

DERBYSHIRE COUNTY COUNCIL

D2 JOINT COMMITTEE FOR ECONOMIC PROSPERITY

7 OCTOBER 2021

**PROPOSAL TO DEVELOP A NON-STATUTORY STRATEGIC
PLANNING FRAMEWORK FOR DERBY AND DERBYSHIRE –
PROGRESS UPDATE AND WAY FORWARD**

(1) Purpose of Report

- 1.1 The purpose of this report is to update the D2 Joint Committee (D2JC) on a number of recommendations that were agreed at its meeting on 4 March 2021 regarding the progression of joint work by the D2 partners to deliver a non-statutory Strategic Planning Framework for Derby and Derbyshire (SPF).

(2) Discussion / Decision Required by the D2JC

2.1 The D2JC is requested to:

- i) **Note the formal decisions taken by Members of the D2 partner authorities on whether to engage in further joint working to progress a non-statutory SPF (as set out below);**
- ii) **In the context of those decisions, to consider and agree whether:**
- **To cease all further joint working to progress the SPF;**
 - **To pause further joint working on the SPF pending the publication of the Planning Bill and Levelling Up White Paper and clarification from Government on its proposals for the future of strategic planning and strategic plan making;**
 - **To progress the SPF on the basis of those partner authorities who wish to participate in further joint working to progress the Framework.**

(3) Information and Analysis

- 3.1 On 4 March 2021, the D2 Joint Committee considered a report by Derbyshire County Council's Executive Director – [Place], setting out the progress that had been made since mid-2019 by the D2 partner authorities in jointly progressing a non-statutory Strategic Planning Framework (SPF). The report noted that partners had drafted documents setting out Key Emerging Strategic

Themes for possible consideration in the SPF; Draft Terms of Reference (ToR) for the D2JC setting out its roles and responsibilities for providing strategic oversight and governance for the development and delivery of the SPF; a Statement of Common Ground to guide and underpin development of the Framework, including key, agreed principles for joint working; and provision of a Strategic Evidence Base to inform the development of key issues, objectives and priorities for inclusion in the Framework.

- 3.2 The D2 Joint Committee discussed a number of recommendations set out in the report that included:
- i) Noting the progression of further joint working by the D2 partners to deliver a non-statutory SPF as set out in the report;
 - ii) Endorsing a Draft ToR for the D2 Joint Committee of key roles and responsibilities to provide strategic oversight and governance for the delivery of the SPF;
 - iii) Endorsing a draft Statement of Common Ground that had been developed by the D2 partners to underpin the Framework and key principles for joint working to deliver it; and
 - iv) Endorsing the opportunity for the D2 partners to report the SPF to their respective members on planning committees or planning boards to seek formal endorsement to progress further joint working to deliver the Framework.
- 3.3 Following discussion at the meeting, the Committee considered that, as a significant amount of information had been appended to the report for their consideration, particularly relating to the ToR and SoCG, partner authorities should have more time to consider the ToR and SoCG in detail and that both of these documents should be reported to each partner's respective Members as part of their consideration of recommendation iv) in the report as above, which was agreed by the Committee.
- 3.4 Over the intervening six months, most of the partner authorities have reported the SPF to meetings with their respective Planning Committee or other Members seeking formal endorsement for their authorities to engage in further joint working to progress the SPF. A briefing paper on the SPF was prepared by D2 officers to inform reports to respective Member meetings, to ensure consistency of approach.

A summary of the outcomes of these Member meetings and the decisions reached is set out below.

Amber Valley Borough Council

- 3.5 A report was considered by Amber Valley Borough Council at their Full Council meeting on 24 March 2021. At that meeting, Full Council noted the progress made so far by the local authorities across Derby and Derbyshire in

preparing the SPF and to enable continued progress to be made, Full Council resolved to:-

- *confirm its support for continued joint working with the other local authorities across Derby and Derbyshire to deliver the SPF;*
- *endorse the Draft Terms of Reference and Statement of Common Ground; and*
- *to authorise the Leader of the Council to write to Derbyshire County Council on this basis.*

Derby City Council

- 3.6 A letter was received from Chris Poulter, Leader of Derby City Council, on 5th July 2021 which stated that:

I believe that a non-statutory SPF for the D2 area could be a useful document but Derby City Council has always been clear that it should not establish policy 'from the top down'. Rather it should be built up from individual local authorities and HMA partnerships. Whilst I understand that Derbyshire County Council understands this, I have increasing concerns of a more 'policy-on' driven approach. I am unclear about the precise scope and nature of the document when finished. I have given this careful consideration but no longer feel able to support the preparation of a County-wide SPF, at least in its current form.

I understand that these concerns are shared by other Local Authorities and that some have already indicated that they do not wish to continue participating. I strongly believe that the SPF will only be useful if it covers the whole of Derby and Derbyshire and all D2 local authorities are involved. As this is no longer appears to be the case, I believe that work on the Framework needs to take a step back and to take stock.

As I say, there can be a role for a County-wide SPF, if all the Local Authorities are included and the scope and intent are clarified. Such a document would need to be limited to something which knits together the strategic policies and proposals of existing Local Plans to give a County-wide picture.

I cannot support anything that would go further than this.

Derbyshire Dales District Council

- 3.7 A response was received on 26th March 2021 on behalf of Councillor Gary Purdy, Leader of Derbyshire Dales District Council as follows:

I am writing to confirm on behalf of Derbyshire Dales District Council that I:

- i) **Agree** to the continued participation of Derbyshire Dales District Council in further joint working to prepare a Non-Statutory Strategic Planning Framework for Derby and Derbyshire subject to iv) below;
- ii) **Agree** the Draft Terms of Reference for the D2 Joint Committee setting out its key roles and responsibilities for providing strategic oversight and governance for the delivery of the Strategic Planning Framework;
- iii) **Agree** the Statement of Common Ground (SoCG) that has been developed to underpin development of the Framework and set out key principles for joint working to deliver it;
- iv) Derbyshire Dales District Council will, as considered necessary report the Strategic Planning Framework to Council or Policy Committee to seek Members' formal endorsement.

Erewash Borough Council

- 3.8 Notification was received from the Head of Planning & Regeneration at Erewash Borough Council on 9th April 2021 that a report on the SPF was considered at the Borough Council's Extraordinary Council Meeting on 25th March 2021 and that the minute book of Erewash Borough Council records the following, as concluded at Extraordinary Council on 25th March 2021:

Council considered a report of the Chief Executive which advised of proposals for and progress on a Strategic Planning Framework for Derby and Derbyshire. The report considered the implications for Erewash's Core Strategy and planning responsibilities and sought direction from Council regarding further engagement and participation in the initiative.

It was moved by Councillor Powell, seconded by Councillor Mrs Hart and it was:

RESOLVED that the Strategic Planning Framework for Derby and Derbyshire not be supported.

High Peak Borough Council

- 3.9 Confirmation received from High Peak Borough Council on 9th September 2021 that a further report will not be presented to Members to seek approval for the Borough Council's participation as the framework is non-statutory. The Borough Council's Officers will continue to work with the County Council and other partners authorities on it though.

South Derbyshire District Council

- 3.10 A report by the Strategic Director - Service Delivery was presented to South Derbyshire District Council's Environment and Development Services

Committee on 27th May 2021 on the SPF. The following recommendations in the report were agreed by the Committee:

- 1.1 *That the Committee 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.*

The conclusion to the report indicated that:

- 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 it 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 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.*

Other Local Authority Partners

- 3.11 At the time of drafting this report, confirmation is awaited from Bolsover District Council, Chesterfield Borough Council, North East Derbyshire District Council and the Peak District National Park Authority of any decision that their respective Members may have taken as to their Authority's participation in progressing the Framework.

Implications of Planning Bill and Levelling Up White Paper

- 3.12 In August 2020, the Government published its *Planning White Paper: Planning for the Future*, which set out proposed, wide-ranging reforms to the planning system in England, including proposed reforms for the local authority development plan-making system. In this context, however, the White Paper was largely silent on any proposals the Government may have for the future

role of strategic planning and strategic plan making in the reformed system and also proposed to abolish the 'Duty to Cooperate' which has been a key mechanism in recent years for ensuring that local planning authorities cooperate on key cross-boundary strategic planning and infrastructure matters that impact on their areas. Since publication of the Planning White Paper, little, if any, Government thinking about the future of strategic planning has emerged through either official or unofficial sources. It is anticipated, however, that the Government's proposals for the future of strategic planning and strategic plan making, are likely to be set out in the forthcoming Planning Bill, which is expected to be published in the Autumn 2021.

- 3.13 In addition to the above, it was announced in the Queen's Speech on 11th May 2021, that the Government proposed to publish a Levelling Up White Paper in the Autumn of 2021 that will also include the Government's proposals for devolution. It is possible that Government proposals for the future of strategic planning and strategic plan-making may also emerge through the Levelling Up White Paper.
- 3.14 In the context of the above, therefore, the future of strategic planning and strategic plan making is uncertain at present time, which is a key consideration in whether the SPF should be progressed at this moment in time.

Implications of Derbyshire Local Plan Preparation

- 3.15 When consideration was initially being given by the D2 partners to the preparation of a non-statutory SPF for Derby and Derbyshire in mid-2019, most of the partner authorities' Local Plans or Core Strategies had either already been adopted or were progressing towards adoption. At the time of writing this report, Local Plans have now been adopted in Bolsover District, Chesterfield Borough, Derby City, Derbyshire Dales District, Erewash Borough, High Peak Borough and South Derbyshire District. In 2019, therefore, the likelihood of full adopted Local Plan coverage of Derby and Derbyshire in 2021/22 was seen as being a potential window of 'opportunity' to prepare a SPF that would complement and run in parallel to the preparation of Local Plan Reviews (that most of the partners have now commenced early work on), and to set out a range of agreed strategic objectives and priorities of all the D2 partners that would inform a consistent approach to the preparation of those D2 Local Plans. It was intended that the short to medium term elements of the SPF were taken from existing Local Plans to avoid any conflict, with the longer-term joint aspirations (up to 2050) being used to inform future local plan development.
- 3.16 However, preparation of a SPF at the same time as most of the partners are progressing reviews of their Local Plans and Core Strategies, has raised significant concerns amongst a number of the D2 partners relating particularly to the potential officer and financial resource implications of preparing both a Local Plan and SPF in parallel. Other concerns have been raised that there may be potential for developers and / or site promoters to seek to exploit any inconsistencies between the SPF and emerging Local Plan Reviews and their status – one being non-statutory and the other statutory; that Housing Market

Areas (HMAs) are still the most appropriate geography over which to consider cross boundary strategic planning matters rather than a county-wide geography; and the potential for confusion for stakeholders, particularly members of the public, regarding the preparation of two separate development plans covering their areas.

Conclusions

- 3.17 In the context of the above, it is clear there is no longer unanimous support from all the D2 partners for the preparation of the SPF with three key strategic local authority partners (Derby City, Erewash Borough Council and South Derbyshire District Council) indicating their desire not to support or participate in further joint working to progress the SPF, at least in its current form. It is considered that the success of the Framework and its likely future status and worth is very much dependent on all the D2 partners participating in joint working to progress on a county-wide geography but based on HMAs. Progressing the Framework on the basis of just the D2 partners who support and wish to participate in progressing it, does not appear to be an option worth pursuing, largely due to the fragmented geography that would remain.
- 3.18 Significant uncertainty remains at the national level at the current time over the Government's future proposals, if any, for strategic planning and strategic plan making, that may be clarified if due course through the publication of the Planning Bill and / or the Levelling Up White Paper.
- 3.19 Significant concerns have been expressed by a number of the D2 partners about the timing of the preparation of the SPF running in parallel with the preparation of their Local Plan Reviews and the complexity of issues and difficulties that may raise as highlighted in paragraph 3.16 above.

(4) Recommendations

- 4.1 In the context of the above, the D2Joint Committee is asked to consider three potential options for the future of the SPF and to agree the most appropriate option as follows:
- i) To cease all further joint working to progress the SPF;
 - ii) To pause further joint working on the SPF pending the publication of the Planning Bill and Levelling Up White Paper and clarification from Government on its proposals for the future of strategic planning and strategic plan making;
 - iii) To progress the SPF on the basis of just those partner authorities who wish to participate in further joint working to progress the Framework.