

Local Development Scheme

Version 8

July 2023



Derby City Council

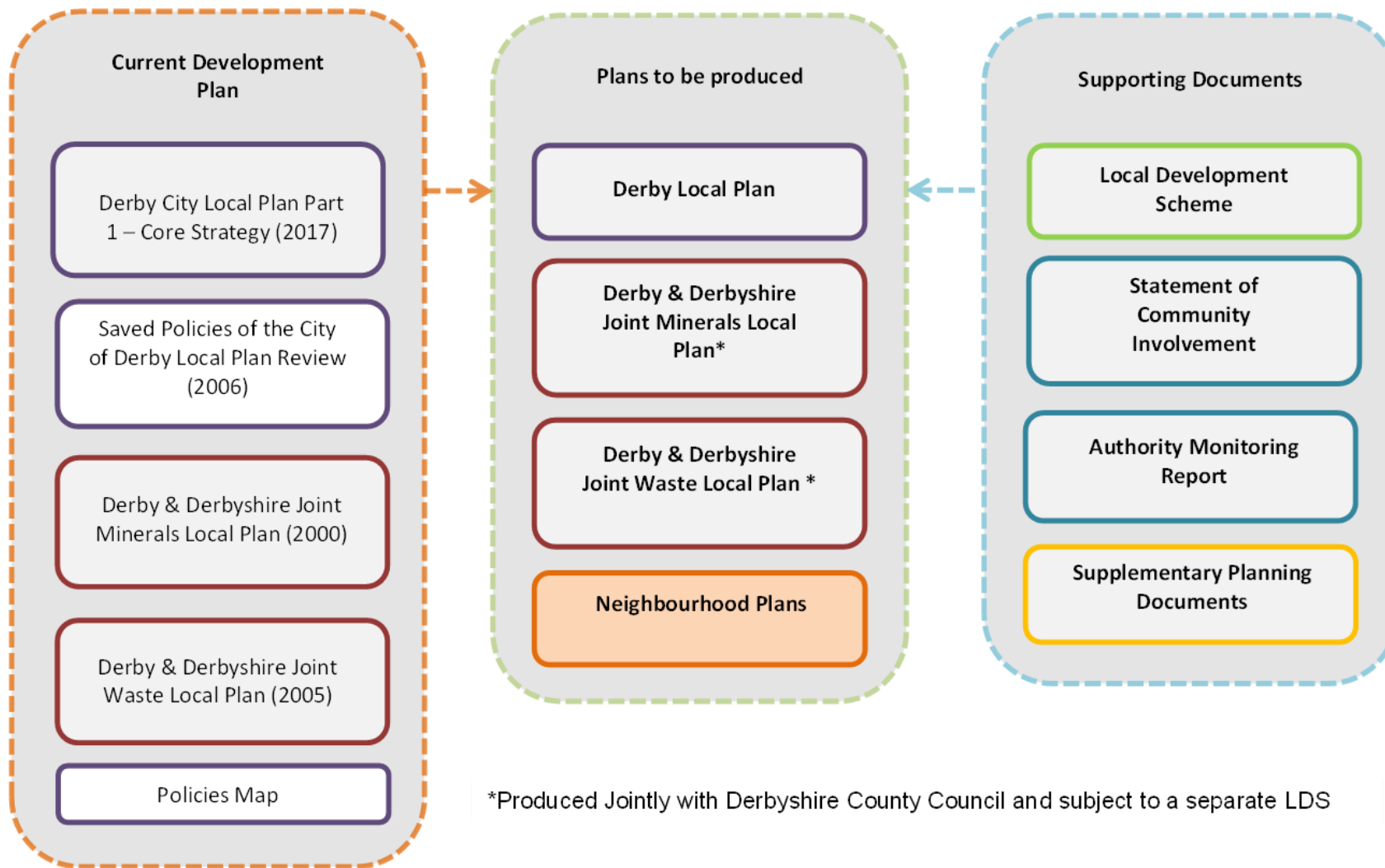
Contents

1. Introduction	1
2. Background	3
3. Derby's Development Plan	3
4. Programme of Plan Preparation.....	6
5. Governance and Resources	7
6. Monitoring.....	10
7. Evidence Base and Background Information	10
8. Risk Analysis	111
Appendix A: Profiles of Local Development Documents.....	14

1. Introduction

- 1.1 The Local Development Scheme (LDS) is a project plan which sets out the timescales for the preparation and review of statutory planning policy documents covering Derby.
- 1.2 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.
- 1.3 This LDS excludes the planning policy documents for Mineral and Waste, as these are produced jointly with Derbyshire County Council and are covered by a separate [LDS](#).
- 1.4 This is the eighth full review of the LDS for Derby. The LDS was last updated in December 2017 and since then a number of key changes have taken place, meaning that it is now time for an update:
- 1.5 This LDS sets out the Council's commitment to produce planning documents that will make up the Development Plan for Derby. It details the timetable for the preparation of these documents and any additional documents which will assist with the effective implementation of the City's Development Plan.
- 1.6 The documents to be produced will eventually replace the Derby City Local Plan Part 1 (DCLP1) which was adopted in January 2017 and the remaining 'saved' policies of the City of Derby Local Plan Review (CDLPR) which was adopted in 2006.
- 1.7 The documents to be prepared need to be informed by detailed evidence and external stakeholder involvement. As such, any timings must be flexible enough to ensure that all policies are given adequate time for robust development. For that reason, indicative timetables are provided. This should make people aware of how and when they can become involved in local plan making. The contents of each document will be regularly monitored through the Authority Monitoring Report and updated as required.
- 1.8 Figure 1 shows the documents that make up the current and proposed Development Plan and other 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 Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) and Regulations 7 and 8 of the Town and Country Planning (Local Development) (England) Regulations 2004 require 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 the previous version of the LDS published in December 2017.
- 2.2 In 2012 the Government introduced the National Planning Policy Framework (NPPF), which sets out the Government's planning policies for England and how these are expected to be applied. The NPPF was revised in 2018 and 2019 and again in 2021 and is supported by Planning Practice Guidance (PPG). The NPPF and PPG set out 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.

3. Derby's Development Plan

- 3.1 Derby's Local Plan contains a range of policies 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. Planning law states that 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.
- 3.3 Due to capacity constraints, the Local Plan sets out a housing target of 11,000 new homes in the City itself between 2011-2028. The strategy of the Plan was that the remaining 5,388 dwellings, to meet the full objectively assessed housing need for Derby of 16,388, would be met by our Derby Housing Market Area (HMA) partners 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. A list of the saved policies still currently in place can be found at [Appendix A](#) of the DCLP1.

Policies Map

- 3.5 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.
- 3.6 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.

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

- 3.7 In April 2000, together with Derbyshire County Council, the City Council 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 27 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)

- 3.8 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

- 3.9 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)

- 3.10 The City Council has four adopted SPDs. These are:
- Nature Conservation Strategy SPD (April 2006)
 - Manor / Kingsway Hospitals SPD (April 2007)
 - Rykneld Road SPD (January 2008)
 - Planning Obligations SPD (December 2018)
- 3.11 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.

Changes since the last LDS

- 3.12 The previous version of the LDS (version 7), set out that the Council would be preparing the Derby City Local Plan Part 2 (DCLP2). The Part 2 Plan was intended to review and replace all remaining 'saved' policies in the CDLPR alongside allocating additional sites needed to meet overall housing and employment needs.
- 3.13 However, for the reasons set out below, Council Cabinet resolved in December 2021 to begin preparing a new Local Plan, integrating any DCLP2 work undertaken so far. The [Cabinet Report](#) can be found on the Council's website.
- The Government's requirement for Local Authorities to review their Local Plans within five years of adoption. The Derby City Local Plan Part 1 (DCLP1) turned five years old in January 2022. In line with the requirements of Regulation 10a of the Town and Country Planning (Local Planning) (England) Regulations 2017 and paragraph 33 of the NPPF, the Council has reviewed the policies of the Plan to make sure that they were still up-to-date and consistent with the NPPF
 - Changes to the Government's Standard Methodology for calculating housing needs, in particular the 35% uplift for cities such as Derby, meant that the current plan's housing requirement figure has been rendered out of date and a new Local Plan is required to plan for these increased needs

- The need to align our plan preparation with our Derby Housing Market Area partners (Amber Valley Borough Council and South Derbyshire District Council), particularly given the requirement to meet our significantly increased housing requirements, and
- Revisions to the National Planning Policy Framework (July 2018, February 2019 and July 2021); and
- Detailed changes to national Planning Practice Guidance

3.14 In order to ensure that we align our own plan making work to that of our HMA partners, given that the City cannot accommodate all of its development needs within its administrative boundaries, there is now a need to begin work on a new Local Plan ourselves. It is not feasible to prepare two local plans at the same time and so it has been resolved that we stop work on the Local Plan Part 2 and integrate this into a new Local Plan.

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 for Derby

4.2 The new local plan, the Local Plan for Derby (LPD) will review and replace the policies of the DCLP1 and all remaining 'saved' policies in the CDLPR. It will provide a new policy framework and set out the overarching planning strategy for the City to 2039, in the context of future growth across the HMA. It will set out strategic policies determining the scale and distribution of growth for the period between 2022 and 2039, allocate a number of sites to help meet the development needs of the City and include a number of detailed policies designed to ensure that growth is delivered in a sustainable way, supported by appropriate infrastructure.

4.3 The LPD will reflect the requirements of the NPPF but will also have a local dimension in terms of being consistent with other strategies of the Council and facilitating the delivery of Council aspirations.

Policies Map

- 4.4 The Policies Map illustrates geographically the policies and proposals of the Local Plan. The Policies Map will be revised and updated as part of the preparation of the new LPD.

Neighbourhood Plans

- 4.5 The Council has a statutory obligation to provide advice and support to local communities preparing Neighbourhood Plans through the Localism Act (2011). Derby currently has one designated Neighbourhood Planning Area, in Chellaston. However, the Chellaston Neighbourhood Forum has advised the Council they will no longer be continuing to prepare a Neighbourhood Plan and the group has formally been disbanded. At the present time, there is no formal mechanism to delete the area designation so this will remain in perpetuity.
- 4.6 As Neighbourhood Plans are not prepared by the Council (and their timetables depend on community progress) they have not been included in the document profiles section of this LDS.

Joint Derbyshire and Derby Minerals and Waste Local Plans

- 4.7 Minerals and Waste Local Plans are being prepared jointly by Derby City and Derbyshire County Councils. These are subject to a separate [LDS](#) prepared jointly with Derbyshire County Council.

5. Governance and Resources

Governance

- 5.1 The production of the Local Plan, other Development Plan Documents and Supplementary Planning Documents is governed by the Council's Cabinet led system and the [Constitution](#). The production of the documents set out in this LDS are governed by the Cabinet Member for Housing, Property and Regulatory Services, Council Cabinet and Full Council.
- 5.2 The Cabinet Member for Housing, Property and Regulatory Services is the lead Member for strategic planning matters. They attend Derby HMA Joint Advisory Board and are regularly briefed on progress with the Local Plan. The Cabinet Member is also able to approve consultation arrangements and initial proposals for policies, plans and strategies, including the Local Plan.

- 5.3 In addition to Cabinet Member approval, the more formal stages of Local Plan Consultation are referred to Council Cabinet. With the submission and final adoption of the documents with Development Plan requiring approval at Full Council.
- 5.4 The production of the Local Plan is also steered by the Local Plan Working Group, a group of Councillors from all political parties, who act, in advisory capacity, as a sounding board for the production of the Local Plan and other policy documents. These meetings serve to inform Executive Scrutiny Board and eventual Cabinet / Full Council decision making and provide context from which decisions can be made.
- 5.5 Members of Planning Control Committee will be kept apprised of the revisions to the LDS by way of regular Member training sessions undertaken directly before each planning committee meeting. This training is open to all members to attend alongside annual Planning training for all Members each May and the subsequent corporate member training in June.

Joint Working - Derby Housing Market Area

- 5.6 The Derby Housing Market Area (HMA) is made up of Amber Valley, Derby City and South Derbyshire Councils. There is a long history of close collaboration in strategic planning across the Derby HMA. A Joint Advisory Board (JAB) was established in 2008 to advise on plan-making strategy across the HMA, especially addressing cross boundary development, and through continuing joint work to fulfil the Duty to Co-operate.
- 5.7 The Board is made up of senior Councillors and Planning Officers from each authority as well as Derbyshire County Council. As JAB is an advisory body, it cannot make its own decisions. Instead, any conclusions it reaches must be agreed separately by each member Council.
- 5.8 In May/June 2020, the JAB resolved that each of the three authorities within the Derby HMA would prepare separate but 'aligned' Local Plans rather than a single Joint Plan. This approach is in line with the current round of local plans, with the 'Duty to Cooperate' and continues the close working relationship that has been established between Derby, Amber Valley, South Derbyshire and Derbyshire County Council to ensure a consistent approach.
- 5.9 Working on an aligned basis continues to enable the production of a number of joint

pieces of evidence. This enables the HMA authorities to share the load in developing the evidence necessary to underpin the Local Plans, from a cost and staff resource perspective.

- 5.10 The development of the documents set out in this LDS is guided both at an HMA and at a city wide level, as shown in Figure 2.

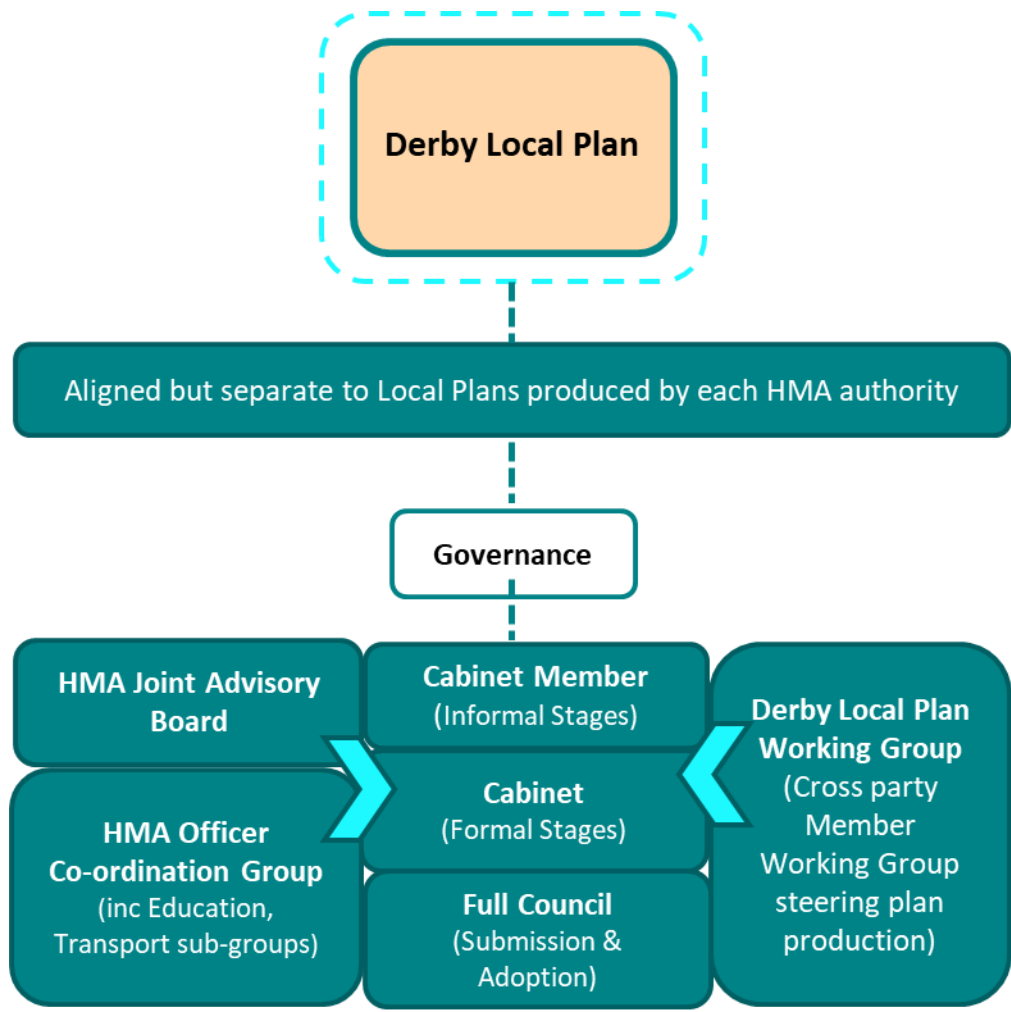


Figure 2: Governance Arrangements for producing the Local Plan

Joint Working – Derby & Derbyshire

- 5.11 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 political management arrangements.

Resources

- 5.12 Staff resources for delivering the proposed programme will be drawn mainly from the 'Spatial Planning' Group, principally from the Planning 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.
- 5.13 Officers from other parts of the Council (for example, Transport Planning, Housing Strategy, Land Drainage, Environmental Health 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.

6. Monitoring

- 6.1 The Council is required to produce publish an Authority Monitoring Report (AMR) annually 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 An AMR will be produced each year as soon as the relevant information is available and will be published on the [Planning Policy](#) pages of the Council's website. This will always report on the period between 1 April and 31 March 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 was prepared. As new evidence is published to support the preparation of the new Local Plan, this will be added to the Planning Policy webpages.

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	<p>Need to return to an early stage of preparation and review work.</p> <p>Potential for significant delays in adopting documents.</p> <p>Significant additional costs if background evidence has to be repeated.</p> <p>Risk of development management decision being challenged if planning policy context is not robust.</p>	<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	<p>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.</p> <p>Requirements placed on local authorities have increased, while resources have decreased.</p>	<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)	<p>Work delayed or cannot be progressed.</p> <p>Objectives on quality compromised.</p>	<p>Set adequate budgets by ensuring that the Local Plan is a corporate priority</p>
Change of political control	<p>Could cause delay in preparation of the Local Plan should new Leadership not be in support of the Local Plan strategy</p>	<p>Maintain the involvement of all political parties in the City through on-going dialogue at Local Plan Working Group</p>
Changes to national planning policy	<p>Could cause delay in preparation of the Local Plan through abortive/additional work.</p>	<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

Area of Risk	Impact	Mitigation
Reform of the Planning System	<p>Levelling Up and Regeneration Bill (LURB) (2022) propose sweeping changes to how Local Plans are produced. Could cause delay in preparation of the Local Plan through abortive/additional work</p> <p>LURB also seeks to do away with the Duty to Cooperate (DtC), which currently requires evidence of cooperation (not agreement) between neighbouring Local Planning Authorities on strategic planning matters such as meeting housing needs.</p>	<ul style="list-style-type: none"> • Maintain scrutiny of Government publications and anticipate likely changes • Continue to work closely with neighbouring authorities to seek to agree approach to accommodating growth and secure this through statements of common ground to reduce risk to Local Plan progress should the DtC be revoked.
Volume of work greater than anticipated – for example, higher level of responses to consultation received	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 stakeholder agencies and partners to engage in the process	Causes slippage in the programme	<ul style="list-style-type: none"> • Maintain on-going engagement with key stakeholders/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	<p>Need to return to an early stage of preparation and review work.</p> <p>Potential for significant delays in adopting documents.</p> <p>Significant additional costs if background evidence has to be repeated.</p>	<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

Area of Risk	Impact	Mitigation
Joint Working	Working with HMA authorities could create delays or complications owing to lack of political agreement.	<ul style="list-style-type: none"> • Engage with Members through Joint Advisory Board • Establish effective professional working group which can identify and address problems at an early stage.
Ongoing / Recurring impacts of the Covid-19 pandemic	<p>The ability to gather and commission evidence is slowed down.</p> <p>Social distancing or other measures affect -</p> <ul style="list-style-type: none"> • the type of consultation that can be carried out; • the ability of governing groups to meet to make decisions • how the plan can be examined 	<ul style="list-style-type: none"> • Set flexible but realistic timetable • Work with Democratic Services to understand how decision making bodies can continue to operate should lockdown or social distancing measures be required again in the future.

Appendix A: Profiles of Local Development Documents

Local Plan for Derby

Overview	
Title:	Local Plan for Derby (LPD)
Geographical Area:	City-wide
Role & Content:	<p>The new Local Plan will set out a strategy for meeting Derby's growth needs up to 2039/40 in a sustainable way addressing the challenges of climate change. It will allocate land to meet housing and employment needs as identified through the evidence base along with the physical, social and green infrastructure to support this growth. These will include both strategic and non-strategic allocations. Subject to evidence, it will also identify sites for Gypsy and Traveller accommodation.</p> <p>It will review and, if necessary, update or replace saved policies of the CDLPR and the DCLP1.</p> <p>The review of development management policies will be subject to any changes in the forthcoming Levelling Up and Regeneration Bill. Government proposals include production of a set of binding national development management policies. This would mean that the local plan would not need such policies and would instead focus on allocations and other specific locally distinctive policies.</p>
Conformity:	In accordance with legislation, case law and national planning policies.

Timetable	
Commencement of Process	2022
Evidence Gathering / Engagement with key stakeholders	Sept 2022 – March 2024
Consultation on Draft Plan (Regulation 18)	June 2024
Proposed Pre- Submission Consultation (Regulation 19)	February 2025
Submission to Secretary of State (Regulation 22)	June 2025
Commencement of Hearing Sessions	October 2025
Adoption by Council	May 2026

Management Arrangements	
Organisational Lead	Spatial Planning Group Manager
Lead Officer	Planning Policy Team Leader
Political Management	Cabinet Member, Cabinet, Council, Local Plan Working Group
Internal Resource	<p>Planning policy team (lead)</p> <p>Input also from: Implementation Team, Development Management, Transport Planning, Highways. Regeneration Projects, Economic Development, Children and Young People, Housing Strategy, Land Drainage, Climate Change Team and Leisure Services.</p>
Joint Working	Derby HMA - Joint Advisory Board and Officer Co-ordination Group, Derbyshire Planning Officers Group
External Resource	Key Stakeholders including (but not limited to) National Highways, Historic England, Derbyshire Wildlife Trust, Natural England, Environment Agency and infrastructure providers. Commissioning of professional expertise as required to develop the 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 (published annually)

Policies Map

Overview	
Title:	Policies Map
Geographical Area:	City-wide
Role & Content:	The Policies Map will illustrate relevant policies and land allocations of the Local Plan 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. Interactive and physical copies to be produced.
Status:	Regulatory requirement
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
Draft Changes	On Submission of Local Plan (June 2025).
Published	Following adoption of Local Plan (Summer 2026)

Management Arrangements	
Organisational Lead	Spatial Planning Group Manager
Lead Officer	Planning Policy Team Leader
Political Management	Cabinet Member, Cabinet, Council, Local Plan Working Group
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

We can give you this information in any other way, style or language that will help you access it. Please contact us on **01332 640807** or **derby.gov.uk/signing-service/**

Punjabi

ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਇੱਥੇ ਸੰਪਰਕ ਕਰੋ: **01332 640807** ਜਾਂ **derby.gov.uk/signing-service/**

Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku. Prosimy o kontakt: **01332 640807** lub **derby.gov.uk/signing-service/**

Slovak

Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Prosím, kontaktujte nás na tel. č.: **01332 640807** alebo na stránke **derby.gov.uk/signing-service/**

Urdu

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم **01332 640807** یا **derby.gov.uk/signing-service/** پر ہم سے رابطہ کریں



Derby City Council

Derby City Council

The Council House Corporation Street Derby DE1 2FS

www.derby.gov.uk