

DERBYSHIRE COUNTY COUNCIL

D2 JOINT COMMITTEE FOR ECONOMIC PROSPERITY

17 MARCH 2020

**PROPOSAL TO DEVELOP A NON-STATUTORY, STRATEGIC
PLANNING FRAMEWORK FOR DERBY AND DERBYSHIRE**

(1) Purpose of Report

- 1.1 The purpose of this report is to update the D2 Joint Committee on progress that has been made by the D2 partners in developing a non-statutory Strategic Planning Framework for Derbyshire. The Framework is being developed in line with, and complementary to, ongoing work by D2 partners on climate change and non-structural reform (also being considered on this agenda).
- 1.2 It should be noted that a report on the Strategic Planning Framework was presented to the Derbyshire Chief Executives Group on 24th January 2020, at which the Group endorsed the presentation of a report to the D2 Joint Committee for consideration and endorsement, as set out below.

(2) Discussion / Decision Required by the D2 Joint Committee

2.1 The D2 Joint Committee is recommended to agree the following:

- i) Progress further joint work by the D2 partners to deliver a non-statutory Strategic Planning Framework in line with the process and key principles set out in this report;**
- ii) The work to be called the 'Strategic Planning Framework for Derby and Derbyshire', subject to further consideration and agreement by Derby City Council;**
- iii) Terms of Reference setting out roles and responsibilities for the Joint Committee providing strategic oversight and governance for the development and delivery of the Framework (see Appendix 1).**
- iv) Undertake initial discussion with N2 planning officers regarding the proposed Supplementary Planning Document on housing and low carbon – with an early**

report back to the D2 Joint Committee outlining implications.

(3) Information and Analysis

- 3.1 On 4th June 2019, the D2 Joint Committee considered a report by Derbyshire County Council's Executive Director for Economy, Transport and Environment, setting out a proposal for joint working across all the D2 partners to prepare a non-statutory Strategic Planning Framework for Derbyshire. The primary justification for preparation of the Framework was to address the high priority now placed on strategic planning and plan making by Government in the National Planning Policy Framework (NPPF). It was also noted this work would help D2 partners fulfil their obligations under the 'Duty to Cooperate' set out in NPPF and Localism Act 2011 for joint working on cross boundary strategic planning matters.
- 3.2 The D2 Joint Committee discussed and endorsed a number of recommendations that included:
- The commencement of work to deliver a non-statutory Strategic Planning Framework for Derbyshire;
 - Joint discussion between Derby City and Derbyshire County Council and the other D2 partners to explore the potential for the Framework to be prepared jointly as a Strategic Framework for the whole of the D2 area (Derbyshire, Derby City, all the Derbyshire District and Boroughs and the Peak District National Park Authority);
 - The preparation of a detailed project plan to deliver the Framework to be subject to further discussion and endorsement by the D2 Joint Committee; and
 - The D2 Joint Committee providing the strategic oversight and governance for the development and delivery of the Strategic Planning Framework and that terms of reference be developed accordingly.
- 3.3 Following the presentation of the report to the meeting on 4th June 2019, a further report on the proposal to develop the Strategic Planning Framework was presented to Derbyshire County Council's Cabinet Member Meeting for Highways, Transport and Infrastructure on 11th July 2019. Similar recommendations to those set out above, were endorsed by the Cabinet Member.

4 Progress on Strategic Planning Framework

4.1 Since this time, D2 partners have commenced significant work to progress the Strategic Planning Framework.

4.2 Between September and November 2019, individual meetings have taken place between Derbyshire County Council as the lead authority, the City, district and borough councils and PDNPA to discuss the Framework in more detail. All meetings were attended by the Planning Policy Managers (or nominated substitutes) and discussions explored the following matters:

- the principle of whether the Framework could be prepared jointly by all the D2 partners;
- key principles of the process, format and coverage of the Framework;
- the staff and financial resources that would be likely to be necessary;
- evidence and studies that would be likely to be required to support preparation of the Framework;
- discussions on a draft project plan setting out details of the work programme, timescales and key milestones for delivering the Framework;
- each partner authority's Committee / Cabinet sign off process – timescales for meetings and lead-in time for reports;
- preparation of documentation to support the process;
- the need for a Statement of Common Ground to be drafted by the partner authorities to underpin development of the Framework; and
- each partner's initial thinking on what are likely to be the key issues, objectives and priorities in their areas over the period 2020 to 2050, that would form the basis of the Framework.

4.3 In addition, the Framework has been discussed through existing meetings of planning policy officers, heads of development management, heads of Planning Services and the Planning Information Monitoring Officer Group. A web-based, information sharing portal has been developed by the County Council to support this work and will go live shortly.

4.4 Discussions have also taken place with Derbyshire County Council's key service areas (including climate change, economic development, conservation and design, infrastructure, flood risk, public health and minerals and waste) to discuss a range of strategic issues that are proposed to be included in the Framework.

- 4.5 There has been unanimous support in principle from all the D2 partners to work jointly and collaboratively to prepare the Framework on a non-statutory basis. In particular, it has been agreed by the partners that 'tackling climate change' should be a central theme, linking to all related Topic Chapters.
- 4.6 Specifically, discussions have taken place between Derbyshire County Council and Derby City Council to explore the potential scope of the Strategic Planning Framework as a D2-wide document; it was agreed that this should be taken forward for further consideration by the City Council with its elected members. Discussions with Erewash Borough Council (EBC) have confirmed that together with the other greater Nottingham authorities (Broxtowe, Gedling, Nottingham City and Rushcliffe), a review of aligned Core Strategies/ Local Plans, including preparation of a 'Strategic Growth Plan' with a time horizon of 2050 is being undertaken. Erewash BC has indicated, therefore, that it wishes to keep an open mind on whether to participate in the preparation of the Strategic Planning Framework for Derbyshire, particularly given the potential resource implications of simultaneously participating in both the preparation of the Framework and taking forward the review of the aligned Core Strategies / Local Plans with the Greater Nottingham authorities. However, it should be noted that the Duty to Cooperate will still need to be fulfilled by all parties in the preparation of both the Growth Plan and the SPF
- 4.7 A key issue highlighted in the partner discussions has been the potential staff resources that would be necessary to progress the Framework, particularly as a number of the partners have recently embarked upon, or are shortly to embark upon, reviews of their Local Plans.
- 4.8 In terms of evidence and supporting studies, D2 partners consider that the Framework should be underpinned by a range of strategic evidence and studies as set out below:
- Demographic Projections;
 - Economic Forecasts;
 - Strategic Infrastructure / Transport Study;
 - Growth Opportunities / Constraints Study;
 - Common Methodology for Undertaking Green Belt Reviews;
 - Housing Market Areas Study;
 - Strategic Flood Risk Assessment;
 - Gypsy and Traveller Accommodation Assessment (already commissioned by partners)
 - Landscape and Green Infrastructure Studies

- Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA).

- 4.9 A number of the partner authorities have highlighted the potential cost benefits in joint commissioning evidence that would inform preparation of both the Strategic Framework and Local Plan Reviews; this activity is likely to be the main financial cost of delivering the Framework. Previous discussions with the D2 Chief Executives had identified potential use of future Planning Delivery Fund to support this work; to date, this has not been forthcoming from Government but underspend in the business rate pilot may provide a suitable alternative source of funding (see item 8 of the agenda).
- 4.10 An initial draft project plan has been developed setting out a work programme, timescales and key milestones for delivering the Framework, taking account of the need for political sign-off processes and procedures (Full Council, Committees, Sub-Committees, Cabinets etc.) that have been identified by all the partner authorities.
- 4.11 The project plan sets out the key milestones in developing the Framework and includes the following:
- Emerging Themes document (based on the D2 partner discussions on initial thinking on issues, objectives and priorities);
 - Drafting of a range of Topic Papers, setting out relevant key international, national and sub-national planning policy and legislation; national, regional and local strategies; and strategic and local evidence and studies;
 - Drafting of an Issues, Objectives and Priorities consultation document;
 - Production of a Draft Strategic Planning Framework consultation document;
 - Sustainability Appraisal (SA) Scoping Report and Draft SA; and Habitats Regulation Assessment (HRA);
 - Final Strategic Planning Framework.
 - Final SA and HRA.
- 4.11 Local planning authorities are required to demonstrate they have met their Duty to Co-operate responsibilities through effective and ongoing joint work on strategic planning matters. This includes entering into one or more Statements of Common Ground that document the cross-boundary matters and enable cooperation to address these matters. The D2 partners consider that a Strategic Statement of Common Ground should be drafted that would underpin preparation of the Framework, setting out key roles and responsibilities, cross boundary issues, objectives and priorities that would be incorporated in the Framework. Accordingly, work to draft a Statement of Common Ground

has commenced and will be subject to a further report to the D2 Joint Committee in due course for its consideration and endorsement.

4.12 Initial discussions with the partners has focussed on identifying the key strategic issues for Derbyshire over the next 30 years up to 2050. This includes:

- Housing (key growth sites, land supply, affordable housing, Gypsies and Travellers);
- Economy / Regeneration (key growth sites, land supply, town/district centres, tourism / leisure, good / clean growth);
- Infrastructure: road, rail, airports, schools, waste, digital, utilities;
- Environment / Climate Change:
 - Green Belt / safeguarded land
 - Green / blue infrastructure
 - Landscape / landscape character
 - Ecology
 - Heritage
 - Flood risk
 - Air quality
- Public Health and Adult Care
- Minerals and Waste

4.13 Within the context of tackling climate change and low/ net nil carbon development, these issues will inevitably need to include considerations on matters such as modern methods of construction for housing, sustainable energy supplies within communities, employment sites v 'workplace/ workspace' demands, digital infrastructure, low carbon infrastructure (e.g. electric vehicle charging), carbon capture and flood defences.

4.14 The range of topics outlined will be used to develop an Emerging Themes document early in the process that will be reported to the D2 Joint Committee in due course.

4.15 Furthermore, at its meeting in January 2020, the D2N2 Joint Leaders Board considered and supported, in principle, a proposal by the Leader of Broxtowe to develop a D2N2 Supplementary Planning Document in relation to low carbon housing and tackling climate change. Development of such a document aligns easily to the D2 SPF and its preparation would require the Duty to Co-operate to be met; this is helpful in ensuring the full engagement of all partners in such an important document.

5.0 Governance

- 5.1 At its meeting on the 4th June 2019, the D2 Joint Committee agreed to assume responsibility for strategic oversight and governance for the development and delivery of the Framework and requested that terms of reference be developed. Draft Terms have been produced jointly by partners, in consultation with Derbyshire County Council's legal services officers to meet this requirement and a copy is attached at Appendix 1 to this Report.

(6) Recommendations

- 6.1 In order for the Framework to be further progressed, a number of recommendations are presented to the Joint Committee:
- 1) Continue to progress, at pace, further joint work by the D2 partners to draft a non-statutory Strategic Planning Framework on the basis of the key principles and themes set out in this report;
 - 2) The document to be developed as the 'Strategic Planning Framework for Derby and Derbyshire', subject to final agreement by Derby City Council.
 - 3) Approval of the proposed Terms of Reference for the D2 Joint Committee set out in Appendix 1 of this report.
 - 4) Undertake initial discussion with N2 planning officers regarding the proposed Supplementary Planning Document on housing and low carbon – with an early report back to the D2 Joint Committee outlining implications.

Report prepared by: David Arnold, Head of Planning, Derbyshire County Council

D2 Joint Committee for Economic Prosperity

***Terms of Reference
Strategic Planning Framework for Derby
and Derbyshire***

March 2020

**D2 Joint Committee for Economic Prosperity
Strategic Planning Framework for Derby and Derbyshire
Terms of Reference**

1 Purpose of Terms of Reference

- 1.1 These Terms of Reference (ToR) have been prepared to set out the roles and responsibilities of the D2 Joint Committee for Economic Prosperity (hereafter referred to as the D2 Joint Committee) in providing strategic oversight and governance for the development and delivery of a non-statutory strategic planning framework for Derbyshire and Derby City (hereafter abbreviated to Derbyshire).

2 Background

- 2.1 At its meeting on 4 June 2019, the D2 Joint Committee considered a report setting out a proposal for the following authorities to prepare a non-statutory strategic planning framework for Derby and Derbyshire:

- ***Amber Valley Borough Council***
- ***Bolsover District Council***
- ***Chesterfield Borough Council***
- ***Derby City Council***
- ***Derbyshire County Council***
- ***Derbyshire Dales District Council***
- ***Erewash Borough Council***
- ***High Peak Borough Council***
- ***North East Derbyshire District Council***
- ***Peak District National Park Authority***
- ***South Derbyshire District Council***

- 2.2 The report referred to recent Government guidance as set out in the revision to the National Planning Policy Framework (NPPF) in July 2018, and carried over into the further revised version of the NPPF of February 2019. The guidance highlights the importance of a strategic approach by local planning authorities in preparing for their statutory development plans, particularly working on cross-boundary strategic planning matters including collaborative working involving county councils. .

- 2.3 As, paragraph 24 of the NPPF acknowledges, district/ borough councils and county councils (in two tier areas) and national park authorities (in respect of their areas) are each subject to a duty under section 33A of the Planning and Compensation Act 2004, to cooperate' with other councils/authorities and prescribed bodies and persons in maximising the effectiveness with which development plan document preparation so far as relating to a strategic matter and other related preparatory and supporting activities are undertaken.

- 2.4 This statutory duty is widely referred and is referred to hereinafter as the 'Duty to Cooperate'. The meaning of "strategic matter" in this context is set out in subsection (4) of section 33A; it covers broadly any sustainable development or use of land that would have an impact that would extend

across the administrative boundaries between two or more local planning authorities.

- 2.5 Paragraph 25 of the NPPF emphasises that strategic policy makers should collaborate to identify the relevant strategic matters they need to address in their plans. Paragraph 26 of the NPPF indicates that effective and ongoing joint working between strategic policy making authorities 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.
- 2.6 The report included the recommendation of a number of action points in respect of the proposal that were subsequently approved by the D2 Joint Committee at the meeting on 4 June 2019, including:
- The commencement of work to develop a non-statutory Strategic Planning Framework for Derbyshire;
 - The preparation of a detailed project plan (including governance, timescales, evidence, process and consultation arrangements) for the Framework – to be subject to further discussion and endorsement by the D2 Joint Committee; and
 - The D2 Joint Committee providing the strategic oversight and governance for the development and delivery of the Strategic Planning Framework.

3 The D2 Joint Committee

- 3.1 The D2 Joint Committee comprises leaders appointed by each of the local authorities in Derbyshire which is a local planning authority (the D2 partner authorities). Its purpose is: To bring together the City Council, County Council and all District and Borough Councils in Derbyshire into a robust, formally constituted arrangement to deliver regeneration and economic prosperity across the whole geographical county of Derbyshire. It is stated within its existing statement of purpose that it “intends to pursue an economic growth strategy through a balanced approach, with economic social and environmental sustainability at its heart”.
- 3.2 Each of the D2 partner authorities, for the wellbeing of its area and to facilitate the effective future performance of the “Duty to Co-operate”, is willing for the D2 Joint Committee to provide so far as it is able the strategic oversight and governance required for the development and delivery of a non-statutory Strategic Planning Framework for Derbyshire, as set out in the report. These Terms of Reference therefore set out appropriate terms on which the D2 Joint Committee is expected to carry out this role. The Strategic Planning Framework is envisaged to provide a focus for cooperation and joint working between the D2 local authorities to meet the requirements of the Duty to Cooperate.
- 3.3 For the avoidance of doubt, the D2 Joint Committee cannot itself exercise any of the functions of a planning authority, such as setting development

plan policy or taking planning decisions, or discharging the Duty to Co-operate, nor can it amend any decisions made by a planning authority.

- 3.4 Its recommendations would not be binding on the actions of any of the partner authorities.

4 Specific Roles and Responsibilities

- 4.1 The D2 Joint Committee will in response to relevant invitations or requests made from time to time on behalf of the D2 partner authorities which are introduced through its meeting agenda:

- Provide strategic oversight on behalf of the D2 partner authorities for the joint commissioning and preparation of evidence necessary to underpin the preparation of the Framework and inform the formulation of issues, objectives and priorities;
- Consider and endorse a detailed project plan to be drawn up by the County Council on behalf of the D2 partner authorities for preparing and delivering the Strategic Planning Framework, to include governance, timescales, evidence, process and consultation arrangements;
- Consider and endorse documentation to support the preparation of the Strategic Planning Framework that will be subject to further consideration and agreement by the D2 partners for subsequent public and/or stakeholder consultation, including any documents produced on behalf of the D2 Partner Authorities to provide :
 - Issues, Objectives and Priorities consultation;
 - Draft Strategic Planning Framework consultation;
 - A final version of the Framework for publication on behalf of the D2 partner authorities.
- Provide a forum for discussing and seeking to resolve any conflicts of approach or opinion amongst the D2 partner authorities regarding the preparation of the Framework;
- Recommend any actions to the D2 partners and others insofar as this may help the partners to discharge the Duty to Cooperate and to reach a consensus where possible on the key strategic trans-boundary planning considerations that will inform the Framework;

5 Desired Outcomes

- 5.1 The timely and collaborative preparation and delivery by the D2 partner authorities of a non-statutory Strategic Planning Framework for Derby and Derbyshire setting out strategic objectives and priorities for the D2 area, which will fundamentally support the good/ clean growth agenda for the city and county and may potentially (but not exclusively) relate to:

- Housing (including low carbon, affordable housing and Gypsies and Travellers);
- Economic development and regeneration (including employment, town centres and retailing, tourism and leisure and good / green growth);
- Infrastructure for transport, schools, waste management, telecommunications and utilities;
- Environment and climate change (including Green Belt, green / blue infrastructure, landscape and landscape character, ecology, heritage, flood risk, air quality and development of a Trent Valley Vision);
- Minerals and waste; and
- Health and well-being.

5.2 The timely commissioning and publication of an evidence base to underpin the preparation of the Framework sufficiently to identify and inform key strategic issues in the D2 area and cross-boundary issues beyond the D2 area.

5.3 The publication of Statements of Common Ground on behalf of, and as agreed by, the D2 partners.

5.4 The commissioning and publication of a Sustainability Appraisal and Habitats Regulation Assessment to inform the development of the Framework and ensure that its strategic objectives and priorities promote sustainable development by assessing the extent to which the emerging Framework, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

6 Frequency and Format of Meetings

6.1 The D2 Joint Committee meets every two months to consider a wide range of economic prosperity, infrastructure and regeneration related matters. Matters specifically relating to the strategic oversight and governance for the development and delivery of the Strategic Planning Framework will be considered, as and when necessary, by the D2 Joint Committee as part of its regular bi-monthly cycle of meetings.

6.2 Papers relating to the Strategic Planning Framework will be drafted and circulated to Committee members prior to the meeting and action notes and points of agreement reached will be recorded at each meeting. Representatives of other bodies, including consultants, may attend and present at the meeting by invitation by the Committee.

7 Secretariat

7.1 The secretariat for matters relating to the Strategic Planning Framework for consideration by the D2 Joint Committee, will be provided by Derbyshire County Council.

Key Signatories

<i>For and on behalf of Amber Valley Borough Council</i>	<i>Signature</i> <i>Title</i>
<i>For and on behalf of Bolsover District Council</i>	<i>Signature</i> <i>Title</i>
<i>For and on behalf of Chesterfield Borough Council</i>	<i>Signature</i> <i>Title</i>
<i>For and on behalf of Derby City Council</i>	<i>Signature</i> <i>Title</i>
<i>For and on behalf of Derbyshire County Council</i>	<i>Signature</i> <i>Title</i>
<i>For and on behalf of Derbyshire Dales District Council</i>	<i>Signature</i> <i>Title</i>
<i>For and on behalf of Erewash Borough Council</i>	<i>Signature</i> <i>Title</i>
<i>For and on behalf of High Peak Borough Council</i>	<i>Signature</i> <i>Title</i>
<i>For and on behalf of North East Derbyshire District council</i>	<i>Signature</i> <i>Title</i>
<i>For and on behalf of Peak District National Park Authority</i>	<i>Signature</i> <i>Title</i>
<i>For and on behalf South Derbyshire District council</i>	<i>Signature</i> <i>Title</i>