

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM:9
DATE OF MEETING:	27th MAY 2021	CATEGORY:
REPORT FROM:	ALLISON THOMAS – STRATEGIC DIRECTOR – SERVICE DELIVERY	OPEN
MEMBERS’ CONTACT POINT:	STEFFAN SAUNDERS, 07971 604326, steffan.saunders@southderbyshire.gov.uk	DOC:
SUBJECT:	STRATEGIC PLANNING FRAMEWORK FOR DERBY AND DERBYSHIRE	
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS03

1.0 Recommendations

- 1.1 That the Committee to resolves that South Derbyshire District Council will not become part of the Strategic Planning Framework in its present form.
- 1.2 That the Committee requests that a letter be written to Derbyshire County Council, setting out the points made in the Conclusion below, appending this report.

2.0 Purpose of the Report

- 2.1 To inform the Committee of the creation of the Derby and Derbyshire Strategic Planning Framework, its role within the wider planning system and to advise on this Council’s response to it.

3.0 Executive Summary

- 3.1 Derbyshire County Council (DCC) is seeking endorsement from the County’s local planning authorities, together with Derby City, for the production of a new, non-statutory, strategic planning document and individual Derbyshire authorities’ inclusion within it. The primary stated role of the Strategic Planning Framework (SPF) would be to set out a consensus amongst the Derby and Derbyshire (D2) partners around common key strategic objectives and priorities through an overarching spatial planning vision for the County covering the period 2020 to 2050.
- 3.2 Whilst there are benefits to collaborative working across the County to address strategic planning issues, the introduction of a high-level, non-statutory strategy undermines the statutory development plan process, upon which the production of a sound Local Plan relies. Housing Market Areas (HMAs), as opposed to county boundaries, have been the bedrock of strategic planning for the best part of 20 years;

the Government consultations referred to in paragraph 4.3 below have not altered this fundamental basis of planning, which is rooted in the Duty to Cooperate.

- 3.3 As a local planning authority, the Council's priority must be the timely production of a local plan; resources, including that of officer time, must be used effectively to that end. The Council will continue to cooperate with the County Council as a key partner whilst addressing cross-boundary strategic planning issues that extend beyond Derbyshire.

4.0 Detail

- 4.1 Since the abolition of regional spatial strategies in 2010, strategic planning has been carried out nationally and within Derbyshire through a mechanism known as the 'Duty to Co-operate' (DtC) that was introduced through The Localism Act in 2011. The DtC applies both to the relationship between upper and lower tier authorities as well as across lower tier neighbouring authorities. The term 'strategic planning' in this context refers to policies that address larger than local issues that cannot be dealt with by one local planning authority working alone, and that are addressed and delivered through a local plan¹.
- 4.2 There is a successful history of effective joint working between the Derby and Derbyshire (D2) local planning authorities on strategic plan making, including through a range of officer groups such as the Heads of Planning Group, Planning Policy Officer Group, Heads of Development Management Officer Group and Planning Information Monitoring Officer Group as well as various topic-based County-wide officer meetings. DCC collaborates with local planning authorities (LPAs) in the drafting of Statements of Common Ground on cross-boundary planning and highways matters as part of local plan preparation and examination.
- 4.3 DCC considers that the need for a SPF for Derby and Derbyshire emerged in 2018/early 2019 in the context of the, then recent, Government consultations 'Fixing our Broken Housing Market', 'Planning for the Right Homes in the Right Places' and the draft (revised) National Planning Policy Framework (NPPF) consultation. DCC intends the SPF to facilitate more effective and collaborative joint working on strategic planning and infrastructure matters. More recently the SPF is being progressed to link in with the ongoing collaborative working the D2 partners are undertaking on climate change as part of Vision Derbyshire, non-structural reform and addressing the impacts of the Covid-19 crisis on the D2 economy.
- 4.4 The proposed SPF would be non-statutory and is intended to complement the adopted or emerging local plans of the districts and boroughs. DCC states that the SPF would become a material consideration in the preparation of future local plan reviews and in the determination of planning applications, whilst recognising that as a non-statutory document, it would not usurp or take precedence over the relevant local plan or raise any conformity issues.
- 4.5 DCC's intention is that the primary role of the SPF would be to set out a consensus amongst the D2 partners around common key strategic objectives and priorities through an overarching spatial planning vision for the County, covering the period 2020 to 2050. It would be a key tool to help manage 'green growth' and provide important evidence to demonstrate that co-operation on strategic matters has been

¹ Local Government Association/Planning Advisory Service

an integral part of local plan preparation, a key requirement in the local plan examination process.

- 4.6 Although the document would be non-statutory, it is proposed that its development would follow the format of a 'formal process' to ensure meaningful consultation and engagement – for example, stages for the publication of issues and objectives, preferred approach and publication plan - plus extensive stakeholder engagement through a series of workshops and consultation events.
- 4.7 The Council, as local planning authority, is required to produce and maintain a statutory development plan; The Planning and Compulsory Purchase Act 2004 sets out that each local planning authority must identify its strategic priorities and have policies to address these in their development plan documents (when read as a whole). The Council works closely with its Derby HMA partners, Amber Valley Borough Council and Derby City Council, together with DCC on cross-boundary issues. HMAs were established through regional plans as the basis for developing policy, particularly regarding housing and employment provision, and remain the building blocks for local plan production, particularly in relation to addressing housing need. Derbyshire is split into five HMAs; in the current round of adopted local plans, it is only within the Derby HMA that LPAs have agreed to meet another authority's housing need.
- 4.8 Following the government consultations referred to above, the latest version of the NPPF was published in February 2019 and the requirements under the DtC on local planning authorities are set out in paragraphs 24 to 27; extracts are set out below:
- “25. Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. They should also engage with their local communities and relevant bodies including Local Enterprise Partnerships, Local Nature Partnerships... county councils, infrastructure providers... and combined authorities.
26. Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.
27. In order to demonstrate effective and on-going joint working, strategic policymaking authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these...”
- 4.9 The NPPF places the onus for collaboration on the policy-making authorities, stating that they should engage with county councils along with the other bodies listed in paragraph 25. The outworking of this cooperation should be demonstrated through the preparation of statements of common ground. Whilst the NPPF (para. 17) allows for local planning authorities to produce strategic policies through joint or individual local plans, these are to be through the statutory development plan process.
- 4.10 The Council is meeting these requirements first and foremost through frequent and regular meetings with its Derby HMA partners. The first iteration of the Derby HMA

Statement of Common Ground (SCG) has been approved by the Derby HMA Joint Advisory Board and the SCG will be updated and expanded upon throughout this round of local plan production.

- 4.11 Whilst endorsement in principle was given at both Derbyshire Chief Executives' Group and D2 Joint Committee for Economic Prosperity (D2JC) (May and June 2019 respectively) for commencement of work to develop a non-statutory SPF, and furthermore at D2JC an agreement that D2JC itself would provide strategic oversight and governance for the development and delivery of the SPF, officers from this Council, including the then Head of Planning and Strategic Housing, made clear to DCC that the Council as local planning authority requires the approval of this Committee in order for the SPF to include South Derbyshire in its vision to 2050.
- 4.12 More recently however, at the D2JC meeting of 4 March 2021, Leaders and Chief Executives sought clarification on the background and purpose of the SPF and how it would relate to the local plans prepared by each of the partner authorities. D2JC leaders agreed that they needed more time to consider the implications set out in the report (attached at Appendix 3) and to discuss the SPF in detail with their own key officers. The Leaders agreed, therefore, that in consultation with their key officers they would then send a letter back to the County Council indicating whether they endorsed the key recommendations in the report (ii, iii and iv) and importantly, whether they endorsed the continued participation of their local authority to progress further joint working to progress the Framework.
- 4.13 The draft Terms of Reference for the D2JC Committee, setting out its key roles and responsibilities for providing strategic oversight and governance for the delivery of the SPF, is attached at Appendix 1.
- 4.14 The draft Statement of Common Ground to guide and underpin the development of the SPF, referred to in the D2JC report of 4 March 2021, is attached at Appendix 2 which in itself contains numerous undertakings that this Council has not had the opportunity to fully consider, and seems to blur the boundaries between what is agreed 'common ground' and what are aims and objectives. Topics covered in the SCG are: housing, economic growth, environment, highways and transport, climate change, Green Belt, education, health and minerals and waste. The proposed undertakings relating to housing are that the parties [signed up to the SPF] agree to:
- Continue to work collaboratively to assess and seek to meet housing need (both market and affordable housing) beyond 2035 through a strategic and cooperative process.
 - Work collaboratively to assess and seek to meet growth needs beyond 2035 through a strategic and cooperative process, taking account of housing market geographies and agreements between individual authorities as necessary, and addressing unmet housing need where appropriate.
 - Work collaboratively to deliver existing and identify new key strategic cross boundary housing sites.
- 4.15 DCC acknowledges that in order to deliver the SPF, the preparation will need to be appropriately resourced, the primary resource being officer time. Between September 2019 and January 2020, a series of meetings took place between D2 officers and with officers of DCC's key service areas to inform the production of the SPF, exploring the likely strategic issues, objectives and priorities across a range of topic areas. From these discussions a series of 'Emerging Themes' papers have been developed relating to Housing; Economic Development and Regeneration;

Infrastructure; Climate Change and the Environment; Minerals and Waste; and Health and Well-being.

- 4.16 The next round of work on the SPF will include the drafting of topic papers and then subsequently the initial Issues, Objectives and Priorities Consultation Document, which DCC anticipates commencing in Autumn 2021. The SPF's Terms of Reference states that: *"It is recognised that much joint working is taking place between individual local authorities at a Housing Market Area level, including the development of strategies to inform individual local plans. The SPF will be developed in harmony with these HMA strategies, reflecting their priorities, objectives and the broad thrust of policy and providing the basis for a co-ordinated approach across the County and beyond."* The concern and reality is, given the timescale set by DCC to progress the SPF, this undertaking will not be possible because the cart will inevitably be put before the horse. Furthermore, the priority for this Council is for officer resources to be utilised for reviewing our own local plan, in order to maintain and plan for a five-year supply of housing land, thereby fulfilling the NPPF's requirement that the planning system be "genuinely plan-led" (para.15).
- 4.17 It is also possible that some limited financial resource may be required from the D2 partners (on an equal share basis), particularly to fund the commissioning of key County-wide evidence. There are advantages to the joint commissioning of evidence to underpin local plans where individual LPAs would need to commission that evidence regardless of whether it suited other authorities to be involved. It is not prudent, however, for Council resources to fund evidence that this Council does not need, nor would benefit its residents, and this would be borne in mind by each LPA involved. It has not been suggested that non-participation in the SPF would preclude the Council from the joint commissioning of County-wide evidence in the future.
- 4.18 Whilst there are benefits of the work contained within the SPF, as set out below, there are further concerns related to how the SPF will be viewed, both in relation to local plan production and the determination of planning applications. There is the risk that the SPF could be construed, by those for whom it would be an advantage to make the case, as a replacement county structure plan which could conflict with the local plan. Furthermore, the existence of the SPF could 'muddy the waters' of the statutory local plan process, resulting in a no-win situation: if the Council was to include policies in line with the SPF in its next local plan, the objection could be levied that the local plan was simply following a non-statutory, unexamined strategy, which was not part of the democratic process; conversely, if it were necessary for the next local plan to deviate from the SPF, the opposite criticism could be made at the local plan's examination of ignoring an overarching strategy that we had formally signed up to as a Council.
- 4.19 There is a positive role for DCC in assisting in local plan production for the individual LPAs. Indeed, there is merit in producing a County-wide document that knits together what local plans are already saying, facilitates joint working without creating unnecessary extra work for LPAs and works from the HMA-level up to align strategic planning aims. Such a 'living document' could be produced in tandem with the progression of DCC's new Strategic Growth and Infrastructure Framework (SGIF), that will set out comprehensive details of all the national, regional, sub-regional and local strategic infrastructure projects that are being planned or are in the pipeline across the County, where DCC has an involvement as either a consultee, enabler or delivery agent. DCC intends that the SGIF will set out a considered approach towards the identification and prioritisation of investment across a range of infrastructure to accommodate planned growth. The information and data within the

SGIF have been drawn from a range of sources, including the Derbyshire district/borough local plans and Infrastructure Delivery Plans.

5.0 Financial Implications

5.1 None immediately arising from this report. The Council always seeks to commission evidence on a cost-effective basis, partnering with other LPAs wherever feasible, whilst balancing the need to progress its own local plan in a timely manner.

6.0 Corporate Implications

Employment Implications

6.1 None immediately arising from this report.

Legal Implications

6.2 None immediately arising from this report.

Corporate Plan Implications

6.3 To enable the delivery of housing across all tenures to meet Local Plan targets is a priority within the Corporate Plan.

Risk Impact

6.4 Impact on timely local plan production.

7.0 Community Impact

Consultation

7.1 None at this time.

Equality and Diversity Impact

7.2 None identified as a direct consequence of this report however local plans have a role to play, for example through facilitating the delivery of affordable homes.

Social Value Impact

7.3 None identified as a direct consequence of this report however, again, local plans have a role to play in delivering services and meeting the needs of local communities.

Environmental Sustainability

7.4 Local plans are key to the delivery of sustainable development across the District.

8.0 Conclusions

- 8.1 DCC has a role to play in facilitating joint working across the County, aligning strategic planning aims through involvement in the formation of statements of common ground between authorities, and maintaining the DtC. Aspects of the work required for the SPF's production are, in themselves, welcome, for example the coordination of evidence gathering.
- 8.2 However, there are concerns over other aspects of the SPF, for example those relating to housing need, as well as the manner and scale of the SPF's production and the destabilisation of the local plan process that could lead to. Housing Market Areas (HMAs), as opposed to county boundaries, have been the bedrock of strategic planning for the best part of 20 years; the Government consultations referred to in paragraph 4.3 above have not altered this fundamental basis of planning, which is rooted in the Duty to Cooperate. Furthermore, the Statement of Common Ground (see Appendix 2) contains numerous undertakings which have not yet been individually appraised by the Council as to their achievability. For these reasons, and those set out in paragraphs 4.9 and 4.16 – 4.19 above, it is recommended that the Council does not formally become part of the SPF in its current form. The Council will continue to cooperate with the County Council as a key partner whilst addressing cross-boundary strategic planning issues that extend beyond Derbyshire.

9.0 Background Papers

- Appendix 1: Draft Terms of Reference for the Derby and Derbyshire Strategic Planning Framework
- Appendix 2: Draft Statement of Common Ground for the Derby and Derbyshire Strategic Planning Framework
- Appendix 3: Report to D2 Joint Committee for Economic Prosperity Report, 4 March 2021