

South Derbyshire District Council

Local Development Scheme

2018 - 2021

South Derbyshire Local Development Scheme - Index

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1 Background

This revised Local Development Scheme (LDS) sets out how the Council will progress the Local Plan and related documents over a 3 year period. A Local Development Scheme is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). It must specify (among other matters) the documents which, when prepared, will comprise the Local Plan for the area. It must be made available publically and kept up to date. In order for local communities and interested parties to keep track of progress, the Local Development Scheme will be published on the Council's website.

The Planning and Compulsory Purchase Act 2004 (as amended) states that the LDS must specify:

- the local development documents which are to be development plan documents
- the subject matter and geographical area to which each development plan document is to relate
- which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities
- any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of joint committee under section 29
- the timetable for the preparation and revision of the development plan documents
- such other matters as are prescribed

Local development documents must, when taken as a whole, set out the authority's policies relating to the development and use of land in their area. Development plan documents must, when taken as a whole, include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. There is no requirement to include SPDs or neighbourhood plans in an LDS however the information is included to provide a fuller account of the documents to be prepared.

This is the ninth LDS to be published by South Derbyshire District Council. This LDS reflects an updated timetable to that published in January 2017. This revised LDS covers the period of May 2018 – May 2021 and takes a realistic view of the local plan documents to be prepared in the coming three-year period.

2 South Derbyshire's Development Plan

The term Local Plan is a collective term for all documents produced by the Council that form part of the Development Plan. Planning applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The following documents currently comprise the statutory Development Plan for South Derbyshire:

- **South Derbyshire Local Plan Part 1**, adopted 13 June 2016: sets the long-term vision, objectives and strategy for the spatial development of South Derbyshire and provides a framework for promoting and controlling development. Strategic housing and employment sites are allocated, along with Development Management policies to be used in determining planning applications.
- **South Derbyshire Local Plan Part 2**, adopted 2 November 2017: allocates non-strategic housing sites and defines settlement boundaries. The Part 2 also contains

more detailed Development Management policies to support the strategic retail, conservation and heritage and countryside policies in the Part 1.

- **Policies Map:** A map that identifies those areas to which specific policies apply.
- **Saved policies of the Derby and Derbyshire Minerals Local Plan (2000, partially revised in 2002):** guides decisions on planning applications for the extraction of minerals and associated works in the area.
- **Saved policies of the Derby and Derbyshire Waste Local Plan (2005):** guides the decisions on any planning applications for developments associated with the management of the various wastes produced.
- **Statement of Community Involvement**
- **Neighbourhood Development Plans:** at present no Neighbourhood Development Plans within the District have been through referendum and become formally made, however three NDPs are in the process of being made and once so will form part of the Development Plan.

3 Other Policies Material to Decision Making

Development Plan Documents (DPDs) carry the most weight in the determination of planning applications; they are subject to independent examination by a Planning Inspector and subject to community involvement through consultation and a Sustainability Appraisal. However there are other policy documents that complement DPDs, providing more policy detail and guidance for the determination of planning applications.

Supplementary Planning Documents (SPDs) cover some Development Management policies in more detail. They are used in the determination of planning applications and replace Supplementary Planning Guidance. SPDs are not subject to independent examination but are consulted upon in accordance with the Statement of Community Involvement and are considered through the Council's Committee process prior to adoption.

South Derbyshire has adopted the following SPDs:

- Affordable Housing SPD (November 2017)
- Design Guide SPD (November 2017)

4 Forthcoming Documents

Further to the Development Plan Documents set out above the Council also committed to producing the following DPDs:

- Local Green Spaces DPD: to allocate sites that meet both the NPPF and District Council's criteria for Local Green Spaces in order to protect those spaces for the community they serve.
- Gypsy and Traveller Site Allocations DPD: to allocate sites to meet the assessed need identified in the Gypsy and Traveller Accommodation Assessment.

Further to the Supplementary Planning Documents set out above the Council intends to produce the following SPD, however at present the timescale cannot be confirmed due to uncertainties at County Council level:

- Greenways SPD: to provide guidance and proposals on strategic multiuser routes for walkers, cyclists, horse riders and those with mobility difficulties across the District.

Since the publication of the 2017-2020 LDS, the Government has published consultations on planning reform: the housing white paper '*Fixing the broken housing market*' (published February 2017); '*Planning for the right homes in the right places*' (published September 2017) and most recently the draft revised National Planning Policy Framework (March 2018) and accompanying Planning Practice Guidance. Proposed measures to reform the planning system include more effective joint working through a statement of common ground that sets out how authorities intend to work together to meet housing needs. Whilst the revised NPPF is yet to be published in its final form, the direction of travel with regard to local plan making is towards a greater degree of joint working to plan strategically for housing growth, its delivery, and the infrastructure required to support it.

The local authorities comprising the Derby Housing Market Area, Amber Valley Borough Council, Derby City Council and South Derbyshire District Council, have an established history of joint working. Derby City Council is currently producing its Local Plan Part 2 and Amber Valley Borough Council's Local Plan is in the examination process. In advance of the revised NPPF being published, to be specific about the scope of a future joint strategic plan would be untimely, however it should be noted that this is a route the District Council anticipates will be pursued in due course.

Neighbourhood Development Plans (NDPs) give communities the opportunity to influence the development of their local area by setting out planning policies or granting permission for development in accordance with the strategic policies set out in the Local Plan Part 1. There are three Neighbourhood Development Plan areas currently designated in South Derbyshire:

- Repton
- Melbourne
- Hilton (including Hoon and Marston-on-Dove)

South Derbyshire District Council in accordance with its role as the Local Planning Authority will provide advice and assistance to the relevant bodies in the production of each Neighbourhood Plan. More advice on producing Neighbourhood Development Plans is set out within the Council's Statement of Community Involvement. Repton NDP is the most advanced through the process having been through examination.

Statement of Community Involvement (SCI) sets out how the Council intends to engage and consult local communities and others in the preparation of the Local Plan and Development Management matters. The SCI adopted in March 2006 has been revised and the draft SCI published for consultation.

Annual Monitoring Report (AMR) reviews the progress in the preparation of the Local Plan documents against the milestones set out in the Local Development Scheme and assesses the extent to which development plan policies are being achieved. South Derbyshire's most recent

AMR can be found at <https://www.south-derbys.gov.uk/our-services/planning-and-building-control/planning/planning-policy/monitoring>

The relationship between each of the Local Plan documents can be found in Appendix 1.

5 Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA)

All DPDs that could have a significant effect on the environment need to be subject to a SA and a SEA. SA is an iterative process that is integral to the document's preparation as a means of assessing its potential social, environmental and economic effects.

The Council will also conduct an Environmental Assessment in accordance with the requirements of the EU Directive 2001/42/EC. The Council appointed a Planning Policy Officer with particular responsibility for SA matters in December 2005, which has enabled in-house expertise to be developed together with the progress of a monitoring framework.

The Draft Sustainability Appraisal Scoping Report for the Local Green Spaces DPD was published for a five-week consultation on 1 May 2018. The Sustainability Appraisal Report which will be submitted to the Planning Inspectorate alongside the Local Green Spaces DPD will be used by the Inspector to assess the soundness of the DPD.

6 Links with other Strategies and Plans

The Local Plan will have regard to other Council Strategies such as those for Housing, Economic Development, Tourism, Conservation and Leisure. Work is ongoing with other parts of the Council to develop a joint approach to establishing and maintaining a robust and credible evidence base. This joint approach to data collection will be used to support the preparation and monitoring of the Local Plan. Additionally regard will be had to the Council's Corporate Plan 2016-2021 as the Local Plan will help deliver actions that are included within the Plan.

As part of the Derby HMA, there has been joint working on the Authorities Local Plan's through the collation of a joint evidence base.

7 Evidence

Government guidance emphasises the need for a robust evidence base in the preparation of Development Plan Documents. South Derbyshire District Council will continue to undertake studies, research and public consultation in preparation of the Local Plan. Many of the studies have been undertaken on a HMA wide basis. Specific research and studies carried out to date include:

<u>Research/Study</u>	<u>Method</u>	<u>Completed</u>
Sustainability Appraisal – Local Plan Part 1	In house	June 2016
Sustainability Appraisal – Local Plan Part 2	In house	November 2017

Habitats Regulations Screening Assessment – Local Plan Part 1	In house	September 2013
Habitats Regulations Screening Assessment – Local Plan Part 2	In house	June 2016
Infrastructure Delivery Plan	In house	January 2018
Housing Land Supply	In house	June 2017
SHLAA	In house	Ongoing
Derby HMA Education Position Statement	In house	August 2014
Derby Urban Area Transport Position Statement	In house	November 2012
Derby HMA Sensitivity Testing	Consultants	October 2015
Derby HMA Strategic Housing Market Assessment Update *	Consultants	July 2013
Derby HMA Employment Land Review Forecasts Update*	Consultants	March 2013
Derby HMA Housing Requirements Study *	Consultants	2015
Derby Housing Market Area Water Cycle Study *	Consultants	2010
Derbyshire Gypsy and Traveller Accommodation Assessment *	Consultants	2015
Derby HMA Employment Land Review	Consultants	March 2008
South Derbyshire District Council Employment Land Review	Consultants	2007
South Derbyshire Level 1 Strategic Flood Risk Assessment (SFRA)	Consultants	2008
Sustainable Community Strategy	In house	Ongoing
Open Space, Sport and Community Facilities SPD	Consultants	2016

* Joint studies commissioned with Derby City Council and Amber Valley Borough Council and/or Derbyshire County Council.

Further information on South Derbyshire's evidence base can be found at <https://www.south-derbys.gov.uk/our-services/planning-and-building-control/planning/planning-policy/evidence-base-2>

8 Resources

The preparation of the Local Plan is led by the Planning Policy Team and comprises the Planning Policy Manager, two Planning Policy Officers, one Planning Policy Officer (Sustainability), and one Planning Assistant. The Policy Team benefits from specialist knowledge of the Conservation Officer and Design Excellence Officer within the department and is further complemented by officers from other teams such as Development Management, Housing and Economic Development. External resources may also be called upon such as the County Council and consultants for certain projects. However, as far as possible, surveys and studies will be undertaken in house.

The team has other responsibilities in addition to preparing the Local Plan including:

- Providing advice and evidence to Development Management
- Neighbourhood Planning support
- Compiling and maintaining an evidence base for the Local Plan and wider uses
- S106 Monitoring
- Strategic Housing Delivery
- Maintaining a Duty to Co-operate.
- Heritage Lottery Funding Swadlincote Townscape project

9 Monitoring

The Council is required to produce and make available to the public an Annual Monitoring Report (AMR). The AMR should review the progress of the preparation of Local Plan documents against the milestones set out in the Local Development Scheme and assess the extent to which development plan policies are being implemented through the use of a range of indicators.

The introduction of the Localism Act in November 2011 removed the statutory requirement for local planning authorities to submit an AMR to the Secretary of State. However authorities still have a duty to monitor and report its activities to the local community.

Annual Monitoring Reports going back to 2011/12 are available on the Council's website at <https://www.south-derbys.gov.uk/our-services/planning-and-building-control/planning/planning-policy/monitoring> The Council has detailed databases for monitoring residential and employment land availability. The Council also holds detailed information regarding retail and leisure within the District which is updated and forms a key aspect of the annual monitoring. The residential and employment database is maintained by Derbyshire County Council as all Derbyshire Local Authorities use the same system in accordance with an agreed protocol. The AMR will monitor the progress in meeting the milestones in the LDS and inform a review of the document when necessary.

10 Risk Management

The Council does not have control over all aspects associated with the preparation of the Local Plan. Completion of the Plan relies upon input to the process from a wide variety of individuals

and organisations ranging from members of the public to the Secretary of State. All those involved will have their own priorities and processes that need to be dealt with and may not reflect the timescales placed on the Council by legislation. The Council will endeavor to ensure that working relationships with external groups and organisations move forward and continue towards joined up working.

In preparing the LDS, the Council has identified some of the main areas of risk and their impacts, and potential ways to overcome these to ensure that the LDS timetable is delivered.

Area of risk	Impact	Mitigation
Inadequate staff resources	Unable to produce documents on time and to a decent standard due to lack of in house skills/resources for evidential work.	<ul style="list-style-type: none"> • Employ temporary staff/consultants subject to resource availability. • Use staff from other departments within the Council. • Joint working with the HMA Authorities (Derby City and Amber Valley Borough Council).
Change of political leadership of the Council	Could cause delay in the preparation of the documents.	<ul style="list-style-type: none"> • Maintain the involvement of all parties in the District Council through Committee and also the Local Plan Member Working Group.
Changes to national policy requirements	New/emerging policy could generate new issues, which need to be addressed within the Local Plan or other documents, which require additional work and cause delay.	<ul style="list-style-type: none"> • Keep up to date on emerging National policies. • Revise the LDS.
Capacity of the Planning Inspectorate (PINS)	PINS unable to meet the demand for DPD examinations, resulting in a delay in adopting the documents.	<ul style="list-style-type: none"> • Close liaison with the Planning Inspectorate to ensure early warnings of any delays. • Programme of DPD production including revisions to be provided to PINS.
Public consultation	Public concern and stakeholder involvement on planning issues is unpredictable. This could add to the time required to process representations made, delaying preparation.	<ul style="list-style-type: none"> • Employ temporary staff subject to resource availability. • Resources from other departments within the Council could be drawn upon to process representations.

Joint Working	Working with the HMA Authorities (Derby City and Amber Valley) could be problematic with political differences and conflict of interests occurring.	<ul style="list-style-type: none"> • Early and meaningful engagement with Members of all three Authorities. • Concise working arrangements with neighbouring local authorities. • Change of Plan or withdrawal
Delayed approval or changes required to the Local Plan by Council Members	Reports could miss council committee deadlines, or create unforeseen work, resulting in a slippage in the timetable.	<ul style="list-style-type: none"> • Involve Members through the preparation of DPD's to ensure that the Council's priorities are reflected.
Incorporating change after an Examination	The Planning Inspectorate could request a change to a DPD which requires further work, leading to timetable slippage.	<ul style="list-style-type: none"> • Allow for some flexibility in the programme. • Use project management methods.
Legal Challenge	A legal challenge could result in a DPD being quashed.	<ul style="list-style-type: none"> • Ensure that the Local Plan has been prepared in accordance with legal and procedural requirements. • Act on pre-submission PINS advice.
Appeal decision allowing development highlighting an alternative interpretation of a Local Plan policy.	A potential influx of applications and subsequent appeals for developments contrary to intended policy meaning.	<ul style="list-style-type: none"> • Legal challenge of appeal decision • Review of local plan policy

11 Schedule and Timetable of proposed Development Plan Documents

The profiles below set out the work and resources required in order to produce each DPD. The timings of each of the DPDs can be found below each document profile.

Local Green Spaces DPD

Status	Development Plan Document
Geographical Area	South Derbyshire District Council
Conformity	Conform to legislation, case law, NPPF, Planning Practice Guidance and Local Plan Part 2
Description	The DPD will allocate sites that meet the NPPF criteria and the District Council's criteria for Local Green Spaces in order to protect them from development.
Joint Working	Work will take place with Parish Councils, Neighbourhood Plan groups and other community groups.
Management	Strategic Director – Service Delivery ► Environmental & Development Services Portfolio Holder ► Environmental & Development Services Committee ► Full Council ►
Internal Resource	South Derbyshire District Council - Planning Policy Team, Development Management team, Open Space team, Community teams.
External Resource	Derbyshire County Council and Parish Councils
Community and Stakeholder Involvement	In accordance with the Town and Country Planning Regulations 2012 and as set out in the Council's Statement of Community Involvement.
Monitoring and Review	Progress on the preparation and production of the document will be carefully monitored to ensure that milestones in the LDS are met. Monitoring policies in this document will be a main feature of the AMR.
Timetable	
Stage	Date
Commencement of the process	2015
Previous Consultations	Through Local Plan Part 2 (December 2015 and June 2016) Local Green Spaces DPD – Options Consultation (June 2017) Local Green Spaces DPD Sustainability Appraisal Scoping Consultation (April – June 2018)
Options Consultations (Regulation 18)	Autumn 2018
Proposed Submission Consultation (Regulation 19)	Early 2019
Submission to Secretary of State (Regulation 22)	Spring 2019
Commencement of the Hearing Sessions	Summer 2019
Adoption by Council	Late 2019

Gypsy and Traveller Site Allocations DPD

Status	Development Plan Document
Geographical Area	South Derbyshire District Council
Conformity	Conform to legislation, case law, the NPPF and Planning Practice Guidance as well as Part 1 of the Local Plan.
Description	The DPD will allocate sites for Gypsy and Traveller pitches to enable the Council to demonstrate a five year supply of pitches in line with the requirements of the GTAA.
Joint Working	There will be a need to work alongside the other Derbyshire authorities and East Staffordshire as partners to the GTAA and including the County Council.
Management	Strategic Directory – Service Delivery ► Environmental & Development Services Portfolio Holder ► Environmental & Development Services Committee ► Full Council ►
Internal Resource	South Derbyshire District Council - Planning Policy Team, Development Management team, Strategic Housing team, Community teams.
External Resource	Derbyshire County Council
Community and Stakeholder Involvement	In accordance with the Town and Country Planning Regulations 2012 and as set out in the Council's Statement of Community Involvement.
Monitoring and Review	Progress on the preparation and production of the document will be carefully monitored to ensure that milestones in the LDS are met. Monitoring policies in this document will be a main feature of the AMR.
Timetable	
Stage	Date
Commencement of the process	June 2015
Options Consultations (Regulation 18)	Summer 2019
Proposed Submission Consultation (Regulation 19)	Late 2019
Submission to Secretary of State (Regulation 22)	Early 2020
Commencement of the Hearing Sessions	Mid 2020
Adoption by Council	Late 2020

12 Schedule and Timetable of proposed Supplementary Planning Documents

Greenways SPD

Status	Supplementary Planning Document
Geographical Area	South Derbyshire District Council
Conformity	Conform to NPPF & Planning Practice Guidance as well as Part 1 of the Local Plan.
Description	Guidance and proposals on strategic multiuser routes for walkers, cyclists, horse riders and those with mobility difficulties across the District.
Joint Working	Derbyshire County Council who produce a Greenways Strategy, Cycle Infrastructure Delivery Plan and Key Cycle Network proposals.
Management	Strategic Director – Service Delivery ► Environmental & Development Services Portfolio Holder ► Environmental & Development Services Committee ►
Internal Resource	South Derbyshire District Council - Planning Policy team, Development Management team, Economic Development team, Tree Officer, Open Space and Facilities Officer
External Resource	National Forest, Sustrans, Derbyshire County Council
Community and Stakeholder Involvement	In accordance with the Town and Country Planning Regulations 2012 and as set out in the Council's Statement of Community Involvement. This SPD will link to the Derbyshire Cycle Plan; the South Derbyshire Cycle Action Plan; and Derbyshire County Councils Greenways Strategy, Cycle Infrastructure Delivery Plan and Key Cycle Network proposals.
Monitoring and Review	Progress on the preparation and production of the document will be carefully monitored to ensure that milestones in the LDS are met. Monitoring policies in this document will be a main feature of the AMR.
Timetable	
Stage	Date
Commencement of the process	December 2014
Consultation	TBC
Adoption by Council	TBC

13 Schedule and Timetable of proposed Development Framework Documents

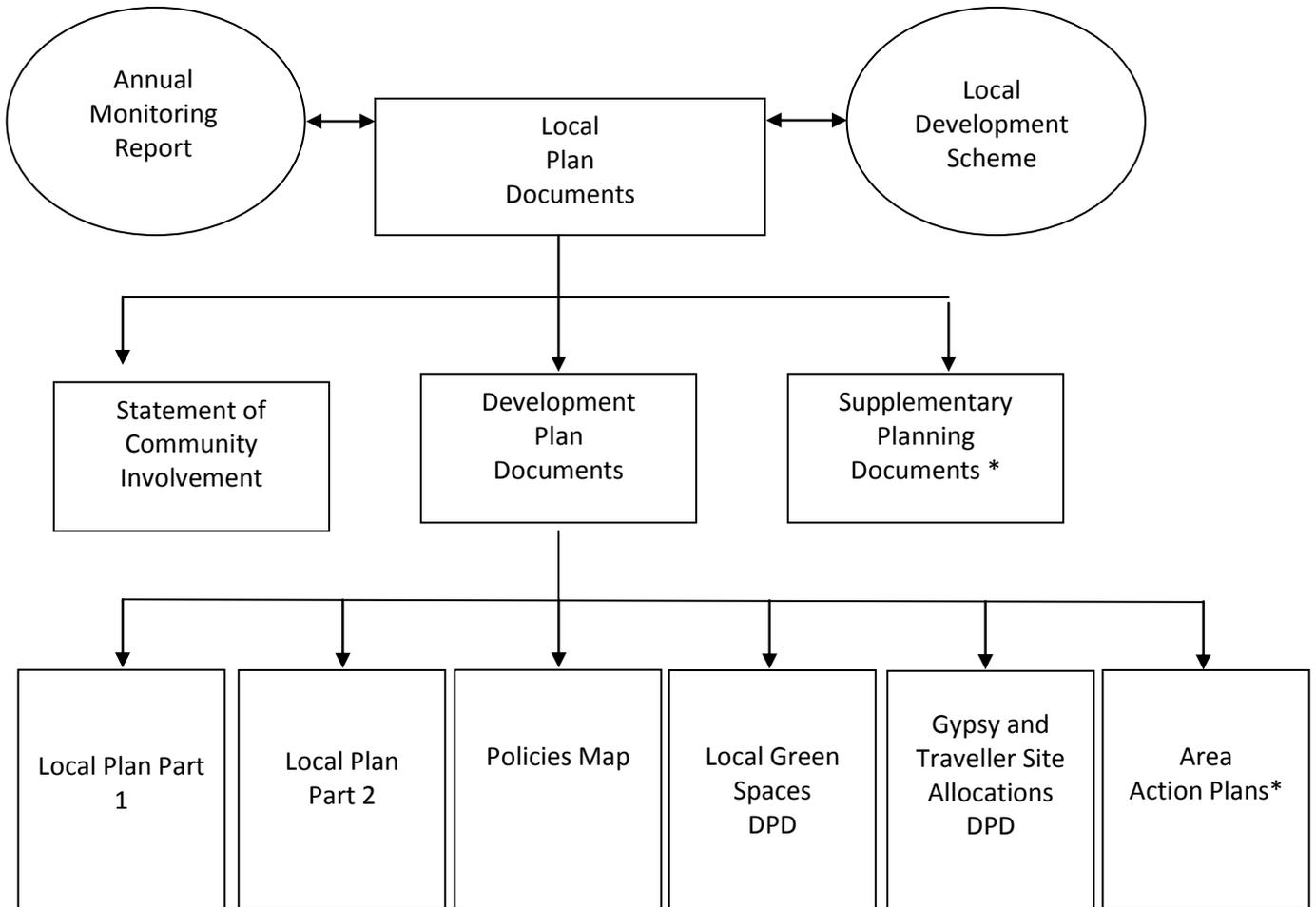
Boulton Moor DFD

Status	Material consideration
Geographical Area	Policy H13
Conformity	Conform to NPPF & Planning Practice Guidance as well as Part 1 of the Local Plan.
Description	A jointly prepared masterplan document to ensure that the proposals deliver a holistic urban extension across the local authority boundaries.
Joint Working	Derby City Council, Derbyshire County Council, Developers and Landowners
Management	Strategic Director – Service Delivery ► Environmental & Development Services Portfolio Holder ► Environmental & Development Committee ►
Internal Resource	South Derbyshire District Council - Planning Policy Team, Development Management team
External Resource	Agents of landowners
Community and Stakeholder Involvement	N/A
Monitoring and Review	As required
Timetable	
Stage	Date
Commencement of the process	March 2016
Consultation	N/A
Adoption by Council	Late 2018

Infinity Garden Village DFD

Status	Material consideration
Geographical Area	Policy H15 and INF13
Conformity	Conform to NPPF & Planning Practice Guidance as well as Part 1 of the Local Plan.
Description	A jointly prepared masterplan document incorporating the adopted proposals and the vision for the remainder of the Garden Village area.
Joint Working	Derby City Council, Derbyshire County Council, Developers and Landowners
Management	Strategic Director - Service Delivery ► Environmental & Development Services Portfolio Holder ► Environment & Development Committee ►
Internal Resource	South Derbyshire District Council - Planning Policy Team, Development Management team
External Resource	Agents of landowners
Community and Stakeholder Involvement	N/A
Monitoring and Review	As required
Timetable	
Stage	Date
Commencement of the process	2017
Consultation	N/A
Adoption by Council	Spring/Summer 2018

Appendix 1: Chart to show the relationship between Local Plan documents



* Optional documents

Appendix 2 - Glossary of Terms

Adopted Local Plan	The South Derbyshire Local Plan Part 1 was formally adopted 13 June 2016 and the Part 2 adopted 2 November 2017.
AMR	Annual Monitoring Report to chart progress of producing and implementing policies and proposals
DPD	Development Plan Document: A local policy document produced by the Council which makes up part or all of the Development Plan
DFD	Development Framework Document: A policy document, usually produced jointly with the relevant developers and neighbouring authority, to comprehensively guide development and support infrastructure delivery.
Duty to Cooperate	A statutory duty placed on Local Planning Authorities to cooperate with other authorities and relevant bodies in the preparation of a DPD
LDD	Local Development Documents comprising DPDs and SPDs that together will make up the Local Plan
NPPF (National Planning Policy Framework)	Contains a range of planning policies set by National Government
Planning Inspectorate	An agency of Department of Communities and Local Government that provides independent adjudication on planning matters
Policies Map	A map that identifies those areas to which specific policies apply.
SA	Sustainability Appraisal – a tool to ensure that policies in all LDDs reflect sustainable development principles.
SCI	Statement of Community Involvement that - sets out how the Council will consult the community and stakeholders on the preparation of planning documents and planning applications.
SEA	Strategic Environmental Assessment is a requirement of EU Directive 2001/42/EC and applies to plans and policies where impacts will be of a strategic nature.
SPD	Supplementary Planning Documents that provide additional detailed guidance to support policies in a DPD.