

Agenda Item No. 4(c)

**DERBYSHIRE COUNTY COUNCIL**

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND  
INFRASTRUCTURE**

**1 December 2015**

Report of the Strategic Director – Economy, Transport and Environment

**CONSULTATION ON DERBY CITY LOCAL PLAN – PART 1: CORE  
STRATEGY PRE-SUBMISSION**

(1) **Purpose of Report** To agree Derbyshire County Council's (the Council) response to Derby City Council's (the City Council) statutory consultation on the Derby City Local Plan – Part 1: Core Strategy Pre-Submission (CSPS).

(2) **Information and Analysis**

**Background**

The City, Amber Valley Borough (AVBC) and South Derbyshire District Councils (SDDC) are working together, assisted by the Council, to prepare aligned Core Strategies/Local Plans for their areas but to differing timetables. The Amber Valley Local Plan/Core Strategy was submitted to the Secretary of State in December 2013 and an Examination in Public (EiP) was held between March and April 2014. The South Derbyshire Local Plan/Core Strategy was submitted in July 2014 and an EiP held in November 2014. Both EiPs are scheduled to resume in December 2015, following additional work carried out by the two councils to address a number of 'soundness' concerns raised by the Inspectors.

The City Council prepared the CSPS following consultation on the Derby City Local Plan – Part 1: Draft Core Strategy (DCS) in October 2013. The CSPS also incorporates various recommendations made by the Amber Valley and South Derbyshire Local Plan Inspectors following the EiPs above, which affect the City and wider Housing Market Area (HMA) (see 'officer's Comments' below). The Council submitted extensive provisional officer comments on the DCS, dated 19 December 2013, which were subsequently agreed at the Meeting of the Cabinet Member for Jobs, Economy and Transport on 11 February 2014 (Minute No. 28/14 refers). The comments expressed broad support for the policies and proposals but identified a number of issues and concerns about some policies, which the City Council was requested to address. The comments also identified various outstanding issues that

required further collaborative working between the Council and City Councils, AVBC and SDDC, especially concerning the transport impacts, education provision needs and other infrastructure requirements associated with the proposed strategic housing and employment growth sites identified in the DCS. These particularly related to those sites which crossed, or adjoined, the administrative city boundary with SDDC.

The CSPA sets out:

- the broad Spatial Strategy for development growth over the Plan period;
- the City Council's Core Development Principles;
- Areas of Change, which includes policies that relate to specific areas of the City, where regeneration and growth is being promoted;
- details of how growth will be delivered over the Plan period; and
- how the Plan's policies will be monitored.

The Spatial Strategy sets out the Plan's proposals to make provision for a minimum of 11,000 new houses in the City between 2011 and 2028 (see below). Strategic locations for housing and employment growth are proposed at the following locations, with specific allocations identified in the Areas of Change Section:

- The City Centre - 2,200 homes and 100,000 square metres (sq m) of office space;
- River Derwent Corridor - 92 hectares (ha) of employment land;
- Osmaston and Sinfen - 1,780 homes and 86 ha of employment land;
- Littleover, Mackworth and Mickleover - 2,385 homes;
- Boulton and Chellaston - 1,100 homes;
- Chaddesden and Oakwood - 475 homes.

The Core Principles section sets out policies for the promotion of sustainable development, climate change, regeneration of communities, housing delivery, Gypsies and Travellers, economic development and employment, the city and district centres, retail, leisure and tourism, Green Infrastructure and Green Wedges, education, and transport. The Strategic Implementation section sets out the City Council's support for the implementation of the A38 Grade Separated Junctions Scheme, T12 Highway Scheme, South Derby Integrated Transport Link (SDITL) Phases 1 and 2, and a range of other infrastructure schemes to support proposed growth.

Provisional Council comments were submitted on the CSPA, on 23 October 2015, to meet the City Council's statutory consultation deadline. A copy of these comments can be made available on request (see Section 6 below). A summary of the comments is provided below.

### **Local Member Comments**

Local County Councillors with electoral divisions in Amber Valley Borough, Erewash Borough and South Derbyshire District were consulted on the CSPS. No comments were received.

### **Officer Comments**

#### **General Comments on the CSPS**

Overall, the strategy for future growth is broadly supported and is largely consistent with the requirements of the National Planning Policy Framework (NPPF). Since 2009, the Council has worked in partnership with the City Council, AVBC and SDDC to assist and support them in preparing their Local Plans/Core Strategies through:

- Officer representation on the Derby HMA Core Strategy Coordination Group (CSCG) and other officer topic working groups, particularly on education and transport;
- Member and officer representation on the Derby HMA Joint Advisory Board (JAB); and
- jointly commissioning an extensive and comprehensive range of evidence.

Overall, it is welcomed and supported that many of the comments and issues raised by the Council on the DCS have been appropriately addressed by the City Council in the CSPS, with new or expanded policies, or additional supporting and explanatory text. Since the Council made those comments, extensive joint working has taken place between the four HMA authorities to resolve many of those outstanding issues identified above, particularly relating to the transport impacts and education provision needs associated with the proposed strategic housing and employment growth sites identified in the CSPS.

#### **Duty to Cooperate Matters**

Full support is expressed for Policy CP1a: Presumption in Favour of Sustainable Development, and Policy CP1b: Placemaking Principles for Cross Boundary Growth. These policies set out the City Council's commitment to work collaboratively with neighbouring authorities to:

- achieve coordinated and well-designed development with appropriate infrastructure delivered in a timely manner through joint working with neighbouring authorities;
- thoroughly assess the traffic impacts of development and mitigate adverse impacts; and
- produce agreement on appropriate mechanisms to secure developer contributions (including pooled contributions) towards new and improved infrastructure to support development.

## **Broad Strategy for Growth**

The overall broad Spatial Strategy for future growth in the City is supported, which proposes to:

- make provision for 11,000 new dwellings and 199ha of employment land, that will meet the objectively assessed housing and employment needs of the City up to 2028 (see below);
- maximise development on brownfield land;
- protect the Nottingham – Derby Green Belt, important Green Wedges and the Derwent Valley Mills World Heritage Site (DVMWHS); and
- make provision for strategic scale housing and employment sites on the edge of the City as sustainable urban extensions.

## **Housing Comments**

The level of future housing provision proposed for the City of 11,000 new dwellings up to 2028 is supported as set out in Policy CP6. This would meet Derby City's contribution to the overall objectively assessed housing needs (OAHN) of the Derby HMA of 33,388 dwellings up to 2028, agreed by both Inspectors who presided over the Amber Valley and South Derbyshire Local Plan EiPs in 2014, and also agreed by the four HMA authorities through the joint working of the CSCG and JAB.

The Policy identifies a range of 15 strategic housing sites, which are proposed to be allocated in the Plan to provide for 7,200 dwellings. A number of these are cross boundary allocations with adjoining allocations identified in the South Derbyshire Submission Local Plan. Officers from the Council's Children and Younger Adults Department have continued to work jointly with officers of the City Education Authority in order to:

- assess the implications for school place planning provision of the proposed strategic housing sites on the edge of the City; and
- prepare the South Derbyshire Secondary Education Strategy (SDSES) which, in relation to the above, is assessing the implications of these strategic sites on secondary school provision and considering a range of locational options for the provision of a new secondary school in South Derbyshire to meet the school place planning needs of future pupils generated by them.

Since the Council commented on the DCS, the Council and City Highways Authorities have jointly commissioned and received completed transport modelling works to assess the highways impact implications of the strategic sites, both individually and cumulatively, on the strategic and local highway network (see below).

Policy CP7: Affordable and Specialist Housing is supported, which sets out the City Council's commitment to adopt a flexible approach to the level of

provision of affordable housing that will be required with new housing development. It is particularly welcomed that the Policy now recognises the potential impact that affordable and specialist housing may have on the level of funding available for other infrastructure and the ability to provide infrastructure that is critical to support the strategy. Clarification is required, however, on how this Policy would relate to a Community Infrastructure Levy (CIL), should the City Council introduce one.

### **Green Belt and Green Wedges**

The broad approach to Green Belt policy set as out in Policy CP16c, is fully supported, which sets out the City Council's commitment to retain the principle of the Nottingham – Derby Green Belt and protect it from harmful and inappropriate development. However, given the strategic importance of the Green Belt, it is recommended that the City Council should include a specific and separate policy for the Green Belt in the CSPA, which sets out the City Council's commitment to retain and protect it, and provides more detailed criteria for the range of uses that would be appropriate and inappropriate uses in the Green Belt.

The policy approach to the designation and protection of Green Wedges is supported. Historically, the Council has been supportive of the importance of the designation and protection of Green Wedges in the City through policies in Derbyshire Structure Plans, the Derby and Derbyshire Joint Structure Plan and City of Derby Local Plans.

### **Employment Issues**

Policies CP9 and CP10 are fully supported, which seek to deliver a thriving and sustainable economy in the City and make provision for 199ha of new employment land up to 2028. Appropriate reference is made in the supporting text to the economic vision and growth aspirations of the Derby, Derbyshire, Nottingham and Nottinghamshire Local Enterprise Partnership (D2N2 LEP) in its Strategic Economic Plan (SEP), which includes the creation of 55,000 new jobs in the LEP area by 2023. The level of employment land proposed at 199ha is well above the City's objectively assessed needs based on extensive evidence but would provide a degree of flexibility in the land supply and help facilitate the City Council's overall strategy for ambitious growth set out in the CSPA.

### **Transport**

The Council and City Councils' Highway Authority officers have worked together for some considerable time to consider the highways impact implications of proposed future housing and employment growth within and around the City. This joint working has included the commissioning by both Councils of extensive transport modelling works for the Derby Urban Area (DUA) and wider Derby HMA, using the Derby Area Transport Model (DATM), which are now completed.

Most of the strategic sites in the CSPA were included in the transport modelling works above. Consequently, the Council and City Highways Authorities have a reasonable level of understanding about the likely impact of future development growth upon the local and strategic road network around Derby. Both Highway Authorities will continue to work with the relevant Local Planning Authorities (LPAs) to develop mitigation strategies to address this impact. These will include localised measures to achieve improvements to the road network, together with more significant infrastructure requirements, which could include a new SDITL, as identified in the CSPA. From a transportation perspective, the Council is supportive of the City Council's CSPA. To this end, the County and City Highways Authorities, together with AVBC and SDDC, have produced a Joint Position Statement on transport matters covering the DUA.

### **Gypsies and Travellers**

The approach to the assessment of, and provision for, sites for Gypsies and Travellers in Policy CP8 is supported and is in accordance with the requirements of the NPPF. It is welcomed that appropriate reference is made in the Policy's supporting text to the Derby, Derbyshire, Peak District National Park and East Staffordshire Gypsy and Traveller Accommodation Assessment 2014 (GTAA), which was recently undertaken by consultants on behalf of the Council, City and all the District and Borough Councils in Derbyshire, the Peak District National Park Authority and East Staffordshire Borough Council. The GTAA will provide important evidence which will inform the overall level of pitch and plot provision for Travellers that will need to be made by the City Council in Part 2 of the Local Plan.

### **Retail and Leisure Comments**

It is welcomed and supported that the City Council has addressed concerns expressed by the Council on the policy approach to out-of-centre retailing in the DCS, with revised wording to the Policy, which seeks to ensure that the vitality and viability of town and district centres in neighbouring areas outside the City will be protected from potential harmful impacts of large out-of-centre retail and leisure developments.

### **Landscape Comments**

It is welcomed and supported that most of the comments and concerns expressed by the Council on the policy approach to landscape and landscape character in the DCS have been addressed by the City Council in the CSPA. This particularly relates to proposed employment allocation sites within the River Derwent Corridor. It remains a concern, however, that the Council's comments on the DCS, relating to the need for the Plan to consider the wider context for the River Derwent and countryside to the south and east of the urban fringe of the City, and embrace the Trent Valley Vision and Strategy (developed by the Lowland Derbyshire and Nottinghamshire Local Nature

Partnership), have not been addressed in the CSPA. Those comments are therefore reiterated.

### **Derwent Valley Mills World Heritage Site**

It is particularly welcomed and supported that the CSPA recognises the importance of the DVMWHS, with a separate section, setting out the historical context and background to its designation and a specific policy criterion in Policy AC9. The Policy appropriately recognises the Outstanding Universal Value (OUV) of the DVMWHS and importantly seeks to preserve, protect and enhance the special character, appearance and distinctiveness of the area, in line with the DVMWHS Management Plan. The list of criteria for assessing development proposals within the DVMWHS are considered to be appropriate and are particularly supported.

### **Infrastructure Comments**

The overall policy approach to infrastructure provision set out in Policies CP1a, CP3 (i), MH1 and CP21, is welcomed and supported. These Policies, in particular:

- recognise the importance of the delivery of new communications infrastructure to strengthen the City's economy;
- seek to develop a network of high quality and accessible Green Infrastructure;
- seek to make best use of existing infrastructure and to fully integrate and coordinate new development with investment in, and provision of, new infrastructure;
- set out the City Council's commitment to work with neighbouring authorities and partners to secure developer contributions (including pooling where appropriate) towards improved and new infrastructure to support development; and
- recognise that, to meet the school place planning needs to serve the scale of housing growth in and around the south and south-eastern edge of the City, a new secondary school located in South Derbyshire District is likely to be required, which would be complemented by extensions to existing secondary schools in the City and South Derbyshire.

Concern is expressed, however, that the CSPA does not recognise Derby's importance as a cycling City, and that the Plan does not identify the strategic network of off-road paths and trails that cross the City, and link to the rest of the Council's network. The City Council is requested to address these concerns.

**(3) Financial Considerations**

associated with this report.

There are no financial considerations

(4) **Legal Considerations** The recommendation in this report is made in the context of the County Council's responsibilities and services under the provisions of the Localism Act 2011 and the Planning and Compulsory Purchase Act 2004.

### **Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(5) **Key Decision** No.

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details – Steve Buffery, extension 39808.

(8) **OFFICER'S RECOMMENDATION** That the Cabinet Member authorises officers to respond formally to Derby City Council on its consultation on the Derby City Local Plan – Part 1: Core Strategy Pre-Submission, as described in the report, with additional officer comments as appropriate.

**Mike Ashworth**  
**Strategic Director – Economy, Transport and Environment**