

HIGH PEAK BOROUGH COUNCIL

Economy and Growth Select Committee

21 November 2019

TITLE:	Derbyshire Strategic Planning Framework
EXECUTIVE COUNCILLOR:	Councillor Anthony McKeown - Council Leader HPBC
CONTACT OFFICER:	Dai Larnier - Executive Director (Place)
WARDS INVOLVED:	(All Wards);

Appendices Attached – None

1. Reason for the Report

- 1.1 To notify Councillors of the proposal to prepare the Derbyshire Strategic Planning Framework and to identify possible implications for the Borough Council.

2. Recommendation

- 2.1 That the Committee notes the proposals and that it agrees to scrutinise details of the Derbyshire Strategic Planning Framework as they emerge.

3. Executive Summary

- 3.1 A Derbyshire Strategic Planning Framework is proposed to provide a non statutory plan for the county to cover the period 2020 to 2050. The plan would establish objectives and priorities across the county and Peak District National Park which would help to shape future Local Plans and be a material consideration in the determination of planning applications.
- 3.2 The Framework would be prepared by Derbyshire County Council in conjunction with local planning authorities. Sign off would be sought from the D2 Joint Committee for Economic Prosperity and each local authority. The plan will be underpinned by new evidence and subject to public consultation anticipated in 2021 and 2022. As the document is non-statutory, it would not be subject to scrutiny by a planning inspector.
- 3.3 It is proposed that the Economy and Growth Select Committee receives future reports to scrutinise the project as it develops.

4. **How this report links to Corporate Priorities**

4.1 The Derbyshire Strategic Planning Framework has the potential to help deliver all four themes of the Corporate Plan:

- Supporting our communities to create a healthier, safer, cleaner High Peak.
- A responsive, smart, financially resilient and forward-thinking council.
- Protect and create jobs by supporting economic growth, development and regeneration.
- Protect and improve the environment including responding to the climate emergency.

5. **Alternative Options**

5.1 This report provides an introduction to the concept of the Derbyshire Strategic Planning Framework and possible issues that may arise from it. Options and detailed matters arising from the project as it evolves are proposed to be subject to future reports.

6. **Implications**

6.1 Community Safety - (Crime and Disorder Act 1998)

None direct

6.2 Workforce

Officer time will be required to consider the Framework and potentially assist in its preparation.

6.3 Equality and Diversity/Equality Impact Assessment

Please see form.

6.4 Financial Considerations

Potential requirement for financial contributions towards the commissioning of joint studies – which would potentially need to be factored into the Council's Medium Term Financial Plan when known, if existing Regeneration budgets cannot cover

6.5 Legal

This report sets out a proposal to take part in the preparation of the

Derbyshire Strategic Planning Framework. The project will support the Council in meeting its “duty to co-operate” under the 2011 Localism Act. The duty to consult is recognised within the report and the risks associated are set at paragraph 7.15. Non statutory plans are given limited weight in respect of the determination of planning applications and the joint strategic plan should not conflict with statutory local planning policy.

6.6 Sustainability

The Derbyshire Strategic Planning Framework will be subject to Sustainability Appraisal

6.7 Consultation

The Framework will be subject to public consultation.

6.8 Risk Assessment

Risks and mitigation measures are set out in the report and will be incorporated into the risk register.

Dai Lerner
Executive Director (Place)

Web Links and Background Papers

None

Contact details

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7. **Detail**

Background and status

- 7.1 Derbyshire County Council propose to develop a non-statutory Strategic Planning Framework for Derbyshire and the whole of the Peak District National Park in conjunction with local planning authorities. Given the proposed status of the framework, it would not form part of the statutory development plan for High Peak outside of the Peak District National Park which currently comprises of the High Peak Local Plan, Chapel-en-le-Frith Neighbourhood Plan (in Chapel Parish only) and the Minerals and Waste Local Plans issued by Derbyshire County Council.
- 7.2 Decisions on planning applications are required to be made in accordance with the policies in the Development Plan unless material considerations indicate otherwise. The Derbyshire Strategic Planning Framework (DSPF)

would be a material consideration in the preparation of future Local Plans and the determination of planning applications by local planning authorities. Given that there is now a requirement for Local Plans to be reviewed every five years and then updated if necessary; it is possible that the DSPF will be developed in parallel with an update to the High Peak Local Plan which was adopted in April 2016.

- 7.3 The proposed approach in Derbyshire is similar to other non-statutory frameworks which have begun to evolve across England such as the Norfolk Strategic Planning Framework and the Leicester & Leicestershire Strategic Growth Plan. It is important to note that this approach is less formal than statutory spatial development strategies now supported by the National Planning Policy Framework. Such documents can be produced by an elected Mayor or combined authority where plan-making powers have been conferred. The Greater Manchester Spatial Framework is an example of such an approach which goes much further than the proposed scope of the DSPF by specifying planning policies, allocating strategic sites and amending the Green Belt.
- 7.4 There has not been a joint planning framework for the whole of Derbyshire since the abolition of the East Midland Regional Plan in 2010. Prior to the Regional Plan, the Derby and Derbyshire Structure Plan set strategic planning for the county until it was withdrawn in 2004 as part of wider reforms to the planning system. In the meantime, individual local planning authorities and other public bodies have been subject to the “duty to co-operate” as set out in the Localism Act 2011. This requires relevant public bodies to co-operate in relation to planning for sustainable development when preparing Development Plan Documents, other Local Development Documents and other plans relating to strategic matters. Specifically, the duty:
- Relates to sustainable development or use of land that would have a significant impact on at least two local planning areas or on a planning matter that falls within the remit of a County Council;
 - Requires that Councils set out planning policies to address such issues;
 - Requires that Councils and public bodies to ‘engage constructively, actively and on an ongoing basis’ to develop strategic policies; and
 - Requires Councils to consider joint approaches to plan making.
- 7.5 In addition to the above, it is considered that the DSPF could be used to inform future funding bids for regeneration initiatives and to form the basis of collective responses to sub-regional matters.

Content

- 7.6 The stated intention of the DSPF would be to establish key priorities and objectives by establishing an overarching spatial vision for Derbyshire for the period 2020 to 2050. This approach could help local planning authorities to demonstrate compliance with the duty to co-operate.

- 7.7 Policies and the designation of land for protection or development would not be included and such matters would continue to be considered in Local Plans and Neighbourhood Plans. The precise scope of the DSPF is to be determined, however, strategic matters which are likely to be considered include; housing, employment, gypsies and travellers, public health, minerals and waste and environmental issues.
- 7.8 The DSPF will be informed by evidence and it is proposed that various county-wide studies are commissioned by Derbyshire County Council. Possible new evidence includes; demographic and economic projections, sustainability appraisal and other evidence identified by local authorities. An update to the Derbyshire Gypsy and Traveller Accommodation Assessment has already been commissioned. A series of topic papers will also be prepared to summarise key issues arising from the evidence.

Preparation and Governance

- 7.9 The preparation of the DSPF was considered by the Derbyshire Chief Executives Group in May 2019 and the D2 Joint Committee for Economic Prosperity in June 2019. Subsequently, it is proposed that the D2 Joint Committee provides strategic oversight and leadership of the work and, in particular, sign off responsibilities for key stages in preparation of the Framework. Individual local authorities will also need to consider sign off of the Framework.
- 7.10 Officer task and finish groups will be established as appropriate to ensure delivery of the more day-to-day activity in development of the Framework. This would comprise of officers from Derbyshire County Council and local planning authorities. This will follow on from initial officer level discussion regarding the initiative that have taken place to date.
- 7.11 Funding support for the initiative will be sought from the Government's Planning Delivery Fund. However, contributions in terms of officer time and financial contributions towards joint commissions are also likely to be required.
- 7.12 As a non-statutory document, the DSPF would not be subject to examination by an independent inspector as is the case for Local Plans and Neighbourhood Plans. However, it is proposed that public consultation will be undertaken on proposals.

Issues

- 7.13 Derbyshire County Council has identified a number of potential benefits of the DSPF. They include:
- Providing an effective mechanism for setting out the key strategic cross-boundary planning objectives and priorities.
 - Bringing together the separate growth strategies that are currently embedded in individual local plans to deliver this growth in a more

coordinated and effective way.

- Integrating strategic spatial, infrastructure and economic priorities and plan for long term strategic infrastructure needs.
- Offering the opportunity for strategic coordination which would help maximise the economic growth potential of a number of emerging major development schemes.
- Providing a more joined approach to raising and using infrastructure funding.
- Providing a multi-skilled resource to develop and deliver place-based plans.

7.14 We consider that the DSPF has the potential to offer all of the above benefits. More specifically, the initiative may also help the Borough Council to demonstrate compliance with the duty to co-operate which will be a key test that any future High Peak Local Plan will be measured against at examination. The evidence commissioned to inform the DSPF is also likely to be of relevance to the High Peak Local Plan which may result in cost savings and efficiencies for the Borough Council.

7.15 Nevertheless, there are potential risks associated with the DSPF. They include:

- The priorities and objectives of the DSPF may be interpreted as policies or proposals that should form part of a statutory plan and therefore subject to scrutiny at examination. This could lead to legal challenge.
- The DSPF may conflict with local priorities and objectives which may lead to difficulties with any future Local Plan review
- The time required by Council officers to contribute to the DSPF may not be available given other corporate plan priorities

7.16 Whilst the Borough Council should be mindful of the above, it is considered that participation in the project and close scrutiny of the DSPF as it emerges will help minimise risks.

Next steps

7.17 In order to formalise working arrangements, Derbyshire County Council propose to agree Statements of Common Ground with all local planning authorities in the coming weeks. A draft copy of the Statement of Common Ground is not yet available. However, it is understood that it will seek to set out an agreed position of what the DSPF will incorporate, how it will be delivered and when.

7.18 A timetable for the project sets out the following key milestones:

- December 2019 - agree Statement of Common Ground

- Late 2019 – early 2020 - commission additional evidence
- March – August 2020 – prepare Issues, Objectives & Priorities document
- Late 2020 – approval of Issue, Objectives & Priorities document by D2 Joint Committee and local planning authorities.
- Early 2021 – public consultation
- 2021 – Q2 2022 – produce draft plan
- Q3 2022 - approval of draft plan by D2 Joint Committee and local planning authorities
- Q4 2022 – public consultation

7.19 The current timetable does not yet specify a timeframe for adoption but this is likely to be during 2023.

Proposal

7.20 It is proposed that the Economy and Growth Select Committee receives future reports to scrutinise the project as it develops.