

<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 9</b>
<b>DATE OF MEETING:</b>	<b>17<sup>th</sup> AUGUST 2017</b>	<b>CATEGORY: DELEGATED/</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY AND PLANNING</b>	<b>OPEN/ PARAGRAPH NO:</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>TONY SYLVESTER Ext: 5743</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>INFINITY GARDEN VILLAGE</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ASTON AND STENSON</b>	<b>TERMS OF REFERENCE: EDS03</b>

---

## **1.0 Recommendations**

- 1.1 Members authorise the establishment of a Liaison Group of neighbouring residents, businesses, developers and relevant Local Authorities to consider the proposals for the Garden Village as they emerge.
- 1.2 Members grant delegated authority to the Director of Planning and Community Services to bid for the second tranche of funding to support the delivery of the Garden Village.
- 1.3 Members grant delegated authority to the Director of Community and Planning Services and the Chair of this Committee to determine the expenditure of any funding successfully won.
- 1.4 Members authorise the Director of Community and Planning Services and the Chair of this Committee to bid for any further funding that may become available for which the project is eligible.
- 1.5 Members authorise the Director of Community and Planning Services to sign a Memorandum of Understanding between the Council, the County Council and the City Council for the joint agreement of the expenditure of any grant funding (attached at Appendix B).

## **2.0 Purpose of Report**

- 2.1 Members will recall consideration of support for the Government funding of the Garden Village project earlier in March. This report aims to update members on progress of the project, seek authorisation for the setting up of a local liaison group, and seek authorisation for further funding and subsequent spending to help deliver the project.

### **3.0 Detail**

#### Context and Chronology

- 3.1 Firstly it is important to note that the Garden Village project is largely made up of elements that are allocated in the Part 1 Local Plan adopted by the Council in June last year or as proposed in Part 2 of the Plan (LPP2). The only additional element is the inclusion of land on and around Lowes Farm as a potential future housing site and a new secondary school (LPP2 Policy INF12). This inclusion of a further housing site is identified only as a future possible opportunity and confers no additional status on the site in planning terms. Therefore the proposed garden village is not a new settlement over and above that identified in the Local Plan that is not already authorised by allocations in the Plan. It is worth going through the events that have led to the current situation and therefore to understand the context of the latest bid.
- 3.2 Last year the Department for Communities and Local Government sought expressions of interest for the Locally-Led Garden Villages, Towns and Cities initiative in order to encourage and support smaller scale (below 10,000 dwellings) developments to come forward with an on-going process as well as delivering developments of over 10,000. An expression of interest (EOI) was submitted on behalf of both South Derbyshire and Derby City on 31st July 2016 for 'Infinity Garden Village' following several discussions with the Homes and Community Agency (HCA), the lead agency on this Government scheme who initially suggested an expression should be submitted. The site size was over 180 hectares with 2,000 homes proposed and a potential further 1,000 possible with 4.7million square feet of employment space as an extension to Infinity Park in Derby and a further 30 hectares of employment land in South Derbyshire. An announcement was made on the 2 January as to which expressions had been shortlisted and would be offered support to develop the Garden Village project. Across the country there are 14 new garden villages to receive support and have access to a £6 million fund over two financial years. As a successful 'bidder', to date the Council has received £214,285 for use by this Council and the City to assist in the delivery of the project. None of these funds have so far been expended by the Council or the City.
- 3.3 The area put forward within the EOI for consideration comprises two Local Plan Part 1 allocations within South Derbyshire of Wragley Way for 1,950 dwellings as set out in Policy H15 of the Local Plan Part 1 and also Land at Sinfin Moor for around 30 hectares of employment land set out in policy E4 of the Local Plan Part 1. Further land to the east of the employment allocation some of which is known as Lowes Farm was also included within the proposed village boundary as a potential future growth area. As stated above, consideration of this site through the 'village' badge does not preclude it from the statutory planning process and therefore no other status can be conferred on it. Within Derby City, the area included within the Village includes the small part of the wider Wragley Way site which has recently been granted permission for 180 dwellings and also Infinity Park, which is a large employment site that has a mix of existing businesses, recently built business, areas with planning permission

and also areas still to seek planning permission. The full area is shown on the map at Appendix A.

With a development of this size, there are significant infrastructure requirements. The largest of these is the introduction of the South Derby Integrated Transport Link (SDITL) that will connect the Wragley Way housing site to Infinity Park and the recently opened new road, Infinity Park Way. The SDITL is a requirement of the Wragley Way Housing Policy H15 as mitigation for the site's transport impact. Also being considered is the introduction of an A50 junction that would directly link to the SDITL. Policy H15 also states that development of the housing site "should not prejudice the construction of a potential junction connecting to the A50, which may potentially be needed following the completion of the SDITL". A further phase of the SDITL is proposed that would link the Wragley Way housing site to Rykneld Road (to the west of the site) although this is not proposed as part of the garden village nor is it a requirement of any allocation within the Local Plan Part 1; it is a future consideration only. More recently, the Local Plan Part 2 (LPP2) has been through its examination in public where Policy INF13 – *Southern Derby Area and Infinity Garden Village* was debated and recommendations for its modification were recommended by the Inspector in order to make the Plan sound. Members will recall this among other modification coming before them at Council at the end of June this year. The Proposed Modifications to the Plan are currently out to public consultation until 18 August. It is after that date that the Inspector will consider all representations made on the issue of legal compliance and soundness and compile a final report to the Council which will then come before members for final adoption. For completeness, the modified policy reads:

*Development proposals and cross boundary collaboration will be supported in the Southern Derby Area as shown on Map 5 for a mix of uses as part of the Infinity Garden Village development. In order to implement this development comprehensively and support the required infrastructure delivery, a joint development framework document will be prepared to guide the development and cross boundary collaboration between the Council, Derby City Council, Derbyshire County Council and developers. The development framework document once approved will guide the delivery of the following development in support of the Infinity Garden Village proposal:*

*Policy H15 Wragley Way (LP1)*

*Policy E4 Infinity Park Extension (LP1)*

*The South Derby Integrated Transport Link (LP1 Policy INF4)*

*A new Local Shopping Centre (LP1 Policy H15 vii)*

*Green and Blue Infrastructure (LP1 Policy H15 ix) across the Southern Derby Area with consideration to Derby City's Green Wedge policy*

*New secondary school (LP2 Policy INF12), the location of which is to be defined by the development framework document*

*An A50 junction at Deepdale Lane to serve the Southern Derby Area proposals (LP1 Policy H15 iii).*

*Until the development framework document is approved, any necessary infrastructure required to deliver the comprehensive approach will be supported.*

#### Explanation

*This policy is supported by the allocation of Wragley Way (H15) and Land at Sinfen Moor (E4) in the Local Plan Part 1 and the continued growth of Infinity Park in Derby*

*City. In the interests of aligning and agreeing phasing for the upcoming development opportunities to support the Infinity Garden Village proposal it is important that consideration is given to the development in both administrative areas. This will be undertaken through an agreed framework document that can fully consider all the constraints and opportunities on the site and guide the delivery of the Southern Derby Area comprehensively. The Development Framework document will be produced in collaboration with Derby City, Derbyshire County Council, relevant developers and landowners and Highways England. However due to the pressing need to plan for and deliver a new secondary school all parties will need to expedite the joint development framework.*

3.4 The main elements of the village (see above) were approved by Council prior to the adoption of the Local Plan Part 1 in June last year following the usual process of public consultation and approvals at the various stages.

3.5 The Local Plan Part 2 version for initial submission to the Secretary of State was approved by the Council's Environmental and Development Services Committee on 5 January 2017 following the Regulation 19 public consultation. The Committee resolution included the approval of modification MM3 which introduced a new policy [INF13]:

*'... The policy relates to the Southern Derby Area that includes the Part 1 allocation of Wragley Way, the extension to the existing Infinity Park in Derby City and requires the delivery of the South Derby Integrated Transport Link. Progress has been made on this wider area with all the relevant parties including Highways England having met on several occasions; highways consultants have been appointed by the developers to develop the required transport information. This area was also the subject of a Garden Village bid for additional funding, the result of which is awaited.'*

3.6 The decision of the Environmental and Development Services Committee was similarly agreed at Council on 19 January 2017 authorising the Director of Community and Planning Services and the Planning Policy Manager to prepare and submit reports, statements, and proofs of evidence, and to make further changes during the hearings in pursuit of the Council's agreed position following submission.

3.7 Members will recall that at its meeting of 2 March 2017, the Environmental and Development Services Committee accepted support and funding from the Homes and Communities Agency regarding the Garden Village as requested. The report presented to the meeting explained to members the process undertaken for the submission of the EOI and to more fully explain the area submitted and the status of such and the funding available.

3.8 The next stage was the Examination in Public of the Part 2 Plan where the public and all interested parties could debate the issues surrounding the legal compliance and soundness of the Plan. It is at this stage that the Inspector came to a view on the evolution of the plan through its stages and whether the plan legally complies with the regulations to date. Through discussion at the hearings, among other things, the Inspector was keen to clarify the purpose of Policy INF13 and to ensure that the policy supports the delivery of the Garden Village through the already allocated sites (through Local Plan Part 1) in a detailed development framework document (MM53) and to include a map

showing the location (referred to as ‘Map X’ in the original modification). Following several days of attendance and debate by numerous public, agencies, agents and developers, the Inspector subsequently informed the Council that, subject to certain modifications, the plan would be sound and legally compliant. These proposed modifications were set out to Council at its meeting of 29 June where it was resolved to approve the modifications and proceed to the final stage of public consultation.

- 3.9 As set out above, consultation on the modifications started in the week commencing 3rd July for a period of six weeks. A tracked changed version of the submitted Plan has been published as part of the consultation that includes all the modifications. Following the consultation, which is open for all to comment upon including the new Policy INF13 (Southern Derby Area and Infinity Garden Village), the Inspector will consider the responses and write a report into the soundness of the Part 2 Plan. Once the report is received by the Council and if it proposes the Plan is sound, then a Council report will be prepared proposing adoption of the Plan, most likely subject to the main modifications being made.

### Next Steps

- 3.10 As part of the original EOI it was stated that the Councils would set up a Liaison Group including neighbouring residents, businesses, developers and all local authorities to consider further proposals and masterplan across the village area. It envisaged that a Management Company would be established to oversee the development of the village bringing together the local authorities, land owners and developers to co-ordinate the creation of the village and engagement with government agencies and the local community. As development of the village progresses, representatives from the community and local business would be sought to be involved in the management. Ultimately the resident and business representatives would take a leading role in the management company.
- 3.11 So far, a partnership group has been meeting since March 2016 (pre-dating the offer of HCA funding) to discuss the delivery of the wider site including the link road required by Policy H15 and the possible new A50 junction (now acknowledged under LPP2 Policy INF13). This meeting is attended by District Planning Officers, City Regeneration, Planning and Transport Officers, County Transport Officers and developers and agents for the area. Also in attendance are Highways England and the HCA and on occasions the LEP. It is envisaged that subject to this Committee’s agreement, to ensure wider community engagement, feedback from the Liaison Group should also be considered by the partnership group and reported back accordingly.
- 3.12 In July, the Department of Communities and Local Government (through the HCA) announced a second round of funding for the successful garden village authorities likely to be of a similar amount as before. To ensure that the momentum is not lost and that every opportunity for additional resources is secured, an application for this second round is recommended.

3.12 Finally, members will see attached at Appendix B a draft of a memorandum that is designed as a vehicle for agreement for the expenditure of any funding relating to the delivery of the Garden Village which commits the Council, the City and the County to come to agreement prior to releasing funds.

#### **4.0 Financial Implications**

- 4.1 At the time of writing it is anticipated that the additional funding sought would be in the region of a further £214,285.
- 4.2 If approved, then this report seeks delegated powers to the Director of Community and Planning Services to ensure this money is spent appropriately in coordination with Derby City as this would be a joint award.

#### **5.0 Corporate Implications**

- 5.1 A successful application for further funding would allow for the delivery of the planned housing and employment allocations made within the adopted Local Plan Part 1 in a timely manner in a joined approach with Derby City.

#### **6.0 Community Implications**

- 6.1 The expression proposed a Liaison Group to be set up which would include neighbouring residents, businesses, developers and all Local Authorities for them to consider further proposals (beyond those already allocated) and masterplan across the village.
- 6.2 The main elements of the Garden Village that have been allocated within the Local Plan Part 1 are supported by the Inspector in Part 2 and have been consulted on several times and have also been considered through a public examination process.

#### **7.0 Background Papers**

- 7.1 Adopted Local Plan Part 1 – can be viewed at:

[http://www.southderbys.gov.uk/planning\\_and\\_building\\_control/planning\\_policy/local\\_plan/local\\_plan\\_part1/default.asp](http://www.southderbys.gov.uk/planning_and_building_control/planning_policy/local_plan/local_plan_part1/default.asp)

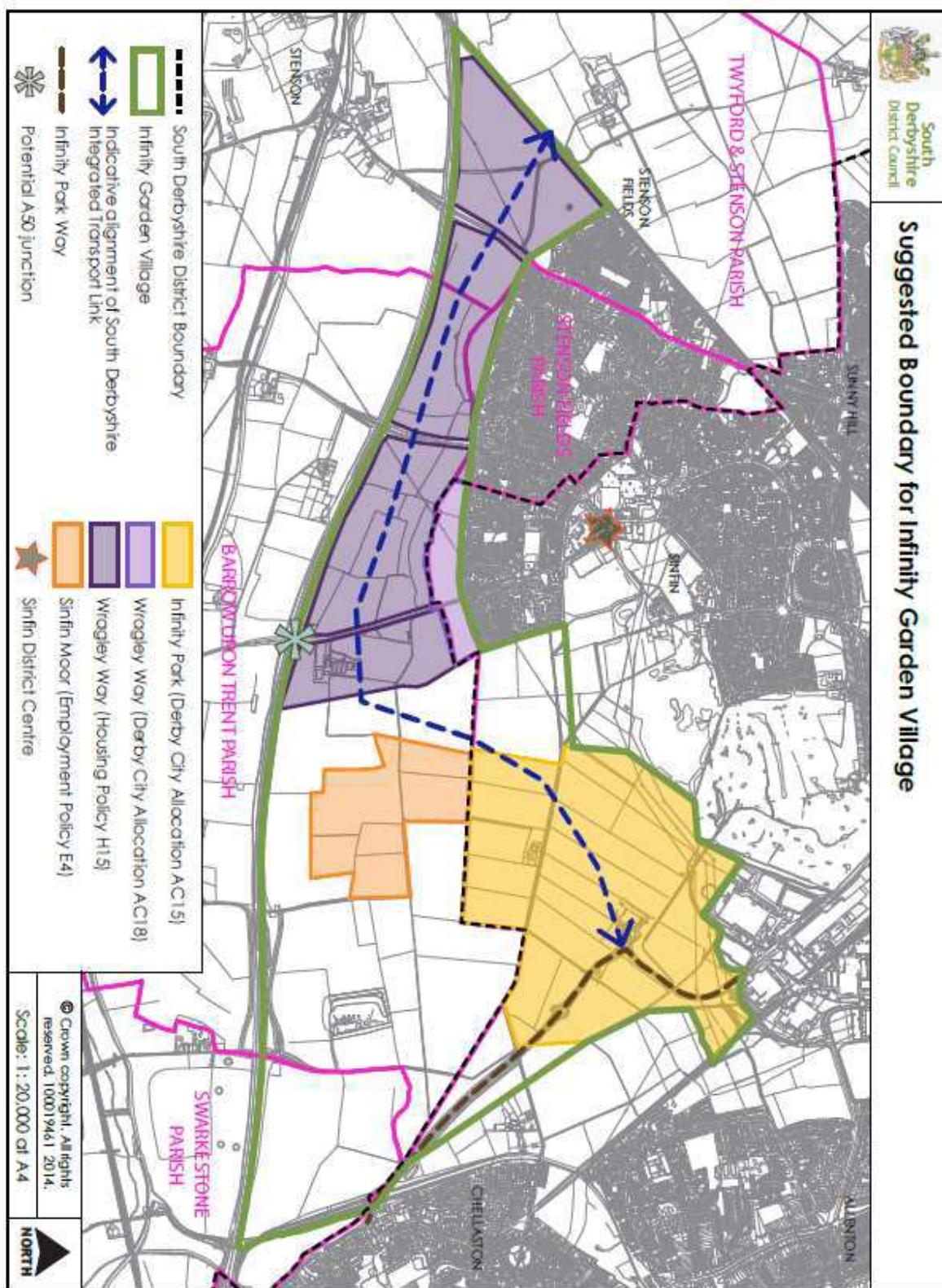
Relevant section of Local Plan Part 2 (with proposed modifications) can be viewed at:

[http://www.south-derbys.gov.uk/Images/Tracked%20changed%20Local%20Plan%20Part%202%20-%20Part%204\\_tcm21-293812.pdf](http://www.south-derbys.gov.uk/Images/Tracked%20changed%20Local%20Plan%20Part%202%20-%20Part%204_tcm21-293812.pdf)

Appendix A – Infinity Garden Village Plan

Appendix B – Memorandum of Understanding

## Appendix A – Infinity Garden Village Plan



## **Appendix B – Memorandum of Understanding**



MEMORANDUM OF UNDERSTANDING BETWEEN  
SOUTH DERBYSHIRE DISTRICT COUNCIL  
DERBY CITY COUNCIL  
AND  
DERBYSHIRE COUNTY COUNCIL

	CONTENTS	PAGE
1. Background	2	
2. Purpose of the MOU	2	
3. Aims and Objectives	2	
4. Relationship between the parties	2	
5. Roles and Responsibilities of the parties	3	
6. Allocation of Funding	5	
Appendix 1 – South Derby Growth Zone Plan		
Appendix 2 – Strategic and Policy Support		
Appendix 3 – Garden Villages Funding Agreement		

## **1. Background**

- 1.1 On 2 January 2017, South Derbyshire District Council (SDDC) and Derby City Council (DCC) were successful in securing £214,000 from the Homes and Communities Agency (HCA) Locally-Led Garden Villages, Towns and Cities programme to assist in delivering the South Derby Growth Zone (SDGZ).
- 1.2 The SDGZ is a major strategic project to regenerate land within Derby City and South Derbyshire for employment and housing growth. Masterplan proposals will include (i) an additional A50 Junction (ii) Infinity Park Derby (IPD) - Derby's flagship regeneration project (iii) the IPD Southern Extension (iv) Wragley Way housing site (v) Infinity Garden Village (vi) the Southern Derby Integrated Transport Link (SDITL) and other link roads, together with (vi) associated core infrastructure.
- 1.3 SDGZ involves Local Authority partners – Derby City Council DCC), South Derbyshire District Council (SDDC), Derbyshire County Council (DCoC) – working with developers and landowners within the SDGZ.
- 1.4 The subject of this MOU is Stage 1 of the work, which involves masterplanning the SDGZ area and working towards delivery of a hybrid planning application – outline planning application for an additional A50 Junction and outline application for the Southern Derby Integrated Transport Link (SDITL) and associated core infrastructure. Stage 2 for capital works will be later.
- 1.5 The potential benefits of SDGZ notionally include (i) the creation of 5,000 new jobs (ii) 2,000 new homes (iii) 4m sq. ft. new employment floorspace. The emerging Masterplan, to be agreed, will show these potential benefits. This will be the subject of a full economic case to be done by economic consultants, at a later date, to determine a Benefit Cost Ratio (BCR).

## **2. Purpose of the MOU**

- 2.1 This MOU will define the relationship between the Local Authority partners, the parties to this agreement – Derby City County Council, South Derbyshire District Council and Derbyshire County Council – with regard to the HCA Garden Villages grant and to agree in principle how the funding is allocated towards delivering planning approvals for the new A50 Junction, SDITL and link roads, to which Stage 1 above refers.

## **3. Aims and Objectives**

- 3.1 Ensure that the HCA Garden Villages grant funding (as already awarded and as additional funding/grant may be awarded in the future) is effectively utilised and spent, according to the HCA funding agreement, by March 2019, with an emphasis on the delivery of a hybrid planning application for the South Derby Growth Zone (SDGZ), incorporating (i) a detailed planning application for an additional A50 Junction and (ii) an outline planning application for the Southern Derby Link Road (SDITL), plus associated infrastructure by the end of 2017/2018 (financial year).

Note that it is not solely the responsibility of the parties to the MOU to deliver the planning application; it is the responsibility of both the public and private sector partners.

3.2 It is envisaged that the available budget will be prioritised accordingly and will be subject to State Aid provisions.

#### **4. Relationship between the Parties**

4.1 The parties have been working together for some time towards the delivery of housing in connection with the Derby Housing Market Area. The Wragley Way housing site, with c.2000 new homes, is dependent on this work.

4.2 Since December 2015, DCC has convened meetings in connection with progressing the SDGZ proposals, which includes representation from SDDC and DCoC, plus developers and landowners within the SDGZ Masterplan area.

4.3 Delivering the SDGZ proposals is a priority of the Local Plans of Derby City and South Derbyshire.

4.4 Derbyshire County Council is the Highways Authority for the majority of the SDGZ area.

## **5. Allocation of Funding (to be agreed) for Stage 1 Work Packages**

We, the undersigned, agree that the roles and responsibilities of the partners and the allocation of funding is as described in this document. Any changes to either must be agreed by all 3 parties:

Derby City Council: \_\_\_\_\_

Name (please print): \_\_\_\_\_

Date: \_\_\_\_\_

South Derbyshire District Council: \_\_\_\_\_

Name (please print): \_\_\_\_\_

Date: \_\_\_\_\_

Derbyshire County Council: \_\_\_\_\_

Name (please print): \_\_\_\_\_

Date: \_\_\_\_\_