



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

South Derbyshire

Local Plan Part 2 Duty to Co-Operate Compliance Statement



October 2016

South Derbyshire Changing for the better

Duty to Co-operate Statement

The Duty to Co-operate (DtC) is referenced in section 33A of the Planning and Compulsory Purchase Act 2004 which was brought into effect by section 110 of the Localism Act (2012).

The aim of DtC is to ensure that bodies are engaged in planning work together where issues are deemed to relate 'to a strategic matter'. A strategic matter is deemed to be one where the use of land "would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas" or to be a county matter.

There is a specified list of prescribed bodies set out in Regulation 4 of Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This list includes other local authorities. For South Derbyshire District Council this is deemed to be the other two authorities that form part of the Derby HMA namely Derby City and Amber Valley. Other authorities include the neighbouring authorities of East Staffordshire Borough Council, North West Leicestershire District Council, Erewash Borough Council, Derbyshire Dales District Council and Lichfield District Council and Derbyshire District Council.

The DtC will be determined by the Local Plan Inspector as to whether it is compliant or not.

South Derbyshire

South Derbyshire District Council's development plan falls into two parts:

Local Plan Part 1 – adopted June 2016 and

Local Plan Part 2 – Regulation 19 started 14th October 2016.

The Part 1 of the Plan sets the strategic policies and allocates strategic housing sites and all employment sites. The Part 2 of the Plan considers the non-strategic housing sites required and the non-strategic development management policies including settlement boundaries.

South Derbyshire has been working alongside Derby City and Amber Valley as part of the Derby Housing Market Area (HMA) since 2009 and have worked in an aligned manner since that point. This joint working has led to an extensive evidence base being gathered and an agreed position between all three authorities for meeting of Derby's unmet housing need. The DtC between the three authorities has been examined through three examinations in public. The formalised arrangements have continued to take place.

At a local level, Local Plan Member working groups (cross party) have continued to be held during the Part 2 process allowing for Member involvement outside of formal Committees and Full Council.

The District Council worked closely with key stakeholders, service providers and statutory agencies on the adopted Part 1 for South Derbyshire District Council. Part 2 of the Plan is not considered to include any 'strategic matters' but nonetheless, as would be expected work with statutory bodies and other local authorities has been ongoing. Consultation has taken place according to the Statement of Community Involvement.

Consultation

All relevant bodies have been notified and given the opportunity to comment at the Initial consultation (15th December 2015) and Draft stage (20th June 2016) of the Part 2 Plan and again at

the Pre Submission stage (currently being consulted on). No DtC issues have been forthcoming up to this point.

This document should be read alongside the Consultation Statement which provides a summary of the consultation carried out through the plan making process and will be further updated following the end of the Pre-Submission consultation.

County Matters

The District Council is not the Transport or Education Authority and therefore recognises the need for full cooperation with Derbyshire County Council. Whilst preparing the Local Plan Part 1 a considerable amount of work was undertaken on transport modelling across the Derby HMA and in particular the impacts on the City of Derby. The level of growth suggested in the Part 2 of the Plan is only small by comparison to the overall housing requirement and only one of the suggested sites is in the area of the Derby Urban Area which has involved and will continue to involve cooperation with Derby City on local transport issues. The County Council have been consulted throughout the process in developing the sites being selected to ensure that there are not any transport issues, mainly around access and localised traffic.

As for education, the County Council have a statutory requirement to provide education places. Given the amount of growth in South Derbyshire it has become evident over the Local Plan process that a new secondary school will be required within the District. A strategy has been drawn up by the County Council by working alongside the City and the District. The County Council have asked that the District Council notify two sites as possible secondary school sites within the Pre-Submission version of the Local Plan – these sites have been included as part of policy INF12.

Other Matters

River Mease

The District Council is working jointly with a number of other adjacent planning authorities and agencies including Natural England, the Environment Agency and Severn Trent Water. The purpose of this joint working is help to improve water quality in the River Mease Special Area of Conservation (SAC) and improve the condition of the site. The Council is represented on the River Mease Programme Board and technical working group and has assisted in the preparation and adoption of developer contribution scheme (known as DCS2). This allows financial contributions to be collected to improve water quality in the SAC and its wider catchment and fully mitigate the likely effects of any development.

The National Forest

The National Forest covers around 200 square miles of the East and West Midlands and is a landscape scale project to deliver economic regeneration, and deliver landscape and biodiversity improvements. Since its inception woodland cover within the 'forest' has increased from 6% to 20%. The District Council works closely with a number of neighbouring District and County Planning Authorities in Derbyshire, Staffordshire and Leicestershire and regularly attends the National Forest Technical Working Group. The District Council includes policies in its Adopted Part 1 Local Plan to secure the provision of new tree planting and other habitat creation through development and other land use change.

Flooding

The District Council has undertaken a detailed sequential test of all development sites proposed in LP2 to ensure that they will not lead to increased levels of flood risk either on site or elsewhere. The District Council works closely with the Environment Agency, Derbyshire County Councils as Lead Local Flood Authority (LLFA) in respect of flood risk and the County Council and other parts of South Derbyshire District Council in respect of emergency planning and flood prevention. The Council also regularly liaises with Severn Trent Water in respect of sewer flooding risk and capacity issues in respect of water supply and sewerage.

Sustainability Appraisal

The scope and detail of the Council's Sustainability Appraisal was established during a five-week consultation which commenced in November 2014. All statutory consultees were asked to make comment on the proposed scope of the appraisal and methodology.

The draft SA was published alongside the draft plan and was revised following that consultation for the Pre-Submission consultation.

Habitat Regulations

As previously noted the River Mease SAC is partly located in South Derbyshire. To assess the effect of likely development proposed in LP2, both alone and in combination with development the Authority has undertaken a Habitat Regulations Assessment. This concluded that growth would have no effect on the 'integrity' of the SAC either alone or when taking account of growth proposed in neighbouring Authorities. The Council has liaised with all relevant agencies in undertaking this assessment, both formally through consultation and informally through the River Mease Programme Board and Technical working group in undertaking this assessment.

Conclusion

South Derbyshire District Council has demonstrated that it has continued to cooperate constructively, actively and on an ongoing basis with all of the prescribed bodies and other local authorities; a process which has informed the preparation of the Local Plan Part 2.