

Local Development Scheme

Version 7 - December 2017



Derby City Council



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Contents

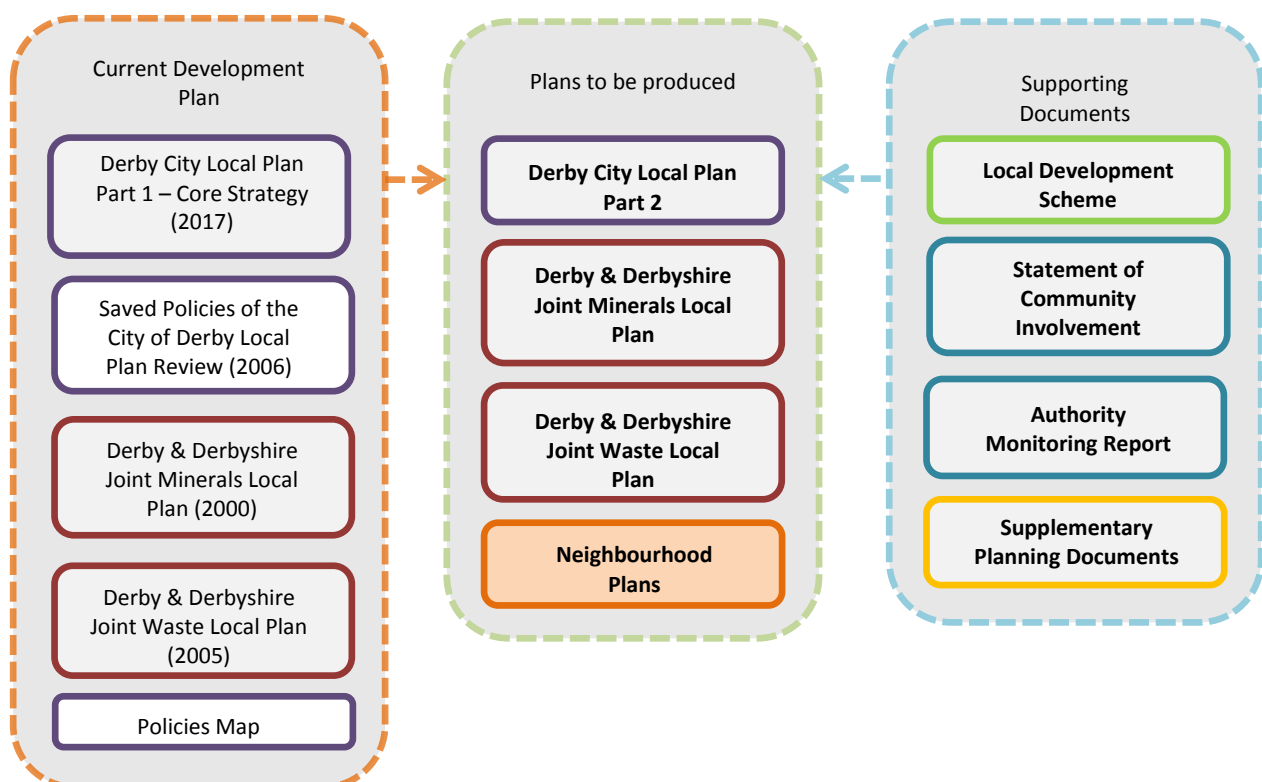
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1. Introduction

- 1.1 The Local Development Scheme (LDS) is a three-year project plan which sets out the timescales for the preparation and review of statutory planning policy documents within Derby. It provides the starting point for the local community, businesses, developers and other interested parties to find out what the City Council's current planning policies are for the area. It includes 'milestones' to inform the public about opportunities to get involved with the plan making process and to let them know the likely dates for involvement.
- 1.2 This is the seventh full review of the LDS for Derby and it covers the period from December 2017 to April 2020. It sets out the Council's commitment to the production of planning documents that will make up the Derby Local Plan. These documents have already begun to replace the 'saved' policies of the City of Derby Local Plan Review (CDLPR) that was adopted in 2006. However, these documents do not include Minerals and Waste plans which are being prepared jointly with Derbyshire County Council. These will be subject to a separate joint LDS.
- 1.3 Figure 1 illustrates the current, and proposed, situation with regard to the Development Plan and supporting documents. Further details on the programme for establishing the new Development Plan are set out in Section 4 and Appendix A.

Figure 1: Development Plan Components



2. Background

- 2.1 The Planning and Compulsory Purchase Act 2004 introduced the requirement for councils to prepare and maintain a Local Development Scheme (LDS). The LDS sets out the work programme for the preparation of documents to be included in the Local Plan. This document supersedes version of the LDS published in March 2016.
- 2.2 In 2012 the Government introduced the National Planning Policy Framework (NPPF). The NPPF sets out mandatory guidance as to how local plans should be shaped to accord with the principles of sustainable development, and all new local plan documents must be consistent with the NPPF in order to be sound. At the heart of the NPPF is a presumption in favour of sustainable development, which is supported by a number of core planning principles.
- 2.3 In addition, the Localism Act 2011 introduced further reforms to the system. The Act confirmed the abolition of the Regional Spatial Strategies and gave local authorities the ability to determine their own requirements for growth, within the context of a 'Duty to Co-operate' (DtC) with other local authorities. It also created opportunities for local communities to prepare 'Neighbourhood Plans' for their area.
- 2.4 Other documents produced include 'the Statement of Community Involvement' (SCI), adopted in July 2017, which details how the Council will encourage local communities to participate in the planning system.
- 2.5 The implementation and performance of policy documents and progress in delivering the LDS is reviewed annually through the 'Authority Monitoring Report' (AMR).

3. Derby's Development Plan

- 3.1 Derby's Local Plan contains a range of documents to guide development within the City. The term Local Plan is the collective name for those planning documents produced by the Council which comprise the Development Plan. Applications for planning permission are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The following documents currently comprise the statutory development plan for Derby.

Derby City Local Plan Part 1 – Core Strategy (2017)

- 3.2 The Derby City Local Plan Part 1 (DCLP1) was adopted on 25 January 2017, it sets out the strategic planning framework for the City to 2028. The overarching strategy underpinning the plan seeks to meet the City's needs within our environmental limits;

balancing the need for new housing with that of protecting the Green Belt and Green Wedges and bringing forward development on green field sites whilst securing regeneration of urban areas and the city centre. The Plan sets out a housing target of 11,000 new homes in the City itself 2011-2028. The remaining 5,388 to meet the full objectively assessed housing need of 16,388 will be met in Amber Valley and South Derbyshire, mainly as urban extensions to the City

Saved Policies of the City of Derby Local Plan Review (CDLPR 2006) The CDLPR was adopted in January 2006. The City Council received a direction from the Secretary of State on 25 January 2009, agreeing to 'save' all but 6 of the plans' policies until these are replaced by new documents. The DCLP1 partially replaces a large number of these saved policies. The Local Plan Part 2 will replace the remainder.

Policies Map

- 3.4 The Policies Map (previously referred to as the Proposals map) illustrates graphically the policies and proposals of the Local Plan on an Ordnance Survey base map to allow them to be clearly understood. The Policies Map was amended following the adoption of the DCLP1 and it now contains the allocation and designations from the DCLP1 and those saved from the CDLPR. The Policies Map will be revised and updated as new policies are adopted..
- 3.5 Following the adoption of the DCLP1, an interactive version of the policies map was made available on the Council's website. This helpfully provides links directly to the policy wording of the relevant part of the development plan. The interactive map can be accessed using the link below.

<http://maps.derby.gov.uk/Map.aspx?MapName=LocalPlan>

Saved Policies of the Derby and Derbyshire Minerals Local Plan (2000)

- 3.6 In April 2000, together with Derbyshire County Council, the City adopted a Minerals Local Plan for Derby and Derbyshire, outside the Peak District. This guides decisions on planning applications for the extraction of minerals and associated works in the area. The Plan was slightly revised in 2002 to take account of changes in Government policy on coal extraction. From 27th September 2007, following a Government Direction, the following policies are no longer to be used: MP8, 9, 14, 20, 26, 30 and 31. All other policies are 'saved' until replaced by new documents.

Saved Policies of the Derby and Derbyshire Waste Local Plan (2005)

- 3.7 In March 2005, together with Derbyshire County Council, the City adopted a Waste

Local Plan for Derby and Derbyshire, outside the Peak District. This Plan guides the decisions on any planning applications for developments associated with the management of the waste we produce. The plan covers all types of waste. From February 2008, following a Government Direction, we no longer use the W1a policy. All other policies are 'saved' until replaced by new documents.

Non-Statutory Policies

- 3.8 There are also a number of other existing planning policy documents that seek to guide development within the City but that are not formally part of the statutory development plan. These include Supplementary Planning Documents and Area Action Plans.

Supplementary Planning Documents (SPD)

- 3.9 The City Council has four adopted SPDs. These are:
- Manor / Kingsway Hospitals SPD (April 2007)
 - Rykneld Road SPD (January 2008)
 - Planning Obligations SPD (December 2008)
 - Nature Conservation Strategy (April 2006)
- 3.10 These do not form part of the Development Plan, but they do provide supplementary advice and guidance which are material considerations in the determination of a planning application.

Area Action Plans (AAPs)

- 3.11 The City Council has not adopted any Area Action Plans, but it did progress one through to 'preferred options' stage before being suspended. The 'City Centre Eastern Fringes Area Action Plan' (CCEFAAP) was prepared for the land between the railway station and the inner ring road, including Castleward and the former DRI site. This plan has not been formally adopted, but does provide a guide as to how the area should be developed in the future and was used to inform the selection of Compendium Living as the preferred developer to deliver regeneration of the area.
- 3.12 The proposals currently being implemented by Compendium Living are broadly in line with the principles set out in the CCEFAAP, which have also informed Policy AC6 in the DCLP1 which covers the Castleward and former DRI regeneration areas.
- 3.13 In April 2009, it was agreed to suspend production of the AAP in order to allow progress to be made on the Core Strategy, but with an option to start work on this

again once the Strategy had been adopted and if it were still considered necessary. This option still exists, though it is increasingly unlikely that the AAP will be necessary as the Council has entered into a development partnership with Compendium Living to deliver this key regeneration scheme.

4. Programme of Plan Preparation

- 4.1 The schedules at Appendix 1 set out the programme of plan preparation for the next three years. The purpose of the main documents within the programme are summarised below.

Local Plan Part 2 (Part 2)

- 4.2 The Part 2 Plan will review and replace all remaining ‘saved’ policies in the CDLPR. Its main focus will be on allocating any additional sites needed to meet overall housing and employment needs, where appropriate (generally smaller, non-strategic sites or sites which were not able to be allocated in the Part 1 plan, owing to uncertainty or lack of evidence). The Part 2 will also provide more detailed information on how certain ‘strategic locations’ in the Part 1 plan will be delivered. Examples of this may be in relation to more detailed information on City Centre opportunities and the implications of the ‘Our City, Our River’ (OCOR) masterplan. Subject to evidence, it will also include allocations to meet the needs of Gypsies and Travellers.
- 4.3 It will also reflect a review of open space, retail needs, parking standards, and any outstanding development management policies that need to be addressed.
- 4.4 Work on the Part 2 began in 2016 with a call for sites, although the examination of the DCLP1 impacted on the progress made during 2016. Particular emphasis through much of this year (2017) has been on collecting evidence and identifying the issues and options that the Plan will have to address. Consultation on the issues and that the Part 2 plan will address and the potential policy options available is due to commence in early 2018. The response to the Issues and Options consultation, alongside initial evidence gathering, scoping and options analysis will culminate in the production of a Draft Plan for consultation in summer 2018 (under Regulation 18), followed by the Pre-Submission Plan in late 2018. This should lead to the submission of the Plan for formal examination in early 2019, with subsequent adoption of the plan in mid/late 2019.

Policies Map

- 4.5 The Policies Map (previously referred to as the Proposals Map) illustrates geographically the policies and proposals of the Local Plan. The Policies Map will be revised and updated as the new policies of the Local Plan Part 2 are adopted and the remaining CDLPR policies replaced or deleted.

Neighbourhood Plans

- 4.6 One Neighbourhood Plan is currently underway. In 2016 the Council designated the historic core of Chellaston as a Neighbourhood Planning Area and approved the Chellaston Neighbourhood Planning Group as the only body who could undertake neighbourhood planning in that area. However, following initial consultation with the community it became apparent to the Group that the wider Chellaston community thought that the neighbourhood planning area should not just focus on the historic core, but should encompass the whole area.
- 4.7 In response to this, applications to amend the Neighbourhood Plan Area and to re-confirm the Neighbourhood Planning Forum as the body to undertake the Neighbourhood Plan were received. The Council approved these changes in October 2017. It is too early in the process to establish a firm timetable for the completion of this plan as a Neighbourhood Forum has yet to be formally established. This will be addressed in future versions of the LDS

Joint Derby and Derbyshire Minerals and Waste Local Plans

- 4.8 Minerals and Waste Local Plans are being prepared jointly by Derby City and Derbyshire County Councils. These will be subject to a separate LDS prepared jointly with Derbyshire County Council.

Planning Obligations Supplementary Planning Document (SPD)

- 4.9 We are currently reviewing the Council's adopted Planning Obligations SPD to bring it up to date with current Planning Law and the adoption of the DCLP1. The Draft Planning Obligations SPD Review sets out how we will negotiate Planning Obligations, or Section 106 agreements, to secure developer contributions towards City infrastructure. The consultation began in November 2017 and closes in January 2018. It is anticipated that, following amendments to take on board comments received, the SPD will be adopted in March 2018.

Derby Urban Design Guide

- 4.10 Policy CP3 of the DCLP1 commits to the production of a design guide setting out key principles in addressing the character and context of development sites. . Initial scoping work has now begun and the Urban Design Guidance will provide advice on how urban design principles should be applied to ensure that new development is high quality, well designed and enhances the experience of place.
- 4.11 The document will be structured the basis of the nine 'Placemaking Principles' set out in Policy CP3 of the DCLP1, providing guidance on their interpretation and examples of how proposals can successfully respond to the policy requirements. The document will also provide more specific advice on responding to heritage assets, tall buildings, residential extensions; sustainable construction (as referred to in DCLP1 policy CP2) and infill housing development and mature townscape character.

5. Resources

- 5.1 Staff resources for delivering the proposed programme will be drawn mainly from the 'Spatial Planning' Group, principally from the Policy Team. There are around 5 FTEs available for work on the Local Plan, including support staff to assist in monitoring, administration and management. However, the team is not dedicated solely to Local Plan work and it is estimated that, on average, at least 25% of its work is focussed on other aspects of planning policy.
- 5.2 Officers from other parts of the Council (for example, Transport Planning, Housing Strategy or Regeneration Projects) also contribute to plan preparation to some extent. The City Council also makes use of consultants to prepare individual studies as and when necessary.

Joint Working

- 5.3 A decision was taken early in the process, that each of the three authorities within the Derby Housing Market Area (HMA) would prepare 'aligned' Local Plans rather than a Joint Plan. This approach is in line with the 'Duty to Cooperate', and a close working relationship has been established between Derby, Amber Valley, South Derbyshire and Derbyshire County Council to ensure a consistent approach. Working on an aligned basis has enabled the production of a number of joint pieces of evidence. These have mainly been funded through Growth Point funding. Joint working across the HMA continues in the implementation of policies of new Local Plan, particularly those relating to the implementation is significant urban extensions to the City.

- 5.4 The City and County Councils are jointly preparing Minerals and Waste Local Plans. Existing joint arrangements will continue. These involve consideration of documents by the Joint Derbyshire Development Plans Advisory Committee, but with final approval by each Authority under its own arrangements.

6. Monitoring

- 6.1 The Council is required to produce an Authority Monitoring Report (AMR) to be made available to the public. The AMR should review the progress in the preparation of the Local Plan against the milestones set out in the LDS and assess the extent to which the Development Plan policies are being implemented against established indicators.
- 6.2 The introduction of the Localism Act in November 2011 removed the statutory requirement for local planning authorities to submit an AMR to the Secretary of State. However, authorities still have a duty to monitor and report its activities to the local community.
- 6.3 An AMR will be produced each year as soon as the relevant information is available. This will always report on the period between April 1st and March 31st each year.

7. Evidence Base and Background Information

- 7.1 Government guidance emphasises the need for a proportionate, robust and credible evidence base to support the preparation of documents included in the programme. Through the course of preparing the DCLP1, a significant amount of evidence has been prepared. This can be found on the Council's website at:

<http://www.derby.gov.uk/environment-and-planning/planning/planning-evidence-base/>

8. Risk Analysis

- 8.1 The Council does not have control over all aspects associated with the preparation of the Local Plan. An analysis of potential risks has been carried out. These, together with the potential approach to managing risks are set out below.

Area of Risk	Impact	Mitigation
Local Plan Documents not being found sound by Planning Inspector	Need to return to an early stage of preparation and review work; Potential for significant delays in adopting documents; Significant additional costs if background evidence has to be repeated; Risk of development management decision being challenged if planning policy context is not robust	<ul style="list-style-type: none"> • Ensure that Local Plan documents are developed using a credible and robust evidence base • Complete soundness and legal compliance self-assessment toolkits • Ensure staff continue to be up- to-date with latest policy and guidance
Inadequate staff resources / Planning policy team required to do other work	Unable to produce the Local Plan on time or to required quality standards due to lack of in house skills/resources for evidential work or policy formulation. Requirements placed on local authorities as increased, while resources have decreased.	<ul style="list-style-type: none"> • Ensure Local Plan is a priority within Council • Identify areas of work that can be carried out jointly with other local authorities • Prioritise evidence base requirements • Employ temporary staff/consultants subject to resource availability
Insufficient financial resources to progress project(s)	Work delayed or cannot be progressed. Objectives on quality compromised.	Set adequate budgets by ensuring that the Local Plan is a corporate priority
Change of political control	Could cause delay in preparation of the Local Plan should new Leadership not be in support of the Local Plan strategy	Maintain the involvement of all political parties in the City through on-going dialogue
Changes to national planning policy	Could cause delay in preparation of the Local Plan through abortive/additional work	<ul style="list-style-type: none"> • Maintain scrutiny of Government publications and anticipate likely changes • Keep up-to-date on emerging guidance and respond to changes early

Volume of work greater than anticipated – e.g. higher level of representation than expected	Causes slippage in the programme	<ul style="list-style-type: none"> • Ensure timetable is realistic but has some flexibility built in. • Review timetable if necessary • Consider seconding staff from other Council departments to assist in the processing of representations
Capacity of other agencies and partners to engage in the process	Causes slippage in the programme	<ul style="list-style-type: none"> • Maintain on-going engagement with partner organisations to they are aware of, and party to, plan making process • Provide sufficient notice of consultation exercises to give opportunities for partners to allocate sufficient resource
Capacity of the Planning Inspectorate (PINS) insufficient	Causes slippage in the programme	<ul style="list-style-type: none"> • Ensure close liaison with PINs alert to timetable – including any anticipated changes
Legal Challenge	Need to return to an early stage of preparation and review work; Potential for significant delays in adopting documents; Significant additional costs if background evidence has to be repeated	<ul style="list-style-type: none"> • Ensure that Local Plan has been soundly prepared in accordance with legal and procedural requirements • Act on pre-submission advice from PINs
Joint Working	Working with HMA authorities could create delays or complications owing to political	<ul style="list-style-type: none"> • Engage with Members through Joint Advisory Board • Establish effective professional working group which can identify problems at an early stage

Appendix A: Profiles of Local Development Documents

Local Plan Part 2

Overview	
Title:	Local Plan Part 2
Geographical Area:	City-wide
Role & Content:	<p>Local Plan Part 2 will allocate additional housing and employment sites necessary to ensure delivery of the targets established in the 'Part 1' plan. In the main these will generally be smaller sites and/or non-strategic allocations. Subject to evidence, it will also identify a target and sites for Gypsy and Traveller accommodation.</p> <p>It will review and update allocations for public open space and open space standards, wildlife, biodiversity and other 'green infrastructure', green wedge boundaries, parking standards, shopping centre boundaries and other allocations not addressed in 'Part 1'.</p> <p>It will complete the review of Development Management policies started in 'Part 1' – finally replacing all 'Saved' policies from the CDLPR.</p>
Status:	Development Plan Document
Chain of Conformity:	In accordance with legislation, case law, DCLP1 and national planning policies.
Timetable	
Stage	Dates
Commencement of Process	2016
Issues & Options Consultation	January 2018
Consultation on Preferred Options (Regulation 18)	July 2018
Proposed Pre-Submission Consultation (Regulation 19)	December 2018
Submission to Secretary of State (Regulation 22)	March 2019

Commencement of Hearing Sessions	Summer 2019
Adoption by Council	December 2019
Management Arrangements	
Organisational Lead	Spatial Planning Group Manager
Lead Officer	Policy Team Leader
Political Management	Cabinet Member, Cabinet, Council
Internal Resource	Planning policy team (lead) Input also from: Implementation Team, Development Management, Transport Planning, Highways. Regeneration Projects, Economic Development, Children and Young People, Housing Strategy
External Resource / Joint Working	Joint working and liaison with Planning consultants as required (evidence base).
Community & Stakeholder Involvement	In accordance with the relevant regulations and the strategy set out in the Statement of Community Involvement (SCI).
Monitoring and Review	Authority Monitoring Report

Policies Map

Overview	
Title:	Policies Map
Geographical Area:	City-wide
Role & Content:	The Policies Map will illustrate the policies and proposals in the Part 1 and Part 2 Local Plans on an Ordnance Survey base map to allow them to be clearly understood. It will show the designations and locations for which specific policies will apply.
Status:	Regulatory requirement
Chain of Conformity:	In accordance with the Local Plan. Under the latest requirements, the Policies Map will be updated at the same time as the Local Plan is prepared or revised.

Timetable	
Stage	Dates
Updated to reflect 'Part 1' Plan	On adoption (January 2017) – completed.
Updated to reflect 'Part 2' Plan	On adoption (December 2019)
Management Arrangements	
Organisational Lead	Spatial Planning Group Manager
Lead Officer	Policy Team Leader
Political Management	Cabinet Member, Cabinet, Council
Internal Resource	Planning Policy Team (lead) but also input from IT/GIS teams in relation to the interactive policies map.
External Resource / Joint Working	None
Community & Stakeholder Involvement	In accordance with the relevant regulations and the strategy set out in the Statement of Community Involvement (SCI). Consultation will be on the changes to the Policies Map resulting from changes to the Local Plan.
Monitoring & Review	Authority Monitoring Report

Planning Obligations SPD

Overview	
Title:	Planning Obligations SPD
Geographical Area:	City Wide
Role & Content:	The Draft Planning Obligations SPD sets out how we will negotiate Planning Obligations, or Section 106 agreements, to secure developer contributions towards City infrastructure.
Status:	Supplementary Planning Document
Chain of Conformity:	In accordance with the Local Plan and legislation relating to planning obligations and Community Infrastructure levy (CIL).

Timetable	
Stage	Dates
Commencement of Process	2016
Consultation on Draft SPD	November 2017
Consideration of Responses	February 2017
Adoption	March 2018
Management Arrangements	
Organisational Lead	Spatial Planning Group Manager
Lead Officer	Implementation Team Leader
Political Management	Cabinet Member, Cabinet, Council
Internal Resource	Implementation team (lead) Input also from: Policy Team, Development Management, Transport Planning, Highways, Regeneration Projects, Economic Development, Children and Young People, Housing Strategy, Parks, Land Drainage, Leisure and Housing Strategy.
External Resource / Joint Working	None.
Community & Stakeholder Involvement	In accordance with the relevant regulations and the strategy set out in the Statement of Community Involvement (SCI).
Monitoring & Review	Authority Monitoring Report

Design Guide

Overview	
Title:	Derby Urban Design Guide
Geographical Area:	City Wide
Role & Content:	<p>The Urban Design Guidance will provide advice on how urban design principles should be applied to ensure that new development is high quality, well designed and enhances the experience of place.</p> <p>The document will be structured on the basis of the nine 'Placemaking Principles' set out in Policy CP3 of the DCLP1. It will provide guidance on their interpretation and examples of how proposals can successfully respond to these policy requirements and the sustainable construction requirements of policy CP2.</p> <p>The document will also provide more specific advice on other aspects of design including:</p> <ul style="list-style-type: none"> • responding to heritage assets • tall buildings • residential extensions and infill housing development • mature townscape character
Status:	Non-statutory guidance
Chain of Conformity:	In accordance with the Local Plan and good practice.
Timetable	
Stage	Dates
Commencement of Process	January 2017
Consultation on Draft	April 2018
Consideration of Responses	June 2018
Adoption	July 2018
Management Arrangements	
Organisational Lead	Head of Planning
Lead Officer	Urban Designer

Political Management	Cabinet Member, Cabinet, Council
Internal Resource	Built Environment team (lead) with input Policy Team, Development Management, Regeneration Projects and Conservation Area Advisory Committee.
External Resource / Joint Working	None.
Community & Stakeholder Involvement	In accordance with the relevant regulations and the strategy set out in the Statement of Community Involvement (SCI).
Monitoring & Review	Authority Monitoring Report

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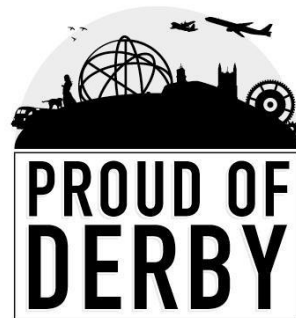
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Punjabi

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