

## What Good Looks Like: Derby City Council

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## Introduction

Ever since the introduction of the Planning and Compulsory Purchase Act in 2004 the Planning Advisory Service has been helping planners make local plans for councils. A local plan represents a significant investment in time and money for councils, and it is fair to say that there are significant challenges for planners from a changing context.

A question we are often asked is “can you tell us what ‘good’ looks like?” There is a reluctance to label any plan as ‘good’ both from the Inspectorate, and from local authorities themselves. So what can we do? This set of small case studies takes recently adopted local plans and asks four simple questions. These questions take some of the key elements of the HWP about ensuring plans deliver and can respond to challenges:

1. How does the plan make best use of land?
2. Does the plan demonstrate a clear narrative in first identifying and then tackling the issues?
3. How does the plan promote a diversity of suppliers and developers?
4. How does the plan contribute to the delivery of strategic objectives?

We also look at a set of metrics to assess some of the other issues that can trouble us as a sector. These look at the length of the plan, how much housing is it delivering (and what percentage of the OAN is that?), how many objectives does it have and what was the level of representations received? These provide some context and, when looked at over a number of plans, patterns may start to emerge. Time will tell.

The case studies look at the adopted plan, the Inspectors’ Report, and parts of the evidence base to provide some learning. Each one starts with some simple metrics.

For each question you will see a brief summary of what the plan does with any useful principles covered at the end.

The report finishes with some further thoughts and reflections from Paul Clarke, Head of Planning at Derby City Council. These help flesh out some of the detail and ‘how we did it’ practical points.

## Metrics

Length – 137 pages plus 8 pages of appendices

Number of objectives – 16

Number of homes – 11,000, (at 647 per annum) representing 67% of identified need. The rest to be delivered across the HMA

Representations on submitted plan – Support 115, Object 336

Time from Publication to Adoption – 518 days

Pre-Publication work started in 2005.

Time from first formal consultation (‘Issues and Ideas’) to Publication – 6.5 years

(Source: Derby City Council LDS, update March 2016)

## Useful links:

Derby City Local Plan Part 1

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy\\_ADOPTED\\_DEC%202016\\_V3\\_WEB.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf)

Derby Interim Housing Position Statement

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Interim%20Housing%20Position%20Statement%20\(August%202015\)%20.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Interim%20Housing%20Position%20Statement%20(August%202015)%20.pdf)

## 1) Does the plan show how to make the best use of land?

Derby City is a relatively small authority area with a limited potential supply of land. A key element of the plan is its ability to consider how to meet this challenge within the boundary, and coordinate additional development outside it.

The number of available sites was restricted, but the plan demonstrates flexibility by the strategic planning arrangements that will allow any further conversations about distribution and location outside Derby to happen effectively. The Inspector noted too that some of the major employment sites were some distance from some of the new housing. He also noted that the sustainability appraisal (SA) was only carried out on the plan area, and could have benefitted from being done across the housing market area (HMA). This would have led to a clearer understanding of how housing was distributed across the HMA. However, he concluded that:

“The relative distribution of strategic employment and housing sites proposed would provide a sustainable pattern of development”.

Why? Well, firstly the work with neighbouring authorities is particularly persuasive. The 3 HMA authorities initially aligned their plan timetables. As will be seen in answer to the final question on strategic objectives, they did an extensive amount of joint work on the evidence base.

In gaining agreement for delivering some of Derby’s housing need in adjoining authority areas, the council was able to provide a convincing narrative on urban extensions, including having specific policies on allocations falling outside the plan area. Some caution is required here though, as the Inspector pointed out:

“Policy CP1(b) sets out a series of principles that development either wholly or partly within the administrative area of another authority are expected to comply with. However, there is no express statutory power for a Council to include policies in its plan relating to the area of another authority. Nevertheless, the co-ordination of development and its impacts across boundaries is a necessary and laudable planning objective.”

Perhaps the key piece of evidence comes in the form of the interim housing position statement. This sets out how the capacity was reached and how the council makes the best use of their limited available land.

The plan contains a ‘Housing Zone’ around the City Centre with advice and support from ATLAS to unlock more difficult urban sites. This is coupled with the release of some of the land currently in ‘green wedges’ as well as the larger strategic sites on the edge of the authority area.

The plan doesn’t set a minimum density. What it does do is provide criteria-based policies designed to allow a flexible approach to densities that ensures development integrates properly with surrounding areas and uses. It offers an opportunity to maximise development

potential and efficient use of land while having regard to the character and context of the surrounding area.

The interim strategy is clear, well-structured and even sets out why certain strategic sites have been rejected. It provides a really solid basis not only for the examination but also for continued monitoring.

The Inspector commented that “Setting a minimum density standard is considered too blunt an instrument, particularly in a City with such varied character. The criteria policies in the plan should provide sufficient comfort that appropriate forms of development will be delivered.”. It may be interesting to see in a post-Housing Delivery Test world whether such a flexible approach to density will be considered more or less appropriate than fixing densities according to location and accessibility of a site.

Housing policies seek to provide appropriate mix, on an appropriate mix of sites. The Strategic Housing Market Assessment (SHMA) will be kept up to date in order to make sure the mix of size type and tenure keeps meeting identified need.

With a renewed focus on brownfield sites in the HWP, the plan appears to have a future-proof approach to previously developed land. The Inspector notes that:

“The LP has allocated some previously developed land for housing and made assumptions about potential windfall development. There is flexibility so that some existing employment sites can provide an element of housing if current uncertainties over viability or deliverability can be addressed. There is no persuasive evidence that the plan has materially underestimated the role that previously developed land can play in meeting OA[H]N.”

Making the best use of land is not limited to housing development of course. Sometimes, major environmental assets require action. Derby has a main river running through the area. They produced a master plan in 2012 to work towards improving access to it. This provides a 15-year timeframe to make necessary improvements including flood defences. The Environment Agency (EA) support the master plan. Although there is a funding gap, this will be closed by contributions from new development (although Derby has not pursued a CIL). This is another example of a proactive approach to achieving a specific aim.

**We think that for a plan to make the best use of land it has to:**

**Make a clear statement on the general approach to housing that flows naturally from the evidence provided by the SHMA and SHLAA. Write a separate topic paper/statement on this.**

**Show the way sites are assessed so people can understand why sites were either allocated or rejected.**

**Set out what will be monitored and have a clear action plan to keep this relevant. Share how you're measuring things with others (neighbouring authorities, local developers etc.) to provide rigor to the measurements.**

**Consider housing of all types, including different types of tenure. Clarify the approach to density. Ideally this will maximize potential in urban areas best served by public transport.**

**Consider different approaches to making land 'work harder'. Identified 'housing zones' or some similar type of policy mechanism will make clear that these**

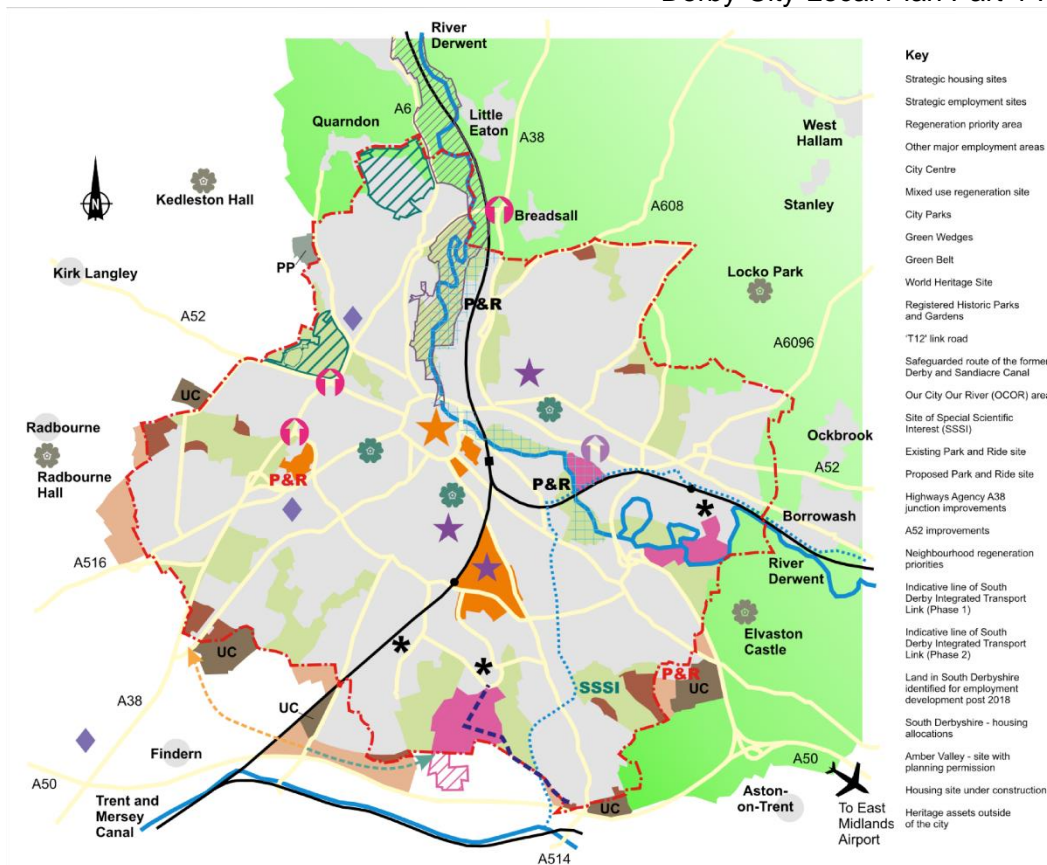
areas will be treated differently in terms of density from others. Remember this is going to be important in the housing delivery test. Increasing density (particularly around transport nodes) is going to be one of the policy responses triggered to ensure further land comes forward.

Balance employment needs and housing delivery. The Inspector is likely to apply quite a simple test: Will the population increase, expressed as a number of new dwellings, be a barrier to economic growth? In other words, does economic growth, either 'natural' or accelerated by some policy objectives, require additional housing to accommodate the numbers of people moving into the area for work? If so, is that housing being planned for? If not, then that will be seen as a barrier.

Consider how to overcome financial issues when identifying specific projects. Gain support from agencies and key partners, and clarify the approach to funding projects up front, allowing an appropriate time horizon.

## 2) Does the plan demonstrate a clear narrative in first identifying and then tackling the issues?

Derby City Local Plan Part 1 Key diagram



The plan contains a short simple spatial portrait, which sets out the geographical and economic context and a summary of how the place works. This is followed by a summary of the key issues that the plan can seek to address, covering the following themes:

- Population and Housing
- Climate Change
- The Economy
- Natural, Built and Historic Environment
- Health and Education
- Traffic and Accessibility

Each theme is dealt with using bullet points that get straight to the issue.

These sections lead into the vision and objectives for the plan. These are described under the heading 'What will Derby be like in 2028?' This section describes the way each part of the plan area will look and work by 2028. It provides the headline points about housing numbers, key employers, and the environment. It covers all the themes from the key issues section, albeit in a narrative rather than as bullet points.

This flows into 16 spatial objectives. Each one starts with an aim and then describes, in broad terms, how the plan will achieve that aim. A criticism of many local plans has been the lack of the 'local' in the vision and objectives. Derby's plan makes regular reference to local features in the objectives. Even where it does not, the flow of this section coming after the

previous two, leaves the reader in no doubt that the objectives are set up to tackle locally defined issues.

Here is one as an example:

“To protect and improve Derby’s natural environment by developing a network of green infrastructure based around our parks and other green open spaces, wildlife sites and open corridors such as the River Derwent, the Derby and Sandiacre Canal, cycleways and walkways. These will improve biodiversity.”

It is succinct, provides an aim ‘to protect and improve Derby’s natural environment’, and the means to deliver, including reference to local areas where this aim will be met.

The last part of the introduction to the plan then unpacks the issues and objectives into a summary of the strategy. Here you will find the major headlines such as how many homes and how much employment land will be delivered. This section also names the strategic sites along with the figures they will deliver. You also find the main areas for regeneration and how they will contribute (retail, employment etc).

There is a more detailed explanation of the housing, employment, retail and transport strands of the strategy and a key diagram. This section would work really well as a shorter summary of what the plan is, what it is seeking to deliver, why and how. If you read nothing else, you would still have a good idea of how Derby is going to change and grow up to 2028.

The Inspector sums it up in his report:

“The LP contains an appropriate spatial vision, describing the sort of place that the Council would want Derby to be by the end of the plan period, 2028. It also includes a series of spatial objectives that indicate how it is expected that the vision will be achieved.”

Some people objected that they had not had adequate opportunity to comment on the plan, but the Inspector notes that the consultation followed the adopted SCI and does not support that claim. The council note that the SCI was adopted prior to the 2008 Regulations taking effect. They say they will prepare a ‘consultation plan’ for each DPD.

**We think that for a plan to create a clear narrative and identify issues it has to:**

**Describe the place with a spatial portrait. Move from this to key issues that the plan will seek to address. Use themes that the plan will cover in chapters with the same name. Keep the points short.**

**Have a vision and support it with aims and objectives. Make these relate to the plan area, either by reference to local places or to one of the issues identified above.**

**Consider this simple question: If someone only read this part of the plan, would they be able to recognize the area as described, and would they be able to understand what it will look at the end of the plan period?**

**Follow the adopted Statement of Community Involvement. If this is starting to age, then update it. Consider writing an engagement plan so everyone understands what to expect at each stage. It should also assist with organizing how responses are dealt with and highlight resources needed to keep things on track.**



### 3) How does the plan promote a diversity of suppliers and developers?

At a broad level, the plan will deliver about two thirds of all housing on strategic sites. This brings forward ample opportunity to deliver smaller sites. Although the Part 2 plan will provide the detail on some of these, it is clear that the range of sites available will support a diverse mix of suppliers and developers. The plan embeds some of the principles of mixing site size, design and layout in higher-level policies. These are backed up by the more specific housing policies for affordable and specialist housing.

Perhaps the strongest evidence comes from the Interim Housing Position Statement. This statement carries with it the main principle for delivering a mix of sites:

“The combination of strategic level and smaller sites, including a mix of previously developed and greenfield land, will provide a range of sites and locations in order to meet housing needs in sustainable locations. The strategy will see the spatial distribution of new homes across and around the City with a range of site sizes and locations including the provision of new homes in and around the City Centre, extensions to existing suburbs and the creation of new communities.”

The whole statement is a very detailed explanation of housing numbers, choices about delivery, discussions about sites, tenure and mix of housing and conclusions about where sites have had to be rejected. It is a very thorough piece of evidence and if it is kept up to date with monitoring should provide a significant piece of evidence for the council throughout the life of the plan.

**We think that for a plan to promote a diversity of suppliers and developers it should use a housing topic paper to set out:**

**The broad strategy – What is it that the plan will deliver?**

**The distribution of sites – How is the strategy being delivered? Describe the contributions each different area/site type will make (Strategic sites, urban area, areas of intensification, use of brownfield, settlements and hierarchy etc)**

**The supply position – Components of supply, mix of sites, use of windfall**

**More detail on allocations, including reasons why selected. How are small sites being dealt with?**

**How the OAN has been established  
Type, size tenure and mix**

**The 5-year land supply position – What assumptions have been made and why?**

**The approach to affordable and specialist housing – Need and strategy for meeting it**

**A housing trajectory and evidence on numbers each site will contribute**

#### 4) How does the plan contribute to the delivery of strategic objectives?

Early on in the process the council identified a likelihood that it could not meet all its' housing in the council area. Working with the two neighbouring authorities in the HMA, they agreed the OAN and distribution across the 3 authorities. Initially they aligned the three core strategies and set up a joint advisory board. Although one of the plans (Amber Valley) has subsequently been withdrawn the plan is still set up to deliver the identified strategic objectives.

Other joint work that supports the plan includes work on: Infrastructure Delivery Plan; green belt; a water cycle study; employment land; green energy; transport modeling and viability. All Derbyshire authorities plus East Staffordshire Borough Council and the Peak District National Park Authority commissioned a joint Gypsy and Traveller Accommodation Assessment (GTAA).

The plan contains a policy on 'Placemaking Principles for cross-boundary growth'. These principles highlight joint working on design, infrastructure and integrating the developments into the character of the areas they sit within. The plan will monitor effects of the sites felt in the city centre as well. This ensures a coordinated approach to the sites that can deliver growth whilst minimizing impact on existing areas. So the work goes beyond merely identifying sites to setting out how joint work will deliver them, alongside jointly agreed principles. This presents a very well considered and useful model.

#### **We think that for the plan to contribute to strategic objectives the council should:**

**Seek early engagement with neighbours on identifying and agreeing strategic objectives**

**Consider joint commissioning of key evidence**

**Align plans or include joint policies in each plan**

**Ensure there is political commitment through a joint board**

**Set out the principles of development on shared sites in specific policies in the plan – This gets over the problem of neighbouring plans coming forward at different timescales. It sets a commitment to delivery and shows the common understanding of how the site will be delivered**

**Demonstrate an understanding of the broader impacts that strategic sites may have on infrastructure across the area, not just within or adjacent to the site.**

**Ensure key agencies are aware and can commit funding/infrastructure or support now**

## Thoughts and reflections from Derby City Council

### Joint working

Joint working took place with our HMA neighbours, Amber Valley and South Derbyshire. Derbyshire County Council also played a supportive role, especially as Highway and Education authority for the Districts. We had already established a Joint Advisory Board of senior politicians (Leader/Portfolio holder) and officers for Regional Planning & Growth Fund and so this naturally took on the role of steering joint work. This met roughly quarterly. We also established a Co-ordination Group of Heads of Planning Policy which was the main steering group for joint working. This met at least monthly and occasionally weekly in the build up to important milestones. Crucially, this was supported by a plethora of topic groups at HMA level, steering evidence and policy development on a range of topics. In particular, we worked very closely with education and transportation colleagues right from the beginning and this proved to be very helpful as we got to Publication and Examination.

Strong structures were reinforced by positive relationships between officers and members of all authorities. These good relationships ensured that we kept at it and didn't revert to individual authority silos. These relationships have also meant that the joint working continues beyond the plan making stage, as the Duty requires, into master planning. The Inspector rightly picked up on the original wording of Policy CP1 which could have been interpreted as a Derby City Policy regarding land outside the City, but this was easily rectified to his satisfaction. The huge amount of work done up front on evidence gathering and the planning of the urban extensions reaped rewards in terms of making our Examination run more smoothly. The Inspector was satisfied that we had a deliverable strategy and that we had worked really hard to achieve this. Amber Valley were able to convince him that, despite their plan being withdrawn, they remained committed to meeting the HMA target in full and would be bringing a new plan forward to achieve this – which they are now doing.

Probably our main reflection on this, though, is that we didn't go far enough. As time went on, and with the benefit of hindsight, we should have seriously considered preparing a joint plan and at least develop a single HMA strategy with HMA options and a strategic HMA Sustainability Appraisal of these. What we did was to agree HMA apportionment of need, the benefit in principle of urban extensions but then to prepare 3 separate plans. The lack of a coherent HMA strategy concerned all three Inspectors and led to a delay of over a year whilst strategic options were tested and subject to SA. To be fair to ourselves, this issue only emerged when Amber Valley's Examination had started. It did not get raised at any time before this, including through an Inspector advice/visit.

Nevertheless, there is a clear message for any authorities needing to work together to deliver housing as we have had to and will have to do in the future. The way forward is clearly through a joint plan; whether a joint Local Plan or the new style Strategic Plan envisaged in the White Paper. This itself begs the question of how joint working arrangements can be improved through joint teams to deliver such a plan efficiently and economically. The politics would naturally have to be carefully managed to achieve such common goals.

### Regeneration and brownfield sites

Whilst our strategy seeks to release a variety of sites, including green wedge land, to ensure early delivery, regeneration remains a key priority. We are seeing interest in growth in City Centre sites for housing, mainly through conversion of old offices. So there is evidence that initiatives such as the Housing Zone are working and this is very positive. One thing to watch

though is that office conversions to housing do not harm the office offer in the City Centre. This is something we recognise we will need to address.

#### Housing Position Statement

There is no doubt that this helped the Examination process. Understanding the position of your housing supply, and keeping this up to date, is critical to a successful outcome and to responding to observations made by promoters of other sites on the day. Going forward, we intend to use it both to monitor our trajectory and 5 year supply and to help identify sites we can intervene in to accelerate delivery.

#### Infrastructure delivery

The HWP very helpfully acknowledges the importance of timely infrastructure and we are positive that difficulties in identifying delivery mechanisms, especially funding, will ease over time. Strategic growth to the south of Derby will require a new link road, possibly with an additional connection onto the A50 and a new secondary school in addition to several new primary schools and expansion of existing schools at both levels. We are working closely with education colleagues from both upper tier authorities on the schools issue. We have also established a team of public and private players with D2N2 LEP and HCA representation to help deliver the link road. In this respect this area has recently been awarded grant money as a new Garden Suburb.

Paul Clarke, Head of Planning Derby, 21<sup>st</sup> April 2017