



South
Derbyshire
District Council
Community and
Planning Services

South Derbyshire

Duty to Co-Operate Compliance Statement



March 2014

South Derbyshire Changing for the better

Duty to Co-operate Compliance Statement

	Page Number
1. Introduction – what is Duty to Co-operate?	2
2. Continuing Co-operation	3
a. Derby HMA	
b. South Derbyshire	
3. Strategic Issues	6
a. Housing	6
b. Economic Development	7
c. Education	8
d. Sustainable Communities	8
e. Water and Sewerage	9
f. Flooding and Drainage	11
g. Utilities	11
h. Communications	11
i. Built & Historic Environment	12
j. The Natural Environment	12
k. Transport	13
l. Minerals and Waste	14
m. Health & Safer Communities	14
n. Sustainability Appraisal	14
4. Conclusion	14
Appendix A: Derby HMA Joint Advisory Board Terms of Reference	16
Appendix B: Terms of Reference for Local Plan	
Growth Strategy Working Group	17
Appendix C: Engaging with other Local Authorities	18
Appendix D: Engaging with other Agencies, Infrastructure Providers and Governance Bodies.	21

1.0 Introduction

- 1.1 This statement sets out how South Derbyshire District Council has co-operated with adjoining and other Local Authorities and key organisations to create the policies and proposals for the Local Plan Part 1. This approach has also been followed by neighbouring Local Planning Authorities in progressing their own Local Plans.
- 1.2 Local Authority boundaries rarely have an impact on the way that people live their day to day lives so it is essential that Local Planning Authorities understand what the key planning issues are across boundaries.
- 1.3 The Duty to Cooperate is referenced in Section 33A of the Planning and Compulsory Purchase Act 2004 (inserted by Section 110 of the Localism Act 2011) which defines the duty and sets out its general requirements. Whilst the Duty to Cooperate post-dates part of the Plan preparation process, compliance with the new duty must be applied to all development plan documents submitted for examination on or after 16 November 2011, the effective date of the Localism Act. Therefore this document will demonstrate the steps taken to comply with the duty throughout the whole Plan preparation process.
- 1.4 The National Planning Policy Framework (NPPF) also makes clear the need for a duty to cooperate on planning issues in paragraphs 178 to 181.
- 1.5 Paragraphs 179 and 180 of the NPPF state that joint working will allow for development requirements that cannot be met in one authority to be met by another authority or authorities. This should be looked at on different geographic areas including travel to work areas.
- 1.6 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 'engage constructively, actively and on an ongoing basis' to develop strategic policies.
 - Requires considering joint approaches to plan making.
- 1.7 The Duty to Cooperate will be determined to be compliant or otherwise by an Inspector. If the Duty is deemed not to have been met then the Plan will fail as it is not legally compliant.
- 1.8 Co-operation needs to take place with 'prescribed bodies' as set out in Regulation 4 of Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012. They comprise:
 - Environment Agency
 - English Heritage
 - Natural England

- Local Nature Partnerships
- Mayor of London (where applicable)
- Civil Aviation Authority
- Homes and Communities Agency
- Clinical Commissioning Groups
- Office of Rail Regulation
- Highways Agency
- Transport for London (where applicable)
- Integrated Transport Authorities
- Highway Authorities
- Marine Management Organisation (where applicable)
- Local Enterprise Partnership

1.9 All of the prescribed bodies have been contacted as part of the consultation process at every stage. Appendix 3 and 4 sets out how the Council engaged with neighbouring authorities, prescribed bodies and other key stakeholders throughout the Local Plan Part 1 (Core Strategy) process.

1.10 The National Planning Policy Framework (NPPF) indicates, in paragraph 156, that local planning authorities should set out the **strategic priorities** for the area in the Local Plan. This should include strategic policies to deliver:

- 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 coastal change management, and the provision of minerals and energy (including heat);
- the provision of health, security, community and cultural infrastructure and other local facilities; and
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

1.11 This document sets out how South Derbyshire District Council has cooperated with neighbouring local authorities, other public bodies and private bodies in the production of its Local Plan Part 1, and how it has complied with the Duty to Co-operate.

2.0 Continuing Cooperation

2.1 The East Midlands Regional Plan established the principle of the Derby Housing Market Area (HMA) and the Principal Urban Area as well as settling housing targets and the general locations for development. The Derby HMA comprises Amber Valley Borough, Derby City and South Derbyshire District.

2.2 The Duty to Cooperate is intended to ensure that strategic cross-boundary planning issues are adequately taken into account following abolition of Regional Spatial Strategies, as well as ensuring that the prescribed bodies are effectively engaged in the process.

- 2.3 As a District Council, South Derbyshire is not responsible for providing a number of services, such as highways, education and land drainage since these are delivery by Derbyshire County Council. Where necessary, officers from the County Council have assisted in the development of South Derbyshire's evidence base. There are also other services outside of the control of both the District and County Councils, such as water supply and sewerage, power distribution, medical services and environmental services, as these are delivered either by Government bodies or private companies, although the organisations responsible for these services and infrastructure were contacted in preparing the evidence base.
- 2.4 Although the approach taken by the Derby HMA authorities to work jointly was established before November 2011, the Council considers its approach to joint working to be compliant with the Duty to Cooperate. The Duty to Cooperate is equally relevant to South Derbyshire's relationship with its other adjoining authorities: Derbyshire Dales District Council, East Staffordshire Borough Council, Erewash Borough Council, Lichfield District Council and North West Leicestershire District Council. Indeed there is a long-standing requirement within the Planning Act for local planning authorities to consult with a wide range of organisations and individuals in preparing their plans.

Derby HMA

- 2.5 Joint working across the Derby HMA culminated in the production of aligned timetables from 2009 for the preparation of the authorities' respective Local Plans and, in July 2011, a joint consultation on the 'Options for Housing Growth'. Aligned working has produced a joint evidence base across many areas including housing, employment, viability and transport modelling.
- 2.6 This joint working has been formalised across the period through the HMA Co-ordination Group, which has met regularly over the past 6 years. Since being established, the group has addressed progress on Local Plans, the joint evidence base and other relevant matters. The Co-ordination Group has facilitated discussion regarding future infrastructure and service provision and Core Strategy/Local Plan Part 1 policy formulation, particularly regarding housing and economic growth. The importance of the Co-ordination Group has been recognised by all participants and has been highlighted as good practice by the Planning Advisory Service¹.
- 2.7 There has also been a Derby HMA Joint Advisory Board comprising an Elected Member, a Director/Senior Manager and a senior Planning Policy Officer from each HMA local authority and from Erewash Borough Council. This group offered advice on spatial planning matters across the Derby HMA. The terms of reference for this group and the co-ordination group can be seen at Appendix A.
- 2.8 Where necessary, officers from the Nottingham HMA, primarily from Erewash Borough Council, attended meetings and contributed to a number of cross-boundary studies including the Technical Assessment of the Derby Principal Urban Area Green Belt Purposes.

¹ <http://www.pas.gov.uk/pas/core/page.do?pagelid=370535>

- 2.9 A dedicated HMA Co-ordination Officer supports joint working between the HMA Authorities and, importantly, maintains the dialogue between the Derby HMA and the Nottingham HMA.

South Derbyshire

- 2.10 Alongside the work with the Derby HMA authorities and others the Council has also had internal co-operation.
- 2.11 The Local Plan Member Working Group was set up in November 2012 and is attended by three Elected Members from the leading party and three Elected Members from the opposition party. The group was formed so that information could be disseminated and decisions could be made on the Local Plan through this cross-party forum in between reports going before the Environmental and Services Development Committee. The terms of reference for this group can be seen at Appendix B along with the dates the Group has met.
- 2.12 In addition to this Working Group, there have been several workshops with Elected Members particularly during the early stages of the Local Plan and during the time of the Localism Act being published. These events allowed members to be involved in the process outside of formal Committee's and to be aware of the changes to the Planning system.
- 2.13 Officers from South Derbyshire have also attended the quarterly meetings of Derbyshire Planning Officers Group and Planning and Information Monitoring Officers Group which is organised for all Derbyshire Authorities to attend. These meetings are for updates on Planning Policy across each Authority and also for sharing information and experiences.
- 2.14 The District Council adopted its Statement of Community Involvement (SCI) in March 2006. The SCI defines community as "all individuals, groups and organisations that live, work or operate within the District". The SCI sets out the Council's commitment to involve organisations and individuals operating in the area who, whilst not statutory consultees, have a valuable role to play in shaping the Local Plan. These include organisations such as local interest groups, businesses, schools, developers, service providers and individual residents. This commitment of involvement pre-dates the work on the Local Plan Part 1 and established working practices that ensured that the whole production process of the Local Plan is Duty to Cooperate compliant, not just from 2011 onwards. The SCI sets out a commitment to involve these organisations and individuals in addition to and, if appropriate for them, in the same way as the statutory consultees. At each stage of the Local Plan process all relevant local authorities, public bodies and key stakeholders, together with any organisation or individual who had asked to be included on the Council's Local Plan consultation database, were contacted and invited to attend any exhibitions, meetings or workshops, and to submit representations. Outside of the formal consultation periods, the Council continued to be open to receiving comments from any interested party.

- 2.15 The District Council has positively engaged in discussions with other local authorities outside of the Derby Housing Market Area regarding the development and policies proposed in the Local Plan Part 1.
- 2.16 An informal relationship continues between the three Housing Market Areas (Derby, Nottingham and Leicester) which formed the 6Cs Growth Point as a legacy of the New Growth Points funding programme.
- 2.17 Throughout the Local Plan process the District Council has had a high level of cooperation with the HMA authorities, other local authorities, statutory bodies and other organisations to ensure a robust evidence base for the Local Plan Part 1. All consultees were invited to submit comments through the following formal consultations:
- Issues and Ideas (January – April 2009)
 - Issues and Alternative Options (January – May 2010)
 - Your Neighbourhood: Talk to Us (February – May 2011)
 - Options for Housing Growth (July – September 2011)
 - Preferred Growth Strategy (October – December 2012)
 - Draft Local Plan Part 1 (September – December 2013)

3.0 Strategic Issues

- 3.1 There are a number of strategic issues that have formed the focus of co-operation in relation to South Derbyshire's Local Plan

Housing

- 3.2 The appropriate level of housing to be delivered within South Derbyshire is influenced by a number of factors such as migration, household formation rates, affordability issues, employment and travel to work areas. Most of these factors are not defined simply by authority boundaries.
- 3.3 As mentioned earlier due to working with the other two authorities that form the Derby HMA, it was decided that following the announcement for the proposed abolition of the Regional Spatial Strategy that work would be commissioned jointly on producing a locally defined housing requirement.
- 3.4 The fundamental strategic issue within the Derby HMA is that the City of Derby has a limited capacity for what it is able to provide in terms of housing sites. Which through the progress on the Housing Requirements Study and later through the SHMA Update has made clear that some of Derby's housing need would need to be met outside of its boundary.
- 3.5 Outside of the Derby HMA has also been considered particularly North West Leicestershire which borders South Derbyshire to the east from Castle Donington in the north east to Albert Village (or Ashby) to the south east. To the west is East Staffordshire which is bordered by the

River Trent which runs through Burton upon Trent and the River Dove. There is also a shared boundary with Derbyshire Dales, although this is a relatively rural and sparsely populated part of the district.

Economic Development

- 3.6 There is a high degree of economic inter-dependence between South Derbyshire and adjacent local authorities, in particular Derby, East Staffordshire and North West Leicestershire. Derby provides local employment opportunities, particularly for those living in the northern part of the District, whilst the other neighbouring towns of Burton upon Trent and Ashby de la Zouch provide jobs for some residents of the Swadlincote Urban Area and the remainder of the southern part of the District. Likewise, the East Midlands Airport site and East Midlands Distribution Park in North West Leicestershire are closely related to communities in the north eastern part of the District and employ local people.
- 3.7 The South Derbyshire Local Strategic Partnership comprises a range of public and private sector organisations, including education providers, the Derbyshire and Nottinghamshire Chamber of Commerce, the Burton and District Chamber of Commerce and the Swadlincote Jobcentre, which aims to address a range of economic issues in a holistic and sustainable way, including business support; linking education and skills to local employment and ensuring the provision of a sufficient supply of development sites in the area.
- 3.8 Planning and Economic Development officers from the HMA authorities, together with Derbyshire County Council, established a HMA Economic Development group to cooperate in the production of a joint employment evidence base. A study by independent consultants, the BE Group, was commissioned to assess the supply, need and demand for employment land and premises in the HMA to 2026. The study, known as the Derby HMA Employment Land Review (2009) comprised an assessment of the area's economy to inform the quantity, locations and types of employment land and premises required to facilitate its development and growth; a review of the established portfolio of employment land and premises and recommendations on the future allocation of employment land and premises to maintain the study area's economic growth.
- 3.9 It was co-ordinated and funded jointly by the three local authorities through a HMA employment group which met on an ad hoc basis. South Derbyshire District Council had already commissioned its own district-wide study, undertaken by Roger, Tym and Partners and published in 2007, which included an assessment of the quality of the established provision. Rather than duplicate this work, it was decided to incorporate the findings of this element of the South Derbyshire study within the HMA review.
- 3.10 To reflect the revised housing targets emerging from the review of the HMA housing requirement prepared by GL Hearn, the HMA authorities decided to jointly commission those consultants to review the forecasts of employment land need contained in the HMA Employment Land Review to bring them up to date and to reflect the new plan period, extending to 2028. The HMA wide forecast of employment land need that emerged from this study formed the basis for the determination of the quantum of land to be identified in the Derby Urban Area (comprising the city plus immediately adjoining land), the remainder of

Amber Valley Borough and the remainder of South Derbyshire District in the respective local plans of the three authorities. The proposed apportionment of the HMA housing requirement between these three areas provided the basis for the division of the overall employment land requirement between these three areas, reflecting the need to balance new dwellings and jobs in the interests of sustainability.

- 3.11 In identifying sites to be brought forward and the types of development to be accommodated on each, the HMA authorities sought to reflect the qualitative needs identified in the 2009 HMA Employment Land Review, local economic strategies, sustainable community strategies, the strategic objectives of the Local Enterprise Partnership and implications of the need to maximise accessibility.
- 3.12 The employment development needs of neighbouring non-HMA local authorities and proposals for addressing these were also taken into account through officer level inter-authority meetings the dates of which are set out at Appendix C.

Education

- 3.13 There has been ongoing dialogue between South Derbyshire District Council, Amber Valley Borough Council, Derby City Council (both with Planning and Education Officers) and the Education Authority at Derbyshire County Council, regarding the education provision required to meet the need arising from the developments proposed in the Local Plan to 2028. Strategic Education Issues were initially discussed at special Derby HMA Core Strategy Co-ordination Group Meetings before ongoing Core Strategy Strategic Education Issues Meetings were established in March 2012. Due to cross-boundary housing provision between Derby City and South Derbyshire, close joint working between the education and planning authorities has been essential in identifying and quantifying educational pressures and needs within the District. Discussions have in turn informed the Infrastructure Delivery Plan and the formulation of policies within the Local Plan. The District Council continues to work with the Education Departments at both the County Council and Derby City Council to ensure the necessary school facilities will be delivered in a timely manner.
- 3.14 As well as the ongoing dialogue with the authorities there have also been discussions with the head teacher and governors of the secondary schools in the southern Derby edge including John Port at Etwall to ensure that they are aware of the housing growth being taken forward through both South Derbyshire's and Derby City's Local Plan and the impact that will have in terms of pupil numbers and how that will create the need for a new secondary school in the middle part of the Local Plan period.

Sustainable Communities

- 3.15 Infrastructure planning is integral to the successful delivery of a Local Plan. Two separate groups have been established over the Local Plan process to facilitate cooperation between different stakeholders and coordination across the Derby HMA respectively.

- 3.16 A range of key stakeholders were invited to form an Infrastructure Development Group; the stakeholders invited included:
- Derbyshire County Council
 - Derby City Council
 - Derbyshire Constabulary
 - Derbyshire Fire and Rescue Service
 - Derbyshire Mental Health Trust
 - Derbyshire County PCT
 - South Derbyshire CVS
 - National Forest Company
 - Rural Action, Derbyshire
 - Planning Advisory Service
- 3.17 The Infrastructure Development Group was established in March 2010 with the overall aim of producing an Infrastructure Plan for South Derbyshire, however it was agreed between members of the Infrastructure Development Group members that the most efficient way of working may be on a themed basis and over the long term this is the approach that was adopted. The work of the Infrastructure Development Group was supported by the South Derbyshire Partnership.
- 3.18 At the Derby HMA level, the Derby HMA and Erewash Infrastructure Planning Group was established in December 2011 to provide a discussion forum for local authority officers working on infrastructure planning and the Community Infrastructure Levy (CIL). This group's terms of reference included: providing a coordinated, consistent and joined up approach to infrastructure planning and CIL across the HMA; advising the Derby HMA Core Strategy Coordination Group on infrastructure issues and; making links with neighbouring authorities in Nottinghamshire, Leicestershire and the West Midlands on cross-boundary infrastructure. Membership of the group comprised one policy officer from South Derbyshire District Council, Amber Valley Borough Council, Derby City Council, Erewash Borough Council and Derbyshire County Council. This group has helped to coordinate meetings and dialogue with a range of external partners such as utility companies, the Environment Agency and the emergency services.
- 3.19 The National Forest covers part of South Derbyshire and therefore regular dialogue with the National Forest Company is necessary. The Planning and Technical Working Group meets regularly to discuss items such as new or expanded National Forest areas, National Forest Strategy, and Planning Matters such as Community Infrastructure Levy and Planning Policy and Development Management updates. The Group is attended by The National Forest Company, Derbyshire, Leicestershire and Staffordshire County Councils, South Derbyshire, North West Leicestershire and Lichfield District Councils, and Charnwood, East Staffordshire and Hinckley and Bosworth Borough Councils.
- 3.20 An event was held by Derbyshire County Council on 5 September 2013 to introduce stakeholders to the need and purpose of an Infrastructure Delivery Plan and an Infrastructure Briefing was held by South

Derbyshire District Council for neighbouring local authorities and other key stakeholders on 24th October 2013. The Infrastructure Delivery Plan was also on the agenda of South Derbyshire's Local Area Committee of 13 October, 2013.

Water and Sewerage

- 3.21 The Council alongside Amber Valley and Derby City commissioned a scoping and outline Water Cycle Study to fully consider water supply and sewerage issues across the Derby Housing Market Area. Severn Trent Water, South Staffordshire Water and the Environment Agency were key stakeholders in the delivery of this study together with the drainage and flooding teams from Derby City Council and Derbyshire County Council.
- 3.22 Following on from this study the emergence of housing and employment sites was informed by ongoing meetings with the water companies (Severn Trent and Staffordshire Water) and the Environment Agency in order that the scale of likely effects of proposed growth in respect of water supply and sewerage could be considered and the deliverability of sites and the need for strategic or local mitigation identified. These meetings also served to inform water companies of the scale and location of growth to 2028 to help inform their own asset management processes.
- 3.23 Separate meetings to address particular sensitivities in respect of foul water (and in particularly sewerage capacity at local treatment works and general water quality in the catchment of the River Mease have also been undertaken.
- 3.24 River Mease Special Area of Conservation (SAC): The River Mease is a Special Area of Conservation and SSSI and is required by the Habitats Directive to be in favourable condition or be restored or maintained to favourable condition. At present is classed as being in an unfavourable condition. Development and Housing, wastewater capacity/quality and diffuse sources are the 3 main current pressures on the SAC.
- 3.25 Natural England have overall responsibility for the all Natura 2000 sites (of which the River Mease in one). An embargo upon all development in the River Mease SAC catchment area which contributed to the waste water flow to the Mease was imposed by Natural England until solutions to the problems were identified. This had serious consequences for North West Leicestershire District Council and held up development in a significant part of that district between 2009 and 2012. A joined up approach between all the competent authorities which have responsibility for the River Mease SAC was determined to be necessary to resolve this strategic Issue and improve the condition of the SAC.
- 3.26 The Environment Agency, Natural England and all local authorities which the river passed through have and continue to work closely to address this issue along with Seven Trent Water PLC as waste water treatment provider. Improvements to water quality in the catchment are funded by developer contributions (where development could lead to a deterioration in water quality) and by the coordinated actions of stakeholders to improve water quality in the catchment.

Flooding and Drainage

- 3.27 The Council commissioned a level 1 Strategic Flood Risk Assessment which was prepared by Scott Wilson Limited in 2008 and formerly approved by the Environment Agency in 2009. In preparing this study the Council liaised with local parish councils to establish any evidence and records of flood risk held and incorporated these records into the study.
- 3.28 Following the production of this study the Council has continued to work with Derby City, Amber Valley, the Environment Agency the Lead Local Flood Authorities and Drainage teams (and proposed Suds Approval bodies at the City and County Council). A number of meetings have been held with the Environment Agency and neighbouring planning and drainage authorities to resolve issues such as the accuracy of some of the flood mapping for the area, the level of flood risk for specific development projects, the enactment of schedule 3 of the Flood and Water Management Act (which will create a new drainage consenting system for development projects) and the need for closer working with proposed Sustainable Urban Drainage Approval bodies.
- 3.29 The Council also retains close links with the Strategic Flood Board for Derbyshire with a member of senior management team and a land use planner representing the Council on this board. This forum provides opportunities to share knowledge of key flood related issues and responsibilities and is hosted by the County Council as the Lead Local Flood Authority but includes members from the Environment Agency, Severn Trent Water, the City and County drainage teams, the emergency services (police and fire brigade), emergency planners, land use planners and senior officers and members from the a number of district/borough authorities.

Utilities

- 3.30 To date three meetings have been held between Western Power Distribution and the HMA Authorities. The purpose of these meetings was to identify the potential effects that proposed growth could have on the electricity supply network and identify any strategic or local mitigation required to support growth to 2028. These meetings also served to inform Western Power Distribution of the scale and location of and help inform their own asset management programme.
- 3.31 No meetings have been held between the HMA Authorities and the national grid gas distribution which operate the local gas supply network. However the partner Authorities have approached National Grid on numerous occasions about joint working, but to date have not been able to encourage engagement other than during formal consultation periods where National Grid have submitted formal responses to the Authority.

Communications

- 3.32 As part of the Government's commitment in 2011 to the UK's broadband network, Digital Derbyshire is a programme to help deliver better access to broadband across Derbyshire. One of the partners involved is Derbyshire County Council along with BT to help deliver access to 95% of homes in Derbyshire. There has been ongoing dialogue with the County Council regarding this and also internal dialogue regarding the technical elements and current coverage with IT and also the benefits of Digital Derbyshire with the Economic Development team.

Built and Historic Environment

- 3.33 The Council's Conservation Officer is in regular contact with English Heritage and the National Trust in regard to the protection and enhancement of the historic environment. Heritage groups and neighbouring authorities have been invited to comment on the specific site proposals policies as these have emerged and comments have help shape the Council's Plan.
- 3.34 The Council's Design Excellence and Sustainability Officers have also liaised with The National Forest in regard to aspirations for the design of development within its boundaries. In particular the Council has worked closely with the National Forest and other Planning Authorities and attends twice annual National Forest Technical Working Group Meetings. These meetings are hosted by the National Forest and are attended by planning officers from East Staffordshire, North West Leicestershire, Hinckley and Bosworth and Charnwood District/Borough Councils as well as representatives from Leicestershire County Council, Derbyshire County Council and Staffordshire County Council. These meetings provide updates on the work of the National Forest and share best practice and experiences in bringing forward planning documents or the delivery of planning projects which support the delivery of the National Forest.
- 3.35 In light of the large amounts of development planned to take place on land within South Derbyshire adjacent to the City boundary. The Council's Design Excellence Officer has also attended three meetings with Derby City Council's Urban Design Officer to seek to ensure coherence between the policy approach to be taken in the two local authority areas, eliminating potential conflicts and contradictions as far as possible. In addition the Council continues to liaise with officer in Derby City and developers and specific cross boundary development issues affecting strategic sites.

The Natural Environment

- 3.36 The Council as part of the Local Strategic Partnership commissioned an environmental audit which forms part of the evidence base for the Part 1 Local Plan. This evidence has been reinforced by annual monitoring of the condition of statutory and non-statutory wildlife sites, and the delivery of Biodiversity Action Plan Targets through the Council's Monitoring Report. This work indicates that biodiversity assets are often in a poor condition often as a result of development pressure. The Council has liaised with Natural England, the Environment Agency, Derbyshire Wildlife Trust, the Lowland Derbyshire Biodiversity Action Plan Coordinator, the National Forest, County Council and the Local Nature Partnership in preparing general policies on biodiversity and green infrastructure included in the Plan.
- 3.37 Where strategic issues have been identified (for example within the River Mease Catchment) specific actions including joint working or coordinated action has been undertaken, including through the inclusion of appropriate policies in Draft Plans to address such issues.

Transport

- 3.38 To identify transport needs over the plan period the HMA local authorities and Derbyshire County Council, as highways authority for Amber Valley and South Derbyshire, and the Highways Agency have worked together to consider the transport impacts of potential development. To provide the necessary evidence, the HMA authorities commissioned MVA consultancy to undertake modelling work.
- 3.39 Initial modelling encompassed the area within the Derby Urban Area, comprising the City and adjoining land. A second stage addressed the areas of Amber Valley and South Derbyshire District lying beyond the Derby Urban Area.
- 3.40 The Highways Agency has been involved in the process throughout, attending meetings with the HMA authorities and the County Council and engaging in written correspondence. They have assisted in determining the impacts on the Strategic Road Network of potential new development sites and mitigation measures needed to reduce any adverse impacts to an acceptable level.
- 3.41 The now withdrawn East Midlands Regional Plan identified a need for additional Strategic Rail Freight Interchange provision within the East Midlands and included a policy to enable sites to be brought forward for such development. To provide evidence to assist in the identification of suitable sites, AECOM were appointed by the Regional Development Agency (RDA), since abolished, to assess all potential development opportunities, including sites within and close to the Derby HMA. South Derbyshire District Council co-operated with the RDA, other local authorities, the Highways Agency and Network Rail in the identification and assessment of potential opportunities. The report of the study was published in 2010.
- 3.42 The District Council works with the County Council on the implementation of the Local Transport Plan and with the County Council, the National Forest and Sustrans, the cycle path charity, on the preparation and implementation of cycle route and multi-user greenway proposals. The District Council is also represented at the East Midlands Airport Surface Access Forum, which is also attended by representatives of East Midlands Airport, other local authorities, public transport providers and transport interest groups. The group seeks to encourage travel to and from the airport site by means other than single car occupancy.
- 3.43 A meeting involving officers representing East Staffordshire Borough Council, South Derbyshire District Council and the Highways Agency was held on 25th September 2013, to consider the impact of development proposals in the two local authority areas on the Strategic Road Network and potential approaches to mitigation.
- 3.44 Road-Rail Partnership meetings between local authorities, Network Rail and the police are held on a six monthly basis. These consider railway safety issues, including the potential impact of planned new development.
- 3.45 A long established Bus Quality Partnership involving bus operators, East Staffordshire Borough Council, South Derbyshire District Council, Staffordshire County Council, Derbyshire County Council and the National Forest meets to consider cross-border bus service and infrastructure improvements on an ad hoc basis.

Minerals and Waste

- 3.46 Minerals and Waste is controlled by Derbyshire County Council, meetings or discussions about different issues have been conducted, these have included on issues such as identified minerals requirements (including ten year requirements set out in the Local Aggregates Assessment), the need for new waste and minerals sites and the potential locations of such sites. The Derbyshire Infrastructure Delivery Plan highlights Newhall Waste Recycling Centre as having capacity issues. Reference to this issue has been made in the South Derbyshire Infrastructure Delivery Plan.

Health and Safer Communities

- 3.47 There have been ongoing internal meetings with the Police Liaison Officer and the Safer Communities Manager regarding the Local Plan and particularly the housing and employment site locations.
- 3.48 The Primary Care Trust which is now the Clinical Commissioning Groups (CCG) following the restructure have as a prescribed body have been invited to consult at each stage of the process. Further to this the Southern Derbyshire CCG and NHS England were invited to attend the Infrastructure briefings that have taken place. In order to widen the input received in terms of Health there have been detailed meetings of NHS England, Southern Derbyshire CCG and also Local Doctor Board representatives in order to fully understand the impact of the Local Plan on their individual areas.

Sustainability Appraisal

- 3.49 The scope and detail of the Council's Sustainability Appraisal was established during a five week consultation held in October 2008. At this point all statutory consultees responded to the proposed scope of the appraisal and the proposed methodology. In addition comments were also received from a wide range of non-statutory consultees invited to comment including parish council's neighbouring Councils and other environmental bodies or community groups.
- 3.50 A further five week consultation was undertaken on the scope of the Sustainability Appraisal in July 2012. Again all statutory and a range of other stakeholders were asked to comment on the revised scoping opinion. The Draft Sustainability appraisal was first published alongside the draft Part 1 Local Plan consultation in autumn 2013. A revised version of the appraisal to reflect key changes to the Plan was published for a 6 week period during the pre-submission consultation held in March and April 2014.
- 3.51 A Habitat Regulations Screening Assessment has been published for consultation alongside the Draft Local Plan and Natural England and other consultees asked to consider the methodology adopted and the conclusions set out in this report.

4.0 Conclusion

- 4.1 South Derbyshire District Council believes that the collaboration and co-operation highlighted in this paper, has resulted in the production of a robust evidence base for the South Derbyshire

Part 1 Local Plan. Where problems or issues have arisen the District Council has worked in partnership with the relevant bodies to consider options and find solutions.

- 4.2 The Council has not received any objections relating to overall soundness or legal compliance from the councils with which it shares administrative boundaries.
- 4.3 The Council is committed to continuing this high level of co-operation into the future and believes that as shown in this paper the duty to co-operate compliance requirement has been met.

Appendix A: Derby HMA Joint Advisory Board Terms of Reference

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.

Appendix B: Terms of Reference for Local Plan Growth Strategy Working Group

1. To enable members and officers to be informed of the public views on the 'Preferred Growth Strategy' and the strength of their comments.
2. To understand the emerging evidence base including factors over which the District Council has control together with those which it has only an advisory and/or consultation role.
3. To discuss the emerging strategy in the light of consultation responses together with the evidence base and to discuss the need for amendments.
4. To monitor and review the timetable and the necessary milestones for the strategy to become Policy.

Appendix C: Engaging with other Local Authorities

Organisation	How has consultation been undertaken?	How has cooperation influenced plan preparation and decision making?	Matters for ongoing discussion
Derbyshire County Council	<ul style="list-style-type: none"> - Letters - Emails - Workshops - DTC Meetings 	<p>Coordinated plan delivery in respect of scope and ensured consistent HMA level approach Plan content.</p> <p>Identify matters of HMA wide (mutual) concern and work collectively to resolve these issues</p> <p>Helped bring forward the collection and preparation of a joint evidence base and liaison with other agencies</p> <p>Ensure a consistent approach to HMA wide monitoring</p>	<p>Issues relating to County Matters (Minerals and Waste Planning, the provision of new education infrastructure, waste management infrastructure, flood risk and drainage, highways infrastructure etc.) necessary to support growth proposed through the Plan.</p>
Derby City Council	<ul style="list-style-type: none"> - Letters - Emails - Workshops - DTC Meetings 	<p>Coordinated plan delivery in respect of scope and ensured consistent HMA level approach Plan content.</p> <p>Identify matters of HMA wide (mutual) concern and work collectively to resolve these issues</p> <p>Helped bring forward the collection and preparation of a joint evidence base and liaison with other agencies</p> <p>Ensure a consistent approach to HMA wide monitoring</p>	<p>Issues relating to County Matters (Minerals and Waste Planning, the provision of new education infrastructure, waste management infrastructure, flood risk and drainage, highways infrastructure etc.) necessary to support growth proposed through the Plan.</p> <p>Cooperation on the delivery of cross boundary sites on the edge of Derby City including around Mickleover, Littleover, Stenson Fields/Sinfin, Chellaston and Boulton Moor.</p>
Amber Valley Borough Council	<ul style="list-style-type: none"> - Letters - Emails - Workshops - DTC Meetings 	<p>Coordinated plan delivery in respect of scope and ensured consistent HMA level approach Plan content.</p> <p>Identify matters of HMA wide (mutual) concern and work collectively to resolve these issues</p> <p>Helped bring forward the collection and</p>	<p>Cooperation on the delivery of cross boundary sites on the edge of Derby City, especially around Mickleover which could have cumulative effects.</p>

		preparation of a joint evidence base and liaison with other agencies Ensure a consistent approach to HMA wide monitoring	
East Staffordshire Borough Council	<ul style="list-style-type: none"> - Letters - Emails - DTC Meetings 	<p>Memorandum of understanding signed between Authorities in 2009</p> <p>Cooperation on some evidence base matters such as gypsies and travellers</p> <p>Cooperation in respect of local green infrastructure issues such as the central rivers initiative and National Forest</p> <p>Ongoing liaison in respect of sub regional and regional issues such as the effects of development on the A38 and rail freight issues and development of the Drakelow Park area for around 2,200 homes, employment land, local centres and community facilities and a new river crossing to the north of Walton on Trent.</p>	Ongoing cooperation on the delivery of Drakelow Park which could have cumulative effects with growth proposed through the emerging East Staffordshire Local Plan.
North West Leicestershire District Council	<ul style="list-style-type: none"> - Letters - Emails - DTC Meetings 	<p>Cooperation in respect of local green infrastructure issues such as the central rivers initiative and National Forest and the River Mease.</p> <p>Ongoing liaison in respect of regional issues such as the proposed or potential rail freight interchange</p> <p>Liaison regarding proposals to regenerate Woodville and deliver the proposed regeneration route.</p>	<p>Ongoing cooperation on the delivery of the Woodville Regeneration Route and the regeneration of the wider occupation Lane site.</p> <p>Ongoing liaison in respect of development around East Midlands Airport and Donington Park Race Circuit.</p> <p>Ongoing cooperation through the River Mease Programme Board and technical working group.</p>
Derbyshire Dales District Council	<ul style="list-style-type: none"> - Letters - Emails - DTC Meetings 	<p>Cooperation on some evidence base matters such as gypsies and travellers.</p> <p>Strategic issues identified including A52 Corridor Ashbourne to Derby; Special</p>	Ongoing cooperation with HMA authorities in respect of impacts on the A52, Ecclesbourne Valley and Derwent Valley Mills WHS (Although none of these issues are likely to be affected by

		Landscape Area – Ecclesbourne Valley and Derwent Valley Mills World Heritage Site. (None of these issues are likely to be affected by growth in South Derbyshire).	growth in South Derbyshire).
Erewash Borough Council	<ul style="list-style-type: none"> - Letters - Emails - DTC Meetings 	<p>Cooperation on some evidence base matters such as gypsies and travellers, and climate change and renewable energy issues.</p> <p>Liaison regarding sites identified for delivery in the Borough</p>	None identified
Lichfield District Council	<ul style="list-style-type: none"> - Letters - Emails 	<p>Cooperation on evidence gathering and joint working in respect of the River Mease SAC to ensure development does not have an adverse effect on water quality in the catchment.</p>	Ongoing cooperation through the River Mease Programme Board and technical working group.

Appendix D: Engaging with other Agencies, Infrastructure Providers and Governance Bodies.

Organisation	How has consultation been undertaken?	How has cooperation influenced plan preparation and decision making?	Matters for ongoing discussion
Environment Agency	<ul style="list-style-type: none"> - Letters - Emails - Workshops - DTC Meetings 	<p>Provided evidence to inform the preparation of level 1 SFRA and Outline and Scoping Water Cycle Study.</p> <p>Discussions regarding Infrastructure provision</p> <p>Informed policy content and scope</p> <p>Informed site specific policies in respect of matters associated with land drainage, flood risk, foul sewerage and contamination.</p>	Discussions regarding Strategic Sites and their effects in respect of drainage, flood risk, contamination, waste water capacity and treatment and other site specific matters
English Heritage	<ul style="list-style-type: none"> - Letters - Emails - Phone Conversations 	<p>Informed policy content and scope</p> <p>Informed site specific policies in respect of the historic environment</p>	Discussions regarding Strategic Sites and potential effects on cultural heritage assets and their settings.
Natural England	<ul style="list-style-type: none"> - Letters - Emails - Via River Mease Programme Board 	<p>Provided evidence of the specific sensitivities of statutory sites protected under EU or UK law (including the River Mease SAC) and informed the content and scope of the Plan.</p> <p>Informed site specific policies in respect of matters associated with protected species or the protection of important habitats including non-statutory sites</p> <p>Informed policy to protect best and most versatile agricultural land.</p>	Discussions regarding Strategic Sites and their potential effects on protected sites and species.
The Civil Aviation Authority	<ul style="list-style-type: none"> - Letters - Emails 	Safeguarding evidence and public safety zone around East Midlands Airport	<p>None Identified</p> <p>Plan includes a policy to control development in safeguarded areas and within public safety zone around EMA.</p>

The Homes and Communities Agency	<ul style="list-style-type: none"> - Letters - Emails - Workshops 	Influenced general policies on viability and infrastructure delivery included in the Plan.	Delivery of strategic sites
The Primary Care Trust/ Clinical Commissioning Groups/NHS England	<ul style="list-style-type: none"> - Letters - Emails - Workshops - DTC Meetings 	Influenced infrastructure delivery policies included in the plan as well as the development of the Infrastructure Delivery Plan.	Delivery of new, or expansion of existing infrastructure necessary to support strategic sites
Office of Rail Regulation	<ul style="list-style-type: none"> - Emails 	Inclusion of transport improvement scheme policy.	Delivery of strategic sites which could have an impact the safety of the rail network
The Highways Agency	<ul style="list-style-type: none"> - Letters - Emails - Workshops - DTC Meetings 	<p>Provided evidence/guidance to inform modelling work for Derby HMA in relation to strategic road network</p> <p>Discussions regarding Infrastructure provision</p> <p>Informed policy content and scope</p> <p>Informed site specific policies in respect of matters associated likely effects on the SRN.</p>	Delivery of strategic sites which could have an impact the capacity and safety of the strategic Road Network.
D2N2. (The Local Enterprise Partnership)	<ul style="list-style-type: none"> - Emails 	<p>Provision of evidence and actions including those identified in the Strategic Economic Plan and Implementation Plan.</p> <p>Inclusion of policies to safeguard future expansion of Infinity Park, and regenerate key sites around Drakelow and Woodville including the Woodville Regeneration Route. Inclusion of a Flood Risk policy to support the delivery of Our City our River Project in Derby City. Inclusion of a criteria based policy to guide development principles for a strategic rail freight interchange supported by the LEP.</p>	Delivery of Infinity Park, Woodville Regeneration Route (and wider Woodville Regeneration) and Drakelow Park regeneration. Delivery of Our City Our River project which affects part of the District around the confluence of the Rivers Trent and Derwent.
Lowland Derbyshire and Nottinghamshire	<ul style="list-style-type: none"> - Emails 	Provision of guidance on LNP vision and actions. Inclusion of policies to support	Delivery of strategic sites and their wider contribution towards landscape scale GI provision

Local Nature Partnership.		landscape scale change and protect existing biodiversity resources and deliver biodiversity gain. The Plan will also support actions through the inclusion of appropriate policies) to create a 'natural health service' for Derbyshire including by supporting : <ul style="list-style-type: none"> - improvements to health and well-being through active engagement with the natural environment - mitigation of climate change impacts on health. 	including in the National Forest and Trent Valley. Delivery of biodiversity gain, open space and climate change mitigation on site (for example through sustainable urban drainage provision or enhanced connectivity on site)
Western Power Distribution	<ul style="list-style-type: none"> - Emails - DTC Meetings 	Capacity analysis of strategic sites included in the Plan Inclusion of detailed policies and the development of Infrastructure Delivery Plan to guide infrastructure delivery	Delivery of new, or expansion of existing infrastructure necessary to support strategic sites
National Grid Gas Distribution	<ul style="list-style-type: none"> - Letters - Emails 	Inclusion of general infrastructure policy in the Plan	Delivery of new, or expansion of existing infrastructure necessary to support strategic sites
Severn Trent Water	<ul style="list-style-type: none"> - Letters - Emails - Workshops - DTC Meetings 	Capacity analysis of strategic sites included in the Plan in respect of waste water and water supply Inclusion of detailed policies in respect of water supply and sewerage infrastructure and the development of Infrastructure Delivery Plan to guide infrastructure delivery. Inclusion of policies to protect the River Mease from development which would have an adverse effect on the site.	Delivery of new, or expansion of existing infrastructure necessary to support strategic sites
South Staffordshire Water	<ul style="list-style-type: none"> - Letters - Emails - Workshops - DTC Meetings 	Capacity analysis of strategic sites included in the Plan in respect of water supply Inclusion of detailed policies in respect of water supply and sewerage infrastructure	Delivery of new, or expansion of existing infrastructure necessary to support strategic sites

		and the development of Infrastructure Delivery Plan to guide infrastructure delivery.	
Derbyshire Fire Service	<ul style="list-style-type: none"> - Letters - Emails 	Inclusion of infrastructure policy to ensure that development that increases demands for community services makes contributions or provides new facilities	Delivery of new, or expansion of existing infrastructure necessary to support strategic sites
Derbyshire Police	<ul style="list-style-type: none"> - Letters - Emails 	Inclusion of infrastructure policy to ensure that development that increases demands for community services makes contributions or provides new facilities	Delivery of new, or expansion of existing infrastructure necessary to support strategic sites
East Midlands Airport	<ul style="list-style-type: none"> - Letters - Emails 	Inclusion of infrastructure policy which covers issues such as airport safeguarding and public safety zones	Ongoing safeguarding issues on development sites within the safeguarding area.
Derbyshire Wildlife Trust	<ul style="list-style-type: none"> - Letters - Emails 	Provision of information on the number, area and condition of local wildlife sites. Inclusion of a biodiversity policy in the plan to protect non statutory (and statutory) wildlife sites and create a district wide network of local wide life sites and corridors and deliver BAP targets included in the Lowland Derbyshire BAP.	Delivery of new, or improved management of existing wildlife sites or local habitats and species which could be affected by the delivery of strategic sites
The National Forest	<ul style="list-style-type: none"> - Letters - Emails - Workshops - Face to Face Meetings 	Provides updates of forest coverage and planting relating to new development annually. Inclusion of detailed National Forest and Green Infrastructure Policy in the Plan to guide Forest Delivery in new development	Delivery of new, or enhanced maintenance of existing woodland and other appropriate habitat required to support strategic sites
Sport England	<ul style="list-style-type: none"> - Letters - Emails - Workshops 	Facilities Mapping and assessment of needs of existing and future communities in respect of built facilities.	Delivery of new, or expansion of existing built facilities and sport and recreation space necessary to support strategic sites

		Inclusion of detailed infrastructure in particular related to Green Infrastructure, Community Facilities and Open Space Sport and Recreation to reflect outcomes	
Woodland Trust	<ul style="list-style-type: none"> - Letters - Emails 	Inclusion of policies to deliver appropriate habitat creation and the protection of ancient woodland and veteran trees.	Ongoing liaison on the delivery of strategic sites where development could affect significant areas of woodland or veteran trees or ancient woodland.
Local Strategic Partnership	<ul style="list-style-type: none"> - Letters - Emails - Workshops 	Inclusion of policies to deliver many of the objectives and priorities included in the Community Strategy for South Derbyshire including issues around safer, vibrant and healthier communities, children and young people and sustainable development	Ongoing liaison on delivery of strategic sites included in the Plan
South Derbyshire CVS	<ul style="list-style-type: none"> - Letters - Emails - Workshops 	Inclusion of policies to support the delivery of community facilities	Ongoing liaison on delivery of strategic sites included in the Plan