council were to proceed with a two-plan process, then consideration should be given to ensuring sufficient allocations are contained within the first part of the plan (with many suggesting that all allocations should be made in part 1). Following the close of the consultation the government conducted their own consultation on reforms to the Local Plan process (including the move towards a single plan system) with the existing system being replaced at the end of June 2025. The Council will need to carefully consider the scope and feasibility of undertaking a two-part Local Plan (as previously adopted) given the timescales available. Having an up-to-date local plan (adopted within 5 years) would provide security from speculative development but would mean that the Council would need to progress at pace.
- 4.4 It was recognised through the consultation that the Council needs to update the vision and objectives of the plan and the spatial portrait of the district. The vision and objectives should achieve long-term sustainable growth which details the pattern of development and key strategic infrastructure (including highways, rail, green and blue infrastructure, and schools). Energy security, achieving carbon neutrality and future-proofing development from climate change, delivering environmental enhancements,

tourism and delivering the right types of homes and employment through strategic policies and allocations (including safeguarding land) are also key considerations.

- 4.5 **Housing need** - is the principal key issue for the District. 74% of respondents agreed with the Derby Housing Market Area (HMA) Boundary Study's conclusion that the Derby HMA comprises of Derby, South Derbyshire and Amber Valley. It was considered that housing need should be met within the HMA (with the potential exception of Erewash also taking some need). In general terms landowners and developers consider that the Council should allocate at least sufficient land to meet the housing needs of the district with most considering that the Council should also include provision for meeting a proportion of Derby's unmet need. They also agreed that the Council should have a clear strategy for development with a range of sites across the district to ensure that the five-year housing land supply can be maintained. Parish Councils and local residents generally considered that the District should be cautious about accommodating Derby's unmet housing need and new development should be limited.
- 4.6 Many stated that the Standard Methodology for calculating housing need should be the starting point for determining housing need but that this should then be adjusted upwards to take into account the likely unmet need from Derby City although many Parish Councils and local residents thought that Derby City should meet their own need or make every effort to do so before exporting it elsewhere. Employment growth opportunities (such as the Freeport), the need to address potential affordability issues and past trends of delivery were also considered to be key upward influencers on the future housing need for the District.
- 4.7 30 sites were submitted for the Council to consider allocating in the Local Plan during the consultation, An additional 12 sites have also been submitted since the close of the consultation. These sites will be included and assessed in the Strategic Housing and Economic Land Availability Assessment (SHELAA) which will help to inform the site selection process.
- 4.8 Those promoting land for development all considered that their sites should be assessed favourably for development. Other respondents (including Parish Councils and local residents) considered that development that ensured affordability and access to homes for those with local connections in more rural locations should be considered a priority, alongside ensuring sufficient suitable accommodation for an aging population and ensuring that the character and rural feel of the District was not eroded by new development.
- 4.9 **Housing Distribution** – The preferred option for distribution of housing around the district was to focus on locating it in areas where development is already served by appropriate infrastructure. This was followed by development at a scale where new services and infrastructure can be provided (i.e. as a new settlement) or as a blend of different options potentially done proportionately to include development in villages to ensure fairness and to provide the development industry with a choice and range (size) of development sites to ensure delivery. Many thought that where need is being met from Derby it should be met in close proximity to Derby (where the need arises). More than half of respondents (59%) believe that at least 10% of allocations for houses should be on small sites. The key considerations for the Councils approach to housing distribution was considered to be the need to protect good quality agricultural land, access to employment, re-using brownfield land, prevent coalescence of settlements and urban sprawl, limiting impacts on existing settlements, retaining green wedges and the Green Belt, support biodiversity and habitat creation, ensuring flooding and sewerage infrastructure is sufficient, locating development where need is identified and

protecting the historic and natural environment. Most considered that the quantum of development should dictate the Council's strategy. There was no clear agreement as to what should be deemed 'strategic' development.

- 4.10 **Settlement Hierarchy** – Most respondents considered that a review the settlement hierarchy was likely to be required and that methodology undertaking this should be appraised with consideration of access to services (proximity, quantum and range) and how technology and changing social practices (including online shopping and working from home) mean we access services differently. Generally, some Parish Councils considered that they should be 'downgraded' to take less development in the future either because of the level of development that they had previously accommodated or because services had declined. Some also wanted a review mechanism to capture future changes that would affect the outcome of the hierarchy. Some Parish Councils and developers suggested that consideration should be given to development as a mechanism for delivering infrastructure particularly in more rural areas (i.e. those at the lower end of the settlement hierarchy) that were stuck in a cycle of lack of infrastructure investment because of their respective size. It was also considered that the settlement hierarchy methodology should have regard to settlements within close proximity to each other that share services.
- 4.11 **Employment (quantum & type)** - There is general support for employment, retail and tourism development within the district to support the local economy and ensure that the vibrancy of the Town Centre (Swadlincote). It was considered that employment development should be informed by the emerging Employment Land Study and that the proposed Freeport should be a key consideration. The majority of respondents considered that the employment needs of the district should be met in full within the district. It was considered that poor past delivery and lack of employment land potential in Derby City should influence the quantum and location of future development within the district. It was also considered that the likelihood of global pressures on resources (e.g. food and energy) and the development of new technology is likely to influence the future economy and social practices and therefore flexibility, both in the type and quantum, of employment allocations and policies will be key to ensure a strong and resilient economy. Sports, recreation, tourism and agriculture were also considered to be a catalyst for employment which should be supported in the Local Plan. Employment policy should aim to retain existing employers and support the expansion of existing sites.
- 4.12 **Employment (Location)** – Generally landowners and developers suggested that the Council should build on the strengths of the districts' central geographic location with access to the strategic road network (i.e. the A50 corridor) which is key for determining locations for growth. Proximity to a skilled workforce and coexistence with existing urban areas and allocations (e.g. Infinity Garden Village) were also considered to be key influencers for the location of future growth. Other respondents suggested that the character of the area should influence where employment is located, and that new employment development should deliver a high-quality environment both in terms of biodiversity and amenity for users.
- 4.13 **Infrastructure** - Access to services and facilities, the need to support existing and deliver new infrastructure including: transport infrastructure to reduce congestion; education infrastructure to ensure that schools do are not oversubscribed; and health facilities to ensure that members of the communities have easy access to doctors were all key issue for Parish Councils and local residents. It was also considered that development should be well-designed, and associated infrastructure should be inclusive for all members of the including those with mobility issues (e.g. dropped kerbs, type of surfaces used, equipment provided). Access to open space and

opportunities for active travel were considered key for the health and well-being of users.

- 4.14 **The Infinity Garden Village** – Should include appropriate infrastructure including: green and blue infrastructure to deliver biodiversity net gain, employment, housing, a secondary school, and a new link road and junction onto the A50, sufficient flood mitigation measures, sports facilities, healthcare provision (doctors and dentists), public transport provision, active travel routes, open space, a community building, a local centre and sufficient broadband. Most respondents thought that this could be proportionately delivered alongside additional houses and employment development. Some developers/landowners suggested that additional growth along the A50 corridor could also contribute to meeting the infrastructure requirements in the area. 67% of respondents (some of which are promoting alternative sites for development) thought that the development site parameters (as defined in the existing plan) should not be expanded.
- 4.15 **The Freeport** - Should include appropriate infrastructure including: flood risk mitigation and water management opportunities, biodiversity net gain, green and blue infrastructure (including woodland buffers), green energy generation (with the aim to be carbon neutral), transport connections (including public transport), promote active travel, open space, control of traffic flow into surrounding villages, mitigate pollution (light and noise). Some Landowners/developers suggest that there should also be complementary employment development alongside the Freeport and that housing development should be directed towards areas within close proximity to the Freeport to ensure that the workforce is within near to the employment opportunities. It was also considered that the Freeport should focus on high value employment and that passenger rail connections should be improved at the location. Consideration should also be given to mitigating the impact of increased train frequency using level-crossing crossings on the local road network.
- 4.16 **Green Belt** - Just over half (51%) of respondents (mainly members of the public) believe that the Council should undertake a Green Belt review. However, this appears to be on the misunderstanding that a review would lead to a substantial increase in Green Belt within the District. This outcome would be unlikely due to a national policy requirement that new Green Belt should only be established in exceptional circumstances. In most cases, Green Belt boundaries are reviewed to accommodate future development and as identified by the majority of landowners and developers, this should be done once all other development options have been explored and exhausted. Given the amount of non-Green Belt land within the district it is unlikely that the Green Belt boundary would need to be amended to accommodate development. Notwithstanding this, as part of the Councils joint work on strategic issues (such as the Green Belt) with other HMA authorities the Council may partake in a Green Belt review on a HMA wide basis where the other Councils (Amber Valley and Derby City) that are more tightly constrained by the Green Belt.
- 4.17 **Specialist Housing** - Affordable housing and specialist extra care requirements should be informed by a housing needs assessment and considered in the context of a plan wide viability assessment. Targets should be realistic and flexible taking into account past trends and local requirements to ensure delivery. Consideration needs to be given to any exemptions (e.g., where other specialist housing is being provided), on-site and off-site requirements and the mechanisms by which homes are delivered. The Council should also consider proximity to supporting services and infrastructure that is required for certain types of specialist housing (e.g. doctors etc.). Parish Councils and the majority of the members of public generally considered that it was important for affordable housing priority to be given to local families. There is general

support for the delivery of custom & self-build houses, but further consideration should be given to the delivery mechanism. There was limited support from the development industry for them to be provided as part of a larger development due to practical issues (insurance and health and safety concerns) relating to having different builders on site at the same times and gaining the correct planning consent.

- 4.18 **Climate Change** - The Council will need to consider how it intends to tackle climate change for example whether it is going to support the development of renewable energy technologies within the district and if so what type and where. Most considered that the Local Plan should respond to climate change and incorporate resilience in terms flood risk (mitigation and adaption), recognise the importance of agricultural land for food production and support nature-based solutions to mitigate the effects. The consultation included several questions that pertain to the Council introducing building standards beyond the current Building Regulations to future-proof development and enhance environmental standards, these were not supported by the majority of respondents.
- 4.19 **Biodiversity** – Some respondents (the most overall) suggested that the 10% Biodiversity Net Gain (BNG) threshold introduced through the Environment Act should not be exceeded by local policy. However, this was a point of disagreement between some respondents on behalf of developers who identified viability concerns and some other stakeholders and members of the public who supported a further uplift to boost biodiversity. Many also thought that the Council should consider further how BNG requirements interact with other potential green infrastructure requirements (e.g. allotments, other tree planting requirements, green wedges etc.) to ensure the multi-use benefits are maximised without setting requirements at levels that would make development unviable, prejudices delivery or protection of important habitat.
- 4.20 **Design** – Is key to ensure that development is futureproofed and responds to the characteristics of the existing area. Development should enhance the surroundings for existing residents whilst meeting the needs of future residents. The Council should consider developing a design code for the district which could include considerations such as density, space standards (including amenity space) and road width although all of these should be considered in the context of viability and the existing character of the area. Most people thought that the Council should have an infill policy although some considered that this should support building of new homes in existing built up areas and other including Parish Councils generally believing that this should restrict the building on existing garden land.
- 4.21 **SA Scoping** – A detailed Sustainability Appraisal (SA) along with Habitats Regulations Assessment and Equalities Impact Assessment will need to be undertaken alongside the review of the local plan. This will inform the development of the draft plan and its proposals. This consultation looked at the scoping document which is part of the SA. The SA is an iterative process, so the results of the screening and the feedback received will need to be considered at the next stage also to inform plan making and improve the SA as it develops. Feedback on the SA was largely given by developers and statutory bodies, identifying key issues the SA should cover as it goes forward, and evidence to have regard to. These were noted and will form part of the SA process going forward.

Next steps

- 4.22 The next step is for the Council to prepare a Draft Local Plan, likely covering a review of pt1 of the existing Local Plan which will detail the Councils future development

strategy and include proposed policies and allocations to deliver the strategy. The draft Local Plan will be considered by this committee prior to further public consultation.

4.23 The Council will need to continue to collect evidence and liaise with stakeholders to inform the local Plan production, this is an interactive process and will evolve as the Local Plan develops. An indicative list of evidence that the Council will need to consider is included in below.

- Employment Land Study
- Local Housing Needs Assessment
- Sustainability Appraisal
- Infrastructure Delivery Plan
- Playing Pitch Strategy
- Green Infrastructure Study
- Strategic Flood Risk Assessment
- Habitats Regulation Assessment
- Transport Modelling
- Plan Wide Viability Assessment
- Equalities Impact Assessment

5.0 Financial Implications

5.1 There is a separate item on this agenda seeking approval for sufficient budget to get the Local Plan to its public examination stage. There are no direct financial implications arising from this report on the Issues and Options consultation.

6.0 Corporate Implications

Employment Implications

6.1 None directly relating to this report.

Legal Implications

6.2 None directly relating to this report.

Corporate Plan Implications

6.3 Having an adopted up-to-date Local Plan is a corporate plan priority. Approving the approach to evidence gathering supports the progress on Local Plan production.

Risk Impact

6.4 Not approving the approach to evidence gathering may delay Local Plan production which could mean that the Council is unable to meet the June 2025 deadline for Local Plan production under the existing Local Plan system. Not meeting this deadline is likely to lead to significant delay and financial cost in the production and adoption of a Local Plan.

7.0 Community Impact

Consultation

- 7.1 This report details the outcome of public consultation. The next stage of Local Plan production will also be the subject of public consultation to ensure that stakeholders are able to influence the future development of the district.

Equality and Diversity Impact

- 7.2 None directly relating to this report.

Social Value Impact

- 7.3 None directly relating to this report.

Environmental Sustainability

- 7.4 The Local Plan is likely to include policies to ensure that environmental sustainability is a key consideration for future development within the district. Progression with Local Plan production and evidence gathering will assist in achieving this aim.

8.0 Conclusions

- 8.1 All of the responses submitted to the consultation will be considered by the Council when drafting the Local Plan. All policies and allocations in the emerging Local Plan will need to be based on evidence, the Council will need to consider what the priorities for the plan are and ensure that they are deliverable.

9.0 Background Papers

Summary of Responses received to the consultation available at www.southderbyshire.gov.uk/issuesandoptions

Appendix 1 Issues and Options Consultation Document including questions asked.