



Derby City Council

**Regeneration and Economy Cabinet
Member Meeting
8 January 2018**

ITEM 6

Report of the Strategic Director for Communities
and Place

Derby City Local Plan Part 2 – Issues and Options Consultation

SUMMARY

- 1.1 The Derby City Local Plan Part 1 (DCLP1) was adopted on 25 January 2017. The DCLP1 is the first part of the new Derby City Local Plan which will eventually fully replace the City of Derby Local Plan Review. It was always intended that the new Local Plan would be prepared in two parts. The Part 1 Core Strategy and a subsequent 'Part 2 Plan'.
- 1.2 Work on preparing the Part 2 local plan began in earnest following the adoption of the DCLP1. The Part 2 Plan is intended to provide more detailed 'development management' policies, review the remaining saved policies and allocations of the CDLPR and allocate further non-strategic development sites to ensure that the target of 11,000 homes (2011-2028) is met and a five year housing supply can be maintained. As the DCLP1 Plan included more detail and more sites than originally envisaged, this should reduce the number of sites that need to be identified in the Part 2 Plan.
- 1.3 As with the preparation of the DCLP1, the Part 2 Plan will be developed in line with regulations and with input from statutory consultees, stakeholders and the public. This first stage in the plan's preparation is to seek views on the scope of the Part 2 plan, the issues it will address and build consensus on the options available to do this.
- 1.4 It is intended to commence consultation on the Issues and Options document towards the end of January 2018. The consultation will, in accordance with the Statement of Community Involvement, take place over 6 weeks. Following this, a report of consultation will be produced detailing how the Council intends to take the submitted responses into account in the next stage of plan making, preparing the draft plan. The draft plan will be the subject of a separate report to Council Cabinet in summer 2018.
- 1.5 Alongside the consultation on the Part 2 Issues and Options it is intended to publish a revised plan preparation timetable through a refresh of the Local Development Scheme (LDS).

RECOMMENDATION

- 2.1 To authorise the undertaking of consultation on the DCLP Part 2 Issues and Options document, in the line with the Council's Statement of Community Involvement.
- 2.2 To delegate authority to the Head of Planning to agree the finalised consultation material.

- 2.3 To agree the revisions to the LDS.

REASONS FOR RECOMMENDATION

- 3.1 To enable the informal stages of plan preparation on Part 2 of the Derby City Local Plan to commence, ensuring the City is addressing its development needs – by allocating sufficient land to meet our housing targets and maintain a 5 year supply; setting out a clear approach on development management issues; allocating sites that require a particular policy approach and reviewing the final tranche of saved policies of the CDLPR.
- 3.2 To allow minor changes to the consultation document, if required, following this meeting.
- 3.3 To comply with the statutory requirement to have an up to date LDS in place.

SUPPORTING INFORMATION

- 4.1 The Derby City Local Plan Part 1 (DCLP1) was adopted on 25 January 2017. The Plan sets out a strategic planning policy framework for the City to 2028, protecting land from development where required and setting an agenda for growth and regeneration and the strategic allocations needed to deliver this change.
- 4.2 The DCLP1 is the first part of the new Derby City Local Plan which will eventually fully replace the City of Derby Local Plan Review (CDLPR). It was always intended that the new Local Plan would be prepared in two parts. The Part 1 Core Strategy and a subsequent 'Part 2 Plan'.
- 4.3 The Part 2 Plan is intended to provide more detailed 'development management' policies, review the remaining saved policies and allocations of the CDLPR and allocate further development sites to ensure that the target of 11,000 homes (2011-2028) is met and a five year housing supply can be maintained. It may also allocate land for other uses, in particular, where intervention is required to bring about change and deliver identified regeneration priorities.
- 4.4 As with the preparation of the DCLP1, the Part 2 Plan will be developed in line with regulations and with input from statutory consultees, stakeholders and the public. This first stage in the plan's preparation is to seek views on the scope of the Part 2 Plan, the issues it will address and build consensus on the options available to do this.
- 4.5 The consultation responses received at this stage of plan preparation will inform the preparation of a Draft Local Plan Part 2, which will be subject to further political approval and consultation. A Submission Plan will then be prepared, consulted upon and submitted to the Planning Inspectorate for formal examination.
- 4.6 The Issues and Options consultation document, appended to this report, sets out why a Part 2 Plan is needed and what we think it should address. These include issues that fall broadly into four categories –

- Allocating additional non-strategic sites to meet residual housing, regeneration and employment needs and where necessary, any specific infrastructure requirements (e.g. new roads, schools etc.);
- Setting out policies which provide additional detail for an over-arching policy in the DCLP1, including protection of different types of heritage assets such as listed building, conservation areas and archaeological alert areas;
- Setting out additional non-strategic policy requirements – typically detailed development management matters not addressed in the DCLP1), such as amenity, enforcement and telecommunications; and
- Review the remaining saved policies of the City of Derby Local Plan Review (CDLPR 2006),

- 4.7 For each issue identified, options for how the Part 2 Plan may address them are discussed. Where a preferred policy approach is clearly indicated by national guidance or existing evidence then this is identified and justified. This should make the process of developing the draft plan, the first formal stage of plan making, more straightforward.
- 4.8 As the DCLP1 identifies a substantial proportion of the housing sites necessary to meet our housing target, it is not envisaged that a significant number of new sites will need to be identified through the Part 2 Plan. This will depend, to some degree, on whether current trends to more residential uses in the city centre continue and the rate of delivery we can expect from existing allocations. The consultation will also be asking whether the Plan should seek to allocate smaller sites to meet remaining need or whether we should rely more on new mechanisms being introduced such as granting Permission in Principle for sites on our Brownfield Land Register.
- 4.9 Site allocations could include some specific city centre regeneration opportunities, where intervention is required to bring sites forward, such as the Assembly Rooms and Becketwell. The draft Plan will also need to consider the outcome of the open space assessment work currently being undertaken. For instance, there may be scope for limited development within the grounds of Allestree Hall as 'enabling development' to help bring the listed hall and outbuildings back into beneficial use. Such development would need to be very carefully planned to ensure that it protects the setting of the park and listed building. Similarly, policy approaches to securing the beneficial re-use of the heritage assets at Friar Gate goods Yard are also explored in the document.
- 4.10 The consultation will also ask questions about other design and heritage issues relating to Buildings at Risk, tall buildings and amenity. It considers approaches to air quality and key development sites, such as the Royal Derby and London Road hospital sites, Pride Park Leisure Hub and Derbyshire County Cricket Club. It also asks questions about pitch numbers and possible sites for new Gypsy and Traveller Accommodation as required by the DCLP1.

- 4.11 In order to keep the Issues and Options consultation document more concise, a background evidence paper setting out details of the supporting evidence that has justified the approaches we have taken will be made available as part of the consultation.
- 4.12 The Part 2 Plan will also need to be the subject of a Sustainability Appraisal (SA) to assess the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives. This will utilise as much of the SA undertaken for the DCLP1 as possible.
- 4.13 The SA process is an opportunity to consider how the Part 2 Plan can contribute to improvements in environmental, social and economic conditions, as well as a means of identifying and mitigating any potential adverse effects that the plan might otherwise have. A scoping report setting out the baseline evidence and sustainability objectives that the Part 2 Plan will be appraised against will be published as part of the Issues and Options consultation.
- 4.14 It is intended that the Issues and Options consultation document, the SA scoping report and the background evidence will be made available for consultation in January 2018.
- 4.15 Alongside the consultation on the Part 2 Issues and Options, it is intended to publish a revised plan preparation timetable through a refresh of the Local Development Scheme (LDS). The LDS was last revised at March 2016 to reflect the timetable for the formal examination of the DCLP1. Since this time, the DCLP1 has been adopted, as has a revised version of the Statement of Community Involvement and the revisions to the Planning Obligations SPD have also progressed. It is therefore opportune to revise the LDS also. An updated version of the LDS is attached at Appendix 2.

OTHER OPTIONS CONSIDERED

- 5.1 The progress made with housing delivery, particularly in and around the City Centre, over the last year, means that if this trend were to continue, it is likely that Council could demonstrate the ability to reach our 11,000 home housing target without the need for a formal Part 2 Plan. However, the need to be able to continually demonstrate a 5 year supply of deliverable housing sites mean that it is prudent to continue Part 2 Plan preparation.
- 5.2 Preparing a Part 2 Plan is also consistent with the approach taken throughout the preparation of the DCLP1. Indeed, our intention to produce a Part 2 Plan is one reason the DCLP1 was found sound; with the Inspector satisfied that smaller sites and other issues such as Gypsy and Traveller accommodation could still be appropriately addressed through the development plan in line with national planning policy.
- 5.3 The Part 2 Plan also gives us the opportunity to address issues in greater detail that the DCLP1 gave us scope to do. This includes setting guiding principles for key city centre regeneration sites and other key sites around the City, including Royal Derby Hospital and Allestree Hall.

- 5.4 Without the Part 2 Plan we would also have a gap in the current suite of development management policies. Whilst we could continue to rely on some of the saved policies of the CDLPR for detailed development management issues, such as amenity, contaminated land and telecommunications. This means relying on a plan that in terms of both age and conformity with national policy is considered increasingly out of date. This has the potential to affect the robustness of development management decisions.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	
For more information contact: Background papers: List of appendices:	Nicky Bartley 01332 642119 nicky.bartley@derby.gov.uk Appendix 1 – Implications Appendix 2 – Draft DCLP2 Issues & Options Consultation Document Appendix 3 – Revised Local Development Scheme

IMPLICATIONS

Financial and Value for Money

- 1.1 The preparation of the Issues and Options stage of the Part 2 Plan, including materials needed for printing and distribution, public consultation on plan preparation and any other related expenses are expected to cost up to a maximum of £5,000 and this will be absorbed within existing Spatial Planning budgets.

Legal

- 2.1 The preparation of the Development Plan is a statutory requirement as is the Duty to Cooperate with other parties on planning issues we hold in common pursuant to the Planning & Compulsory Purchase Act 2004, as amended by the Localism Act 2011. The process of plan preparation is guided by regulations and this informal issues and options stages helps us to demonstrates compliance with Regulation 18 of The Town and Country Planning (local Planning) (England) regulations 2012.
- 2.2 Undertaking consultation on the plan, in line with our SCI, and undertaking a Sustainability Appraisal of the Plan are other key requirements in plan preparation. As is the requirement to produce a development plan in line with the detail set out in our Local Development Scheme.
- 2.2 A Local Development Scheme (LDS), specifying the documents that will form part of the Development Plan and their timetable for production, is a requirement of s15 of the Planning and Compulsory Purchase Act 2004. The LDS should be publically available and up to date

Personnel

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

IT

- 4.1 No direct implications. Opportunities will continue to be exploited that allow people to become involved in plan preparation and respond to consultation using a variety of electronic methods. In addition, with the assistance of IT colleagues, significant progress has been made in improving access to planning policy information online. This includes the interactive policies map that seats out existing development plan policies spatially. The interactive policies map will be updated to reflect the changes brought about by the Part 2 Plan.

Equalities Impact

- 5.1 The Part 2 Plan will be subject to an Equalities Impact Assessment involving our diversity forums in plan preparation. In preparing the Part 2 Plan we will be looking at a number of issues affecting those with mobility issues, including securing accessible and adaptable housing, building accessibility and parking standards,

including disabled parking standards and their accordance with the British Standard.

Health and Safety

- 6.1 Plan preparation raises no specific health and safety issues.

Environmental Sustainability

- 7.1 Environmental, social and economic sustainability lies at the heart of national planning policy and is a central part of the overarching strategy of the Local Plan Part 1. It will therefore be central to the preparation of the Part 2 Plan. The preparation of a separate Sustainability Appraisal is a legal requirement of the process in order to fulfil obligations under the Strategic Environmental Assessment Directive.

Property and Asset Management

- 8.1 Some of the sites that may be identified for development are owned by the Council.

Risk Management and Safeguarding

- 9.1 Preparing a Part 2 local plan will ensure we are meeting the requirements of government to boost housing supply and plan positively for our communities. Being able to demonstrate that we are delivering sufficient new housing to meet our DCLP1 target means we are less at risk of having to accept less preferable housing sites submitted through planning applications.
- 9.2 Whilst the process of plan preparation is not without risk due to the layers of statute, regulation and guidance that direct the process; preparing a plan in accordance with regulations, government guidance, the Duty to Cooperate and in line with the overarching strategy of the DCLP1 means that we are minimising risks of the Part 2 plan being prepared in a way that is not legally compliant or it at risk of being found unsound at examination.

Corporate objectives and priorities for change

- 10.1 The Part 2 local plan will contribute to securing all of the Derby Plan priorities, particularly a thriving sustainable economy, a strong community and an active cultural life.