

Legal Compliance

Has the Council complied with the Duty to Co-operate?

a) Has the Council engaged constructively, actively and on an on-going basis on strategic matters with neighbouring authorities and other prescribed bodies in the preparation of the Local Plan?

The Council's Duty to Cooperate (DtC) Statement (CD003) illustrates that, at all stages in the preparation of the Core Strategy, it has met the requirements of the DtC with regard to its engagement with neighbouring bodies and prescribed bodies. The Council feel that this, along with the general support for the plan from neighbouring planning authorities and bodies such as the Environment Agency, Highways England and Heritage England, demonstrates a clear adherence to both the intent of the DtC in terms of effective engagement and the legal requirements of the duty.

For clarity and completeness, we would draw the Inspector's attention to Appendix 1 of CD003 which provides a summary of how the Council engaged with 'prescribed bodies'; Appendix 2 which summarises how the Council engaged with service providers and Appendix 3 which shows how the Council engaged with neighbouring authorities. These should provide the necessary comfort sought on this issue.

b) Has the Council made every effort to secure the necessary co-operation on strategic cross boundary matters before the Local Plan was submitted for examination?

The Council's DtC statement (CD003) shows that the three HMA authorities have worked closely to secure the necessary cooperation on cross boundary strategic matters. The creation of the Derby HMA Joint Advisory Board and the HMA Co-ordination Group ensured both political and officer co-operation on strategic and cross-boundary matters were considered at every stage of the plan-making process. The HMA authorities have also had an aligned approach to the evidence base, with many joint pieces of work considering strategic cross boundary issues.

The clearest sign of this requirement being met, however, is through the HMA authorities' aligned strategy for the Derby Urban Area, where Amber Valley and South Derbyshire have agreed to meet some of Derby's needs within their administrative areas, including the identification of a number of cross-boundary strategic sites and infrastructure requirements.

This is also evidenced by the fact that the Derby HMA authorities have continued to sign up to various 'Statements of Continuing Joint Working'. The first of these was published in July 2013, with subsequent agreements being issued in October 2014, November 2015 and February 2016. This not only illustrates a long term commitment up to now, but also that this approach will continue into the future. The consistency of policies on cross boundary sites such as Boulton Moor, Wragley Way, Hackwood Farm and Infinity Park are also good indicators of having secured the necessary co-operation on cross boundary matters. The on-going collaboration toward the implementation of these sites should provide further comfort.

Has the local plan complied with other legal requirements?

c) Has the Local Plan been prepared in accordance with the Local Development Scheme?

At Submission the Local Plan was in accordance with Version 5 of the LDS (CD004). It is recognised that the dates for the Examination Hearings and Adoption set out in Version 5 are no longer accurate, though this was obviously outside of the Council's control. To address this, and to address all consequential changes to timetables, an updated LDS has been attached as Appendix 1 to this response for information and completeness.

d) Is the Local Plan in general accordance with the Statement of Community Involvement and public consultation requirements?

The Council's Statement of Consultation (CD012, CD013, CD014 and CD015) shows that, at all stages in the preparation of the Local Plan, the Council has met the requirements of the adopted Statement of Community Involvement (SCI). We would particularly refer the Inspector to Appendix 3 of CD012 and Appendix 2 of CD014 which illustrate how each consultation method used in a specific consultation accords with the consultation methods set out in the SCI. While the SCI was prepared under different regulations, it is still compliant and within the spirit of the current requirements.

e) Has the Local Plan been subjected to Sustainability Appraisal?

The plan has been subject to Sustainability Appraisal, as evidenced by documents CD007, CD008, CD009 and CD010 which were submitted on the 18 December 2016. This was produced by independent experts AECOM on behalf of the Council.

f) Has the Local Plan had regard to national policy?

It is clear from the MIQs that this issue will be addressed in more detail in relation to specific policies. However, at every stage the Council has tried to have full regard to both the general objectives of national policy but also to any specific requirements placed on the Council. We are confident that the policies are in general conformity with national policy and will meet the Government's objectives for planning.

It is also recognised, however, that national policy and guidance is changing at a very rapid pace and there are some areas where it is accepted that the plan as Submitted may no longer accord with the specific wording of the national policy even where it accords with the intent. The Council has already suggested a number of potential modifications that would address these issues and will be happy to discuss them at the relevant hearing sessions.

g) Has a Habitat Regulations Assessment been prepared?

As evidenced by document CD006, the Council has produced a Habitat Regulation scoping report which concluded that there was no requirement to carry out an Appropriate Assessment of the plan. This was produced by independent experts AECOM. The findings of the report were supported by the relevant statutory consultees.

h) Does the Local Plan comply with the 2012 Regulations (as amended), particularly in terms of consultation arrangements?

The Council's Statement of Consultation (CD012, CD013, CD014 and CD015) demonstrate that, at all stages in the preparation of the Local Plan, the Council has met the requirements of the 2012 Regulations (as amended). It is not considered necessary to repeat that information at length in this response.