
REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	9th OCTOBER 2008	CATEGORY: RECOMMENDED
REPORT FROM:	DIRECTOR OF COMMUNITY SERVICES	OPEN PARAGRAPH NO:
MEMBERS' CONTACT POINT:	IAN BOWEN (EXT. 5821)	DOC:
SUBJECT:	DRAFT EAST MIDLANDS REGIONAL SPATIAL STRATEGY – SECRETARY OF STATE'S PROPOSED CHANGES	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS17

1.0 Recommendations

That :

- 1.1 The Secretary of State's Proposed Changes to the draft Regional Plan be noted;
- 1.2 The suggested responses set out in this report and listed at Appendix 1, be submitted to the Government Office for the East Midlands;

2.0 Purpose of Report

- 2.1 To advise members of the publication of the Secretary of State's (SoS) modifications to the draft East Midlands Regional Plan (RSS), and to formulate a response.

3.0 Background

- 3.1 The RSS, once finally issued, will set out the broad development strategy for the East Midlands, and the sub-areas within it, for the twenty five year period 2001–2026. In particular, it will determine the overall amount and distribution of new housing and establish priorities for matters such as countryside and biodiversity protection, transport, infrastructure, economic development, agriculture, minerals and waste.
- 3.2 The draft RSS was published for public consultation in September 2006. A Public Examination took place between May and July 2007, and the Panel subsequently recommended a set of changes to the SoS.

- 3.3 The SoS has now considered the Panel's Report and published her "Proposed Changes" to the draft RSS. Comments are required to be submitted to the Government Office for the East Midlands by 17th October 2008. It should be noted that the consultation only relates to the Proposed Changes, rather than those parts of the Plan which are unchanged since it was consulted upon in 2006.
- 3.4 This Council made representations on the draft RSS in December 2006 and attended the Public Examination in relation to a number of matters. For information, a summary of the Council's previous response is attached at Appendix 2.
- 3.5 Copies of the relevant documents have been placed in the Group Lounges and the Members' room.

4.0 Detail

- 4.1 The following section sets out the main Proposed Changes which affect this District, together with recommended responses to the Government Office in italics.

General

- 4.2 The Proposed Changes give more recognition to the need to address climate change in line with the commitment to the Climate Change Programme of Action commissioned by the East Midlands Climate Change Partnership. Attention is drawn to a range of specific policies included in the Plan, and action is particularly required on design quality, biodiversity, managing and increasing woodland cover, water, energy and transport. Some of these are summarised in examining changes to policies and examined further below. In particular, **Policy 2 - Promoting Better Design** – expects LDF policies to ensure a proportion of energy supply to new developments are from renewable sources. But, before DPDs are in place, all new developments (of 10 dwellings or more or for other uses exceeding 1,000 sq. m.) will be expected to secure at least 10% of their energy from decentralised and renewable or low carbon sources – unless the applicant can demonstrate this is not feasible or viable. This can be welcomed, but there are uncertainties around how the policy is to be implemented and monitored.

Recommended Response

The need to address climate change through the planning system is strongly endorsed by the District Council. In particular, the interim requirement for new development of 10 dwellings or more or for other uses exceeding 1,000 sq. m. to secure at least 10% of their energy from decentralised and renewable or low carbon sources is supported. Currently however, it is unclear how such a policy might be implemented and monitored in practice. Clear guidance is therefore urgently required to accompany the new policy.

Policy 3 – Concentrating Development in Urban Areas

- 4.3 This policy continues to promote a strategy of 'urban concentration' by promoting development and economic activity on the largest towns and cities. However, additional guidance has been included with respect to the development needs of

rural areas. Together with supporting explanatory text, the Proposed Changes require local strategies to provide appropriate levels of housing (particularly affordable housing) and economic growth to allow rural communities to flourish.

Recommended Response

The Council welcomes the recognition of its previous concerns with respect to the need to plan for sustainable rural communities. The additional guidance in this policy is therefore welcomed.

The Council also continues to support the overall policy of urban concentration in making the most of brownfield opportunities in major towns and cities before looking to greenfield options. However, the Council maintains its objections to the approach to the Derby Principal Urban Area (PUA) which assumes that most development in Derby HMA districts will be as urban extensions physically contiguous with the existing built up area of the City. This issue is addressed in response to proposed Changes to Three Cities Policy SRS 3.

Policy 12 – Development in the Three Cities Area

- 4.4 The now confirmed New Growth Points are reflected in the Plan. The policy also now requires a balance in the provision of jobs and homes within urban areas to be achieved.

Recommended Response

As a guiding principle, the new reference to the need to maintain an overall balance of housing and employment is welcomed as the uncontrolled loss of existing employment land to other uses (particularly housing) is a cause for concern locally.

Policy 13 – Regional Housing Provision

- 4.5 The Secretary of State has decided to accept the Panel's recommendation to increase housing provision and, across the region, has increased the requirement further to 527,725. This represents a 3.2% increase compared to the draft Regional Plan. For the avoidance of doubt, all housing requirement figures are also now expressed as minima. However, the increase in the housing requirement for the Derby Housing Market Area (HMA) is modest rising by just 500 to 44,750 (1,790 pa) for the period 25 year period 2001 – 2026. For each local authority area the difference is as follows:

	Draft RSS Requirement Sept 2006	SoS Mods - Jul 2008
Amber Valley	11,625 (465 dpa)	11,800 (472 dpa)
Derby City	17,500 (700 dpa)	17,700 (708 dpa)
South Derbyshire	15,125 (605 dpa)	15,250 (610dpa)
Derby HMA	44,250 (1,770 dpa)	44,750 (1,790)

- 4.6 However, the SoS has proposed a significant change – i.e. to allocate to 5 and 10-year periods a phasing requirement as follows:

	2001-06	2006-11	2011-16	2016-26	Total
Amber Valley	330	400	470	580	11,800
Derby	670	1,120	850	450	17,700
South Derbyshire	650	630	610	580	15,250
Derby HMA	1,650	2,150	1,930	1,610	44,750

- 4.7 These figures clearly expect ambitious completion rates in the earlier years of the plan period. This contradicts the findings of the EIP Panel who had concluded that the reverse should be true, in view of the necessary development lead in times. One of the reasons for lengthy lead-in times relevant to the Derby HMA is the need to provide essential infrastructure. It is unclear how the SoS derived the phasing assumptions and these will need to be challenged in responding to the consultation.
- 4.8 Furthermore, the Proposed Changes permit the redistribution of district and county apportionments to meet the HMA minima via sound joint Core Strategies provided that a minimum of 55% of the provision is made within the PUA. The wording of the policy therefore neither recognises the fact that, in the Derby HMA, co-ordinated rather than Joint Core Strategies are being prepared, nor provides any justification for requiring 55% of the provision to be made in the PUA.
- 4.9 The Proposed Changes also do not reflect the fact that an immediate partial review of the RSS housing figures is programmed, and the figures in the Proposed Changes must therefore be regarded as interim.

Recommended Response

The modest increases proposed for housing provision in the Derby HMA are noted and the Secretary State's proposal not to increase housing requirements further in this HMA is welcomed. In this regard, the Council made strong submissions to the Examination Panel setting out the serious local difficulties in matching high levels of past growth with community facilities and infrastructure. The Council's position on this remains unchanged, and it is noted that the latest (2007) ONS Mid-Year Population Estimates confirm South Derbyshire as being the 6th fastest growing local authority area in England since 2001. It is also noted, however, that the Proposed Changes give no indication that a partial review of the RSS is imminent. The Council would therefore have serious objections if the levels of housing required were elevated above the requirements now being set out in the Proposed Modifications.

The Proposed Changes now set out the overall housing requirement in a series of 5 and 10 year phases, with annual requirements being higher in the period 2006-11 (630 dpa) than in the remainder of the Plan period. The rationale for the phasing proposed is unclear and unrealistic. In this respect, it contradicts the findings of the RSS Panel who concluded (in paragraph 4.22 that: " It seems to us most likely that build rates will be significantly higher in the second decade of the 21st century than it will be in the first. This should be reflected in the way the figures are

presented". The District Council supports this conclusions given the likely infrastructure which will be needed to support further significant growth. The phasing requirement should therefore be deleted from the RSS, and required to be set out instead in LDF Core Strategies, on the basis of technical and local knowledge.

The opportunity to redistribute apportionments between District and County areas is welcomed. However, this Council is concerned that this may only be possible in the event of joint Core Strategies being prepared. In the Derby Housing Market Area, co-ordinated, rather than joint, Core Strategies are being prepared and the wording of the Policy should be amended to reflect this.

Given the narrow definition of the PUA, there is also no clear justification for 55% of the new dwellings to be located within it. This objection is addressed in more detail in the Council's response to Policies 3, 17 and Three Cities SRS 3.

Policy 14 – Affordable Housing

- 4.10 The Modifications no longer propose a percentage target for the provision of affordable housing in each HMA. (The draft Plan had required 33% social rented across the HMA). Instead, local authorities are advised to establish targets in LDFs in line with the conclusions of the most up-to-date Housing Market Area Assessments. However, an indicative overall total of 14,800 for the period 2001-26 is provided for monitoring purposes for the Derby HMA.
- 4.11 An additional policy (Policy 15) has been added dealing with Affordable Rural Housing recognising the particular needs in making provision in those areas. A range of mechanisms are suggested for increasing the supply of affordable housing.

Recommended Response

The advice that affordable housing requirements should be based on local Housing Market Area Assessments is welcomed, together with the recognition of the need to address issues of rural affordability.

Policy 16 – Provision for Gypsies and Travellers

- 4.12 Significant changes have been proposed to this policy to require local authorities and other relevant bodies to work together across administrative boundaries to identify land for additional pitch provision based on evidence of need.
- 4.13 The policy also cross-refers to a separate appendix which simply re-states pitch requirement figures drawn from recently completed Gypsy and Traveller Accommodation Needs Assessments (GTAA's). In doing so, however, the policy does not acknowledge that the Derbyshire GTAA had allocated pitch requirements to certain local authority areas (including South Derbyshire and North East Derbyshire) on a default basis only. Specifically, the Derbyshire GTAA had followed the Government's methodology which resulted in pitch requirements being notionally allocated to areas where there is already some existing provision. In this regard, however, the research pointed to evidence drawn from consultation with the travelling community that their needs would in fact be better met by providing new sites in other areas. In the south of the County, provision for new sites were suggested for Amber

Valley and Derbyshire Dales rather than in South Derbyshire. Therefore, whilst the wording of the revised policy helpfully requires cross-boundary working, the figures included in Appendix 2 do not accurately reflect the findings of the Derbyshire GTAA.

Recommended Response

The requirement for local authorities to work across administrative boundaries in making provision for pitches is welcomed. However, the figures cited in Appendix 2 for Derbyshire do not properly reflect the findings and recommendations of the Derbyshire GTAA. In recommending district pitch requirements based on CLG guidance, the GTAA made clear that some re-apportionment would be appropriate for public sites in ensuring provision is made in areas of actual need, rather than simply perpetuating areas of existing provision.

The final sentence of the policy should therefore be amended to read as follows:

“Local Development Frameworks should make provision for the minimum additional pitch requirements set out in Appendix 2. Individual local authority requirements should be re-apportioned through cross-boundary working where needs assessments indicate this would be appropriate”.

Policy 17 – Managing the Release of Land for Housing and Three Cities Policy SRS3 – Housing Provision

4.14 Together, these policies reiterate a) the need for joint working and b) housing requirements. These are dealt with in turn below:

a) Joint working - the need for joint working in the Derby HMA is reiterated with the preparation of joint Core Strategies particularly preferred. In addition, joint working on DPDs between the Derby HMA and the West Midlands is advised. (It is assumed that this means between South Derbyshire and East Staffordshire). Moreover, in the explanatory text (to Policy SRS3), the relationship between Swadlincote and Burton upon Trent is further considered. It alludes to the need for regional partners to undertake a cross-boundary study examining development potential on each side of the regional boundary as well as transport improvements such as the A38/A511 corridor and the National Forest Line. In view of the Growth Point status of Burton, co-operative working on Core Strategies is advised and that additional provision in South Derbyshire, above the levels set out in Policies 13 and SRS3, may need to be made where this would result in the most sustainable form of development to meet the needs of East Staffordshire.

As worded, however, this approach appears to pre-judge the need for development in South Derbyshire to meet the housing needs of Burton as currently there is scant information to suggest this is the case. Thusfar, no joint studies have been undertaken by respective regional partners and no evidence has been produced to show that development in the East Midlands, to meet the needs of the West Midlands, is necessary or desirable.

b) Housing Requirements - the housing requirements set out in Policy 13 are reiterated but, in addition, sub-district requirements for the Principal Urban Area

(PUA) are set out. Within South Derbyshire, 42% of growth would be required to be as urban extensions to the City of Derby. Across the HMA as a whole, the PUA would account for 55% of the total requirement. This Authority made strong representations on both the draft RSS and to the RSS Panel on this matter. In short, given the definition of the PUA is very narrowly defined as being land physically contiguous with the built up area of the City, the prescription of a significant proportion of the district's housing requirement to be located in the PUA is unjustified. These concerns could be overcome if either the definition of the PUA were broadened out to include those areas which are functionally related to Derby (for example as defined in the Housing Market Assessment), or if discretion were left in LDFs to determine the appropriate proportion of the housing requirement to be located in the PUA. The following suggested response would address these concerns.

Recommended Response

The proposal to require the preparation of joint Core Strategies in the Derby HMA is unnecessary as indicated in response to Policy 17. Moreover, the requirement for joint DPDs between the Derby HMA and the West Midlands is premature and inappropriate.

It is essential that the RSS does not pre-judge the question of the growth needs of the West Midlands being met in South Derbyshire. Thusfar, no joint studies have been undertaken by respective regional partners, for example into how the National Forest Line can be provided, and no evidence has been produced to show that development in the East Midlands, to meet the needs of the West Midlands, is necessary, desirable or more sustainable than alternative options. The following amendments should therefore be made to Policy 17 and the explanatory text to Three Cities SRS Policy 3 in para 4.2.26:

Policy 17:

“ ... To achieve this, in the following HMAs joint development plan documents will be expected, with the development of joint or co-ordinated Core Strategies across HMAs particularly encouraged:

●—Derby HMA ~~and the West Midlands~~”

Para 4.2.26:

“Depending on the outcome of any such joint study, Co-operative working on ~~core strategies~~ development plan documents in South Derbyshire and East Staffordshire would may be appropriate in view of the role being considered ...”

Furthermore, given the narrow definition of the PUA, Policy Three Cities SRS 3 is unnecessarily prescriptive. The remedy would be either to re-define the PUA more broadly to include those areas which are related to Derby (for example as defined in the Strategic Housing Market Assessment), or to require LDFs to determine the proportion of the housing requirement to be located in the PUA as currently defined. A possible re-wording of Policy Three Cities SRS 3 would be as follows:

“South Derbyshire: 15,250 dws, of which 6,430 dws should be within or adjoining the Derby PUA (or in other locations with a strong functional relationship with Derby as defined in LDFs), including sustainable urban extensions as necessary. Development in the remainder ...”.

Policy 21 Strategic Distribution

- 4.15 A new policy has been introduced to guide the development of new strategic distribution developments in the region. Specifically, it identifies a need for local authorities to work with emda, SSPs, the Highways Agency and Network Rail to bring forward sites in a number of locations in the East Midlands including in the Derby HMA. A number of site selection criteria are suggested including a minimum developable area of 50 hectares, good rail access with the ability to handle full length trains, good access to the trunk road network amongst a range of other considerations.
- 4.16 The criteria included in the policy can be welcomed although the detailed wording needs to be improved for clarity.

Recommended Response

Amend Policy 21 as follows:

“Local authorities, emda, Sub-Regional Strategic Partnerships, the Highways Agency and Network Rail should work together with private sector partners to allocate ~~bring forward~~ sites for strategic distribution use in the region in local development documents. ~~with a~~ Preference should be given to sites in the following broad locations:

~~In allocating sites in local development documents local authorities~~ Priority should be given priority to sites which can be served by rail freight, and operate as inter-modal terminals.

Consideration should be given to the following criteria:

- Good access to the strategic highway network and to appropriate points on the trunk road network; thus avoiding use of local roads”;*

5.0 Financial Implications

- 5.1 Non arising directly from this report.

6.0 Corporate Implications

- 6.1 The scale and distribution of new housing and other development over the next 20 years is of corporate significance to this Authority and will have implications for all Departments of the Authority.

7.0 Community Implications

- 7.1 It will be essential to ensure that sufficient new housing is provided in suitable locations so as to be available and affordable to residents and to be accompanied by employment, transport and other essential community services and infrastructure provision. Similarly, there is a need to safeguard the environment and maintain a high quality of life for existing and future residents of the District.

8.0 Background Papers

- Draft East Midlands Regional Plan (September 2006)
- East Midlands Regional Plan – Secretary of State's Proposed Changes (July 2008)