

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM:
DATE OF MEETING:	29TH SEPTEMBER 2016	CATEGORY: RECOMMENDED
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING	OPEN PARAGRAPH NO:
MEMBERS' CONTACT POINT:	NICOLA SWOROWSKI (EXT.5983) nicola.sworowski@south-derbys.gov.uk	DOC:
SUBJECT:	PLANNING POSITION STATEMENT	REF:
WARD(S) AFFECTED:	DISTRICTWIDE	TERMS OF REFERENCE: EDS03

1.0 Recommendations

- 1.1 That Members endorse the content of the Planning Position Statement at Appendix 1 and its publication on the Council's website.

2.0 Purpose of Report

- 2.1 To update Members on the current policy position for dealing with planning applications.

3.0 Detail

- 3.1 The appended Planning Position Statement sets out the Council's position following the adoption of the Local Plan Part 1 in June this year and the progress of the Local Plan Part 2 towards submission.

4.0 Financial Implications

- 4.1 None arising directly from this report.

5.0 Corporate Implications

- 5.1 The adoption of a complete South Derbyshire Local Plan is a key priority of the District Council and is included as an action within the Corporate Plan.

6.0 Community Implications

- 6.1 South Derbyshire will remain as one of the fastest growing areas in the country, and an adopted Local Plan will ensure this is achieved in a sustainable way, providing necessary infrastructure and community facilities for existing and new residents.

7.0 Conclusion

- 7.1 The Local Plan adoption has been a material change to the way in which officers consider planning applications.

8.0 Appendices

- 8.1 Appendix 1 - Planning Position Statement



**South
Derbyshire**
District Council
Community and
Planning Services

Planning Position Statement



September 2016

South Derbyshire Changing for the better

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Development Plan Position Statement – September 2016

On 13th June 2016 the Local Plan Part 1 (LPP1) was adopted by the Council which is a material change to the way in which planning applications will be considered by the Council. Section 38(6) of the 2004 Act requires that applications be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. Clearly national policy should also be considered alongside the Local Plan; the national planning policy framework (NPPF) and the Planning Practice Guidance (PPG) as material considerations.

Until this adoption, South Derbyshire has been reliant on the 1998 Local Plan although only those policies saved in 2007. The LPP1 in part supersedes these remaining policies in the 1998 Plan; those not superseded are listed in Table 1. The key effect of the LPP1 is to make new allocations for housing and employment to meet the needs of the District up to 2028. These needs were fully examined through examination hearings in November and December 2014, October 2015 and December 2015.

The Local Plan is split into two parts; the first part is the strategic part of the plan followed by Part 2 (LPP2) which will address non-strategic allocations and policies. Once the LPP2 is adopted alongside LPP1 then they will form the Development Plan for the District.

The current position is that the LPP1 and the saved policies from the 1998 Local Plan form the Development Plan and as the LPP2 progresses, increased weight will be added to the policies in that plan too.

Housing policies are now considered up to date as the Local Plan makes sufficient housing allocations to significantly boost the supply of housing in line with examined objectively assessed need for the District. The NPPF para 49 states that *“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”* The plan also includes key development management policies and more than sufficient employment allocations.

The LPP1 allocates sites to more than meet the target of 12,618 dwellings to help ensure that the housing target will be met by adding flexibility to the sites required. Three of the sites are unlikely to be built out in their entirety within the plan period. Of all the allocated sites, there is now only one site that does not have some form of application granted or awaiting a decision. The site is a cross boundary site with Derby City and there are approvals for the part within the City.

Paragraph 14 of the NPPF sets out that *“local planning authorities should positively seek opportunities to meet the development needs of their area”* which the LPP1 clearly does and in fact goes beyond meeting the bare minimum in term of housing and employment needs. The Council has also worked very positively with the neighbouring authorities of Derby City and Amber Valley to consider the Derby Housing Market Area needs. The collaborative working has resulted in the Councils requirement including an additional 3,000 dwellings that Derby City is not able to accommodate within its own boundary.

The Inspector examining the Local Plan Part 1 thoroughly examined the five year supply position of the District and found that the supply planned *“signals an aspirational but robust and flexible approach to planning for housing delivery throughout the plan period”*. This has subsequently been

updated to take account of the annual completions for the year 2015/16 and the supply period moved on a year in order to demonstrate a full five year supply period. This was published in July 2016 as a Housing Position Paper and can be viewed at: http://www.south-derbys.gov.uk/planning_and_building_control/planning_policy/local_plan/evidence_base/annual_monitoring_reports/housing_land_supply/default.asp. This paper demonstrates that a housing land supply of 5.33 years currently exists in the District. The paper will be updated again in 2017, following confirmation of the completions for the monitoring period 2016/17.

As the PPG sets out, the District would not expect this position to be “updated for a full twelve months unless significant new evidence comes to light or the local authority wishes to update its assessment earlier”. The PPG goes on to suggest that with “a thorough approach on an annual basis, local planning authorities will be in a strong position to demonstrate a robust five year supply of sites”.

The Council’s position following adoption of the Plan has been tested and supported with recent appeal decisions. These include a decision on Cauldwell Road, Linton where the Inspector said that *“Accordingly, paragraph 49 of the Framework is not now engaged, and the policies relevant to the supply of housing in both the SDLP and the newly adopted Local Plan Part 1 are up-to-date.”*

Also, a further decision was published following the adoption of the Local Plan on Jawbone Lane, Melbourne which clearly stated that the *“saved SDLP Policies HP 5 and EV 1 can therefore be afforded appropriate weight”* in the decision making process . The Inspector goes on to suggest that the *“benefits of increasing housing (including affordable housing) are tempered by the Council being able to demonstrate a deliverable HLS in excess of five years and there is little evidence to suggest that this could not be achieved through the development of allocated housing sites or within settlements”*.

Employment Land

The LPP1 deals with all of the employment allocations and policies and nothing is left to the LPP2. Allocations in the LPP1 have been made for over 80 hectares of employment land against a target of 53 hectares although not all is necessarily expected to come forward before the end of the plan period.

Other Strategic Policies

Alongside those housing and employment allocations and their associated policies, are strategic policies regarding sustainable development, built and natural environment and infrastructure.

1998 Local Plan

The table below shows the saved 1998 policies that applications will be assessed against and have not been superseded by LPP1 but will where appropriate be superseded by LPP2 policies.

Table 1: 1998 Local Plan policies not superseded by LPP1

1998 Local Plan
Housing H5 (Village Development)

H6 (Other Rural Settlements)
H7 (Residential Conversion)
H8 (Housing Development in the Countryside)
H12 (Non-Permanent Dwellings)
H13 (Residential Extensions)

Environment

EV1 (Development in the Countryside)
EV5 (Agricultural Development)
EV7 (Open Land, Swadlincote)
EV8 (Open Spaces in Villages and Settlements)
EV9 (Protection of Trees and Woodland)
EV11 (Sites and Features of Natural History Interest)
EV12 (Conservation Areas)
EV13 (Listed or Other Buildings of Architectural or Historic Importance)
EV14 (Archaeological and Heritage Features)
EV15 (Historic Parks and Gardens)

Retail

S1 (Existing Shopping Centres)
S2 (Out of Town Shopping)
S3 (Local Shopping)

Recreation and Tourism

R2 (New Recreation Provision, Swadlincote)
R3 (New Playing Field Provision)

Community Facilities

C2 (Provision of Education Facilities)
C4 (Telecommunications Development)

Applications will be considered against the saved 1998 policies and the 2016 LPP1 policies, as these now form the development plan for the District.

Local Plan Part 1 policies

The table below shows the LPP1 policies and the full document can be seen at: http://www.south-derbys.gov.uk/planning_and_building_control/planning_policy/local_plan/local_plan_part1/default.asp

2016 Local Plan Part 1
<u>A Plan For Growth</u> S1 (Sustainable Growth Strategy) S2 (Presumption in Favour of Sustainable Development) S3 (Environmental Performance) S4 (Housing Strategy) S5 (Employment Land Need) S6 (Sustainable Access) S7 (Retail) S8 (Green Belt)
<u>Housing</u> H1 (Settlement Hierarchy) H2 (Land north of William Nadin Way, Swadlincote) H3 (Land at Church Street/Bridge Street/Football Club site, Church Gresley) H4 (Land at Broomy Farm, Woodville) H5 (Council Depot, Swadlincote) H6 (Drakelow Park, Drakelow) H7 (Land at Hilton Depot, Hilton) H8 (Former Aston Hall Hospital, Aston on Trent) H9 (Land at Longlands, Repton) H10 (Land south of Willington Road, Etwall) H11 (Land north east of Hatton) H12 (Highfields Farm, South West of Derby) H13 (Boulton Moor, South East of Derby) H14 (Chellaston Fields, Chellaston) H15 (Wragley Way, South of Derby)

H16 (Primula Way, Sunny Hill)

H17 (Holmleigh Way, Chellaston)

H18 (Hackwood Farm, Mickleover)

H19 (Land West of Mickelover)

H19 (Housing Balance)

H20 (Affordable Housing)

H21 (Sites for Gypsies and Travellers and for Travelling Showpeople)

Employment and the Economy

E1 (Strategic Employment Land Allocation)

E2 (Other Industrial and Business Development)

E3 (Existing Employment Areas)

E4 (Strategic Location for Sinfin Moor Employment Site Extension)

E5 (Safeguarded Employment Sites Dove Valley Park)

E6 (Woodville Regeneration Area)

E7 (Rural Development)

Sustainable Development

SD1 (Amenity and Environmental Quality)

SD2 (Flood Risk)

SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure)

SD4 (Contaminated Land and Mining Legacy Issues)

SD5 (Minerals Safeguarding)

SD6 (Sustainable Energy and Power Generation)

Built and Natural Environment

BNE1 (Design Excellence)

BNE2 (Heritage Assets)

BNE3 (Biodiversity)

BNE4 (Landscape Character and Local Distinctiveness)

Infrastructure

INF1 (Infrastructure and Developer Contributions)

INF2 (Sustainable Transport)

INF3 (Strategic Rail Freight Interchange)

INF4 (Transport Infrastructure Improvement Scheme)

INF5 (East Midlands Airport)

INF6 (Community Facilities)

INF7 (Green Infrastructure)

INF8 (The National Forest)

INF9 (Open Space, Sport and Recreation)

INF10 (Tourism Development)

Local Plan Part 2

The LPP2 will deal with non-strategic housing allocations, settlement boundaries and further detailed Housing, Built and Natural Environment, Retail and Infrastructure policies.

The LPP2 is progressing in a timely manner and a consultation has been undertaken on the initial version of the plan and a further consultation of the Draft version of the Plan which ran until 15th August 2016. The next step is for a pre-submission version to be drawn together considering and taking into account, comments from the draft consultation responses. This pre-submission version will be subject to a six week consultation that considers if the plan is sound and legally compliant. Following this consultation it is intended following that the plan will be submitted to the Secretary of State before the end of 2016 and the Council will then await the appointment of an Inspector to examine the plan. Further information on the Local Plan Part 2 can be found at: http://www.south-derbys.gov.uk/planning_and_building_control/planning_policy/local_plan/local_plan_part2/default.asp

The LPP2 will deliver at least 600 further dwellings to help boost the housing supply of the District. These dwellings will be classed as being on non-strategic sites, which mean the sites will be below 100 dwellings. Whilst these sites are not required in terms of overall 'total' numbers, it is important that the Council also deliver smaller sites across the District that will help to maintain the five year rolling supply.

Supplementary Planning Documents (SPD's)

Further detail will be added to some of the policies through the issuing of SPD's. Those considered by the Local Plan Part 1 cover the following topics:

- Design (which will include updates to existing Development Management guidance where appropriate)
- Car Parking (which may become part of the Design SPD)
- Cycling and Greenway

Other SPD's to be written include an Affordable Housing document to support Policy H20 and H21 in the LPP1.

The timetable for these documents is set out in the Local Development Scheme.

Neighbourhood Plans

There are currently two Neighbourhood Plans being prepared in the District; these are for Repton and Melbourne. The plans have both been subject to public consultation and Draft policies have been drawn up. The Council has been involved with both of the groups preparing the Plans.

This position statement will expire upon adoption of the LPP2, however any material change could result in an amendment to this position statement prior to that date.