



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

South Derbyshire

Local Plan Part 2 Duty to Co-Operate Compliance Statement



January 2017

South Derbyshire Changing for the better

Duty to Co-operate Statement

1 Introduction

- 1.1 The Duty to Co-operate (DtC) is referenced in section 33A of the Planning and Compulsory Purchase Act 2004 as amended by section 110 of the Localism Act (2011) and described further in the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).
- 1.2 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. Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plan.
- 1.3 The strategic issues that impact across local authority boundaries have been addressed in the Local Plan Part 1 with the exception of land to be allocated for the provision of Secondary Education Facilities. Nevertheless, South Derbyshire District Council (SDDC) has engaged with the 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 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 County Council.
- 1.4 This statement provides a summary of the actions taken under Duty to Cooperate in producing the Local Plan Part 2. It therefore supplements the March 2014 Duty to Cooperate Compliance Statement.
- 1.5 Whether DtC has been met will be determined by the Local Plan Inspector through the examination process.

2 South Derbyshire

- 2.1 South Derbyshire District Council’s development plan falls into two parts:

Local Plan Part 1 – adopted June 2016 and
Local Plan Part 2 – submitted January 24th 2017.
- 2.2 The Part 1 of the Plan sets the strategic policies including District housing and employment needs and allocates the required 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. The one strategic matter being considered by the Part 2 Plan is the allocation of land for the provision of secondary education facilities which is a Derbyshire County Council function that is best addressed through the District's Local Plan.

2.3 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 previous examinations in public. The formalised arrangements have continued to take place.

2.4 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.

2.5 The District Council worked closely with key stakeholders, service providers and statutory agencies on the adopted Part 1 for South Derbyshire District Council. Consultation has taken place according to the Statement of Community Involvement.

2.6 Consultation

2.7 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 (14th October 2016).

2.7 Pre-Submission Consultation responses

2.8 Through this consultation, compliance with the Duty to Cooperate not being met was raised as an issue by nine consultees. One raised the issue of Derby City's Green Wedges and the suggestion that additional criteria is required within policy BNE5 to address DtC whilst another raised the revised Swarkestone settlement boundary and that it has been drawn incorrectly to not include a piece of garden. The remaining seven comments relate to the proposed non-strategic allocation in Repton and its inconsistency with the emerging Neighbourhood Plan.

2.9 Additional information on the consultations undertaken on the Local Plan Part 2 can be found in the January 2017 Regulation 22 Local Plan Part 2 Consultation Statement.

3 Derbyshire County Council Matters

3.1 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 within the Derby Urban Area (not a cross boundary site) which we will continue to cooperate 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.

- 3.2 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.
- 3.3 Officers of the District, City and County have worked together over the last four years to start the development of a strategy to address secondary school place needs. This has included assessment of the level of growth within the District and City and also assessment of possible sites for allocation that has led to the County Council to request that the District Council notify two sites as possible secondary school sites within the Submission version of the Local Plan – these sites have been included as part of policy INF12.

4 Derby City and Amber Valley – Derby HMA

- 4.1 There are several development sites that are either cross boundary sites or are in close proximity to the City boundary which have been considered in collaboration with the City Council. There are many issues discussed but the two main issues are transport (including sustainable transport methods) and education as these two issues regularly require a cross boundary solution.
- 4.2 There is regular Officer contact with the City Council and Amber Valley and no comments have been received in regard to the Local Plan Part 2 from either Authority.
- 4.3 Officer meetings of the Derby HMA have continued to take place at less regular intervals to that which was required to inform the Part 1 Local Plan and the Strategic Plans of the Other HMA Authorities and an agreed position reached including how Derby's unmet housing need would be addressed.
- 4.4 Derby City is taking its Local Plan Part 1 to Full Council on the 25th January to seek approval for adoption. Amber Valley Borough Council withdrew their Plan in December 2015 and are now writing a new Plan and a draft version should be consulted on in March 2017. There has been no change to the agreed position of the Borough Council in terms of the HMA workings and in particular the continued agreement to meet a share of Derby's unmet housing need – 2,375 dwellings.

5 Other Neighbouring Authorities

5.1 Derbyshire Dales District Council

5.2 Derbyshire Dales is unable to meet all of its housing needs and therefore asked all surrounding Local Planning Authorities whether they would be able to accommodate some of the unmet need. South Derbyshire replied to the request to advise that they would not be able to assist given the stage the Local Plan had reached at the point and that an additional requirement of around 3,000 dwellings over and above the Districts objectively assessed needs was already being met and therefore at the time of writing it would be unable to assist. The Derbyshire Dales Local Plan has since been submitted and a Local Plan Inspector appointed to test the soundness of the Plan.

5.3 East Staffordshire Borough Council

5.4 The East Staffordshire Local Plan was adopted in October 2015.

5.5 There are no strategic issues that required consideration through the Local Plan Part 1 and no comments have been received regarding Local Plan Part 2.

5.6 Meetings are held around twice a year to give updates on major development sites and consider any other issues such as the Walton by-pass and education measures (mainly around the Hatton/Tutbury area).

5.7 North West Leicestershire District Council

5.8 Examination into the North West Leicestershire Local Plan started in January 2017.

5.9 Comments were received from North West Leicestershire regarding the proposed development of a site for a new football ground which a small part of which falls within North West Leicestershire. Changes were made through modifications to the Local Plan Part 1 to address the concerns raised. No comments have been received on the Local Plan Part 2.

5.10 Meetings are held around twice a year to give updates on the areas listed in the Statement of Common Ground that has been signed between the two Authorities (Appendix A).

5.11 Erewash Borough Council

5.12 Erewash Borough Council adopted their Core Strategy in March 2014.

5.13 There are no strategic matters between the Authorities and no comments have been received on the Local Plan Part 2. Discussions with Erewash are on an ad-hoc basis or as part of Derbyshire County Councils Planning Policy meeting for all Derbyshire Authorities and the Peak District National Park.

5.14 Lichfield District Council

- 5.15 Lichfield District Council adopted their Local Plan Strategy in February 2015.
- 5.16 The Strategic issue of the National Forest was considered through the Local Plan Part 1 and the other strategic matter is in regard to the River Mease which is as such an ongoing discussion and more detail is given later in the statement.

6 Neighbourhood Plans

- 6.1 There are currently no 'made' Neighbourhood Plans in the District area. There are two Parish areas that are pursuing Neighbourhood Plans – Melbourne and Repton. The District Council have worked with both Neighbourhood Plan groups in order to help them progress their Plans.
- 6.2 It is anticipated that Repton's Neighbourhood Plan will be submitted to the District Council in late January/early February. Whilst the Plan has not yet been submitted it is known that the Neighbourhood Plan will not include the proposed Local Plan Part 2 housing allocation within the Repton area.

7 Other Matters

7.1 River Mease

- 7.2 The District Council is working jointly with other adjacent planning authorities Lichfield District and North West Leicestershire District 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.
- 7.3 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.

7.4 The National Forest

- 7.5 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.

7.6 Flooding

- 7.7 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.

8 Sustainability Appraisal

- 8.1 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.
- 8.2 The draft SA was published alongside the draft plan and was revised following that consultation for the Pre-Submission consultation.

8.3 Habitat Regulations

- 8.4 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.

9 Conclusion

- 9.1 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.

APPENDIX A

Statement of Common Ground between North West Leicestershire District Council and South Derbyshire District Council

Introduction

This Statement of Common Ground has been prepared to identify areas of common interest between North West Leicestershire District Council and South Derbyshire District Council.

This statement intends to provide an agreed position based on ongoing discussions to demonstrate that authorities have complied with the Duty to Co-operate and the requirements of para 159 of National Planning Policy Framework and advice in National Planning Policy Guidance.





Matters Agreed

Officers and Members of the two authorities have agreed that the following areas have been and/or will be the subject of discussions between the two authorities:

- The National Forest/Heart of the National Forest
- The National Forest railway line
- East Midlands Airport
- The River Mease Special Area of Conservation
- Development around Woodville/Swadlincote/Albert Village
- Donington Park Race Circuit
- Flooding around and along the River Trent
- High Speed Rail 2 (HS2)
- Strategic Freight Rail Interchange issues
- Transport & highways improvements
- Strategic Green Infrastructure

In terms of housing, each Council believes at this point in time that respective SHMAs commissioned by the Authorities have taken appropriate account of housing markets extending beyond the respective administrative boundaries and that both Authorities will, based on current information, meet their own objectively assessed housing need.

The two authorities are committed to undertaking further liaison and discussion regarding the provision of housing to meet objectively assessed needs and also those other issues listed as part of their Duty to Co-operate as and when necessary.

| North West Leicestershire District Council | Date | Signature | Name and Position |
|--|-----------|---|--|
| | 28/9/16 |  | Cllr Trevor Pendleton Portfolio Holder for Regeneration and Planning |
| | 28/9/16 |  | Steve Bambrick Director of Services and Deputy Chief Executive |
| South Derbyshire District Council | | | |
| | 18/8/2016 |  | Cllr Peter Watson Portfolio holder for Environmental and Development Services |
| | 18/8/16. |  | Stuart Batchelor Director of Community and Planning |