

REPORT TO:	Environmental and Development Services	AGENDA ITEM: 9
DATE OF MEETING:	16 November 2006	CATEGORY: DELEGATED
REPORT FROM:	Deputy Chief Executive	OPEN:
MEMBERS' CONTACT POINT:	Ian Bowen x5821	DOC:
SUBJECT:	Consultation on the draft East Midlands Regional Plan	REF:
WARD(S) AFFECTED:	All	TERMS OF REFERENCE: EDS03

1.0 Recommendations

That:

- a) Members note the contents of the draft Regional Plan
- b) A Member Working Panel be convened to consider the Regional Plan and recommend a detailed response for consideration at Special Council of 14th December 2006, based upon the officer observations set out in this report and any other comments raised at Committee.

2.0 Purpose of Report

- 2.1 To consider and recommend a response to the draft East Midlands Regional Plan.

3.0 Executive Summary

Sections 4 – 6 describe the background and timetable for the preparation of the draft Regional Plan. The Plan will set out growth requirements and establish priorities for development restraint in the East Midlands for the period 2001 – 2026. The Regional Plan will form part of the 'Development Plan' and will supersede existing RSS8 and the Derby and Derbyshire Joint Structure Plan.

Section 7 summarises this Council's comments on an earlier draft of the Plan in December 2005. A number of concerns were raised, many of which have been incorporated.

Section 8 summarises the overall strategy of the Plan and sets out a number of key concepts including Housing Market Areas, Principal Urban Areas and Sub-Regional Centres.

Section 9 sets out the Plan's proposals as regards the amount and distribution of housing, the approach to Green Belt and Green Wedge areas, the efficient use of land, affordable housing and provision for Gypsies and Travellers. This section also includes a number of officer observations.

Section 10 summarises the Plan's approach to the economy and employment land matters and includes a number of officer observations.

Section 11 summarises environmental issues raised by the Plan and includes a number of officer observations.

Section 12 examines the draft Plan's treatment of rural areas and includes an officer observation.

Section 13 describes the draft Plan's transport policies and includes a number of officer observations.

Section 14 sets out two minor corrections on matters of detail

4.0 Detail

- 4.1 The East Midlands Regional Assembly (EMRA) has published for consultation the 'Draft East Midlands Regional Plan' - a new-style Plan which EMRA has prepared on behalf of the Secretary of State for Communities and Local Government under the new arrangements for the planning system. The document will replace the current Regional Spatial Strategy (RSS8) and the Joint Structure Plan and will cover the period 2001 – 2026.
- 4.2 Once finally issued, the Regional Plan will, along with Local Development Frameworks (LDFs), form part of the 'Development Plan'. In particular it will determine the broad scale and distribution of new housing requirements down to district level. It will also establish priorities for matters such as countryside and biodiversity protection, transport, infrastructure, economic development, agriculture, minerals extraction and waste treatment and disposal.
- 4.3 In addressing these issues, the Regional Plan will avoid reiterating national planning policies and similarly will not go down to a level of detail more properly dealt with by local planning authorities. Nevertheless, as a formal part of the 'Development Plan' it will set the context for the South

Derbyshire Local Development Framework (LDF) and may be material in making decisions about individual planning applications.

- 4.4 This current stage of consultation, which presents a fully worked up document, is the main opportunity for influencing the Regional Plan before it is considered at a Public Examination in May 2007.
- 4.5 The document has been informed by a large body of background technical reports and evidence relating to housing, employment, transport, biodiversity, water, flood risk, retailing, waste, energy, culture, the Green Belt and sustainability appraisals. These documents, together with the draft Regional Plan itself are available on EMRA's website at www.emra.gov.uk
- 4.6 The deadline for responses to the document is 20th December 2006.

5.0 Timetable for Preparation of the Draft Plan

- 5.1 Following the current round of consultation, the draft Plan will be subject to independent Public Examination in May 2007. The publication of the Panel's report is expected in late 2007 with final issue of the Regional Plan in early 2008. Whilst it has been prepared by EMRA, it will be formally issued by the Secretary of State for Communities and Local Government.

6.0 Background to the Draft Regional Plan

- 6.1 The following sections of the report present a summary of the main aspects of the draft Regional Plan. Procedurally the Plan is divided into two parts, dealing with generic and sub-regional specific policy respectively. However, the main points are summarised in this report in a single section with particular emphasis on matters relating to the 'Three Cities Sub-Area'. Officer observations are included throughout relevant sections of the document in *italics*.
- 6.2 Before considering the contents of the draft Regional Plan, however, it is helpful to summarise the views which have already been raised by this Council on an earlier version of the Plan.

7.0 Previous Consultation on the Draft Regional Plan

- 7.1 Members will recall that the 'Options for Change' document was considered at Special Council in December 2005. At that time, the document focused almost exclusively on the scale and distribution of housing. Whilst indicative housing numbers were provided at that time, these have been superseded by more recent Government Household Projections. In summary, members:

- 1 *Expressed disappointment that housing issues had been considered separately from employment, transport, education, utility and other community facilities*
 - 2 *With the above caveat, accepted that a 'trend-based' growth in housing was appropriate for the region and sub-region as a whole, but that a 'limited growth' option should be adopted in South Derbyshire and/or the wider Derby Housing Market Area in view of the disproportionately high levels of historic housing growth (in comparison to other parts of the Three Cities Sub-region). Whilst strong levels of growth are welcomed in South Derbyshire, there were concerns over maintaining a balance between housing, employment and service provision for both existing and future housing areas.*
 - 3 *Considered it is essential that the Green Belt Review work be undertaken as an integral part of developing sub-regional strategies.*
 - 4 *Felt that, in terms of distribution, the then 'Option B' of 'Urban concentration plus Regeneration' appeared the most appropriate and that consideration should be given to classifying Swadlincote as a 'Sub-Regional centre' in recognition of the need for further regeneration and the provision of accompanying infrastructure.*
 - 5 *Considered that the provision of education facilities was a key issue in South Derbyshire, as is the need to take into account the planned growth of Nottingham East Midlands Airport.*
- 7.2 Most of these points have in fact been taken on board by EMRA and the extent to which they have been incorporated into the draft Plan are described in the officer comments below.

8.0 The Draft Regional Plan – A Summary

General Policies

- 8.1 The Plan puts forward an overall strategy comprising the Core Strategy, Spatial Strategy and a number of topic-based priorities. The Plan is set within the over-arching framework for sustainable development established by the East Midlands Integrated Regional Strategy (IRS). The draft Regional Plan also supports the Regional Economic Strategy which aims to place the East Midlands within the top 20 European economic regions by 2010.
- 8.2 A number of Core Objectives are established relating to matters such as social exclusion, the environment, the economy, health, accessibility to

jobs, homes and services, the quality of urban and rural settlements and climate change.

- 8.3 More specifically, a key policy retains and revises the existing RSS's 'sequential' approach to the selection of land for development (in LDFs) which prioritises the role of existing settlements. In assessing the suitability of sites, priority is to be given to making the best use of previously-developed land and vacant or under-used buildings and to a number of criteria ranging from accessibility by non-car modes, infrastructure capacity, flood risk and contamination, impact on natural resources etc.
- 8.4 Within this overall policy, however, the draft Plan provides more locationally specific policy with respect to the distribution of development within the District with the introduction of the concept of 'Housing Market Areas' (HMAs), 'Principal Urban Areas' (PUAs) and 'Sub-Regional Centres' (SRCs). These areas which are explained immediately below, are framed within an overall vision for the 'Three Cities' Sub-Area to strengthen the complementary roles of the three Principal Urban Areas by providing new jobs, homes, services, community facilities and green and environmental infrastructure in and around them.
- 8.5 HMAs - have been identified as the geographical areas within which people tend to both live and work, spanning administrative boundaries and forming the basic unit for planning – particularly for housing growth but also for all forms of major development including employment. South Derbyshire lies in the 'Derby HMA' along with Amber Valley and Derby City Councils. The 'Derby', 'Nottingham' and 'Leicester' HMAs collectively form the 'Three Cities' Sub-Area.
- 8.6 PUAs are centred very closely on the main conurbations. Most new growth within the HMAs is directed to the PUAs in view of their potential to offer accessibility to higher order services and facilities and develop sustainable urban communities. The 'Derby PUA' is defined as the physically built up area of the City and contiguous areas lying in adjoining districts (including parts of South Derbyshire and Amber Valley).
- 8.7 SRCs have been identified for their ability to perform a complementary role to the PUAs with development of a lesser scale being directed to them. They have been selected on the basis of their capacity to support sustainable development through for example, urban extensions, the use of design-led approaches such as master-planning, town centre renewal and economic diversification. In line with this Council's previous comments, Swadlincote has been identified as a SRC.

- 8.8 Beyond these areas, development in rural areas is intended to maintain the distinctive character and vitality of rural communities, strengthen rural enterprise and improve linkages between settlements and their hinterlands.
- 8.9 In conjunction with the above approach, local authorities are also required to take into consideration the influence of urban areas outside the region particularly those fulfilling PUA roles for parts of the East Midlands. Examples given are Peterborough, South Yorkshire and Greater Manchester, but presumably this list is not exhaustive.
- 8.10 This approach is a clear departure from the current requirement to allocate housing and employment sites in the broad 'Derby' and 'Swadlincote' sub-areas under Structure Plan policies. As proposed, most new development would instead need to be split between sites in the PUA 'edge-of-City' area and to sites within or on-the-edge-of the urban area of Swadlincote.

9.0 Housing Policies, the Green Belt and Green Wedges

The amount and distribution of housing required

- 9.1 In terms of overall quantity, the draft Plan proposes 20,418 dwellings per annum in the period 2001–2026 for the East Midlands. In the 'Three Cities' sub-area, 8001 dwellings per annum are proposed which exceeds the 2003-based DCLG trend projections figure. By way of context, it is important to note that the cities of Nottingham, Derby and Leicester have been successful in bidding for the designation of the 'Three Cities' area as a 'New Growth Point' up to 2021. This is a Government initiative to accelerate the delivery of new housing and provides investment in infrastructure to accompany and reward major new growth in the area.
- 9.2 In the Derby HMA, an allocation of 1,770 dwellings pa is proposed. Whilst this clearly represents significant numbers of new houses, this requirement is in fact lower than DCLG trend projection figures in contrast to other HMAs within the Three Cities area, notably Nottingham, which has been allocated an allowance well above trend levels. [By way of comparison, overall levels of development proposed in the Nottingham and Leicester PUAs are 2,490 dws pa and 3,780 dws pa respectively]. The main reason for this is that the Derby area has historically seen high levels of in-migration led housing growth largely as a result of development constraints over the last 20 years or so elsewhere. The draft Regional Plan is therefore proposing to take the opportunity to meet fully the housing needs to 2026 of the 'Three-Cities' sub-area whilst redressing previous distortions at HMA level.
- 9.3 Similarly, for South Derbyshire, the proposed annual housing requirement at 605 dwellings pa, falls below trend based projection figures (of 696 dwellings pa).

9.4 In tandem with producing these housing allocations, it is important to note that a review of the boundaries of the Nottingham/Derby Green Belt to accommodate development requirements in the Three Cities Sub-Area has been necessary. It is being proposed that the inner boundary be reviewed (in LDFs) around Nottingham in order to facilitate significant levels of growth there. Around Derby, which the Green Belt only partially covers on its northern and eastern sides, no loss of the Green Belt is recommended but extensions should be considered in LDFs in South Derbyshire and North West Leicestershire Districts to the south and south west of Long Eaton. The Swadlincote/Derby Green Belt remains unaffected by the review.

9.5 Having considered the global figures for housing, it is important to consider the implications of the proposed distribution strategy for South Derbyshire. The following annual housing requirements have been proposed for the Derby HMA and its constituent parts:

Derby HMA Total:	1,770 dwellings per annum of which 980 should be within or adjoining the Derby PUA
Derby City	700 dws pa, all within Derby PUA
South Derbyshire	605 dws pa, of which 255 dws pa (42%) should be sustainable extensions to the Derby PUA. Development in the remainder should be focused primarily on Swadlincote, including urban extensions as necessary
Amber Valley	465 dws pa, of which 25 dws pa (5%) should be sustainable urban extensions to the Derby PUA. Development in the remainder of the District will be focused primarily on Alfreton, Belper, Heanor and Ripley, including urban extensions as necessary.

9.6 The above figures, however, do not take into account existing development commitments and completions since 2001 and do not reflect actual additional development commitments from 2006 - 2026. Table 1 below summarises the position for South Derbyshire:

Table 1 – Outstanding development requirements in South Derbyshire

	Derby PUA	Non-PUA	South Derbyshire
Draft RP allocation 2001 – 2026	6,375 (255 pa)	8,750 (350pa)	15,125 (605 pa)
Completions 2001 – 2006	0	3,278	3,278
Dwellings with planning permission and under construction at 31 st March 2006 and 1998 LP allocations	60	1,906	1,906
Outstanding annual requirement 2006 - 2026	6,315 (316 pa)	3,566 (178 pa)	9,881 (494 pa)

Source: SDDC Residential Land Availability Survey 2006

- 9.7 Taking the strict definition of the PUA (and therefore excluding any development that has occurred at the former Pastures Hospital, Mickleover), it can be seen from the above table that under the proposed policy, sites for a total of 494 dwellings pa would need to be allocated (or released as 'windfall' sites). Of these, 316 dpa would need to be on sites contiguous with the built up area of Derby City and 178 dwellings per annum would be required for the rest of the District, but focused mainly around Swadlincote.
- 9.8 Within the context of the above, local authorities in HMA groupings are advised to undertake consistent urban capacity studies and prioritise the release of land for housing to ensure sustainable patterns of development. This may mean that the majority of necessary major greenfield releases in South Derbyshire would be phased for development towards the middle and latter stages of the Plan period to 2026 after brownfield redevelopment opportunities within Derby City have been taken up.
- 9.9 In order to achieve this, the draft Plan advises local authorities to consider the preparation of joint LDF Core Strategies and Area Action Plans. Joint working is also envisaged to manage the relationship between Burton and Swadlincote. The draft Plan also indicates that housing provision should be monitored annually and reviewed at least every five years. As well as information relating to the demand and supply of housing and other socio-economic and environmental factors, future reviews of housing provision would need to give particular attention to current and projected levels of stress on the road network, sewerage and water supply, impact on targets

to reduce CO2 emissions and the results of Strategic Flood Risk Assessments across the region.

Officer Observations on the Amount and Distribution of Housing and Green Belt Issues

- *The overall housing provision being proposed for the 'Three Cities' area and Derby HMA reflect this Council's previous objections (see paras 7.1 – 7.2 above) over the continuation of disproportionately high levels of growth in the wider Derby area. Specifically, the draft Plan proposes, through a strategic review of the Green Belt, to adjust past trend levels of development throughout the 'Three Cities' area to better reflect respective base population levels. i.e. to plan for below-trend growth in the Derby HMA, and above-trend growth in the Nottingham HMA. The resulting figures are likely to ensure that all PUAs within the 'Three Cities' area are provided with necessary levels of development to meet growth needs, but avoid perpetuating development trends which in South Derbyshire would prove unsustainable in the long term. In this regard, therefore, the draft Plan can be supported.*
- *The draft Plan requires that 42% of the growth allocated to South Derbyshire should be within the 'PUA'. Whilst it is reasonable to expect to provide a proportion of development to serve the main urban area in the HMA, the allocation of such a high proportion of all growth in South Derbyshire to the narrowly defined PUA appears excessive. Such a policy would infer the development of most if not all greenfield development options on the southern fringe of the City fronting up to the A50. Similarly, given current commitments (outlined in Table 1), a maximum of 178 dwellings per annum would be required in the 'rest of the District'. The contrast between development requirements in the 'PUA' and 'non-PUA' areas is stark and unreasonable. A lower PUA percentage requirement should therefore be adopted. For example, a 30% 'PUA' figure would infer new development requirements for 2006 – 2026 of 224 dwellings per annum (PUA) and 270 dpa (Swadlincote and rest of the District).*
- *Similarly, in the 'non-PUA' part of the District, the draft Plan is over-prescriptive in its policy guiding the location of development. In particular, it appears to require the vast majority of development to be on land within or adjoining Swadlincote urban area. Whereas the identification of Swadlincote as a 'Sub-Regional Centre' reflects this Council's earlier views about the expanding role of the town and can be welcomed, the Plan fails to acknowledge that the split between development in villages and urban extensions to Swadlincote should be determined through the South Derbyshire LDF. This is particularly important as there may be development opportunities including major brownfield sites, which despite lying outside the 'PUA', would relate well to the City of Derby or other*

urban area or otherwise prove to be sustainable development options. Moreover, in a rural district such as South Derbyshire, it is vital that the role and function of rural villages should be established on the basis of a thorough understanding of local characteristics through the LDF.

- The draft Plan advises that LDF Core Strategies and Action Plans should be prepared jointly to co-ordinate development between PUA City authorities and neighbouring districts. Whilst this move appears sensible, there are practical challenges in co-ordinating the joint preparation of LDF documents – particularly relating to the onerous requirements under the new planning system to demonstrate ‘soundness’. In practice, there would be considerable merit in the three authorities within the Derby HMA co-ordinating timescales for the preparation of documents which would relate to cross boundary matters, but the approach contained in the draft Plan is over-prescriptive.*
- The apparent recognition that brownfield opportunities within the City of Derby should be brought forward for development prior to necessary greenfield development can be supported although this could be made more explicit. Growth in the City could therefore be phased ahead of development on City-fringe greenfield sites. This is particularly important as any development on greenfield sites adjoining Derby in South Derbyshire raise significant issues in relation to the provision of a wide range of community and other infrastructure. Two issues in particular (raised previously under the ‘Options for Change’ consultation) are secondary education, and the adequacy of public and highway routes around and into the City which, under current arrangements would be wholly inadequate to serve the scale of development being envisaged. In the absence of public subsidy for the direct provision of such infrastructure, the bulk of provision will need to be found from developer contributions. Such sites therefore need to be released in a planned and co-ordinated way.*
- The proposed retention of all Green Belt land in South Derbyshire under the Green Belt review is supported. However, in terms of extensions to the Green Belt, it would make sense also to extend the Green Belt around the south and western sides of Derby, after having made necessary allowances for necessary greenfield development. The precise boundaries could be established in LDF documents. This move would assist in avoiding coalescence of Derby and Burton in particular.*

Regional Targets for the Efficient Use of Land and Buildings for Housing

9.10 EMRA propose that the target for the proportion of new housing land to be completed on brownfield previously developed land should remain at 60% across the region. In terms of residential densities, whilst the draft Plan

notes the national minimum density of 30 dwellings per hectare, no regional targets are set. Instead local authorities would be required to use local knowledge to set their own targets in LDFs, drawing on local knowledge and taking into account national guidance.

Officer Observations on Regional Targets for the Efficient Use of Land and Buildings for Housing

- *The 60% target reflects the national target set out in PPG3. However, the draft Plan does not acknowledge the existence of major brownfield sites outside the preferred areas for development in South Derbyshire (i.e. the PUA and Swadlincote) and makes no suggestions over appropriate uses for such sites. Furthermore, the Plan should recognise that in rural districts, the proportion of new housing on greenfield sites will inevitably be higher than major urban areas irrespective of any regional targets.*
- *The discretion proposed for setting local density targets in LDFs (within the tolerances of national guidance) rather than in the Regional Plan will enable thresholds to reflect local characteristics and can be welcomed.*

Green Wedges

9.11 These are areas of undeveloped land which are important in shaping the wider form of urban areas and the draft Plan proposes that existing Green Wedges be retained. However, the draft plan requires their boundaries and detailed policies to be re-assessed in LDFs. There are a number of Green Wedges in and around Derby but none currently in South Derbyshire.

Officer Observations on Green Wedges

- *There are a number of Green Wedges within Derby City and it is appropriate that they should be re-appraised in Derby City's LDF. In the event of any part of a Green Wedge no longer being regarded as essential, these could be allocated for development, thus reducing the need for greenfield land releases in more distant locations from the City in South Derbyshire.*
- *The use of Green Wedges in LDFs are potentially a useful tool, and consideration to their use could be given in the South Derbyshire LDF.*

Affordable Housing

9.12 The draft Plan acknowledges the role of the planning system in increasing the supply of affordable housing. The Plan requires that, in line with the Regional Housing Strategy, LDFs should include policies to provide a mix of dwellings in terms of size, type, affordability and location. The overall aim is

to help create inclusive communities which provide wider housing opportunities and choice.

- 9.13 Interim research has been undertaken to indicate the percentage of new housing which is required to be 'affordable' by Housing Market Area Groupings. This information will be superseded in time by more detailed work in Housing Market Assessments undertaken by local authorities in preparing LDFs.
- 9.14 The draft Plan identifies that in the Derby HMA, 33% of housing should be in the social rented sector. In view of current levels of available public subsidy, the Plan advises that around half of the identified affordable housing need will need to be provided by sources other than public subsidy. Local authorities are encouraged to use a wide range of mechanisms including supporting rural housing enablers, reducing the threshold site sizes on which developer contributions apply, allocating sites solely for affordable housing, use of S106 obligations amongst other measures.

Officer Observations on Affordable Housing

- *This Council is in the process of commissioning up-to-date affordable housing needs information. In the meantime, the provision of interim guidance on the proportion of new housing required to be affordable can be welcomed as background evidence. Nevertheless, it should be recognised that it may sometimes prove impractical to negotiate 33% contributions given individual site characteristics. Similarly, it may be more appropriate, depending on the circumstances of the case, to accept shared ownership or commuted sum contributions rather than the suggested socially rented tenure.*
- *In addition, the draft Plan notes that roughly half of affordable housing provision will need to be funded by means other than public subsidy. Whilst a range of measures are suggested, there is no guarantee that these will deliver the necessary amounts of affordable housing. It is suggested that the Regional Plan should recognise the need for increased funding to assist in the development of schemes in rural areas including South Derbyshire.*

Gypsies and Travellers

- 9.15 In response to recent Government Guidance on the need to increase the number of authorised pitches for Gypsies and Travellers, the draft Plan advises local authorities to work jointly across administrative boundaries to assess the need for additional pitches, and in the interim, to make provision for immediate needs. In the case of South Derbyshire, this equates to a need for up to 10 caravans, on up to 7 pitches. The draft Plan indicates that

it expects Needs Assessments to be available by the time of the Public Examination and revised figures will be considered at that time.

Officer Observations on Gypsies and Travellers Provision

- *This approach recognises that Gypsy and Travellers accommodation needs assessments are underway in many parts of the region, including in Derbyshire. The expectation that the Regional Plan will be based on local data is welcomed. In the meantime, however, the suggested interim minimum pitch requirements are superfluous as the Plan itself acknowledges that they are based solely on DCLG Caravan Count figures and do not assist in projecting future demand. Such data is already being used in the determination of planning applications and it is recommended therefore that they be deleted from the Plan.*

10.0 The Economy and Employment land

- 10.1 Within the context of the EMDA's Regional Economic Strategy (RES), the draft Regional Plan establishes economic, social and environmental regeneration as a key priority. In particular, it seeks to focus regeneration in areas of greatest need including, inter alia, the Principal Urban Areas and Sub-Regional Centres that exhibit very high and concentrated levels of deprivation (presumably including Swadlincote).
- 10.2 As regards the 'Three Cities' area specifically, the draft Plan considers the area to be well placed to drive the economic growth of the region. At the same time, research suggests significant challenges relating to acute deprivation in all three conurbations. Over the sub-area as a whole, there is recognition that economic success needs to be underpinned by developing higher value, knowledge-based employment. The role of Nottingham East Midlands Airport is acknowledged as its potential to generate a wide range of associated jobs outside the airport itself. In view of the general approach to major development, however, the draft Plan seeks to direct such additional related growth to the surrounding 3 PUAs and Loughborough.
- 10.3 The draft Plan cross refers to a number of regional employment studies which have been undertaken in recent years. Overall, these studies have found that there will be a significant decline in demand for industrial floorspace and a significant increase in demand for office floorspace over the next 10 – 15 years. As a result, the demand for additional employment land is estimated to be broadly static. However, this overall picture hides a dynamic pattern of gains and losses and sectoral trends and the draft Plan points to an apparent shortage of sites for high-tech uses and a high demand for strategic 'B8' logistics sites. Furthermore, the Plan notes that quality and location of existing sites may not be consistent with market demands or sustainability principles. However, research underpinning the

employment aspects of the draft Plan are being conducted even throughout this consultation period including on the need for additional strategic distribution sites.

- 10.4 Rather than proposing employment land development targets, local authorities are instead advised to work together in HMA groupings along with *emda* and Sub-Regional Strategic Partnerships. These groupings would be required to keep up to date their employment land reviews in order to ensure adequate supplies of land for office and industrial uses and bring forward good quality employment sites to meet the specific requirements of potential investors. In addition, local authorities would be required to ensure any additional strategic distribution centres over 25,000 sq. m. maximise potential for rail freight and monitor gains and losses of employment sites.
- 10.5 The importance of Nottingham East Midlands Airport is noted and the draft Plan advises that urbanising development associated with it should be directed to the three PUAs of Nottingham, Derby and Leicester, and to the SRC of Loughborough.

Officer Observations on the Economy and Employment Land

- *It is surprising and very disappointing that the draft Plan provides no indication as to the strategic employment land requirement for either the Derby HMA or for the three constituent local authorities, but instead indicates that this work should be undertaken by local authorities in HMA groupings. The position is exacerbated by the fact that employment-related research is still being undertaken which EMRA indicate may be available in time for the Public Examination. Whilst there is no statutory requirement for Regional Plans to include employment figures, this nevertheless represents an unacceptable omission given the draft Plan's stated objective of ensuring a balance between employment and housing markets. A significant amount of research has been undertaken on behalf of EMRA on employment-related issues including job forecasts and employment estimates and it is reasonable to expect the Plan to provide clear guidance on amounts and locations of development. In the absence of such guidance, the task merely falls to local authorities and partners in HMA groupings - a move which will inevitably lead to a period of uncertainty and a delay in the preparation of individual LDFs. There are also potentially significant cost implications to LPAs in undertaking this work.*
- *The draft Plan refers to the identification of high quality employment land to meet the needs of growth sectors, particularly those which are "high value" and knowledge based. Clarification is needed as the term "high value" as it is open to interpretation.*

- *Whilst wishing to avoid unnecessary repetition within the document, it would be helpful to make clear in the preamble to the general employment policy that the overall 'sequential approach' should be applied in identifying sites for employment development. It is cross-referred to in the housing section and is conspicuous by its absence in the employment section.*
- *The draft Plan requires local authorities to monitor gains and losses in the overall supply of "good quality" office and industrial sites. Clarification is needed on whether the loss of "poor" quality sites is required to be monitored.*
- *The 'Regional Priorities for Employment Land' policy requires local authorities to "allocate" sites to meet the specific requirements of "potential" investors rather than making sites available to meet their specific requirements as and when they come forward. Whilst it may be possible to aim to meet the needs of types of businesses, it would be impossible to identify sites to meet the specific requirements of end-users who are unknown. This is particularly important in relation to strategic distribution sites. As worded, this policy runs the risk of allowing potentially inappropriate and unnecessary major development particularly on rural strategic highway corridors. In this regard, the draft Plan should include a policy specifically setting out criteria to be applied in assessing planning applications for non-speculative exceptional single large inward investors. It is important that the tests set by such a policy should fully reflect sustainability objectives.*
- *Furthermore, the employment policies appear to provide no policy hook for the protection and retention of established good quality employment sites. It is essential that this is addressed.*
- *Regarding the reference to "additional strategic distribution centres", clarification is required as to what these centres would be "additional" to: i.e. existing commitments, completions, allocations or the overall strategic employment land requirement.*
- *Whilst transport links between the airport and Swadlincote are not particularly direct, it may be appropriate to include Swadlincote (in Policy 13) among the settlements to which airport-related development should be focused.*

11.0 Environmental Issues

11.1 The draft Plan aims to address issues of sustainable development and quality of life and proposes policies concerning the protection of natural and

cultural assets, provision of green infrastructure, priorities for biodiversity and geodiversity, woodlands, landscape, the historic environment, water supply, river corridors, flood risk, minerals, waste, energy conservation, low carbon energy generation, culture, sport and recreation. In doing so, the Plan also considers issues arising from other documents including the regional waste, energy, biodiversity, forestry and cultural strategies.

- 11.2 The draft Plan includes policy advice on 'Promoting Better Design' which seeks to introduce ambitious new targets for requiring that all development is compliant with Building Research Establishment Environmental Assessment Model (BREEAM) building assessment rating of at least 'very good'. In addition, the draft Plan proposes that all urban extensions requiring an Environmental Impact Assessment should be designed so as to be operationally 'carbon neutral'.
- 11.3 The 'Three Cities' sub-area is identified as having potential for local distribution networks for electricity and heat using CHP. Micro-generation. Potential for large-scale wind generation is limited but there are opportunities for smaller scale installations at business park level contributing to carbon neutral developments. There may be opportunities for generating energy from waste.
- 11.4 Important environmental assets are also acknowledged including the River Mease Special Area of Conservation.
- 11.5 The draft Plan recognises the need to provide enhanced and new green infrastructure, and in this regard the National Forest is identified as a strategic priority along with a number of other initiatives elsewhere in the Three Cities area. In the National Forest, the draft Plan encourages local authorities to work with other agencies across regional boundaries to promote its development in ways that generate environmental, economic and social benefits of both local and national significance through actions such as enhancing the distinctive landscape, making provision for planting woodlands, ensuring development is accompanied by proposals for creating woodlands, developing recreation and creating a world class visitor experience.
- 11.6 Flooding is identified as a potentially serious issue for the Sub-Area, with the built up areas of Derby and Nottingham being priority areas for undertaking Strategic Flood Risk Assessments. Such assessments would need to be commissioned by local authorities in preparing LDFs, either individually or jointly with neighbouring authorities.

Officer Observations on Environmental Issues

- *In relation to the overall 'sequential approach' put forward in the draft Plan,*

protection of the countryside and landscape for its own sake could be given a higher profile. Whilst these aspects are presumably encompassed within the reference to "natural and cultural assets", the policy as worded is ambiguous. For example, the policy appears to offer no clear assistance in assessing development proposals in rural road corridors from a 'loss of countryside' perspective. In this regard, a new criterion relating to the need to resist the urbanisation of major highway corridors in rural areas could be added.

- Whilst the pursuit of more sustainably constructed housing can be welcomed, an issue arises from specifically citing standards ratings from BREEAM as other Government guidance is likely to emerge during the draft Plan period. Any specific reference to BREEAM within policy could affect whether alternative assessment measures could be used to promote and assess the quality of new development. It is therefore suggested that the draft Plan be amended to refer to compliance with 'a BREEAM building assessment (or equivalent) of at least very good'.
- There are also concerns over the requirement that all urban extensions that require an Environmental Impact Assessment (EIA) should be designed so as to be operationally 'carbon neutral'. Whilst as a matter of principle it can be welcomed, a key concern is that this requirement would be tied solely to developments requiring EIA. This is likely to lead to increased pressure on planning authorities from developers at EIA screening stage to give a negative opinion (i.e. to state that EIA is not required). Moreover, in less sensitive landscapes (where most development pressure is likely to arise) large-scale developments may not require EIA and will not therefore be required to be carbon neutral. In more sensitive locations, (for example in the Peak District National Park), very modest developments could require EIA. This could give rise to circumstances where a significant proportion of new greenfield developments are excluded from the requirement even though they are very significant in size. A more pragmatic approach involving site size thresholds should therefore be adopted.
- Policy 20 of the draft Plan requires strategic distribution centres over 25,000 m² to generate at least 10% of their energy requirements from on-site renewable sources. However, this policy does not apply to smaller distribution centres or other forms of employment uses such as office (B1) or Manufacturing (B2) uses. National Guidance under PPS22 now advises that local planning authorities may include policies in local development documents that require a percentage of the energy to be used in new residential, commercial or industrial developments to come from on-site renewable energy developments. This guidance was recently redoubled by the Housing and Planning Minister who has urged all local authorities to include on-site renewable energy measures in LDFs to help

tackle climate change. Given the strength of emerging government policy, the inclusion of a policy in the RSS which only focuses on large-scale (strategic) distribution centres seems somewhat weak. If serious efforts are to be made to tackle the impacts of new development on climate change and energy efficiency, this policy should be applied to other forms of employment use and at a smaller scale.

- *Also, in referring to energy reduction and efficiency, the draft Plan could acknowledge the potential of the National Forest to contribute towards small-scale biomass production within the 'Three Cities' sub area.*
- *Policy 32 sets out criteria to conserve existing water sources and to support water conservation measures such as winter storage reservoirs on agricultural land. However, the Plan does not consider the benefits of rainwater harvesting. This could play a small but significant role in reducing water requirements, particularly for large-scale residential, commercial or industrial developments, where significant water demand for non-potable water (such as flushing toilets, washing fleet vehicles or watering grounds or gardens) could be met. It can also reduce costs associated with mains water consumption and disposal of waste water. The collection and storage of water, particularly from larger developments can also help reduce storm-water runoff and form part of a sustainable (urban) drainage system. The draft Plan should therefore include an appropriate policy in the plan.*
- *As regards the River Mease Special Area of Conservation, it is unclear as to whether this policy requires that all development located in any part of the catchment should include mitigation measures, or simply that new development that could potentially have an impact should not be allocated in the first place. Clarification is required on this point.*

12.0 Rural Areas

12.1 The draft Plan recognises the need to plan for both urban and rural areas. Development in rural areas is required to maintain the distinctive character and vitality of rural communities and strengthen rural enterprise and linkages between settlements and their hinterlands to facilitate access to jobs and services. This is to be achieved by providing jobs and homes, identifying other settlements which can provide essential services for rural areas, encouraging farm-based diversification related to the rural economy and improving transport and accessibility.

12.2 Local authorities, emda and Sub-Regional Strategic Partnerships (SSP) are advised to work together to promote the continued diversification and further development of the rural economy, where this is consistent with a sustainable pattern of development. However, particular attention is urged

in relation to areas already designated as requiring regeneration under the Government's Rural Strategy and those areas falling within Rural Action Areas identified by SSPs. Similarly, the development of tourism under a partnership approach is recommended.

Officer Observations on Rural Areas Policy

- *The Plan's recognition of the specific needs of rural areas is welcomed. However, whilst policies are generally supportive in seeking to maintain the character of rural areas as well as improving services available, the Plan as a whole does not enable local authorities through their LDFs to determine appropriate levels of sustainable development in rural settlements.*

13.0 Transport

- 13.1 Within a number of overall transport objectives, the draft Plan aims within the 'Three Cities' area to reduce the use of the car in and around Nottingham, Derby and Leicester and promote a step change in the quality and quantity of local transport provision between them. In particular, the Plan aims to slow the rate of traffic growth to zero by 2026. The Plan also proposes to develop transport infrastructure and services needed to improve access to jobs and services from deprived inner urban areas and to improve public transport surface access to Nottingham East Midlands Airport. Opportunities for modal switch away from road based transport in the manufacturing, retail and freight distribution sectors are sought as well as a reduction in congestion along the M1 corridor and highway network generally.
- 13.2 The Plan urges measures to achieve behavioural change to encourage a reduction in the need to travel and change public attitudes towards car usage, public transport, walking and cycling. Such measures include travel plans, quality public transport partnerships, educational programmes, teleworking, provision of safe routes amongst others. In addition, transport authorities are urged to examine the feasibility and appropriateness of introducing fiscal measures to reduce car usage, particularly in the PUAs and environmentally sensitive areas.
- 13.3 In relation to car parking, local planning authorities are advised to apply the maximum standards at least as stringently as those set out in PPG13. In the largest of urban areas, more challenging targets are urged, and similarly, net increases in public car parking not associated with development should only be permitted where there is special justification. It should be noted, however, that PPG13 only sets standards for retail, D2 public facilities, B1 office and light industry, higher and further education and stadia. There are no standards for other uses such as general industry,

warehousing or residential. For residential use, a different national policy (PPG3) refers to maximum standards but this has been proposed to be removed by the Government in a draft revision (PPS3) which was published late last year. The draft Regional Plan's standards therefore are restricted to the limited range of uses set out in PPG13. In relation to other types of development (including residential), local authorities will be able to apply discretion whilst having regard to the need to minimise private car usage.

- 13.4 In terms of heavy rail, DfT Rail, Network Rail, local authorities, public bodies, community rail partnerships and train operating companies are advised to work together to achieve improvements in rail passenger services. Similarly, challenging targets are set for bus and light rail use and the promotion of integrated public transport. Priorities are also established for trunk road and major highway investment.
- 13.5 The Plan seeks the implementation of the Regional Freight Strategy which inter alia, includes a significant modal shift from road to rail and supporting the growth of Nottingham East Midlands Airport by improving rail freight connectivity and identifying opportunities for modal shift from air to rail.
- 13.6 In terms of Nottingham East Midlands Airport (NEMA), LDFs and LTPs would be required to :
- 1 Provide for further operational expansion of NEMA within its boundaries (subject to rigorous assessment);
 - 2 Consider the surface access needs of NEMA as part of the wider transport strategy for the area, paying particular regard to the role of public transport, walking and cycling;
 - 3 Assess the measures necessary to increase the share of trips to NEMA made by public transport in accordance with agreed targets;
 - 4 Ensure that transport proposals are compatible with the need to create effective public transport links to NEMA for the long-term;
 - 5 Identify and safeguard land for improving access to NEMA, particularly by non-car modes and include a fixed rail link to support expansion in the long-term;
 - 6 Give particular encouragement to the transfer of freight traffic generated by NEMA from road to rail;
 - 7 Seek to ensure that travel plans are brought forward for new development at NEMA; and
 - 8 Have regard to the NEMA masterplan.

Officer Observations on Transport

- *The Three Cities Transport Objectives do not provide a policy hook for the proposed Swadlincote Regeneration Route Phase 2, nor the A38 to A511 link as a whole, despite the policy reference to the need to improve access*

to jobs and services from areas of deprivation and despite the fact that feasibility studies have been funded by both the East and West Midlands Development Agencies. It is essential that the Plan is amended accordingly.

- *Given the increasing concern of the Highways Agency in regard to the need to avoid new development that would add to congestion on the trunk road network it is considered that a fourth bullet point should be added as follows:*

"ensure that new development close to trunk roads is strictly controlled to avoid adding further traffic to the trunk road network where this would exacerbate current or projected highway congestion."

- *The proposal that parking standards for those types of development not covered by PPG13 (including residential) should be determined by local planning authorities through LDFs can be supported. This approach contrasts with current RSS guidance which, although deferring to PPG13 standards, also applies specific standards for B-class (employment) uses for 'cities', 'urban' and 'rural' areas. The discretion for LDFs to establish residential parking standards does not conflict with draft PPS3, the final version of which is expected in the next few months.*
- *The draft Plan seems to emphasize the improvement of access to areas away from deprived areas to enable residents to access jobs elsewhere. This runs contrary to the objective of integrating transport and land-use planning to reduce the need to travel. Deprivation should be tackled by seeking to provide and maintain employment opportunities where it arises rather than by seeking to enable those affected to travel greater distances to find work.*
- *The policy aimed at improving rail passenger services does not provide support for the establishment of the proposed National Forest Line. Appropriate reference should be included in the Plan.*
- *The proposed airport policy is far too weak in relation to the protection of local amenity and should be amended to more accurately reflect the stance of the Air Transport White Paper in relation to NEMA, which accepts projected growth in air freight at the facility but then states: "However this would need to be accompanied by stringent controls on night noise in particular and increasingly generous noise insulation and mitigation measures". The wording of the policy in the draft RSS falls short of this and the following alternative wording for the first bullet point is therefore suggested:*

*"provide for the further operational expansion of NEMA within its boundaries subject to **stringent noise controls, particularly at night, and rigorous assessment of the full range of impacts to provide the basis for a commensurate level of mitigation.**"*

- *Similarly, and for consistency, the third sentence of the explanatory text in para. 3.4.36 should be amended as follows:*

*"Expansion of passenger and freight operations at NEMA is supported in principle, **however this would need to be accompanied by stringent controls on night noise in particular and increasingly generous noise insulation and mitigation measures.**"*

- *The key priority for the achievement of a modal shift for freight transport from road to rail is supported. However the reference to NEMA indicating support for sustainable growth in air freight should be amended such as to support transport by rail in preference to air freight as follows: "Supporting modal shift from air to rail and improving the sustainability of airfreight at NEMA by improving rail connectivity".*
- *Whilst the surface access needs of NEMA should rightly be considered as part of the wider transport strategy for the area, the Air Transport policy is too weak in relation to the need to achieve modal shift away from the private car and taxi. The following wording is suggested:*

*"consider the surface access needs of NEMA as part of the wider transport strategy for the area, **seeking in particular to achieve modal shift away from the private car and taxi through measures to encourage the use of other forms of public transport, walking and cycling.**"*

- *Similarly, proposals for the improvement of public transport access to NEMA are supported, particularly in relation to services connecting the airport with areas in need of regeneration such as the Swadlincote urban area. However, the document should also include a reference to the need to protect the amenity of nearby rural settlements in seeking to promote improved public transport access to the airport.*
- *The reference to the identification and safeguarding of land for "improving access" to NEMA should, for the avoidance of doubt, be amended to read "improving **surface** access".*
- *The reference in the Airport policy to travel plans should be amended to refer to both new development and established employers, including NEMA itself, at the airport site.*

14.0 Other Comments

- *Para 5.8 The first sentence refers to the "non-PUA parts of Amber Valley and Swadlincote". This should read "South Derbyshire".*
- *Diagram 6 – Regional Public Transport Network – Ashby and Swadlincote have been placed in the wrong locations on this diagram.*

15.0 Financial Implications

- 15.1 None arising directly from this report. However, continued major growth in the District will extend the number of residents to be served by a range of Council services. In addition, the Regional Plan will, once finally issued, generate additional responsibilities for monitoring development e.g. in ensuring that urban extensions are operationally 'carbon neutral'.

16.0 Corporate Implications

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

17.0 Community Implications

- 17.1 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.

18.0 Conclusions

- 18.1 The Regional Plan will have long term strategic implications for the future growth of the District and it is important that this Council formulates and submits its views in detail at this stage. In view of the great number of issues raised, it is being suggested that a Member Working Panel be convened to prepare a detailed response along the lines of the officer comments suggested in this report. The Working Panel's recommendations would be reported for decision to Special Council on 14th December 2006.

19.0 Background Papers

- 19.1 Draft East Midlands Regional Plan and associated background documents.

