



Amber Valley Borough Local Plan 2016

Duty to Co-operate Compliance Statement

November 2017

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Contents	Page No.
1. Introduction	4
2. Continuing Co-operation	7
3. Strategic Issues	10
4. Conclusion	21

Appendices

- A. Derby HMA Joint Advisory Board Terms of Reference
August 2014
- B. Derby HMA LDF Coordination Group Terms of Reference
February 2011

1. Introduction

- 1.1 Section 110 of the Localism Act created a 'duty to cooperate', which is a legal duty on local planning authorities and other public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan preparation, in the context of strategic cross boundary matters.
- 1.2 Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their local plans. In particular, there is a need to consider how cooperation can produce effective and deliverable policies on cross boundary matters.
- 1.3 Section 110 of the Localism Act states that the 'duty to cooperate':-
- 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
 - requires councils to consider joint approaches to plan making
- 1.4 In addition to other local planning authorities, a number of other public bodies are subject to the 'duty to cooperate' by being prescribed in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). These 'prescribed bodies' are required to cooperate with local planning authorities to help make local plans as effective as possible on strategic cross boundary matters. The 'prescribed bodies' are as follows:-
- the Environment Agency
 - the Historic Buildings and Monuments Commission for England (known as Historic England)
 - Natural England
 - the Mayor of London
 - the Civil Aviation Authority
 - the Homes and Communities Agency
 - each clinical commissioning group established under section 14D of the National Health Service Act 2006
 - the National Health Service Commissioning Board
 - the Office of Road and Rail (formerly the Office of Rail Regulation)
 - Transport for London
 - each Integrated Transport Authority
 - each highway authority within the meaning of section 1 of the Highways Act 1980 (including the Secretary of State, where the Secretary of State is the highways authority)
 - the Marine Management Organisation.

- 1.5 In addition to the 'prescribed bodies', local planning authorities are also required to cooperate with Local Enterprise Partnerships (LEP) and Local Nature Partnerships (LNP) and have regard to their activities when preparing their local plans, where those activities are relevant to local plan making. In the case of Amber Valley, the Local Enterprise Partnership is D2N2 and the Local Nature Partnership is the Lowland Derbyshire & Nottinghamshire LNP.
- 1.6 The 'duty to cooperate' is also highlighted in paragraphs 178 to 181 of the National Planning Policy Framework (NPPF).
- 1.7 Paragraph 178 of the NPPF states that public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those set out in paragraph 156 of the NPPF, which the Government considers to be 'strategic priorities' for local planning authorities in preparing local plans and for which they should include relevant policies, namely:-
- The homes and jobs needed in the area
 - The provision of retail, leisure and other commercial development
 - The provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk...and the provision of minerals and energy
 - The provision of health, security, community and cultural infrastructure and other local facilities
 - Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.
- 1.8 Paragraph 179 of the NPPF states that local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual local plans. It states that joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies set out in the NPPF. As part of this process, local planning authorities should consider producing joint planning policies on strategic matters and informal strategies such as joint infrastructure and investment plans.

- 1.9 Paragraph 180 of the NPPF states that local planning authorities should take account of different geographic areas, including travel-to-work areas and in two tier areas, that county and district authorities should cooperate with each other on relevant issues. It also states that local planning authorities should work collaboratively on strategic planning priorities to enable delivery of sustainable development, in consultation with Local Enterprise Partnerships and Local Nature Partnerships and also work collaboratively with private sector bodies, utility and infrastructure providers.
- 1.10 Finally, paragraph 181 of the NPPF states that local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross boundary impacts when their local plans are submitted for examination. It states that this could be by way of plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy presented as evidence of an agreed position. It also states that cooperation should be a continuous process of engagement from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development.
- 1.11 This document sets out how the Borough Council has cooperated with the 'prescribed bodies' and other bodies on an ongoing basis, in relation to the strategic priorities for Amber Valley and in relation to cross boundary matters.
- 1.12 The document refers in particular to the joint working arrangements established and maintained between those local planning authorities within the Derby Housing Market Area (Derby HMA), in preparing aligned Core Strategies and how these joint working arrangements have been continued, following the Borough Council's decision to withdraw the Amber Valley Borough Local Plan; Part 1 – The Core Strategy in December 2015 and its subsequent decision in January 2016 to prepare a single Local Plan for the Borough.

2. Continuing Co-operation

- 2.1 The principle of the Derby Housing Market Area (Derby HMA) was established through the preparation of the East Midlands Regional Plan. The Derby HMA comprises Amber Valley Borough, Derby City and South Derbyshire District. The respective local planning authorities, together with Derbyshire County Council, have all worked together since that time in developing up to date development plans within the Derby HMA, prior to the 'duty to cooperate' formally coming into effect via the Localism Act in November 2011.
- 2.2 The joint working arrangements within the Derby HMA have underpinned the preparation of separate but aligned Core Strategies for the respective local authority areas, over a common timeframe. The joint working has included the following:-
- sharing of officer expertise
 - joint commissioning of technical studies and other work to develop a comprehensive, shared evidence base
 - ensuring that planning policies for each authority area complement one another, to enable the long-term provision of housing and economic growth over the plan period and that future development can be supported by appropriate services and infrastructure.
- 2.3 Of particular note is the joint commissioning of a Housing Requirements Study and an updated Strategic Housing Market Assessment (SHMA) for the Derby HMA, which has enabled the scale and nature of housing need to be identified for the Derby HMA as a whole, as well as for the individual local authority areas within the HMA. Further details in relation to the process of assessing and planning to meet housing need are set out in section 3 of this document.
- 2.4 The joint working arrangements have been reinforced by the establishment of the Derby HMA Joint Advisory Board (consisting of nominated members and officer support from each authority) and supported by the Derby HMA Co-ordination Group (relevant officers from each authority and initially a dedicated HMA Coordinator post secured through external funding). The Terms of Reference for the Joint Advisory Board and the Co-ordination Group are attached as appendices to this document.
- 2.5 The joint working between the Derby HMA authorities has also been extended as necessary to involve those local planning authorities within the adjoining Nottingham Core HMA. Officers from Derbyshire County Council have attended coordination meetings for both HMAs and officers from Erewash Borough Council (part of the Nottingham Core HMA) have also attended Derby HMA meetings as observers, as appropriate.

- 2.6 As a district council within a two-tier local authority area, the Borough Council is not responsible for providing a number of the key services that impact on the plan-making process, including highways, education and land drainage. Cooperation with Derbyshire County Council has therefore also been significant in establishing an evidence base and developing appropriate policies in relation to those service areas.
- 2.7 In the early stages of the preparation of aligned Core Strategies, the Derby HMA authorities undertook joint consultation on a number of documents, namely:-
- Issues and Ideas (September 2008)
 - Issues and Options (January 2010)
 - Have Your Say (February 2011)
- 2.8 Beyond the joint working arrangements through the Derby HMA, Amber Valley Borough Council has been proactive in engaging with other adjoining local planning authorities and other bodies in preparing the Core Strategy, up to its withdrawal in December 2015. The Borough Council's approach to engagement has followed the principles set out in its Statement of Community Involvement, which was adopted in 2006.
- 2.9 In addition to the joint consultation on emerging Core Strategy documents set out in paragraph 2.6 above, the Borough Council consulted the 'specific consultation bodies' and a range of 'general consultation bodies' (as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012) on the following Core Strategy documents:-
- Options for Housing Growth (July 2011)
 - Significant Opportunity for Development On a Strategic Site at Denby (February 2012)
 - Preferred Growth Strategy (October 2012)
 - Draft Core Strategy (June 2013)
 - Pre-Submission Core Strategy (September 2013)
 - Proposed Changes to the Core Strategy (July 2014)
 - Further Proposed Changes to the Core Strategy (October 2014)
 - Revisions to the Further Proposed Changes to the Core Strategy (July 2015)
- 2.10 Consultation with the 'specific consultation bodies' and the range of 'general consultation bodies' was similarly undertaken on the Draft Local Plan published in March 2017.

- 2.11 In addition to consultation on the relevant documents, key stakeholders, all relevant local authorities and other public bodies have been invited to attend public exhibitions where these have been held at particular stages in the plan making process. This has included the public consultation events held during the consultation period following the publication of the Draft Local Plan in March 2017.
- 2.12 Engagement has also taken place with neighbouring local planning authorities within and beyond the Derby HMA, in relation to the development of policies and proposals. This has included attendance at meetings of the Derbyshire Planning Officers Group (DPOG) and the Derbyshire Planning Policy Officers Group (DPPOG), which have provided opportunities for networking and to share information and experience.
- 2.13 A schedule listed who the Borough Council has consulted and engaged with and how, in the preparation of the Core Strategy and subsequently in the preparation of the Local Plan, is included in the appendices to this document.

3. Strategic Issues

- 3.1 In the preparation of the aligned Core Strategies, the Derby HMA authorities identified a number of strategic issues which related to cross boundary matters and in respect of which cooperation needed to take place, including to comply with the 'duty to cooperate' from 2011. These are set out below together with the actions undertaken to address the issues.

Addressing the limited capacity within Derby to meet its housing need within the City boundary

- 3.2 Probably the key issue facing the Derby HMA authorities has been to respond to the Government's challenging targets for housing growth.
- 3.3 The preparation and examination of the East Midlands Regional Plan recognised that Derby could not accommodate all of its housing growth requirements within the city boundary and the Regional Plan therefore included housing provision within the adjoining local authority areas (Amber Valley and South Derbyshire) to enable sustainable urban extensions to the city.
- 3.4 Following the Government's decision to revoke Regional Plans, the Derby HMA authorities recognised the need to maintain the principle of co-operation in meeting Derby's housing growth, having regard to the need for up to date information on housing need.
- 3.5 In 2012, the Derby HMA authorities jointly commissioned a Housing Requirements Study. The Study followed initial work undertaken jointly by the three authorities, as part of the preparation of their respective Core Strategies, to consider options for housing growth across the Derby HMA. The aim of the Study was to help the three authorities to consider in further detail how much housing should be planned for up to 2028.
- 3.6 In 2013, the Derby HMA authorities then commissioned an update of the Strategic Housing Market Assessment (SHMA) for the Derby HMA, previously undertaken in 2008. The updated SHMA drew on the findings of the 2012 Housing Requirements Study, together with further information from the 2011 Census and subsequent population estimates and population and household projections, as well as economic forecasts. The updated SHMA concluded that an additional 35,354 dwellings were required in the Derby HMA between 2008 and 2028, including 8,326 additional dwellings within Amber Valley.

3.7 The conclusions of the updated SHMA were initially tested at the Examination into the submitted Amber Valley Local Plan Part 1: Core Strategy in 2014, along with a further paper which considered more recent evidence regarding migration trends, to test if the underlying projections on which household growth was projected remained sound, as well as providing a sensitivity analysis of the projections in the updated SHMA and considering alternative scenarios for household formation.

3.8 Following the 2014 Examination, an objectively assessed housing need for 33,388 additional dwellings across the Derby HMA was established, adjusted to cover the period 2011 to 2028. This was broken down within the Derby HMA as follows:-

Amber Valley	7,395 dwellings
Derby	16,388 dwellings
South Derbyshire	9,605 dwellings.

3.9 The established housing need for the Derby HMA was subsequently tested through the Examinations into the submitted South Derbyshire Local Plan Part 1: Core Strategy (2015) and Derby City Local Plan Part 1: Core Strategy (2016). Following these Examinations, the established figure of 33,388 dwellings has been maintained and is reflected in the respective Core Strategies for South Derbyshire and Derby City, which have now been adopted.

3.10 The South Derbyshire Core Strategy, which was adopted in March 2016, includes provision for a minimum of 12,618 dwellings between 2011 and 2028. This provision reflects the established housing need arising in South Derbyshire itself (9,605 dwellings), as well as providing a contribution of 3,013 dwellings towards meeting unmet housing need arising in Derby. The contribution in relation to Derby recognises the limited capacity (11,000 dwellings) within the City to accommodate additional housing growth to fully the meet established housing need within the City (16,388 dwellings) between 2011 and 2028.

3.11 The Derby City Core Strategy, which was adopted in January 2017, includes provision for 11,000 dwellings between 2011 and 2028, reflecting the limited capacity for further housing growth within the City within this period.

- 3.12 The adoption of the South Derbyshire and Derby Core Strategies has meant that within Amber Valley, provision will need to be made for a minimum of 9,770 additional dwellings between 2011 and 2028, in order to fully meet the objectively assessed need for the Derby HMA over this period. This would reflect the housing need arising in Amber Valley itself (7,395 dwellings), as well as providing a contribution of 2,375 dwellings towards meeting the unmet housing need arising in Derby. A minimum target of 9,770 additional dwellings was agreed by the Borough Council in January 2016, for the purposes of preparing a new Local Plan.
- 3.13 In November 2016, the Borough Council commissioned an Addendum Update to the 2013 SHMA. The purpose of the Addendum Update was to consider whether there was any further evidence that might point to a different housing need figure for Amber Valley, to inform the new Local Plan.
- 3.14 The Addendum Update concluded that, taking into account a range of further evidence, the housing need in Amber Valley between 2011 and 2028 equates to between 7,123 and 7,242 dwellings and given that this is very similar to the previously established need for 7,395 dwellings, considered that the further evidence does not suggest a meaningful change in the position and that it would therefore be reasonable to conclude that the joint evidence for the Derby HMA continues to support a need for 7,395 dwellings.
- 3.15 The Derby HMA authorities also jointly developed a methodology for Strategic Housing Land Availability Assessment (SHLAA), based on DCLG guidance at that time. This was endorsed by the Derby HMA Local Housing Partnership (LHP), which included a mix of public and private sector representatives and a Steering Group was established as a sub group of the LHP, to oversee the process. The Steering Group involved representatives from the Derby HMA authorities, along with key stakeholders such as the Home Builders Federation, developers, landowners, property agents, housing associations and elected members..
- 3.16 An assessment of potential site allocations was informed by a Derby HMA Strategic Site Options Study, which was produced in 2010. Although each of the Derby HMA authorities produced their own document, cooperation took place during this process to ensure that cross boundary sites (sites on the edge of the built up area of Derby) were assessed on a consistent basis.
- 3.17 More recently, in October 2016, the context of the preparation of a single Local Plan for Amber Valley, the Borough Council sought input from a range of technical consultees on a range of potential housing sites, to inform the process of assessing the potential sites and selecting the sites to be included in the Local Plan.

Establishing whether any adjoining local authorities outside the Derby HMA require Amber Valley to assist them in meeting their objectively assessed housing need

- 3.18 At the time of the submission of the Amber Valley Core Strategy in December 2013, the Borough Council and the other Derby HMA authorities had established that none of the other adjoining local planning authorities outside the Derby HMA required Amber Valley to assist in meeting any of their objectively assessed housing need. This position was maintained through the Core Strategy Examination in May 2014.
- 3.19 In April 2016, Derbyshire Dales District Council wrote to the Borough Council and all other local planning authorities adjoining their area, to formally request whether any of the authorities would be able to accommodate some or all of the unmet housing need for Derbyshire Dales.
- 3.20 The Borough Council and the other Derby HMA authorities responded to this request, advising that they had formally considered the request under the 'duty to cooperate' and that given the limited capacity within Derby and the need for Amber Valley and South Derbyshire to help to address this position, none of the Derby HMA authorities were in a position to accommodate any of the housing need arising within Derbyshire Dales. In any event, Derbyshire Dales District Council has subsequently progressed their Local Plan through examination on the basis of being able to accommodate all of their housing need, within their area.

Ensuring that development is supported by the necessary infrastructure

- 3.21 In preparing their aligned Core Strategies, the Derby HMA authorities recognised at the outset the importance of engaging with key stakeholders in the development of Infrastructure Delivery Plans.
- 3.22 In June 2010, a Derby HMA and Erewash Infrastructure Planning Group was established to ensure a co-ordinated approach to infrastructure delivery. This helped to co-ordinate meetings and dialogue with a range of external partners such as utility companies, the Environment Agency and the emergency services, to ensure all that all areas of infrastructure were considered in preparing the Core Strategies to identify what infrastructure improvements were required to meet the level of growth within the Borough.
- 3.23 Meetings have been held with relevant officers at Derbyshire County Council in relation to transport and education matters and in relation to transport, this has also involved Highways England in respect of issues relating to the trunk road network (A38 and M1).

- 3.24 Within Amber Valley, the Borough Council has also met with relevant officers across the range of services responsible for infrastructure provision through the plan making process, including in relation to public open space, housing and regeneration.
- 3.25 The Infrastructure Delivery Plans accompanying the respective Derby HMA Core Strategies were aligned to ensure that any cross boundary infrastructure provision within the Derby HMA was taken into account.
- 3.26 Within Amber Valley, a Draft Infrastructure Delivery Plan was published alongside the Draft Core Strategy and this was revised and published alongside the Pre-Submission Core Strategy. A Draft Infrastructure Delivery Plan was similarly published alongside the Draft Local Plan and comments received have informed revisions to the Infrastructure Delivery Plan, which has been published alongside the Pre-Submission Local Plan.

Establishing the need to increase capacity of some schools within Amber Valley to accommodate additional demand from new housing development

- 3.27 The Derby HMA authorities have engaged with Derbyshire County Council and Derby City Council, as the relevant education authorities, to establish the impact of the proposed development strategy for the Derby HMA on local schools. In relation to Amber Valley, the Borough Council officers met with the County Council and the head teacher of John Flamsteed secondary school in Denby to discuss the potential expansion of the school, based on the proposals for a comprehensive mixed use development scheme in the Core Strategy at land north of Denby, including up to 1,800 new dwellings (subsequently revised to 1,100 in the Local Plan, within the Plan period).
- 3.28 Derbyshire County Council also provided a response to the Borough Council's engagement with technical consultees in October 2016, which informed the policies in the Draft Local Plan in relation to transport and education matters.

Assessing the impact of and mitigating against climate change

- 3.29 The Derby HMA authorities, together with Erewash Borough Council, jointly commissioned a Cleaner Greener Energy Study in 2010, to inform the evidence base for the respective Core Strategies. Taking into account the conclusions of this Study, policies were included in the Amber Valley Core Strategy in relation to reducing the use of non-renewable energy resources and renewable energy developments, following consultation with the other Derby HMA authorities, the Environment Agency and the consultants who produced the Sustainability Appraisal of the Core Strategy on behalf of the Borough Council. A similar policy in relation to renewable energy developments has also been included within the Draft Local Plan. The previous Core Strategy policy in relation to reducing the use of non-renewable energy resources has not been taken forward as the matters to which it related are covered by other legislation.
- 3.30 The Core Strategy also included a policy to manage flood risk, following consultation and engagement with the Environment Agency. A similar policy was included within the Draft Local Plan, following input from the Environment Agency and this has been revised in the Pre-Submission Local Plan, following further discussions with the Environment Agency.

Reviewing the Green Belt boundary

- 3.31 A Technical Assessment of the purposes of the Green Belt around the built up area of Derby (the 'Derby Principal Urban Area') was jointly commissioned by the Derby HMA authorities, plus Erewash Borough Council, in 2012.
- 3.32 The Technical Assessment, which involved a detailed analysis of five broad areas of the Nottingham-Derby Green Belt to the north-west, north, north-east, east and south-east of the Derby urban area, was designed to inform the approach to Green Belt policy and decisions on planned future growth in the respective Core Strategies.
- 3.33 The Technical Assessment concluded that all of the broad areas perform well against the Green Belt purposes, asset out in the NPPF.

- 3.34 In preparing the Local Plan, the Borough Council has considered whether to undertake or commission a review of the Green Belt boundary within Amber Valley, to inform the assessment of potential housing sites. It was concluded in July 2016 that a review should not be carried out at that time and that a more appropriate approach would be to await the outcome of the assessment of potential sites against other relevant planning considerations. Subject to there then being a need to consider further sites, i.e. if sufficient suitable and deliverable sites outside the Green Belt could not be identified, an assessment would then be undertaken in relation to any potential sites within the Green Belt which would otherwise be considered to be suitable for development and capable of being delivered by 2028, to see whether any 'exceptional circumstances' could be demonstrated to justify amending the Green Belt boundary, having regard to the purposes of Green Belt as set out in the NPPF.
- 3.35 Following consultation on the Draft Local Plan and the consideration of representations in relation to the need or otherwise for a comprehensive Green Belt review in Amber Valley and specific representations proposing the deletion of land from the Green Belt, the Borough Council has concluded that other than in relation to land north of Denby, that there are no other locations in the Borough where 'exceptional circumstances' have been demonstrated to justify any other amendments to the Green Belt boundary. Reference has however been made in the Pre-Submission Local Plan to the need to undertake a comprehensive review of the Green Belt in Amber Valley, in the context of a subsequent review of the Local Plan.

Providing green infrastructure at a strategic and local level

- 3.36 The preparation of the aligned Core Strategies in the Derby HMA was informed by the publication of a sub-regional Green Infrastructure Strategy, commissioned by the 6Cs Strategic GI Board (covering the various local authorities in and around the cities of Derby, Leicester and Nottingham).
- 3.37 The Amber Valley Core Strategy included a policy designed to take a strategic approach to the delivery, protection and enhancement of green infrastructure, with the Borough Council working in partnership with adjoining local authorities and other bodies to establish a network of corridors and assets across local authority boundaries.
- 3.38 A similar policy was included in the Draft Local Plan and following input from Derbyshire County Council through consultation, the policy has been expanded in the Pre-Submission Local Plan to give greater recognition to the potential to protect and enhance the network of green infrastructure corridors and assets within and beyond the Borough boundary.

- 3.39 Discussions with a range of organisations including Sport England, Derbyshire FA, Derbyshire Cricket Board and Derbyshire County Council have been integral to the review of the 2013 Amber Valley Sports Playing Pitch Strategy, for the period 2017-2020. This updated new document sets out the strategic direction and site specific priorities for the future delivery of sports (football, cricket, rugby and hockey) facilities across the Borough for this period. Together with ongoing engagement with Sport England following the publication of the Draft Local Plan, this has informed appropriate changes to the relevant policies in the Pre-Submission Local Plan.

Providing accommodation to meet identified need for Gypsies and Travellers

- 3.40 A Gypsy and Traveller Accommodation Assessment (GTAA 2014) covering Derbyshire and East Staffordshire was jointly commissioned in August 2013 by the following partners, to update the previous Assessments from 2008 (Derbyshire) and 2013 (East Staffordshire):-

- Derbyshire County, Derby City and eight District and Borough Councils in Derbyshire (including Amber Valley Borough Council)
- The Peak District National Park Authority
- East Staffordshire Borough Council
- Derbyshire Gypsy Liaison Group.

- 3.41 In relation to Amber Valley, the conclusions of the updated GTAA have informed the inclusion of a specific policy in the Draft Local Plan, which has been maintained in the Pre-Submission Local Plan. On-going engagement has also taken place with the Derbyshire Travellers Issues Working Group and Sub-Group on the need for and how to make best use of information and evidence for the monitoring and provision of accommodation for Gypsies, Travellers and Travelling Showpeople within the area covered by the GTAA. A representative of the Derbyshire Gypsy & Traveller Liaison Group was also invited to comments on a range of potential housing sites, as to which of the potential sites, if any, were considered to be particularly suitable to meet the need for pitches in Amber Valley, as identified in the GTAA.

Ensuring that everyone has easy access to health care

- 3.42 The relevant Primary Care Trusts (PCTs) (subsequently the Clinical Commissioning Groups (CCGs)) covering parts of Amber Valley were consulted at the various stages of the Core Strategy process.

- 3.43 Detailed discussions were held with the Southern Derbyshire Clinical Commissioning Group in relation to the potential impact on service delivery of housing development on the proposed strategic sites in the Core Strategy, including the potential to negotiate financial contributions towards improvements to services and facilities through Section 106 agreements in conjunction with planning applications.
- 3.44 In relation to the preparation of the Local Plan, the Southern Derbyshire Clinical Commissioning Group was invited to consider the impact of a range of potential housing, as part of the engagement with technical consultees in October 2016.

Assessing the impact of development on the transport network

- 3.45 In 2009, a Transport Modelling Study was commissioned to initially assess the impact of development on the road infrastructure in the Derby Principal Urban Area and this work was subsequently extended to cover the whole of the Derby HMA. The Study was overseen by a Steering Group of representatives from Highways England and the relevant Highway Authorities (Derby City Council and Derbyshire County Council). The Study has informed the respective Core Strategies within the Derby HMA. An up to date Position Statement in relation to the Study has provided supporting evidence to inform the Local Plan.
- 3.46 In addition to the Transport Modelling Study, officers from the Derby HMA authorities met with Highways England to discuss the impact of proposed housing growth, as set out in the respective Core Strategies, on the strategic road network (A38, A50 and M1). Within Amber Valley, discussion focused on the potential impact of the proposals for a comprehensive mixed use development scheme at land north of Denby.
- 3.47 In relation to the preparation of the Local Plan, the Borough Council has liaised with Derbyshire County Council and Highways England, as part of the engagement in October 2016 with technical consultees, in relation to potential housing sites. The Borough Council has also met with both bodies to discuss in more detail the transport implications in respect of revised proposals for development at land north of Denby and proposals for housing development at Radbourne Lane, Mackworth, given the scale of the respective proposals and their potential impact on the highway network, including the A38.

Considering the impact of the scale and location of future development on the emergency services

3.48 The emergency services were invited to submit comments at each consultation stage in relation to the Core Strategy and this has been continued with the consultation on the Draft Local Plan and supporting documents, including the Draft Infrastructure Delivery Plan.

Considering the impact of the scale and location of future development on utility companies

3.49 The various utility companies (water, gas, electricity and telecommunications) were invited to submit comments at each consultation stage in relation to the Core Strategy and this has been continued with the consultation on the Draft Local Plan and supporting documents, including the Draft Infrastructure Delivery Plan.

Ensuring the need to provide fresh water and the sustainable treatment of waste water

3.50 A Water Cycle Study was commissioned by the Derby HMA authorities in 2009, to provide strategic advice on water infrastructure and environmental capacity which could inform the respective Core Strategies, including allocation of strategic sites. Severn Trent Water, South Staffordshire Water and the Environment Agency were key stakeholders in the development of the Study, with the land drainage and flooding teams from Derbyshire County Council and Derby City Council also being involved in the process.

Ensuring that development does not exacerbate flooding and that necessary infrastructure is provided

3.51 The Borough Council commissioned a Level 1 Strategic Flood Risk Assessment in 2009 to inform the Amber Valley Core Strategy. The Assessment was overseen and formally approved by the Environment Agency. The consultants undertaking the Assessment on behalf of the Borough Council engaged with all the local planning authorities adjoining Amber Valley on the basis of the relevant flood risk zones extending beyond the Borough boundary into adjoining areas.

3.52 In relation to the preparation of the Local Plan, the Borough Council commissioned an updated Level 1 Strategic Flood Risk Assessment (SFRA) in 2016, in consultation with the Environment Agency and Derbyshire County Council (as the Strategic Flood Risk Authority). The updated SFRA has provided an overview of all sources of flood risk (such as from rivers, surface water and ground water) throughout the Borough and has also taken into account the impact of climate change.

- 3.53 As with the 2009 SFRA, the consultants undertaking the updated 2016 Assessment on behalf of the Borough Council engaged with all the local planning authorities adjoining Amber Valley and looked at potential development sites along the Amber Valley boundary within adjoining areas, as well as any cross boundary residual risk (e.g. from reservoir inundation), to show which areas have the potential to influence flood risk on other areas based on topography, river flow direction and residual risk.
- 3.54 Neighbouring authorities were consulted as part of the SFRA process and other local plans and SFRAs (if available) were reviewed to assess whether there were any large scale development proposals that may affect flood risk in Amber Valley. Any cross boundary issues in relation to water quality were also considered.
- 3.55 Discussions have also been undertaken with the Environment Agency in relation to the process of undertaking a Sequential and Exception Test, in conjunction with two proposed housing sites in the Draft Local Plan. The conclusions of these discussions have informed changes to the site specific policies in relation to these sites, in the Pre-Submission Local Plan.

Assessing the impact of development on the historic environment

- 3.56 English Heritage (now Historic England), the National Trust and the Derwent Valley World Heritage Site Partnership were invited to submit comments at each consultation stage in relation to the Core Strategy and this has been continued with the consultation on the Draft Local Plan.
- 3.57 In preparing the Core Strategy, meetings were held with English Heritage and the National Trust to discuss the potential impact of proposed development on the Borough's historic assets, whilst English Heritage were also invited to comment on emerging policies relating to the historic environment prior to publication of the Draft Core Strategy for consultation.
- 3.58 Similarly, in relation to the preparation of the Local Plan, the Borough Council has met with Historic England to discuss the potential impact of development proposals and has invited comments on emerging historic environment policies. The feedback from this meeting has informed changes to the historic environment policies in the Pre-Submission Local Plan.

Considering minerals and waste

3.59 Minerals and waste planning is the responsibility of Derbyshire County Council. The Derbyshire Infrastructure Delivery Plan highlights Loscoe Recycling Plant as a key priority, as it has capacity issues and reference to this was also made in the Infrastructure Delivery Plan prepared alongside the Core Strategy and continues to be mentioned in the Infrastructure Delivery Plan accompanying the Pre-Submission Local Plan. As waste collection is the responsibility of the Borough Council, discussions have taken place with the relevant officers responsible for this service, in relation to the potential impact of future housing growth. A meeting has also taken place with the Coal Authority, which has confirmed their most up to date in respect of the surface coal resource and the defined Development High Risk Area and which the Borough Council has therefore been able to use to inform the process of assessing potential housing sites.

Meeting the statutory requirement to assess the sustainability of the Core Strategy/Local Plan

3.60 Sustainability Appraisal (SA) has been undertaken alongside the preparation of the Core Strategy/Local Plan and SA reports have been published at the appropriate stages in the Core Strategy/Local Plan. The SA process has met the relevant statutory consultation requirements, including in relation to the preparation of a Scoping Report.

4. Conclusion

4.1 The Borough Council consider that this document shows that it has consulted, engaged and cooperated with the relevant 'prescribed bodies' and other local planning authorities and other bodies, in relation to strategic issues and cross boundary matters. Where issues have arisen through consultation and engagement, the Borough Council has worked in partnership with the relevant bodies to explore and agree solutions.

4.2 The Borough Council remains fully committed to continuing consultation, engagement and cooperation as the Local Plan progresses through to adoption and beyond, including by exploring the options to potentially extend the joint working arrangements between the Derby HMA authorities.

Derby HMA Joint Advisory Board

Terms of Reference

August 2014

1. Role

To advise on spatial planning and implementation matters through continuing co-operation to fulfil the Duty to Co-operate requirement for the Derby Housing Market Area (HMA), including but not exclusively to address cross boundary development and growth

To oversee the successful delivery of the New Growth Point (NGP) Growth Funding as part of the former 6Cs partnership for growth.

2. Key Tasks

To coordinate the Derby HMA partnership to deliver the required quantity and quality of growth in the HMA, setting up project teams to assist this as required

To liaise on planning, infrastructure and funding issues with the other HMA partnerships and local authorities where appropriate within the D2N2 Local Enterprise Partnership (LEP) area wider sub-regional area (including former 6Cs partnership)

To provide co-ordinated responses to local, regional and national consultation related to planning policy matters where appropriate.

To advise on the preparation of our strategic development plans, in particular Local Plans and other development plan documents which are of agreed mutual interest.

To ensure a coordinated approach to the Derby HMA Local Infrastructure Delivery Plans

To advise on the development of aligned and co-ordinated infrastructure and other investment priorities and their programming within the HMA, D2N2 Local Enterprise Partnership (LEP) and Local Nature Partnership (LNP)

To identify and make links to resources and funding, public / private investment programmes, including advising on ways existing funding and resources can be maximised.

To ensure project assurance for any relevant joint or cross boundary projects funded from NGP Growth Fund or other jointly funded sources.

To ensure the appropriate monitoring of relevant projects and funding

To disseminate Growth Fund progress updates and programme closure details.

To advise on and review the activities of the HMA Co-ordinator and other HMA posts

3. Membership

One Council Cabinet or relevant committee member each from:

Derby City Council
Derbyshire County Council
Amber Valley Borough Council
South Derbyshire District Council

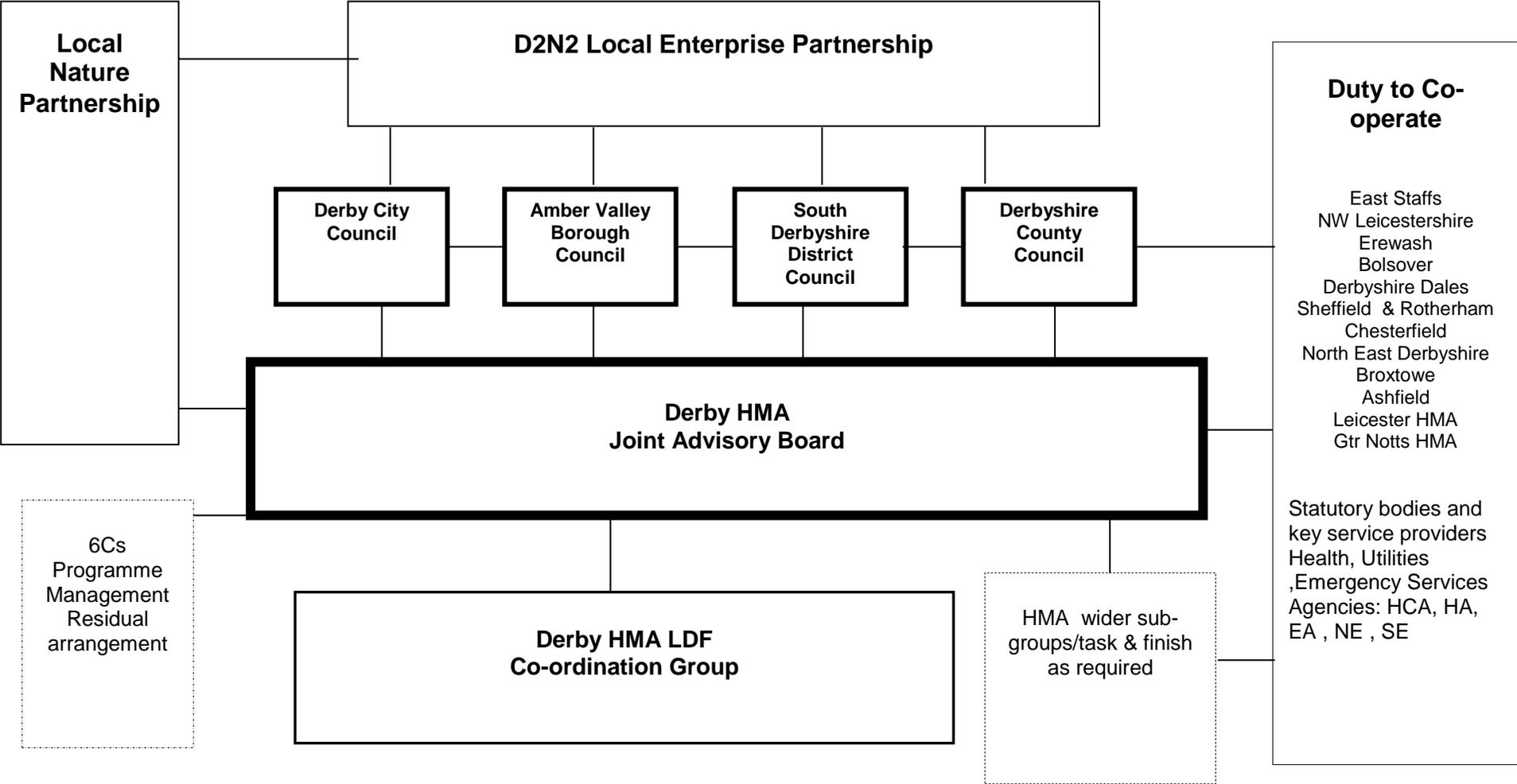
To ensure meetings are quorate appropriate Member substitutes are required. The Board will be supported by officers from the constituent Councils.

Additional observer members: Erewash, Homes & Communities Agency, Highways Agency, Environment Agency and relevant public agencies

4. Frequency of Meetings

The Board will meet as and when required to discuss matters within its remit and to meet specific programme deadlines/ requirements. It is anticipated that this will normally involve 3-4 meetings each year.

Proposed Revised Derby HMA Structure – August 2014



Appendix B

Derby HMA LDF Coordination Group

Terms of Reference – February 2011

1. Role

To coordinate joint working on the aligned Core Strategies and joint LDF plans within the Derby Housing Market Area (HMA), advising the Derby HMA Joint Advisory Board on these and other spatial planning issues.

2. Key Tasks

To coordinate the preparation of development plans of agreed mutual interest. This will include the coordination and alignment of the three HMA Core Strategies and preparation of a joint Site Allocations DPD.

To advise the Derby HMA Joint Advisory Board on the coordination and alignment of LDFs, and any other spatial planning matters of mutual concern.

To agree the commissioning, and manage the preparation, of any agreed joint evidence base studies in support of LDF plan making.

To ensure consistent HMA-level approach and content within relevant LDF evidence base documents, topic papers, sustainability appraisals and plans.

To coordinate the HMA's approach to reviews of the relevant strategies.

To give advice on investment priorities and programming associated with spatial planning within the HMA

To advise on and review the activities of the HMA Co-ordinator

To ensure that there is appropriate HMA-level monitoring of the implementation of LDF policies.

To mutually disseminate information on Government planning guidance and related initiatives and national and local best planning practice.

3. Membership

HMA Co-ordination Group

Senior policy officers from:

- Derby City Council
- Derbyshire County Council
- Amber Valley Borough Council
- South Derbyshire District Council

Previous observer member: GOEM

The chair will rotate at each meeting between each local authority

4. Frequency of Meetings

The Group will meet monthly, or more frequently if required.