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<b>REPORT TO:</b>	Environmental and Development Services	<b>AGENDA ITEM: 7</b>
<b>DATE OF MEETING:</b>	<b>5<sup>th</sup> June 2014</b>	<b>CATEGORY: DELEGATED/ RECOMMENDED OPEN/EXEMPT PARAGRAPH NO:</b>
<b>REPORT FROM:</b>	Director of Community and Planning Services	<b>DOC:</b>
<b>MEMBERS' CONTACT POINT:</b>	Nicola Sworowski, x5983 nicola.sworowski@south-derbys.gov.uk	<b>REF:</b>
<b>SUBJECT:</b>	<b>Local Plan Part 1</b>	<b>TERMS OF REFERENCE:</b>
<b>WARD(S) AFFECTED:</b>	All	

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## **1.0 Recommendations**

1.1 The Committee is being asked to note the content of the report and select an option to determine onward progress of the Local Plan Part 1 towards submission to the Secretary of State. Options are explained in Section 3 below and further updates will follow at the committee. This decision will 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 but particularly on the Regulation 19 consultation that was undertaken in March and April this year.

## **3.0 Detail**

3.1 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 1, was undertaken from 10 March to 22 April 2014. 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.

3.2 A drop in session was held in each of the six Area Forum areas; these were well attended by a total of 254 people.

3.3 There were 126 people who made comments on the plan. All the comments have been entered into a database along with a copy of the full representation received. These representations form part of the evidence base.

3.4 The comments covered all aspects of the Local Plan Part 1. A range of comments, both in support and by way of objection, have been received regarding many of the policies and sites proposed.

- 3.5 The majority of the objections are concerned with the housing target that is being suggested; some of the strategic housing sites; the starting year of the Plan and; the length of the Plan period.
- 3.6 There are a range of housing targets being suggested in the comments received that would increase South Derbyshire's target, from 14,000 for South Derbyshire alone to 40,000 as a total HMA target. There are also some objections in regard to the housing number being too high.
- 3.7 Many of the housing sites have received objections from local residents and also developers/landowners. From the developers/landowners there are also numerous suggestions of sites to be included, predominantly those not preferred in earlier iterations of the Local Plan. In the main, the suggestions are that the sites are included as additional rather than replacement sites to those already proposed in the Local Plan.
- 3.8 There have also been many comments in support of the housing sites proposed and also the way that they have been dealt with in the trajectory. The sustainable development policies, amended following the Draft Local Plan consultation, have been supported.
- 3.9 Changes have been suggested to many of the policies, paragraphs and proposals maps. Some are minor changes to help clarify a position. However, many are asking for wholesale changes to the Plan such as the strategic policies to cover an increased housing need, change in Plan period, change to the settlement hierarchy and the removal of the presumption in favour of sustainable development policy. A change will be made to Policy E5: Dove Valley Park, to make clear that it is an exception policy to the main E1 employment sites and that the site may come forward on the basis of the scale and locational needs of a large industrial or business occupier.
- 3.10 As Members know, the housing target was set alongside Derby City and Amber Valley Borough Council as members of the Derby Housing Market Area (HMA). Due to the inability of Derby City to meet its own housing requirements within its boundary, both South Derbyshire and Amber Valley have taken a share of the growth that the City is unable to accommodate.
- 3.11 This housing target has been recently tested at Amber Valley's examination in public in April and May. The examination has now been suspended for a maximum of six months to allow Amber Valley time to address some of the Inspector's concerns. One of those concerns was in regard to the Derby HMA housing number which the Inspector, in a letter to Amber Valley dated 12 May 2014, confirmed should be increased to take account of the further sensitivity testing (undertaken by our consultants GL Hearn) that the Inspector requested.
- 3.12 This suggested increase, hinted at in an earlier letter from the Inspector dated 7 April 2014, has been the focus of many comments received during the Regulation 19 consultation, albeit the consultation was part way through at the time. The further testing suggested by the Inspector shows a phased return to less suppressed levels which results in an increased target across the three authorities of 1,474; therefore a total of 33,388 across the period 2011 - 2028 should be the new Derby HMA housing requirement in order to be found sound.
- 3.13 This additional growth is due to Derby City; the actual housing needs for South Derbyshire and Amber Valley through these revised targets do not increase, in fact both marginally decrease. However the Inspector, whilst not examining Derby City's Plan, takes the view that due to the current Duty to Cooperate agreement, that the City has a *'fixed physical capacity'* and that the additional unmet need should be distributed across South Derbyshire and Amber Valley.

- 3.14 The Inspector examining Amber Valley's Local Plan has suggested a suspension of six months to allow them time to address the issues raised, including that of the housing target.
- 3.15 The implication for South Derbyshire is that an agreement must be reached under an extension of the Duty to Cooperate as to how this additional housing requirement is to be met.
- 3.16 South Derbyshire is meeting its objectively assessed housing need and as it currently stands has agreed to provide 2,551 dwellings of Derby City's need. Consideration needs to be given as to whether a higher requirement in terms of Derby City's need can be met by South Derbyshire along with Amber Valley. Derby City have been asked at an officer level to revisit their previous assumptions made across their housing sites and assess whether any further growth can be accommodated in these exceptional circumstances. A verbal update as to Derby City's position will be provided at Committee if available.
- 3.17 Going forward there are three options.
- 3.18 The first is for South Derbyshire to not take any further housing growth; however this would appear to be contrary to the advice of Amber Valley's Examination Inspector who stated that *'[the figures]...require the HMA authorities to revisit the Duty to Cooperate (DtC) to review the way in which the City of Derby's increased unmet needs should be distributed between Amber Valley and South Derbyshire, bearing in mind agreement that Derby's ability to meet its own needs is capped by its fixed physical capacity.'* This duty is as set out in the National Planning Policy Framework and Planning Practice Guidance (PPG). This latter guidance states: *'The Duty to Cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.'* The result may be that if the Inspector at South Derbyshire's Examination decides that the Council has not fulfilled its DtC, the plan could be found unsound and the Local Plan process would then have to be re-started.
- 3.20 The second option is that South Derbyshire takes a (currently undefined) proportion of the increased housing target but defers the selection of those sites to Part 2 of the Local Plan, thereby increasing the 600 dwellings that has been considered. However, it is likely that such an approach would lead to a notable increase in smaller sites (up to 100 homes per site), many of which would be likely to be located in the District's key and local service villages. It is the intention that the housing numbers in policies S1, S4 and H1 would represent a minor modification which could allow the Plan to continue on its current timetable for submission. Clarification from PINS will be sought on this point. The impact of this option could be reduced if Amber Valley and Derby City are able to meet a significant component of the additional 1,474 homes but this Authority would need to demonstrate that there are sufficient sites in the SHLAA on smaller sites to fully meet this need.
- 3.21 The final option is that South Derbyshire takes a (currently undefined) proportion of the increase and prefers a further strategic site or sites. This would require further rounds of consultation of the Local Plan Part 1 and therefore delay the submission of the Local Plan to the Secretary of State.

#### **4.0 Financial Implications**

- 4.1 None arising directly from this report.

## **5.0 Corporate Implications**

5.1 A risk of further delay to the Local Plan process if a resolution to the increased housing need is not agreed quickly.

## **6.0 Community Implications**

6.1 An 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 Letter to Amber Valley BC from PINS

