



Derby City Council

COUNCIL CABINET
1 October 2014

ITEM 7

Report of the Cabinet Member for Planning,
Environment and Regeneration

Derby Core Strategy – Publication and Submission for Examination

SUMMARY

- 1.1 Consultation took place on the draft Local Plan Part 1 (Core Strategy) between October and December last year. This established a housing provision figure of 12,500 homes for Derby over a plan period of 2008 to 2028 and identified sites for development to meet this. It also included detailed policy wording on a wide range of topic policies covering regeneration, the economy, affordable housing, the city centre, shopping, transport, the environment and the River Derwent, including the 'Our City Our River' flood defence project. A summary of comments made and officer responses to these is attached as Appendix 2 and Members are asked to approve the responses to them. This document will be made available as part of the consultation on the Publication Plan and submitted to the Examination.
- 1.2 This report sets out the key issues facing the plan, including those raised through the consultation and seeks approval for a number of relatively minor changes that are being proposed for the next stage of the process which is formal Publication of the Plan followed by Submission and Examination. The majority of amendments made have been to make the policies clearer or rectify minor errors such as spelling mistakes. The main substantive changes to policy are described below. Many of the issues raised have been considered before, particularly those relating to housing need, scale of provision and the location of development sites proposed. Whilst many housing allocations, particularly those on greenfield sites, remain unpopular with local residents, the lack of alternatives means there is little flexibility in the plan. No significant changes are proposed. Those that are, deal mainly with the detail of policy wording. The main changes are highlighted in the report and a more detailed schedule of issues and proposed changes is set out in Appendix 3. Members are being asked to approve these for inclusion in the Publication Plan. They are also being asked to authorise the Cabinet Member for Planning, Environment and Regeneration, together with the Strategic Director for Neighbourhoods, to finalise the text for the Publication Plan and to make the necessary arrangements to Submit the Plan provided no significant new issues are raised. A 'track changed' version of the text is attached as Appendix 4. This illustrates the proposed changes in context.
- 1.3 One of the key tasks Local Authorities are required to undertake in drawing up their local plans is to assess their housing needs and to prepare a strategy for meeting these. Housing need was assessed across the three HMA authorities through a Housing Requirements Study and refined through the Strategic Housing Market Area study. Housing need for the City from 2008 to 2028 was assessed at 16,125 new homes.
- 1.4 In recognition that Derby cannot meet its housing needs in full, last year's draft plan set a housing provision figure, or target, of 12,500 new homes. The remaining 3,625 homes are to be met in South Derbyshire and Amber Valley, mainly as urban extensions to the City. At the same time, a further 3,000 homes are proposed in South Derbyshire as urban extensions to

the City to meet their own needs. This was justified on the basis of the sustainability advantages a city offers and because of Derby's economic growth ambitions. However, Members will recall that DCC informed South Derbyshire that it did not support the two additional reserve sites identified on the edge of the City in their draft plan, partly because it is considered that enough extensions to the city are now proposed. South Derbyshire has taken these comments on board and no are longer proposing these reserve sites. However, they are currently considering a planning application for a smaller scheme of about 300 homes on one of these sites to the west of Mickleover.

- 1.5 Amber Valley submitted their plan for Examination earlier this year and formal Hearings began in March. Early on in this process, the Inspector asked for some further work to be undertaken on the HMA housing need figure to take account of the latest thinking on how to assess need. As a result, he has advised that in order to have 'Sound' Plans, the HMA housing need figure should be increased by just under 1,500 homes and that the three authorities should decide between themselves how to distribute these. Derby remains unable to increase its housing target due to a lack of suitable land and South Derbyshire have also indicated they are unable to take more. Amber Valley is currently consulting on additional sites that would meet this additional need in full. This process has resulted in some delay to all three Authorities timetables, but has been necessary to ensure Sound Plans. The Amber Valley Inspector has also advised that the start of the plan period should be amended to 2011 rather than 2008. This is mainly to align the basis of the figures with the 2011 census. Members are being recommended to accept this technical adjustment which will not affect the amount of land that has to be identified.
- 1.6 Prior to 'submitting' the Plan to the Secretary of State for Examination, the Council must formally consult on it to give people an opportunity to comment on a number of 'Tests of Soundness'. This is different to previous consultations which were more informal and allowed people to make comments as they wished. The Examination is not intended primarily to consider people's objections to the plan, but rather to use comments to test whether it is Sound or not. Respondents will therefore be asked to relate their responses to these tests and to specify why they believe a Test of Soundness is not being met. Given their importance to the Examination, the report includes a short explanation of the tests. The Examination will also test whether the plan is compliant with a number of legal tests, such as the 'Duty to Cooperate' and has been subject to an appropriate 'Sustainability Appraisal'. These are also briefly explained in the report.
- 1.7 The Publication Plan is not a draft. It is what the Council considers to be finalised and 'Sound'. In accordance with the constitution it therefore needs to be approved by Full Council at this stage. It is intended that Full Council will consider the Plan at its 26th November meeting and that if approved, it will be Published for consultation as soon as practicable following this meeting and then Submitted to the Secretary of State in early 2015. Examination hearings are then likely to begin in the spring/summer of 2015.
- 1.8 Submission for Examination usually follows immediately after Publication, unless issues are raised which suggest otherwise. In addition to approving the plan for formal publication, Members are therefore also being asked to authorise the Cabinet Member for Planning, Environment and Regeneration and the Strategic Director for Neighbourhoods to make the necessary arrangements to Submit the Plan provided no significant new issues are raised. Representations made on the Publication Plan are forwarded to the Inspector.
- 1.9 Examinations are rigorous processes, requiring quick responses to the Inspector, and inevitably identify issues requiring a degree of clarification and modification. Members are therefore also being asked to authorise officers to offer minor changes to the plan for the consideration of the Inspector. If the Inspector agrees with these, they will need to be

consulted on after the Examination. More significant issues will be referred back to Cabinet.

RECOMMENDATION

- 2.1 To agree the responses to comments made on last year's Draft Plan as set out in Appendix 2.
- 2.2 To agree the changes to the draft plan as set out in Appendix 3 and the adjusted housing figures in Paragraphs 4.20 – 4.26 to rebase the start of the plan period from 2008 to 2011.
- 2.3 To authorise the Strategic Director for Neighbourhoods, in consultation with the Cabinet Member for Planning, the Environment and Regeneration, to finalise the plan for Publication and to undertake consultation on this from October onwards.
- 2.4 Following Publication, to authorise the Strategic Director for Neighbourhoods, in consultation with the Cabinet Member for Planning, the Environment and Regeneration, to submit the Plan for Examination, including making minor amendments to it.
- 2.5 To authorise officers to offer minor modifications to the Examining Inspector for his or her consideration.
- 2.6 To refer this report to Full Council.

REASONS FOR RECOMMENDATION

- 3.1 To consider comments made on the draft plan and to bring forward the start of the plan period to 2011.
- 3.2 To take on board comments made on the draft plan and to bring forward the start of the plan period to 2011 as advised by the Inspector Examining Amber Valley's Core Strategy.
- 3.3 To enable the text for the Publication Plan to be finalised.
- 3.4 To enable the plan to be submitted for formal Examination provided no new significant issues are identified through consultation on the Publication Plan.
- 3.5 To enable officers to quickly address issues of concern raised by the Inspector and allow for an efficient Examination process.
- 3.6 To authorise the Publication Plan.



Derby City Council

COUNCIL CABINET **1 October 2014**

Report of the Strategic Director for Neighbourhoods

SUPPORTING INFORMATION

Introduction

- 4.1 Last October, Cabinet approved a draft Core Strategy (now known as the Part 1 Local Plan) for consultation. That consultation has now taken place and, together with other evidence, has helped draw up the final version of the plan. A summary of comments made and officer response to these is attached as Appendix 2 and Members are asked to approve the responses to them. This will be made available as part of the consultation on the Publication Plan and submitted to the Examination. Cabinet is now being asked to approve the changes set out in Appendix 3 and to authorise the Cabinet Member for Planning, Environment and Regeneration, together with the Strategic Director for Neighbourhoods, to finalise the plan for formal Publication and Submission for independent Examination.
- 4.2 Once adopted, the 'Local Plan Part 1' will replace much of the City of Derby Local Plan Review (CDLPR 2006) and will be used as the main document to determine planning applications across the City. The Part 1 plan will not replace all of the CDLPR though. There will be a need to prepare a 'Part 2' Plan that will add more detail to city centre and other broad locations, such as the 'Our City Our River' area. It will also identify additional housing sites to meet the overall target in full, allocate land for other purposes, such as open space or wildlife sites and review remaining development management policies. It is anticipated that work will start on the Part 2 Plan later this year or early next year depending on the timescale and complexity of the Examination.
- 4.3 The formal Publication Plan is the final plan that the Council considers to be 'Sound' and ready for independent Examination. Publication allows respondents to make formal representations on it, but they are asked to address their responses to the specific 'tests of soundness' that the plan will be examined on. Representations will be forwarded to the Examining Inspector once appointed, together with the Council's observations on these. Approval is being sought to automatically Submit the Plan for Examination unless consultation on the Publication Plan identifies any significant new issues.

The Examination

- 4.4 The Examination is held by an independent Inspector appointed by the Secretary of State for Communities and Local Government. It begins as soon as the Plan is Submitted, but will include a period of face to face hearings before the Inspector writes their report. Its aim is to determine whether the Plan is legally compliant with relevant law and satisfies a number of 'tests of soundness'. If found 'Sound', it is referred back to the Council for adoption, usually with modifications which must be consulted on again. Inspectors will normally hold preliminary discussions with local authorities prior to these formal hearings beginning. These are to identify any issues of concern or where more information is required. In some cases, where the Inspector has serious concerns about a plan's 'soundness' from the outset, Council's will be asked to undertake more work prior to the hearings beginning or even suspend or withdraw their plan entirely.

- 4.5 Amber Valley submitted their plan for Examination earlier this year and formal Hearings began in March. Early on in this process, the Inspector asked for some further work to be undertaken on the HMA housing need figure to take account of the latest thinking on how to assess need. As a result, he has advised that in order to have 'Sound' Plans, the HMA housing need figure should be increased by just under 1,500 homes and that the three authorities should decide between themselves how to distribute these. Derby remains unable to increase its housing target due to the lack suitable land and South Derbyshire have also indicated they are unable to take more. Amber Valley is currently consulting on additional sites that would meet this need in full. This process has resulted in some delay to all three Authorities' timetables, but has been necessary to ensure Sound Plans.

Legal Compliance

- 4.6 The Inspector will first test whether the Plan meets a number of legal tests. These include a requirement for the plan to have been properly consulted on in line with the Council's 'Statement of Community Involvement', that it has been subject to a formal Sustainability Appraisal (SA) and for the new 'Duty to Co-operate' (DtC) to have been met.

The Statement of Community Involvement

- 4.7 A great deal of both formal and informal consultation has been undertaken in drawing up the plan. It is considered that consultation has been compliant with current regulations and the SCI, although in some cases current regulations differ from those in place when the SCI was drawn up.

The Sustainability Appraisal

- 4.8 The preparation of a separate Sustainability Appraisal of the Core Strategy is a legal requirement of the process in order to fulfil obligations under the Strategic Environmental Assessment Directive (SEA). It is a technical document that assesses the sustainability implications of the Plan and suggests ways in which issues may be mitigated. It is prepared alongside the Plan itself and helps inform the final strategy by assessing the sustainability credentials of the different policy options considered.
- 4.9 The Council has commissioned URS consultants to prepare the SA report and a draft was considered alongside the Draft Plan last year. Very few comments were raised about it. The SA does indicate that there will be some negative impacts resulting from the planned growth, and helps to understand these better and identify suitable mitigation. The implications for the SA have been considered when making changes to the Plan and the SA itself will be updated and consulted on alongside the Local Plan. A draft of this is available as a Background Paper.

The Duty To Co-operate

- 4.10 The Localism Act of 2011 places a 'Duty to Co-operate' (DtC) on Councils preparing their Local Plans, with both other Councils and public bodies. It is a two way process, so DCC is expected to co-operate with relevant bodies in preparing its own local plan but also with other Councils preparing theirs.

- 4.11 The main DtC issue facing DCC is that the Council is not able to meet all of its housing need within its administrative boundaries. It therefore needs to look to its neighbours to provide some of this. The main mechanism by which this has been addressed is through the Derby Housing Market Area (HMA). The City Council has worked closely with Amber Valley Borough and South Derbyshire District Councils, as well as with Derbyshire County Council. This work has been steered by the Derby HMA Joint Advisory Board which consists of senior officers and Members. This is complemented by an officer level HMA Co-ordination Group which meets fortnightly to steer the detail of policy work. There are also a number of topic working groups looking at issues such as housing, the economy, drainage and flood protection, highways and transportation. Other work is carried out on an entirely local authority basis.
- 4.12 Whilst most work has been with HMA partners, a close relationship has also been maintained with the Nottingham HMA, especially Nottingham City and Erewash. The Nottingham HMA is not looking to the Derby HMA to meet any of its housing need, nor is the Derby HMA looking to Nottingham HMA. A partial refresh of an assessment of the Nottingham-Derby Green Belt Study, originally undertaken for the Regional Plan, has confirmed that green belt to the east of the City is especially sensitive and valuable to the function of the green belt. Nottingham, Broxtowe, Erewash and Gedling have recently had their plans found 'Sound'.
- 4.13 Other authorities and statutory bodies that have also been engaged with include the Environment Agency, Highways Agency, English Nature, English Heritage, Severn Trent Water and other utility companies.
- 4.14 Derbyshire Dales District Council has asked several local authorities, including DCC, if they are able to meet part of their assessed housing need. As the City is not able to meet its own needs in full, Derbyshire Dales has been informed that DCC is not able to do so. Amber Valley and South Derbyshire have also responded that they are unable to meet part of Derbyshire Dales' housing needs.
- 4.15 The 'Duty to Co-operate' is a complex and sensitive matter and is currently a major reason for plans failing. Nevertheless, the Derby HMA authorities have undertaken a great deal of work in this area and it is considered that this is sufficient to demonstrate that the 'Duty to Cooperate' has been met.

The Tests of Soundness

- 4.16 The formal plan submitted for Examination should, in the Council's opinion, be 'Sound'. The Examination is intended to test this and the plan will either be found 'Sound', 'Sound with some Modification' or 'Unsound'. Inspectors are only able to recommend relatively modest modifications and so Councils with a plan likely to be found 'Unsound' are usually encouraged to suspend or withdraw their plans beforehand.

4.17 To be 'Found Sound', a local plan must be:

- **Positively prepared:** based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- **Justified:** It should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.
- **Effective:** It should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.
- **Consistent with Government policy:** It should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.

4.18 It is considered that the final plan recommended for Publication and Submission is Sound.

Key Issues

4.19 This section aims to identify the key issues that affect the Core Strategy and whether or not the Council has met the requirements of the 'tests of soundness'. This includes, but is not restricted to, issues raised in last year's consultation.

Housing Need

4.20 Last year's draft plan was based on an assessed housing need for Derby of 16,125 homes out of an assessed need for the HMA authorities as a whole of 35,354. This figure emerged through a Housing Requirements Study and a refresh of the Strategic Housing Market Assessment. Comments received on last year's draft plan were similar to those made on the previous Preferred Growth Strategy. Arguments are still being put forward that the assessed housing need is too low and should be increased.

4.21 At the request of the Inspector examining Amber Valley's Local Plan, additional housing projections for the HMA were produced to take account of current guidance on the assessment of migration rates and the size of households. Following this work, the Inspector has advised that the HMA housing need figure should be increased by 1,474 homes to 36,828. Derby's need has actually risen by 1,776 homes to 17,901, whilst that of the other two authorities has slightly fallen. The Inspector has suspended Amber Valley's Examination whilst these and other concerns are addressed.

4.22 The Amber Valley Inspector has also recommended that the plan period for the Core Strategies is brought forward to 2011 rather than 2008. This is partly to reflect the passage of time and partly to make them consistent with the latest assessment of housing need which uses 2011 census data. Although potentially confusing for a while as the numbers will be different, it is a sensible technical adjustment which Amber Valley has accepted and which DCC Members are being recommended to accept. It makes no difference to the amount of land that needs to be identified going forward.

4.23 On this basis, the objectively assessed housing need for the Derby HMA between 2011 and 2028 is adjusted to 33,388 homes of which Derby's need is 16,388.

Housing Provision

- 4.24 Local Authorities are expected to develop a strategy to meet their assessed housing needs in full. Where, as is the case in Derby, the Local Authority cannot achieve this within its own boundaries, it is expected to work with its neighbours to do so under the 'Duty to Co-operate'. The draft version of Derby's Core Strategy made provision for 12,500 homes, which is lower than the identified need due to the lack of suitable sites within Derby's tightly drawn administrative boundaries. The remaining housing need is being met by Amber Valley and South Derbyshire.
- 4.25 The housing provision figure of 12,500 homes in the draft plan was for the 2008 – 2028 plan period. No increase to this is being proposed due to the lack of suitable sites within the City's administrative boundaries. To take account of the Amber Valley Inspector's advice to change the plan period to 2011 – 2028, this figure is adjusted to 10,987 by subtracting the number of homes built between 2008 and 2011 (1,513). This gives an adjusted provision figure of 10,987 for the 2011 – 2028 period, although Members are being recommended to round this up to 11,000 for simplicity. This leaves a shortfall of just under 5,000 homes which is being met outside the City's boundaries by Amber Valley (2,665) and South Derbyshire (2,736). This provides slightly more than the shortfall if Derby's target is rounded up.
- 4.26 To help meet the additional housing need advised by the Inspector, and to address other concerns he has about their land supply, Amber Valley is consulting on a number of additional sites. These include 400 homes off Kedleston Road, Allestree and an extension to the existing site off Radbourne Lane, Mackworth to provide an additional 70 homes in addition to the 530 that already has planning permission. These will contribute to that part of Derby's need being met by Amber Valley the remainder being met as part of a strategic site proposed at Denby.

5 year Housing Land Supply

- 4.27 Local Plans are required to be able to demonstrate a 5 year supply of housing land at the point of adoption. 5 year supply is calculated by dividing the housing provision figure (less completions to date) by the number of years remaining in the plan period and multiplying this by 5. Failure to demonstrate this, along with failure to objectively assess housing needs and engage with the 'Duty to Cooperate', are the most common reasons for failure of plans at Examination. As part of the Government's aim to 'boost significantly the supply of housing land, the NPPF also requires an additional 5% to be added to this or 20% if an authority has persistently undersupplied in the past and to make provision for any past under provision within the 5 year period. Officer view is that DCC has not persistently undersupplied in the past and so 5% is more appropriate than 20%. Nevertheless, it is considered that a 5 year supply could still be demonstrated if an Inspector were to apply the 20% factor instead.

Location of new development

- 4.28 Last year's draft plan resulted from a significant amount of consultation. As with the previous stages of the Plan, a large number of comments on the consultation related to the proposed allocation of greenfield sites for housing. Many of these were from residents raising concerns about the impact of growth on the surrounding area, loss of greenfield land and concerns over what infrastructure will be put in place to support development. Impact on local roads, road safety and school provision were the main areas of concern. Concerns were also raised over the loss of green wedges, impact on the environment, landscape and visual intrusion, wildlife and biodiversity and increased risk of flooding and drainage difficulties.

- 4.29 Given the limited supply of potential sites, there is little flexibility in the strategy chosen within Derby. The strategy does seek to prioritise brownfield regeneration land, but also recognises that there is not enough of this land that is deliverable within the plan period to meet all needs. Whilst it is recognised that some of these sites will be unpopular with local residents, the Council must bring forward land to help meet its assessed housing need.
- 4.30 The consultation also resulted in a number of additional sites being put forward to the Council for consideration. It is not proposed to include any more sites for allocation in the Part 1 Plan as this would necessitate further consultation before Publication and Submission and result in delay. However, they will be considered further, together with other options, through the Part 2 Plan which will need to identify additional sites.

Amendment to boundaries of the allocated Boulton Moor site

- 4.31 Site promoters have requested an amendment to the boundaries of this site to better reflect the planning application that is currently being considered. They argue that the suggested site is more appropriate in terms of the topography of the site. This is acceptable in principle and would actually result in a lesser impact on the existing green wedge than is currently the case. The proposed amendment is shown on Map 1 at the end of this report.

Brook Farm, Chaddesden

- 4.32 Earlier this year, Planning Control Committee refused planning permission for residential development on this site, which was included as an allocation in last year's draft plan. The refusal was related to access arrangements rather than to the principle of development. It is not proposed therefore to remove the allocation from the plan. An appeal has been made against this decision, though not determined at the time of writing.

Viability, infrastructure and deliverability

- 4.33 To be 'Found Sound', the plan must be deliverable within its plan period to 2028. The Examination will look closely at sites included within the strategy to ensure that they are likely to be developed over the plan period and that the infrastructure and other planning obligations placed on them are reasonable and not likely to hinder their development. As part of this, the Inspector will want to satisfy him or herself that the sites in the strategy are financially viable and that planning obligations will not make them unviable.
- 4.34 The HMA authorities have commissioned two viability reports to date. One, prepared by Peter Brett Associates, provided baseline data on general viability. This set the context for formulating policies in the Draft Plan. Further work has been commissioned from 'National CIL Services' to help the Councils decide whether to proceed with the Community Infrastructure Levy or not. This report is not complete yet, but has already provided useful data to help support policies on issues such as affordable housing. Both reports indicate viability challenges, particularly in the current economic climate, which will need to be addressed as the plan is implemented.

- 4.35 The proposed growth generates a substantial need for new infrastructure, particularly relating to highways and school places. Key infrastructure issues include:
- The Southern Derby Integrated Transport Link (SDITL)
 - At least one new Secondary School within the Derby Urban Area
 - The 'Our City, Our River' flood mitigation scheme
 - New primary schools and other community facilities on large strategic sites
 - Contributions to expanded education and community facilities
 - On and off-site highway improvements
 - On and off-site open space provision
- 4.36 The Council is required to prepare an 'Infrastructure Delivery Plan' (IDP) which sets out the necessary infrastructure needed to support delivery of the plan over the first 5 years. This has been developed through discussions with utility providers, health providers, the emergency services and such organisations as the Environment Agency and Highways Agency. The IDP will be consulted on alongside the Publication Plan and is available as a Background Paper.

South Derby Integrated Transport Link

- 4.37 The aligned strategy requires delivery of Phase 1 of a new 'South Derby Integrated Transport Link' connecting the 'T12' road from the A50/A514 (Bonnie Prince Charlie island) into the proposed housing site in South Derbyshire to the south of Wragley Way, Sinfen. A further extension of this road westwards onto Rykneld Road, Littleover is identified as a longer term objective. This road was the single most beneficial mitigation scheme in the testing of transport mitigation options to support the Core Strategy, especially when delivered in full. The detailed alignment of this link has not yet been defined, although most of it will be in South Derbyshire.
- 4.38 As well as mitigating the impact of proposed growth in this area, the road will have wider benefits by improving the performance of the existing road network, providing better route choices, reducing queuing and facilitating sustainable transport choices.
- 4.39 Construction of Phase 1 is estimated to cost £14million (plus land costs) and this is unlikely to be met by developers alone. To secure external funding, the City, County and South Derbyshire Councils are promoting a bid for about £6 million to the D2N2 LEP for external funding through the LGF (Local Growth Fund), although this was not successful in the first round. Opportunities will continue to be pursued to implement Phase 2 of the link, between Stenson Road and Rykneld Road.

Education provision

- 4.40 The plan requires new housing development to make contributions to primary and secondary education needs, either as extensions to existing schools or provision of new schools depending on the size and circumstances of the site. The aligned strategy drawn up with South Derbyshire also indicates that one or two new secondary schools will be needed, either within the City or South Derbyshire. This will be in addition to expansion of existing secondary schools over the plan period to cater for projected needs of the existing population. Comments were received on the draft plan that it should identify a site for a new secondary school or schools. However, this is a complex matter that requires careful consideration. Further work is being undertaken by both the City and County Education Authorities to determine the most appropriate strategy, including the location of any new secondary school or schools. The precise site or sites for a new secondary school or schools will therefore be taken forward through the Part 2 Local Plans.

Sewer Capacity

- 4.41 Discussions with Severn Trent Water indicate constraints in sewer capacity in southern Derby. The Environment Agency has also highlighted concerns over particularly foul sewer capacity in southern Derby. Whilst they recognise that Severn Trent has built two new combined sewer overflows, they do not consider these to be sustainable solutions. The Agency is particularly concerned that development in and around southern Derby will exacerbate existing problems and reduce water quality in the Derwent.
- 4.42 Severn Trent Water has a statutory obligation to accommodate the impact of development on the sewerage system. They have responded to these issues by setting aside some £1.9 million to provide improved sewerage capacity over the plan period and are currently investigating the most appropriate way forward. They intend to draw up specific proposals in co-operation with local authorities, the Environment Agency and developers as sites come forward. It is understood that the Environment Agency is satisfied with this approach. The plan also requires the use of Sustainable Drainage Systems (SuDS) to ensure that surface water is dealt with on or immediately off site, thus reducing impact on drainage and sewerage infrastructure.

Our City Our River (OCOR)

- 4.43 The Draft Plan contained policies supporting the implementation of the OCOR masterplan. This support is continued into the Publication Plan, but has been updated to reflect the current position. The new policy also introduces the idea of developers actually implementing the new defences rather than simply incorporating them into designs and also suggests that the Council will investigate options for recouping some of the associated costs from beneficiaries of the scheme, through Part 2 of the Plan.

Topic Policy Key Issues

- 4.44 This section covers a number of key issues on topic policies and the main proposed changes to last year's draft.

Affordable Housing

- 4.45 The National Planning Policy Framework requires local authorities to assess their affordable housing needs and to identify a strategy in their local plans to meet these. This includes setting a target for the percentage of affordable homes to be provided through new development secured through Section 106 Agreements. Last year's draft plan set out a target of 30%, based on viability work undertaken for the plan. Comments on this have requested that the target is lowered, though housing strategy colleagues would like to see it increased or phrased in a way that allows for a higher percentage to be secured when site viability improves.
- 4.46 The SHMA assesses Derby's affordable housing need over the five year period between 2012 and 2017 as 4,647 new homes. It is much more difficult to forecast likely need over a longer period because of the number of variables involved. Nevertheless, it estimates Derby's overall affordable housing need from 2012 to the end of the plan period in 2028 as just over 10,000. These do not all have to be built as new homes; they could be existing properties made available to meet affordable needs, for instance through the private rented sector. Furthermore, whilst the planning process, through Section 106 Agreements, is an important contributor to meeting affordable housing needs, it cannot realistically be expected to meet these in full.
- 4.47 In the pre-recession period of 2004-2008, an average of 28% affordable homes on sites of 25 or more dwellings was secured through Section 106 Agreements. But in the post-recession period of 2008-2013, this had fallen to 16% on sites of 15 dwellings or more. This suggests that 30% is a justifiable upper limit target for a period of higher economic activity, but not for a period of downturn as we are currently experiencing. This evidence is supported by recent site viability work which suggests that a 30% target affordable housing target, with no other Section 106 requirements, is only viable on some sites. Virtually no sites would be currently viable with a target of more than 30%. Furthermore, this viability work does not consider all the other infrastructure requirements such as schools, road improvements and public open space.
- 4.48 Whilst the evidence suggests that a 30% target is likely to be challenging in the current economic climate, setting a lower target to reflect current economic circumstances runs the risk of not securing adequate levels of affordable housing once the economic situation improves. The policy as drafted allows for viability issues and competing planning objectives to be taken into account, so this would allow for flexibility in negotiation, especially in the early years of the plan. In some recent cases, whilst lower levels of affordable housing have been accepted to encourage development, claw back mechanisms have been worked into agreements to secure increased contributions in the event of development taking place in improved economic conditions. So whilst comments seeking a lower target are acknowledged, it is considered that the current approach set out in the draft plan offers the best overall approach to balancing the needs of helping to meet assessed affordable housing needs and providing flexibility, particularly in the short term, to ensure development proposals are not hindered.

- 4.49 There is also a need to consider whether future circumstances might justify a target above 30%. This would require a partial review of the local plan and need to be based on robust evidence. Whilst this is not a specific policy issue for the current local plan, inclusion of a statement to this effect will make clear DCC's commitment to maximising the provision of affordable housing through the planning system. The following wording is therefore recommended for inclusion in the supporting text to Policy CP7 (Affordable and Specialist Housing):

"The Council will continue to monitor affordable housing needs and the most appropriate target to be secured through Section 106 Agreements. The affordable housing target will be reviewed through a partial review of the Local Plan if evidence of changes in market conditions indicates this to be appropriate."

- 4.50 Comments were also received that the policy should make reference to 'affordable rent' as well as other forms of affordable housing, such as social and intermediate rent. It is accepted that the NPPF states that homes for 'affordable rent' should form part of the affordable housing policy. Furthermore, our recent viability work indicates that increasing the proportion of 'affordable rent' compared with 'social rent' improves the viability of schemes. The existing draft policy sets out a specific requirement for affordable housing to be 80% 'social rent' and 20% 'intermediate rent' which is arguably too prescriptive. An amendment is therefore recommended to policy to include reference to 'affordable rent' and to remove the specific 80/20% mix to allow greater flexibility for negotiation on a case by case basis.

Regeneration of Communities

- 4.51 The draft plan included a policy entitled 'Regeneration Priorities'. This was quite a general policy that included the City Centre, strategic employment locations, a number of proposed housing sites, the Derwent Valley and a number of communities. On reflection, the importance of regenerating priority communities is a little lost in this wide ranging policy. Other areas, such as the City Centre and proposed housing and employment sites already have their own policies which identify regeneration objectives. It is therefore proposed to rebrand this policy as 'Regeneration of Communities' as follows:

"The Council will encourage the sustainable regeneration of the City's older urban areas and outer estates to make them more attractive places to live and work in and to improve the quality of life of their residents. This will be achieved through community centred regeneration projects and investment to improve social and economic vibrancy.

The Council will give priority to the following locations:

- The Osmaston Regeneration Area (AC14)
- The 'Our City Our River' area (AC8)
- The Derwent Estate
- Rosehill/Peartree
- Defined District Shopping Centres

Proposals that may prejudice the regeneration of the above locations will be resisted."

A minor change is also suggested to the 'Osmaston Regeneration Area' to include buildings to the east of Osmaston Road, to the south of Osmaston Park Road and an area of land currently being used by 'Derby Skillbuild'. This has been done to reflect the current thinking of the Osmaston Vision Delivery Board and to bring in areas that may benefit from being within the policy area. This will mean that these buildings or organisations can benefit from the regeneration objectives and improvements envisaged for the area. The changes are shown on Map 3.

Self Build

- 4.52 Comments on the draft plan included a request to make specific provision for self-build and custom-build housing schemes. This is certainly something that Government is encouraging and making provision for it is now a requirement of the NPPF. However, there is little evidence of any significant demand for self build in Derby that would justify restricting, or partially restricting, allocated sites to this particular form of development. There is also a concern that reserving a proportion of larger development sites for self and custom build may delay the development of the site, especially if demand is not high. So whilst some local authorities are exploring policies that require a proportion of new housing land to be reserved for such development, this is not being recommended. Instead, an addition to Policy CP7 (affordable and specialist housing) is proposed that will encourage self and custom build plots on suitable sites, but not to require a specific proportion to be reserved.

Code for Sustainable Homes

- 4.53 The draft plan required Code Level 4 for residential development and BREEAM 'good' or 'very good' standards for commercial buildings subject to the development being viable. This meant that new homes and commercial buildings would be required to be constructed to a minimum specific standard in terms of use of energy, water, materials and waste. These standards went beyond current requirements in the existing Building Regulations. However, the viability work has identified these two sustainability requirements as major reasons for reducing site viability. The National Planning Policy Framework requires that when setting any local requirement for a building's sustainability, local authorities adopt national standards. It is therefore not thought that these higher code levels can be justified as well as a 30% affordable housing requirement and so it is being recommended to remove them from policy. Building Regulations will continue to be used instead. The new policy draft will require developers to deliver the most sustainable form of development achievable which will allow for flexibility in negotiation.

Sprinklers

- 4.54 The Derbyshire Fire Service have requested that the plan make a more overt reference to fire sprinklers, an issue which is strongly supported by many Members. Whilst the internal arrangements of new housing is something that is normally dealt with through the Building Regulations rather than planning policy, this has become more of a grey area in recent years with the development of accessibility policies. The draft plan does not prevent the negotiation of sprinklers in appropriate situations and these have been included in a number of recent schemes.
- 4.55 It is not considered that the plan could require the inclusion of sprinklers in all new homes, partly because it is mainly an issue for the building regulations and partly because it may affect the viability of schemes. Provision of sprinklers may, for instance, be at the expense of other important planning considerations, including affordable housing. That said, modern sprinkler systems do offer significant benefits to reducing the risk of loss of life and serious injury through fire and should be encouraged where appropriate. There is also some emerging evidence that the cost of sprinklers can in part be off-set, at least in some situations, by reduced costs of alternative fire proofing mechanisms such as not requiring fire doors as well. More work is needed to assess the costs and benefits of sprinklers in different situations to help target the most effective situations to seek their installation. To allow for a flexible approach to take into account different circumstances, the following wording is recommended for inclusion into Policy CP3 'Placemaking':

"The Council will... encourage developers of residential proposals to install sprinkler systems where feasible and viable to do so in order to ensure that properties provide adequate safety throughout the occupiers' life".

Economic Prosperity

- 4.56 The Draft Local Plan allocated four strategic employment sites and locations; Infinity Park, the Derwent Triangle and Derby Commercial Park (Raynesway) and the City Centre. There has been a broad level of support for this approach and thus it is not suggested that either the approach to the economy or the allocation of sites should change. Specific comments have been made about issues relating to the development of these sites, including environmental and highways implications which are already appropriately addressed within the policies. Since consultation on the Draft Plan, the Council has indicated that it wishes to become the preferred location for the new HS2 Academy. In light of this, and in order to demonstrate the Council's support for the project, it is recommended that reference is made within the Plan to the Council's willingness to grant permission for the Academy on one of the strategic sites.

Higher Education Policies

- 4.57 The plan carries forward a 'Derby University and Further Education Policy' from the CDLP Review. This supports the activities of the University at its 'Main Campus', within a defined 'University District' broadly between Kedleston Road and Ashborne Road and within other sustainable locations. It also refers to the University Technical College on Pride Park. However, it does not fully recognise the growing importance of Derby College. For this reason, an amendment is proposed to the policy to extend support to the College's activities, primarily at its campuses on Pride Park and Joseph Wright Centre. Other suitable locations, such as the City Centre, would also be supported. The two campuses will be defined on the Proposals Map and these areas are shown on Map 2.

City Centre

- 4.58 The Part 1 Plan promotes the vitality and viability of the City Centre both in terms of its role as a retail, commercial and leisure destination, but also as a place to live. The Plan sets out what the Council expects from developers in terms of land use and design, but it also establishes what the Council will itself do. This includes investment in streets and spaces and investment in the cultural offer.
- 4.59 The Plan encourages city centre living. It indicates a minimum of 1,700 new dwellings coming forward on a range of important regeneration sites, such as Castleward, the DRI and the former Friar Gate Goods Yard. It also encourages better use of underused floorspace above shops and offices. It identifies a number of regeneration opportunities that might be suitable for both residential, office or a mix of uses. Some of these will be dealt with in more detail in the Part 2 Plan.
- 4.60 Policies for the City Centre also recognise the changing nature of the retail market. A greater level of flexibility is promoted within 'primary frontages' than in the CDLPR, with a wider range of uses being permitted subject to the function of the frontage not being undermined. Outside primary frontages a very flexible approach is being taken. The Plan also recognises that in some more peripheral areas, such as Green Lane, the need for further diversification may lead to a considerable change to their current role and function. However, the plan also sets out a fairly restrictive approach to other parts of the centre, including the Cathedral Quarter, to help maintain their special character within the local market. For example, Policy AC3 indicates that only 'banks and building societies' within the 'A2' Use Class would be permitted in the Cathedral Quarter, thus excluding bookmakers or 'money shops'. Whilst the Government's proposed changes to 'permitted development rights' will make it more difficult to control the nature of uses across the City Centre, the Plan at least establishes what type of Centre the Council wishes to see.

- 4.61 There has been a fairly high level of support for the aims and objectives of the Plan with regard to the City Centre and so proposed changes to the Draft Plan are fairly minor. In the main, they have been designed to ensure that the Plan properly reflects the current context and appropriately reflects the role of the BID companies.

Retail Impact Assessments

- 4.62 The Plan maintains the existing hierarchy of shopping centres and seeks to ensure that new development does not undermine them. One way of assessing this is for developers to prepare a retail impact assessment of their proposals. The NPPF states that these impact assessments should only be required for schemes of 2,500m² or more unless the Local Plan sets out a different figure. The draft plan identified a threshold of 1,000m². There are currently a number of retail permissions for edge-of-centre and out-of-centre retail uses and pressure for superstores across the City. It is therefore considered that there is a case to maintain this lower threshold to enable the cumulative impact of several smaller schemes to be assessed.

Out-of-Centre Shopping and Defined Centres

- 4.63 As with existing Local Plan policy, last year's draft plan required existing out-of-centre locations to be considered for new retail *before* other locations. An objection has been received that this goes beyond current national guidance as set out in the NPPF. This point is accepted, but its retention is more likely to support sustainable development, particularly in an urban area such as Derby. No change is therefore recommended. The general policy of promoting the vitality and viability of District and Neighbourhood Centres continues to be the priority of the Plan, with policies designed to ensure that new development would not undermine them. This includes ensuring that development *within* centres should support the vitality of centres. The plan is not specific about the types of land use which are acceptable, but maintains that they should be compatible with the 'scale, role, character and function' of the centre.

General Transport Policy

- 4.64 The Draft Plan sets out general policies designed to promote a balanced approach to transport; recognising the need to promote sustainable development and seeking to increase the use of public transport, cycling and walking. It is recognised that the levels of growth proposed will lead to increased traffic across the City and there may not always be solutions to this. This is a consequence of growth. However, the policies do try to ensure that development proceeds in accessible locations and provides appropriate on-site and off-site works to mitigate impacts where possible. The policies also support measures already in place that should improve the situation over time, including the delivery of the A38 grade separation scheme (implemented by the Highways Agency) and major improvements to the A52. The A52 scheme is particularly important in helping to relieve traffic problems on Pride Park. The policy also seeks to support new park and ride schemes, the implementation of the strategic cycle network and the Rights of Way Improvement Plan. Furthermore, it sets out the Council's support for the electrification of the Midland Mainline and HS2.

- 4.65 Whilst some comments suggested that the Plan concentrates too much on promoting the car, there was still a broad level of support for the aims of the transport policies. Only minor changes are recommended to improve clarity. The Highways Agency did raise some concern about development to the west of the A38, suggesting that there may be capacity issues ahead of completing the A38 grade separation scheme. They suggested that development to the west of the A38 should be phased until 2021; when the A38 scheme should be complete. However, there is insufficient evidence to impose such a condition on allocations in that part of the City. The HA have provided no specific evidence of a ‘tipping point’ at which development would be unacceptable and thus it is concluded that normal Development Management policies relating to transport impact can be used to consider the implications for the strategic road network as and when planning applications are considered.

Public Open Space

- 4.66 The Part 1 Plan (Core Strategy) sets out the overarching policy for public open space, including the standards that will be used to negotiate open space as part of new developments. The existing City of Derby Local Plan Review (2006) includes a target of 3.8ha per 1000 population and strong protection for existing open space. However, this policy is no longer consistent with national planning policy as set out in the NPPF or with actual practice over recent years. In particular, more emphasis is now placed on the quality of open space as well as quantity and on greater flexibility and on greater flexibility in the way open space is secured and maintained.
- 4.67 The draft policy included in last year’s consultation was based on an assessment of open space carried out in 2010 and on consultation carried out in 2012 which set out three approaches to open space. These were:
- continuing to use the City of Derby Local Plan policy of protecting all public open space unless an assessment clearly shows land is surplus to needs and maintaining the existing standard of 3.8ha per 1000 people.
 - allowing greater flexibility for the development of existing open space, for instance for development the local community wants even where there is no surplus. This approach could help improve the quality of existing open space.
 - reducing the amount of new open space within new housing and at the same time seeking more financial contributions to improving the quality of existing public open space.
- 4.68 35 responses were received to this consultation. These strongly supported the retention of the current provision of 3.8 hectares per 1000 population, but views were more mixed about increasing flexibility to allow for development of open space in some circumstances. Reducing the amount of new open space whilst seeking financial contributions to improving existing open spaces was less well supported with most respondents either not agreeing with it or expressing no preference. Respondents strongly supported the proposal to provide alternative types of open space, such as more natural and semi-natural greenspace, and it was recognised that there is still a need to provide facilities for children and young people.

- 4.69 These responses helped draw up the draft policy consulted on last year. It retains a strong commitment to protecting existing open space, the current standard of 3.8 ha per 1000 population and requires new housing developments to provide for open space. It maintains the policy to only allow loss of open space where an assessment shows this is surplus to needs, but also reflects national policy in allowing for this where the open space is replaced with an equivalent of better alternative or for an alternative sports or recreation use, the need for which outweighs loss of the open space.
- 4.70 In addition to the standard of 3.8 ha per 1000 people, the policy also allows other, more qualitative considerations to be taken into account when considering whether open space is surplus. These are the accessibility of public green space in the locality, the function of the public green space in question and opportunities for meeting localised deficiencies and improving overall quality through rationalisation. The draft policy also includes flexibility to allow for either the provision of new open space as part of residential developments or financial contributions, depending on the merits of the particular case. This has also become established practice over the years as it allows for the quality of open space to be taken into account as well as the quantity. Whilst this approach was not well supported in the 2012 consultation, improving quality of existing open space can be a better way of addressing open space needs of new developments rather than just providing more land in all cases. Nevertheless, the policy does need to be carefully applied to ensure that new housing areas do have good access to open space and this remains a key part of the policy.
- 4.71 The policy does therefore include a degree of flexibility to look at how valuable a particular area of open land is in meeting that function and to consider whether open space quality overall could be improved through the development of some areas and the improvement of others. To this end, the plan states that the Council will undertake a strategic review of public green space to assess the overall provision across the City and explore opportunities to rationalising this to create qualitative improvements that addresses existing deficiencies.
- 4.72 No significant objections were received on last year's draft open space policy. Indeed, Sport England and Natural England both supported it. No change is therefore proposed.

Green Belt

- 4.73 The Derby-Nottingham Green Belt was assessed as part of the former Regional Plan and this was partly revisited through the current Local Plan work. This confirms that the Green Belt on the eastern side of Derby is a particularly sensitive part of it. This has been a major factor in not looking for strategic land releases in eastern Derby or across the boundary in Erewash. Consequently, the Local Plan does not seek to amend any of the existing boundaries of the Green Belt which will be retained and incorporated into the Part 2 Plan. Members may be aware of developer interest at Borrowash across the border in Erewash, although no proposal is included in their Local Plan.

- 4.74 A minor change to the Green Belt boundary in Spondon has been requested to facilitate redevelopment of the Asterdale Sports Centre. Planning permission has already been granted for the redevelopment of this site, consideration of that application taking into account the status of the land as Green Belt. Removing the site from the Green Belt altogether would be likely to increase flexibility for further development options, but would also be likely to increase visual harm to the Green Belt. The promoter of this change believes that this part of the Green Belt could be amended whilst maintaining a sensible and defensible boundary. However, as noted above, the site does lie within a particularly sensitive part of the Green Belt.
- 4.75 Amending Green Belt boundaries should be pursued through the Core Strategy (Part 1 Plan) and so it would not be appropriate to deal with issue through the Part 2 Plan. However, particularly as this land lies within a sensitive part of the Green Belt, any reduction to it should be carefully tested and consulted on, something that it is considered to be inappropriate to introduce at the formal Publication Plan stage. It is considered that a more appropriate way forward is to retain the land within the Green Belt and to consider applications on their merits, including impact on the Green Belt and other material considerations such as the economic, environmental and social advantages of any scheme.

Parking

- 4.76 Throughout the preparation of the Plan, the Council has received representations from local businesses and developers suggesting that parking policies have been too restrictive, particularly in relation to office parking within the City Centre. A bespoke consultation on parking policies took place in 2012. The results of this led to a revised approach to parking, as set out in the Draft Plan. This proposed the removal of the current 'City Centre Parking Area' as defined in the CDLPR and that all commercial development should be considered against the same standards.
- 4.77 Last year's Draft Plan also removed residential parking standards so that each case can be judged on its particular merits. This recognises that parking requirements for residential development will depend on the nature of the proposal and the character of the area. Existing parking standards for commercial development are maintained, but may be reviewed in the Part 2 Plan. These changes are being carried forward into the Publication Plan.

Rykneld Road and Manor Kingsway

- 4.78 These two residential led sites are being carried forward from the City of Derby Local Plan Review and include elements of business use in order to foster sustainable development. Comments received on the draft plan have requested that the business elements of both sites are removed, in order to allow for more housing. It is recognised that national policy does ask local authorities to consider the residential potential of existing and proposed business land. However, national planning policy also strongly supports sustainable development, which is the reason for the element of mix in these sites. It is not therefore proposed to amend the policy as requested as some business use on these sites should remain an objective. If sound reasons are offered that demonstrate business uses are unlikely in these locations over a reasonable time period, the planning process has sufficient flexibility to deal with this.

Reserve Sites around the City in South Derbyshire

- 4.79 Members' will recall that South Derbyshire District Council included a policy for a reserve site in their Draft Plan last year. Three candidates were identified as possible locations for this, including land adjoining the City boundary at Newhouse Farm, Mickleover and Lowes Farm, Chellaston. A third option was at the 'Woodville Regeneration Site' near Swadlincote. DCC responded to this by stating that it does not support either of the reserve sites adjoining Derby and if SDDC were minded to identify one, it should be at Woodville. South Derbyshire has now dropped the proposal for a reserve site from their Publication Plan, although the issue could be pursued by developers through the consultation on that document and at Examination or through planning applications. South Derbyshire are also considering an application for 300 homes on part of the land to the west of Mickleover, undetermined at the time of writing.

Consultation and Next Steps

- 4.80 Publication is a formal stage of consultation and the process for undertaking this is set out in regulations as well as in the Statement of Community Involvement. It will run for 6 weeks.
- 4.81 The Publication Plan, Sustainability Appraisal and other relevant background documents will be made available at the Council House and libraries around the City. These documents will also be available to view on the Council's website. All Members and Strategic Directors will be emailed about the consultation and given links to the publicity material. Previous consultees and other key stakeholders will be written to and a range of publicity material, such as press adverts, posters and newsletters, will be used to inform people about the consultation. Neighbourhood Boards and Forums and the Diversity Forums will be consulted and provided with written information about the plan, links to the documentation and advance notice of any associated events.
- 4.82 A considerable amount of consultation has been undertaken over the last few years in drawing up this plan. This has included a large number of local 'drop-in' events and attendance at Neighbourhood Boards and Forums. There is therefore already a great amount of awareness across the City about what the plan is proposing. As a result, and considering reduced staff resources, it is not proposed to undertake a large number of localised 'drop-in' events this time round. Instead it is proposed to hold one or two City Centre events that will focus on changes from last year's draft plan, the Examination and how to make comments on soundness issues. A guidance document on the 'Tests of Soundness' will also be provided on the web and with paper response forms. Responses will be treated in accordance with the Data Protection Act.

OTHER OPTIONS CONSIDERED

- 5.1 Government now advises Local Authorities to prepare a single Local Plan rather than the suite of different documents of the Local Development Framework. Delaying Publication to produce a single Local Plan was considered but would result in too much delay and uncertainty on key planning issues. Instead, a Part 2 Local Plan will be progressed and, once both are adopted, will be combined with the Part 1 Plan (Core Strategy) to form a single Local Plan.

This report has been approved by the following officers:

<p>Legal Financial</p> <p>Human Resources Estates/Property IT Equalities Health & Safety Environmental Sustainability Property & Asset Management Risk Management</p> <p>Service Director(s)</p>	<p>Janie Berry, Director of legal & Democratic Services Amanda Fletcher, Head of Finance – Neighbourhoods & Chief Executives Office</p> <p>Liz Moore, Strategic HR Business Partner Christine Durrant, Director of Planning and Property Services Nick O’Riley, Director of Information Systems Tariq Iqbal, HR Advisor Adrian Jeffs, Health & Safety Team Leader Andrew Waterhouse, Spatial Planning Group Manager</p> <p>Richard Boneham, Head of Governance and Assurance</p> <p>Christine Durrant, Director of Planning and Property Services</p>
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<p>For more information contact:</p> <p>Background papers:</p> <p>List of appendices:</p> <p>Maps</p>	<p>Andrew Waterhouse 01332 642124 andrew.waterhouse@derby.gov.uk</p> <p>SA Scoping Report Draft Sustainability Appraisal Regulation 18 Report of Consultation Draft Infrastructure Delivery Plan SHLAA update Housing Requirement Study 2013 SHMA refresh Site assessments Brownfield Land Assessment HMA Viability Assessment Employment Land Review Townscape Character Assessments - Derby Transport Modelling – broad locations Strategic Green Infrastructure Strategy Derby Green Wedges study Green Belt refresh – partial review of study undertaken for RSS SFRA1</p> <p>Appendix 1 – Implications Appendix 2 - Summary of Responses to 2013 Consultation on Draft Part 1 Local Plan (Core Strategy) Appendix 3 – Schedule of changes proposed to last year’s draft Plan for Publication Appendix 4 – ‘Track Changes’ version of Publication Plan text, highlighting changes set out in Appendix 3 Appendices 2, 3 and 4 are available on CMIS.</p> <p>Map 1 – Amendments to the proposed housing allocation at Boulton Moor Map 2 – Defined areas of Derby College sites at Pride Park and Joseph Wright Centre. Map 3 – Amendments to the ‘Osmaston Regeneration Area’</p>
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IMPLICATIONS

Financial and Value for Money

- 1.1 Costs of preparing the Core Strategy are being met through the Spatial Planning budget and remaining growth point funding. Costs of the Examination in Public and remaining work on the Sustainability Appraisal, currently estimated at £120,000, will be met from the Local Plan Reserve.

Legal

- 2.1 The preparation of a Core Strategy is a statutory requirement as is the Duty to Cooperate with other parties on strategic issues we hold in common pursuant to the Planning & Compulsory Purchase Act 2004 as amended by the Localism Act 2011. A key strategic issue for the City under the duty is that it cannot meet its future housing needs entirely within its own administrative area.
- 2.2 Informal consultation on all the draft documents to date has informed the preparation of a finalised version of the Part 1 Local Plan (Core Strategy) for independent Examination. This is the version of the Plan the Council considers final and sound. The Town and Country Planning (Local Planning) (England) Regulations 2012 require this to be formally published for consultation prior to submission for Examination as prescribed in the Regulations.
- 2.3 The Examination in Public will consider whether the Plan is legally compliant with appropriate legislation, including the 'Duty to Cooperate' and has been subject to an appropriate Sustainability Appraisal. It will also consider whether the Plan meets the 'Tests of Soundness'.

Personnel

- 3.1 This is a major work item within the Plans and Policies team of Spatial Planning Group.

IT

- 4.1 The strategy seeks to take advantage of opportunities to promote digital inclusion and work towards a smart city focus for new developments, for example by encouraging high speed broadband ready homes, offices and workplaces; supporting the development of wireless networks and facilitating the use of telemetry systems when and where these are appropriate.

Equalities Impact

- 5.1 Locations with better accessibility to a range of shops, services and public transport will be more socially inclusive than those more reliant on the private car. The focus on regeneration will help improve older and more deprived areas. Policies are included to secure infrastructure and social facilities as part of developments as well as affordable housing and lifetime homes.

Sustainability and Equalities Impact Assessments are being prepared as part of the plan making process and will be available for the Examination.

Health and Safety

- 6.1 Consultation arrangements and venues will be assessed from a health and safety perspective.

Environmental Sustainability

- 7.1 Environmental, social and economic sustainability lies at the heart of national planning policy and is a central part of the emerging Core Strategy. The preparation of a separate Sustainability Appraisal of the Core Strategy is a legal requirement of the process in order to fulfil obligations under the Strategic Environmental Assessment Directive. This technical document will be consulted on at the same time as the Core Strategy.

Property and Asset Management

- 8.1 Some land identified for development is owned by the Council.

Risk Management

- 9.1 If the plan is found to not comply with either the legal tests or the tests of soundness it will fail. Depending on the precise issues, this could lead to a suspension of the plan for up to 6 months requiring further work or a full withdrawal likely to lead to delay of at least a year. Suspensions of plans are currently quite common.

Risk factors have been minimised through monitoring other Authority's Examinations and exchanging good practice and experience through networking with other Authorities. Furthermore, a considerable amount of evidence has been developed to underpin the strategy and alternative approaches considered as these are both tests of soundness that many local authorities fail to adequately meet. We are working closely with a range of partners on matters of common interest to ensure we meet the statutory 'duty to co-operate'. We have also undertaken a 'mock review' with a senior Inspector to identify areas of potential risk and addressed these. As a result of all this, risk of being found unsound has been reduced as far as is possible.

Corporate objectives and priorities for change

- 10.1 The Core Strategy will contribute to securing all of the Derby Plan priorities, particularly a thriving sustainable economy, a strong community and an active cultural life.