



Draft notes of meeting of Derby HMA Joint Advisory Board

15 October 2024

Amber Valley Borough Council Offices, Town Hall, Market Place, Ripley

2.00 pm – 4.00 pm

Chair – Councillor Shiraz Khan (DCC)

Welcome and introductions

Amber Valley Borough Council

Matt Bowers, Interim Planning Policy Manager (MB)

Andrew Johnston, Planning Policy Officer (AJ)

Derby City Council

Councillor Shiraz Khan (Cllr SK)

Paul Clarke, Chief Planning Officer (PC)

Jonathan Pheasant, Planning Policy Officer (JP)

Richard Carruthers, Planning Policy Officer (RC) – minute taker

Derbyshire County Council

Steve Buffery, Team Leader – Policy & Monitoring (SB)

South Derbyshire District Council

Councillor Alistair Tilley (Cllr AT)

Steffan Saunders, Head of Planning & Strategic Housing (SS)

Apologies for absence.

Councillor Emma Monkman, Amber Valley District Council (Cllr EM)

Councillor Stephen Taylor (Cllr ST)

Councillor Tony King (Cllr TK)

Steve Birkinshaw, Head of Planning & Regeneration, Erewash Borough Council (SBI)

Oliver Dove, Planning Policy and Regeneration Manager, Erewash Borough Council (OD)

The meeting commenced with some initial discussion around the implications of the proposed changes to the Standard Method for calculating housing needs, as set out in the

recent government consultation. Overall, DCC's need goes down and both AVBC and SDDC's figures go up. Net position is an overall increase of circa 400 pa across the HMA. MB noted that PINS advice to AVBC is to carry on based on submitted numbers.

Amber Valley Update

MB confirmed that the AVBC plan was submitted to the SoS in July and that two Inspectors were appointed within two weeks.

Informal questions / points of clarification were received from the Inspectors and answers have been sent back – available on the examination webpage.

A more formal set of questions was received soon after and a response was sent back to the Inspectors by the 11 October deadline. This will also be made available on the examination webpage.

Key points from the Inspectors questions of interest to the HMA relate to:

- Windfalls
- Details of individual sites
- Trajectory
- Strategy for meeting Derby's unmet needs
- Brun Lane allocation

In terms of the issue of meeting Derby's unmet needs, MB confirmed that at the time of drafting, there was insufficient certainty about the magnitude of unmet needs and no agreement on where or how they should be met. AVBC sought to overcome the issue by allocating 1,320 at Brun Lane. However, MB confirmed that AVBC are confident that there is flexibility in their supply to help meet needs from elsewhere.

MB also stated that the AVBC plan also includes an early review mechanism, which is likely to be triggered on adoption.

Discussion moved on to the proposed Brun Lane allocation where MB confirmed that the housebuilder had made contact in late September to confirm that they are no longer interested in the site and that the land owner is no longer seeking to promote the land for development. However, it was later confirmed that the landowner may be interested in releasing a smaller area and keeping the residual for agriculture.

MB stated that the Brun Lane site remains a good site and the SLR work confirms this. AVBC are committed to its delivery and have submitted a bid to government for support to help with delivery. The Leader of the Council has confirmed that they would be willing to use CPO if necessary to ensure delivery and this has been confirmed to the Inspectors. It therefore remains part of the supply going forward.

MB is comfortable if Brun Lane slips back in the trajectory, that there is a healthy supply in the shorter term to make up for it.

CLlr AT asked how likely it is that CPO powers will need to be exercised. MB confirmed that it is unlikely, but that AVBC has experience and would be willing, if necessary, particularly as housebuilders are interested in the site. MB suspects that there is a deal to be done outside of the CPO process, but that Homes England may be interested in assisting given the strategic nature of the site.

JP clarified that the 1,320 stated as meeting Derby's unmet needs is part of a proposed bigger allocation, with additional homes to be built beyond the end of the plan period.

PC suggested that there needs to be greater clarity in the way in which the flexibility margin is framed, to be clearer that it is also meeting Derby's unmet needs, over and above the 1,320 specifically referenced in the submitted plan.

In terms of updating the numbers and trajectory, MB explained that commitments have now moved to completions, but the change to the windfall allowance reduces the overall flexibility margin. However, the overall supply has been boosted (post April) by permissions and live applications, which have in essence topped up the headroom.

South Derbyshire Update

SS confirmed that SDDC have now published their Regulation 18 plan for consultation.

A drop-in session was held at Mickleover Court hotel, which was well attended and constructive. The main concerns raised by residents related to the need for cross border coordination and the need to consider infrastructure provision.

SS made clear that SDDC are committed to ensuring that new development in the urban fringe is beneficial to communities on both sides of the boundary.

The draft plan makes provision for just under 15,000 new homes across 17 years. This includes a contribution of circa 5,600 towards meeting Derby's unmet needs, based on Derby being capped at 12,500 and AVBC having a flexibility margin of >2,500.

SS confirmed that the plan is not explicit about which sites contribute to meeting Derby City's housing need, but the SLR work has confirmed that its sensible and sustainable to ensure that unmet needs are met within the urban fringe.

The plan introduces two new urban extension allocations, to the south of Chellaston (as an extension to the proposed Infinity Garden Village) and land to the west of Mickleover.

SS went on to outline some of the features of the proposed allocation to the west of Mickleover, including green buffering around existing settlements and green corridors, notably along the A516 boundary. SDDC are in the process of commissioning detailed design review of the two new allocations and confirmed that HMA partners will be included in this process.

PC suggested that there will need to consideration of the land within DCC, adjacent to the boundary, along the Hollow, as it may be needed as part of the GI network – but this can be

picked up as part of the design review process. PC also suggested that it would be beneficial to include DCC members in the masterplanning work.

There was a general discussion around the benefits of masterplanning strategic sites comprehensively to ensure that infrastructure is provided and to provide comfort to existing residents.

Cllr AT asked whether there is likely to be resistance to the proposed allocation west of Mickleover. PC confirmed that there is likely to be local opposition, but that Members will need to be brought on board as part of the process, particularly as the SLR work points to this location as broadly sustainable. Cllr SK acknowledged that difficult decisions will need to be made.

Cllr AT explained to the group that SDDC members had recently visited a housing site in Leicester where it has been successfully developed around GI principles. SDDC are keen for lessons to be learnt from sites such as this in designing the new urban extensions. Ultimately, SDDC will be pushing for the highest quality possible.

SB explained that provision of educational facilities to serve the new allocations will require cross boundary discussion / cooperation. Both will require new primary facilities, but no new secondary will be required under current position.

Cllr AT made clear that infrastructure needs to be developed alongside housing as opposed to afterwards. Developments should also be phased to ensure that early phases are close to existing facilities.

There was general discussion around the difficulties in delivery infrastructure, particularly when delivery is outside of the control of Council's.

Derby City Update

PC advised that DCC continues to have significant staffing issues, having recently lost two key members of staff. In light of this, PC suggested that the schedule of HMA meetings be rationalised to enable him to attend more regularly.

PC advised that DCC are commissioning various pieces of evidence to support the development of a new plan, including SFRA, Green Wedge Review (potentially including assessment of Green Belt too) and viability work.

In terms of Derby's capacity work, PC confirmed that DCC remain capped at 12,500, as agreed by JAB and following independent review and scrutiny by AECOM.

PC confirmed that DCC will be publishing a capacity position statement that will provide an overview of the process undertaken to reach the 12,500 figure. However, it will not get into the detail of individual sites as this is likely to be procedurally prejudicial, with working assumptions having not been assessed or subject to SA. Recent advice from PAS has confirmed this to be a sensible approach.

Cllr AT asked whether the reluctance to publish was down to staffing issues. PC confirmed that it was more related to the risk of being found unsound, due to procedural shortcomings.

SS agreed that the publication of a position statement will be helpful, however there is significant pressure from SDDC members to see the full work. SS stated that SDDC are keen to explore how a position can be established that enables the full release of the work, particularly with members.

PC acknowledged the concerns and stressed the need for trust between HMA partners. PC confirmed that once potential sites have been subject to SA, the procedural risks will reduce.

Cllr SK reiterated that there is a concern about identifying specific sites at this stage, as it's likely to create unnecessary distractions and set hares running, in terms of speculative applications.

On the flip side, SS stressed the need for SDDC members to scrutinise the capacity work if they are to agree to a strategy that meets a significant proportion of Derby's unmet needs. SS went on to highlight that this a major issue with no obvious route map to publication. The more detail that can be provided in the position statement, the better from a SDDC perspective. SDDC intend to submit during 2025 so the information needs to be published before submission.

Cllr AT made the point that SDDC wouldn't be allocating the additional sites if it wasn't for Derby's unmet needs.

Cllr SK acknowledged the need for the detailed evidence to be published at an appropriate point in time but stressed the need for trust between HMA partners.

PC went on to outline DCCs intention to undertake consultation on a draft plan (Reg 18) in Autumn 2025, with Reg 19 consultation in Summer 2026, submission by the end of 2026 (at the latest) and adoption by end of 2027. PC also highlighted that it is likely to be necessary to extend the plan period to account for the revised timescales.

Derbyshire County Council Update

SB confirmed that the Minerals plan is close to submission, just waiting full council approval to submit. Delegated approval from DCC to submit as no showstoppers in consultation. Examination expected March / April 2025.

MB outlined issues facing Erewash, raised by the Inspector examining the plan, including the need for more sites, no 5-year supply and rationale for choosing sites. Significant amount of work to done.

Key Points

MB ran through the relevant slide highlighting that the boundary of the HMA remains valid, that Derby's unmet need remains circa 9,000, that the urban fringe is a sustainable location

for meeting Derby's unmet needs and that an agreed approach is needed between HMA authorities to set out how needs will be met in full.

There was general agreement that a Statement of Common Ground (SoCG) will be needed to support AVBCs examination. The SoCG is likely to be the extent of the HMA 'Strategy'.

Numbers Update

Based on the figures presented in the table (DCC – 12,500, AVBC providing 2,506 above own needs and SDDC providing 5,864 above own needs), then Derby's current needs will be only 287 short from being met in full across the 3 plan areas.

Permissions since April 24 and live applications are likely to push up AVBC flexibility margin, although risks associated with Brun Lane are acknowledged.

PC noted that all Inspectors will need comfort that needs are being met in full. As it currently stands, AVBCs submitted plan only commits to 1,320 towards Derby's unmet needs, not the 2,506 referenced in the table. JP asked whether reference to the 1,320 will be removed through modification.

SS agreed that terminology is important, particularly relating to 'strategy' and 'confirmed contribution' as set out on the table. Different, agreed terminology may be needed. However, key point is that needs are largely being met, based on the numbers presented in the table.

Next Steps

MB confirmed that a SoCG will be drafted over the next month, likely to include reference to monitoring and review and that examination is expected in early 2025.

PC suggested that SoCG should also reference need to masterplanning of cross boundary / edge of city sites.

PC suggested that consideration should be given to a joint plan next time around or at least plans with common areas. AJ highlighted approach taken in Nottingham HMA.