



Derby City Centre

Masterplan 2030

Vision, Ambition, Delivery



July 2016

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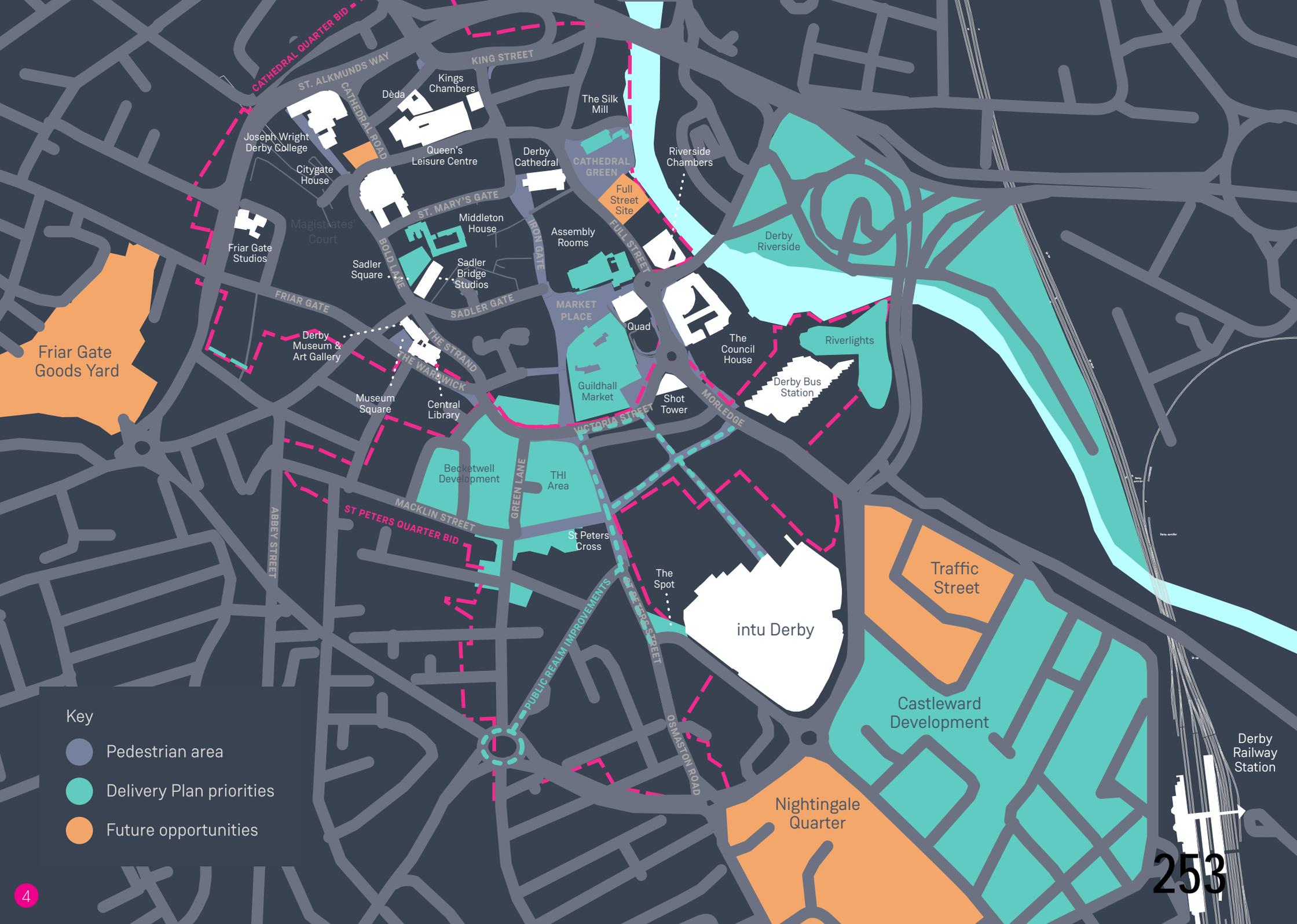


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Foreword

Derby's history is one of innovation, creativity, resilience and excellence

Derby, the UK's number 1 hi-tech city, is at the heart of the country's aerospace, rail and automotive sectors and is home to an expanding network of advanced technology businesses and professional services. Derby has a burgeoning creative sector and outward-looking businesses operating in global markets. Derby's economic performance is amongst the strongest cities outside the South-East and the city is renowned for its innovation, research and development.

Derby has a unique offer for business and tourist visitors, which combines the industrial heritage embodied in the Derwent Valley Mills World Heritage Site, a contemporary, thriving cultural and leisure scene and easy access to the beautiful landscapes and outdoor experience of the Peak District.

Having a vibrant city centre is crucial to ensure the wealth created in Derby is retained here, further investment is secured and Derby's residents, businesses and visitors benefit. Creating jobs and prosperity for local people is at the heart of this Masterplan, and successful delivery will promote the health and well-being of our residents.

What happens in our city centre determines the direction of travel for the city as a whole – it is a vital hub for jobs, services, culture, leisure, transport links and community activity. Successful city centres are drivers of the wider economy.

Investor and business confidence in Derby has grown and our city centre has benefitted from huge investment in recent years. This Masterplan describes how we can maintain regeneration momentum in the city centre and sets out a strategic context for investment opportunities by 2030. It

describes how we can create and sustain an attractive, thriving and vibrant city centre, demonstrates our commitment to regeneration and also projects the successful partnership approach the city is willing to take in building the future.

This City Centre Masterplan is owned by the Vibrant City Partnership, part of the Derby Renaissance Board, which has a wide ranging membership of public and private sector partners, including key organisations and businesses in the city centre. The Vibrant City Partnership has enthusiastically shaped this Masterplan and all partners look forward to supporting delivery of the vision and ambitions within it.



David Williams
Chair, Derby Renaissance Board



Councillor Martin Rawson
Cabinet Member for City Centre Regeneration
and Chair, Vibrant City Partnership

Introduction

Successful city centres are key drivers of the economy. Derby's City Centre Masterplan puts forward a vision and ten ambitions for our city centre, which together will create a virtuous circle of vibrancy and economic growth.

The vision and ambitions are accompanied by a Delivery Plan, identifying priority projects that we are committed to delivering in the first 5 years, to maintain regeneration momentum and tackle our key priorities. The key focus of this Delivery Plan is the creation of a new performance and events venue in the city centre.

By 2030, we aim to have created 4,000 new jobs, leveraged £3.5 billion of investment and have 1,900 new homes in the city centre.

Strategically, the masterplan aligns with the Derby Plan that brings together the priorities of key public, private and voluntary partners, and with Derby's Core Strategy that provides a strategy for the future development of Derby up to 2028. This document and the supporting appendices will be used by the Local Planning Authority as part of their decision making process and the masterplan will assist in the development of city centre policies of the Core Strategy Part 2. The masterplan continues to draw on the design and development principles embedded in our City Centre Regeneration Framework and refreshes the priorities and

investment opportunities outlined in this document. This masterplan also aligns with the Strategic Economic Plan of our Local Enterprise Partnership, D2N2, and the emerging Metro Strategy.

A range of partner organisations have been integral to the development of the masterplan and we have consulted with the wider business community and general public to determine our priorities for delivery. We have also drawn on a wealth of evidence and knowledge about our local economy and regeneration opportunities and challenges in developing the Masterplan.

All of the consultation feedback has been reviewed and integrated where possible. We received a wealth of information and comments on individual sites, buildings and projects, and consultation will remain a fundamental part of how we bring forward the projects in our Delivery Plan.



Councillor Ranjit Banwait
Leader of Derby City Council



“Successful
city centres are
the drivers of the
UK economy.”
Centre for Cities



Derby: A growing economy



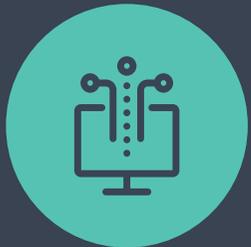
Derby is the UK Capital for Innovation – it has been the home of innovators and thought-leaders for over 300 years



Derby has the fastest growing economy in the UK, having achieved 23% growth in Gross Value Added over the last five years



Derby is a global business city and home to Rolls-Royce, Toyota UK, Bombardier and the world's largest rail cluster



Derby's workforce is highly skilled - 11.8% are employed in high-tech functions, four times the national average



Derby has the highest average salaries outside London and the South-East and is the 6th most productive city in the UK



Derby is recognised as a top city for foreign direct investment strategy and business friendliness



Progress and achievements



Derby is a city on the up. Over the last decade, the city centre has seen £3 billion of investment and a transformation of the city's retail, leisure and commercial offer. In Derby, we have a cohesive partnership approach to regeneration that makes things happen, including:

- Opening a major new shopping centre, now owned by intu
- Creation of the Cathedral Quarter and St Peters Quarter Business Improvement Districts
- A successful first phase of Castleward
- Opening Derby Arena
- Launching the "Connect" network of managed workspace
- Growth in the development of residential and student accommodation
- A wave of new hotel accommodation
- Completion of the Inner Ring Road
- Growth of our cultural offer including the QUAD, Déda and Derby Festé
- A new bus station and improved rail station
- Transformation of the Council House
- A super-fast digital network
- Regeneration of numerous heritage buildings

Challenges and opportunities

We are proud of our achievements but recognise that our city centre experience doesn't universally reflect our high performing, high-technology economy. This masterplan is designed to maintain momentum on city centre regeneration by maximising opportunities whilst tackling persisting challenges.

From evidence, research and consultation, we have established a full awareness and understanding of these challenges and opportunities, which include:

- A fundamental transformation of city centres in response to changes in retail, leisure and commercial activities
- Need for stronger city centre identity
- Viability challenges on key vacant and derelict sites
- Opportunity to improve accessibility and better connect the city centre with neighbourhoods and key businesses
- Riverside regeneration opportunity and delivery of the Our City Our River programme
- Growth opportunity for the evening and night time economy
- Market opportunity for new performance and events space
- Quality of the built environment and numerous heritage assets
- Political will and partnership approach to city centre development
- Spend and footfall attracted to the city by the intu shopping centre and Cathedral Quarter
- Business engagement through the Cathedral Quarter and St Peters Quarter Business Improvement Districts
- Growing momentum in city living
- Investment in quality public realm
- Super-fast digital connectivity and availability of public wi-fi



**“We need
a world class
city for our world
class companies”**

Colin Smith CBE,
Group President
Rolls-Royce plc

Our Vision

To create a vibrant city centre
which is a:

CITY OF CHOICE

a leisure, cultural and retail destination

BUSINESS CITY

a successful central business district

LIVING CITY

a lifestyle and housing choice

CONNECTED CITY

a connected smart city



JACK RABBITS
Specialty Coffee

Our Ambitions

By 2030 our city will have:

1

A Strong Sense of Identity

CITY OF CHOICE

A strong sense of identity based upon our reputation for innovation, a celebration of our diverse communities and cherishing our heritage assets.

Revitalising the Market Place as the heart of the city.

Reinforcing our industrial past and our present excellence in advanced manufacturing and creative industries.

2

A Compelling Retail and Leisure Experience

CITY OF CHOICE

A high quality retail offer, building on the strength of the Cathedral Quarter and intu, complemented by niche, bustling markets, a quality leisure, dining and entertainment offer including accessible car parking.

A Thriving Cultural Core

CITY OF CHOICE

A thriving cultural quarter, anchored by a new performance venue, the established QUAD Art Centre, the Joseph Wright Collection, the internationally significant Silk Mill, Derby Theatre, Déda and a vibrant programme of indoor and outdoor events

3

4

A Central Business District

BUSINESS CITY

A diverse range of high quality office accommodation including managed workspaces, “grow on” space, conference facilities and business support services

A 'Window' to Our Hi-tech Organisations BUSINESS CITY

5

An identifiable visible and physical presence of Derby's key businesses as well as the University of Derby and Derby College in the city centre to reinforce the city's identity.

A City Centre Lifestyle Choice LIVING CITY

6

A lifestyle and housing choice through sustainable city centre development accompanied by a diverse retail offer and a thriving evening and night-time experience in the form of bars, restaurants and entertainment venues.

7

Redeveloped Our Challenging Areas LIVING CITY

A targeted redevelopment approach to transform the areas causing concern into assets to be proud of. Our priorities are Becketwell - Green Lane, East Street - Albion Street areas, and Friar Gate Goods Yard. We will champion quality design.

8

A Vibrant Riverside LIVING CITY

An active city centre riverside opened up to the people of Derby as part of Our City Our River programme, with a high-quality, safe natural environment, fantastic views, distinct character, integrated flood defence measures and leisure and residential uses. Our ambitions for Derby's waterways includes a potential Derby Canal Arm.

10

Smart City Infrastructure CONNECTED CITY

Reinforcing our position as a 'smart' city by integrating technology in the buildings and public places and making hi-tech digital infrastructure accessible for the benefit of communities and businesses.

9

Great Connections, Great Public Places CONNECTED CITY

Great connections between city centre, business, communities, the Derwent Valley Mills WHS, University and HS2. Quality public spaces and improved public transport, walking and cycling infrastructure with continued investment in the public realm.



Our 5-year Delivery Plan

Our Delivery Plan focuses on actions we are committed to deliver over the next 5 years that will achieve the greatest impact. We will be flexible to respond to opportunities that arise and will continue to deliver the wealth of positive work that already goes on to promote, manage and develop Derby City Centre.

Key focus: To create a new performance venue in the City Centre

The creation of a new performance venue in the heart of Derby City Centre is critical to the future success of Derby as a place to live, work and invest. The venue will lead the economic regeneration of the City and be the catalyst for further investment in the retail, leisure and office sectors. Its location on the site of the Assembly Rooms will create a venue that is capable of enabling Derby to attract top entertainment, cultural performances and commercial events.

Successful city centres are drivers of the economy. A new performance venue is the game-changer in our city centre offer. Initial feasibility work and business case preparation demonstrates that this is a strong, powerful and deliverable project.

Project Lead: Regeneration, Derby City Council

Our Delivery Plan: City of Choice



Renovate the Silk Mill

Heritage Lottery Fund and Arts Council have given outline approval for funding a transformation of the Silk Mill to create an inspirational “Museum of Making”. Architects have been appointed and further funding applications have been submitted.

Project Lead:
Derby Museums Trust



Reinvent the Market Place

Development of a business case and funding strategy for renovation of the Guildhall Market is underway. We also need to create more active frontages to the Market Place and improve the public realm to align with the development of a performance venue.

Project Lead:
Regeneration, Derby City Council



Deliver Becketwell regeneration

After years of market failure, the Council is taking a direct role in facilitating a viable redevelopment scheme for Becketwell. Site assembly and preparation works are proposed, followed by procurement of a developer partner to deliver regeneration.

Project lead: Regeneration,
Derby City Council



Publish a “Derby Story”

Derby has a fantastic history of innovation, creativity and excellence. We have agreed that we need one “Derby Story” that brings all key messages together, along with a range of materials for different audiences to use in promoting the city.

Project lead: Derby Museums Trust



Coordinated events programme

Derby city centre is host to a diverse range of events throughout the year. Partners will work together to co-ordinate and grow a sustainable and vibrant programme of events that brings increasing numbers of visitors to the city centre.

Project lead: Derby LIVE



Explore the idea of a “Heritage Trust”

Heritage is a key driver for regeneration. A Heritage Trust could act as an independent steward for heritage assets and a vehicle for external funding. We will research cases of where this approach has worked and determine the viability of a trust for Derby.

Project lead: Derby City Council

Our Delivery Plan: Business City



Create quality workspace for growing businesses

Derby has an excellent portfolio of managed workspace for small businesses. However, larger office units are in short supply and this market failure is holding back business growth. We are exploring funding for new office development to address this gap.

Project lead: Regeneration, Derby City Council

Digital Business Growth

Investment in digital infrastructure provides super-fast connectivity and free wi-fi in the city centre. We will explore funding opportunities to extend this further and will support businesses to exploit connectivity and new technology for business growth.

Project lead: Derby City Council

Deliver the Townscape Heritage Initiative (THI)

With support from the Heritage Lottery Fund, the Council is delivering a THI scheme in the Green Lane/St Peters Conservation Area. The THI offers grants towards renovating and refurbishing buildings, which brings both conservation and economic benefits.

Project lead: Conservation, Derby City Council

Our Delivery Plan: Living City



Create new homes through the City Living Initiative and Housing Zone

Financial assistance is available through the City Living Initiative to convert redundant commercial space into residential units. We will also work with the Homes and Communities Agency (HCA) to lever benefits from Derby's Housing Zone Status to unlock new residential development.

**Project lead: Regeneration,
Derby City Council**



Start on site for further phases of the Castleward development

The first phase of Castleward has created high quality urban living space in the city centre. Compendium Living, Derby City Council and the HCA are working together to bring forward the infrastructure needed to enable further phases to start.

Project lead: Compendium Living



Derby Riverside Masterplan

A masterplan is being developed for Derby Riverside that will widen the city centre offer with new leisure, living and work opportunities. Proposals include a Riverside Park, providing a public space that will also protect the wider city from flooding.

**Project lead: Regeneration,
Derby City Council**



Releasing publicly-owned assets for regeneration

Derby City Council will seek developer partners to bring forward strategic sites in the Council's ownership, including Middleton House (St Mary's Gate) and the Riverlights site. These disposals will facilitate redevelopment for leisure, residential or commercial uses.

**Project lead: Asset Management &
Estates, Derby City Council**

Our Delivery Plan: Connected City



Create high quality public spaces

We want to continue investment in public realm to create an enhanced built environment with attractive streets and high-quality public transport, walking and cycling routes. Our priorities are the links between Normanton Gateway and Cornmarket and between Intu and the Guildhall Market.

Project lead: Regeneration, Derby City Council



Transport Connections

Delivery of this Masterplan will align with the emerging Transport Vision for Derby, improving accessibility and facilities for walking, cycling, public transport and cars (including a reviewed car parking strategy). We will maximise connections with the High Speed Rail 2 project and will work with Network Rail to deliver electrification of the Midland Mainline and significant improvements to Derby Station.

Project lead: Regeneration, Derby City Council

Next steps

Members of the Vibrant City Partnership want to thank everyone who has contributed to producing this Masterplan. Involving partners, residents, visitors and businesses does not stop here – there will be consultations on individual projects as they come forward and we will review the Masterplan after the first five years.

Project leads have been identified for all of the actions in the Delivery Plan and the Vibrant City Partnership will monitor progress every three months. We will pursue feasibility studies, design and planning work for individual projects and bid for funding to ensure delivery.

For further information about the Masterplan, Appendices, project delivery or governance arrangements, please visit our website:

www.derby.gov.uk/citycentre-masterplan

or contact:

Cllr Martin Rawson

Chair, Vibrant City Partnership

martin.rawson@derby.gov.uk

Greg Jennings

Head of Regeneration Projects

regeneration.projects@derby.gov.uk

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Derby LIVE



Produced by Vibrant City Partnership

4. The Strategy for Derby:

Delivering Growth:

4.1 Derby City Council will promote sustainable growth to meet its objectively assessed housing and commercial needs between 2011 and 2028. The Council will allocate sites for residential uses in this document and in the Local Plan Part 2. Some of the City's housing needs will also be met in sustainable locations in South Derbyshire and Amber Valley.

4.2 Over the Plan period 2011-2028, provision is made within the City for:

- A minimum of 11,000 new homes
- 199 hectares (gross) of new employment land

4.3 The spatial strategy identifies the opportunities for Derby to grow within its environmental limits. Development will be guided to the most sustainable locations, recognising the contribution of brownfield opportunities within the existing urban area and ensuring that the necessary infrastructure is in place to allow for cross boundary, sustainable urban extensions.

4.4 Strategic locations for growth within Derby will include:

- The City Centre (2,200 homes, >100,000sqm office space)
- The River Derwent Corridor (92.7ha employment land)
- Osmaston and Sinfin (780 homes, 86.8ha employment land)
- Littleover, Mackworth and Mickleover (2,420 homes)
- Boulton and Chellaston (1,100 homes)
- Chaddesden and Oakwood (475 homes)

4.5 Residential development will be delivered on a variety of sites within these broad locations, including brownfield regeneration sites and strategic greenfield sites, ensuring that a deliverable supply of housing is maintained.

4.6 Further new homes will be provided as urban extensions to the city beyond its boundaries within South Derbyshire and Amber Valley. Homes are proposed to the west of Mackworth Estate and to the south, west, south-west and south-east of the city. Some of this housing will meet a proportion of Derby's housing needs that cannot be met within the City itself.

4.7 Regeneration is a key theme running throughout the plan and can be seen in most of its policies. The strategy seeks to deliver regeneration across the City. This is both in terms of specific brownfield sites that need addressing and through the wider initiatives concentrating on older urban areas and outer estates. Spatial priorities for regeneration will be:

- The City Centre and its Eastern Fringes
- Strategic Employment Sites
- The former Manor/Kingsway Hospitals
- The Derwent Valley Corridor – including Darley Abbey Mills
- The Osmaston Regeneration Area
- The Former Celanese Acetate Works, Spondon
- The Rosehill and Peartree areas
- The Derwent Estate
- Land at Sinfin Lane and Goodsmoor Road, Sinfin
- Defined District Shopping Centres

4.8 The Council is committed to delivering a vibrant City Centre and reinforcing its central economic, cultural and social role by supporting sustainable economic growth and regeneration, greatly improving the quality of the built environment, creating new residential neighbourhoods and enhancing its standing as a regionally important business, shopping, leisure, tourism and cultural destination.

4.9 The Core Strategy will support a thriving local economy that delivers sustainable growth, prioritises regeneration and maintains local distinctiveness. New employment uses within the city will be located within:

- The Central Business District
- Land south of Wilmore Road, Sinfin, including Infinity Park Derby
- The Derwent Triangle, Chaddesden
- Derby Commercial Park, Raynesway



St Peter's Street

4.10 Important areas of existing employment land will be protected, recycled and intensified whilst additional employment land to the south of Sinfin Moor Lane, within South Derbyshire, has been identified for future employment development. The Council will be generally supportive of further expansion of this employment area where appropriate.

4.11 All development will be expected to deliver high levels of sustainability, adaption to the effects of a changing climate and to contribute to the strategic objectives of reducing carbon emissions and energy use. A major new flood risk alleviation scheme will be delivered within the Derwent Valley that will also help regenerate key riverside sites.

4.12 The natural and historic environments will continue to be protected and maintained. New development will deliver high quality sustainable and inclusive design that contributes positively to an area's character and local distinctiveness. Innovative design and use of new technologies will also be encouraged.

4.13 The existing Green Belt will be maintained. A strategic green network of Green Wedges, public open spaces, wildlife corridors and recreational routes will be identified and maintained. Appropriate extensions or improvements to this will be sought as part of new development, including beyond the city boundary.

General Approach:

4.14 The Plan's Strategy is about harnessing the opportunities of sustainable growth to secure positive benefits for the City's residents and employers. This means using development as a means of delivering not just much needed homes and business accommodation, but also other important community benefits where they are most needed such as developing brownfield land, supporting local shops and services, improving the local environment, providing required infrastructure and addressing the causes and effects of climate change.

4.15 At the heart of the policies that make up the Strategy are decisions over the amount and locations for accommodating future large-scale development for both housing and employment. The decisions are based on careful consideration of wide ranging technical evidence and the views of local people, the development industry, employers, statutory consultees and service providers.

4.16 The overall Strategy is deliberately one of ambitious growth. In line with the NPPF, the Plan reflects a general presumption in favour of sustainable development taking into account economic, social and environmental impacts the Plan will have.

4.17 The Government's shift towards localism has meant we have been able to consider afresh the benefits of where we locate our housing and employment sites. The three Local Authorities of the Derby Housing Market Area; Amber Valley

Borough Council, Derby City Council and South Derbyshire District Council and in discussion with Derbyshire County Council have considered how the projected growth needs can most sustainably be distributed between the three Council areas.

4.18 Fundamental to the strategy is recognition that Derby is unable to make provision for all its own housing needs within its own boundaries. This has meant a collective approach has been pursued to ensure development needs across the wider Derby area are properly met. As part of that approach, the authorities have worked together to ensure that optimum possible use is made of brownfield sites to ensure opportunities for urban regeneration are taken and the need for the loss of greenfield land is reduced.

Housing:

4.19 The City Council's target of 11,000 homes reflects evidence of a finite capacity for the City to meet its own needs within its administrative boundaries on brownfield and other sites.

4.20 As required by the NPPF, the Council has carried out a robust and objective assessment of its housing needs. This indicates that a minimum of 16,388 new dwellings would be needed to meet the City's requirements between 2011 and 2028. Analysis of the Strategic Housing Land Availability Assessment (SHLAA), Green Wedge Review, Site Sustainability Assessments, the Sustainability Appraisal and other evidence has identified that the City can only realistically deliver around 11,000 dwellings in sustainable locations during the Plan period. However the requirement for the City will be set as a minimum in order to provide flexibility to respond to changes in circumstances. The strategic approach to housing delivery is explained further in Policy CP6.

4.21 The City's additional housing needs are proposed to be predominantly met through urban extensions across the boundary, mainly into South Derbyshire. Locations around Derby provide better opportunities for reducing reliance on the private car. This is particularly the case where new home owners retain strong connections to the city, for instance for employment.

4.22 The proposed scale of these extensions is greater than that simply implied by the adjusted demographic projection for the City alone. This reflects the following considerations:

- much of the projected in-migration to South Derbyshire is expected to relate to people wishing to be near to the City of Derby and/or employment opportunities in and around the City (including Toyota);
- such urban extensions are likely to be in the most sustainable locations in terms of proximity to higher order services and facilities and access to public transport;
- the overall amount of housing development proposed for the DUA implies a level of employment growth that is broadly consistent with the City of Derby's aspirations;

4.23 This strategy does require the release of greenfield sites within the City. Current market conditions no longer favour high density, apartment led schemes and alternative uses are now being put forward on some sites that once would have been identified for housing. The housing strategy gives great importance to brownfield regeneration sites, but anticipated delivery within the urban area means that sustainable greenfield releases are also necessary to meet housing needs.

4.24 Much of the north and the whole of the eastern side of Derby's urban area is bounded by the Nottingham-Derby Green Belt. This extends eastwards into Erewash Borough and is mainly intended to separate Derby and Nottingham.

4.25 The Derby HMA Authorities have discussed the potential of releasing land from the Green Belt for housing development with Erewash Borough Council. Together with Derbyshire County Council, this potential has been assessed in terms of the contribution of land to the Green Belt. This work has confirmed that all areas of the Green Belt on the edge of Derby continue to fulfil their purpose and should not be looked at for release, except as a very last resort.

4.26 Significant urban extensions to the north west of Derby in Amber Valley could detrimentally affect the setting of the Grade 1 listed Kedleston Hall Historic Park and Garden, as



well as resulting in the loss of attractive countryside and potentially exacerbating flooding. Amber Valley Borough Council have taken these issues into account in considering suitable locations for urban extensions to Derby. As such, they are only proposing urban extensions at Radbourne Lane, Mackworth.

- 4.27 In conjunction with South Derbyshire District Council the City Council has identified a cross boundary housing site at Heatherton in the City and Highfields Farm in South Derbyshire which will deliver around 2,100 new homes as sustainable greenfield extensions to the west of Derby.
- 4.28 Land to the south-east of Derby presents an opportunity to consolidate the existing planning permission and develop a more sustainable new community. It presents fewer transport challenges than other large scale locations and new development would benefit from the park and ride scheme proposed as part of the existing permission.
- 4.29 Land to the south of Sinfin and at Stenson Fields is well related to schools, shops and services as well as to employment opportunities to the north in Derby. The HMA authorities acknowledge that strategic growth in this location presents challenges in terms of impact on the highway network, but we believe that these can be mitigated to a large extent through implementation of Phase 1 of the South Derby Integrated Transport Link.

Employment:

- 4.30 The City Council's allocation of 199 hectares (gross) of new employment land broadly reflects labour supply forecasts generated by the increase in population in the DUA during the Plan period. However, the relationship between population, jobs and land is very complex in a city such as Derby and therefore more qualitative issues have also been taken into consideration when allocating strategic employment sites.
- 4.31 The actual developable area of allocated sites is estimated to be in the region of 128 hectares which is lower than the 'labour supply DUA distribution' forecast which is generally thought to be an optimistic forecast. Nonetheless, additional commercial need will be met through the recycling of

existing employment sites and through the extension of the employment site to the south of Wilmore Road. South Derbyshire District Council has identified this land to enable its development beyond 2018, subject to satisfactory transportation mitigation being identified and demonstrated to be deliverable.

- 4.32 The 199 hectares will be distributed across four strategic locations including the Central Business District (CBD), land south of Wilmore Road (Sinfin), the Derwent Triangle (Chaddesden) and Derby Commercial Park (Raynesway) which will contribute 181.5 hectares of the gross area. The remaining land will be made up of smaller employment sites within mixed use allocations and saved employment allocations. Saved employment allocations will be reviewed through the Local Plan Part 2.
- 4.33 The employment strategy mirrors the housing strategy in that it deliberately focuses on urban concentration, acknowledging Derby's role as the main employment location in the sub-region and its industrial strength. This approach will facilitate more sustainable commuting patterns and help to ensure that people living in the DUA have the opportunity to engage in the local labour market. It will also provide opportunities for existing employers in the DUA to expand, whilst attracting new supply chain businesses related to the planes, trains and automobile sectors.

Retail and Leisure:

- 4.34 New retail development will continue to be directed into the City Centre to help bolster its vitality and viability. There are a number of extant planning permissions for out-of-centre retail and therefore the Plan does not make provision for any new major, additional, out-of-centre retail development. Provision is made for the expansion of the existing local centre at Heatherton, whilst new local centres are proposed at Hackwood Farm, Manor Kingsway and Boulton Moor to enhance the sustainability of these development sites.
- 4.35 The Strategy will continue to facilitate and support improvements to the City's tourism, leisure and cultural offer. The opening of Derby Arena on Pride Park provides an excellent venue that will help to increase Derby's attraction to visitors, boost the local economy and help to promote

healthier lifestyles for Derby's residents.

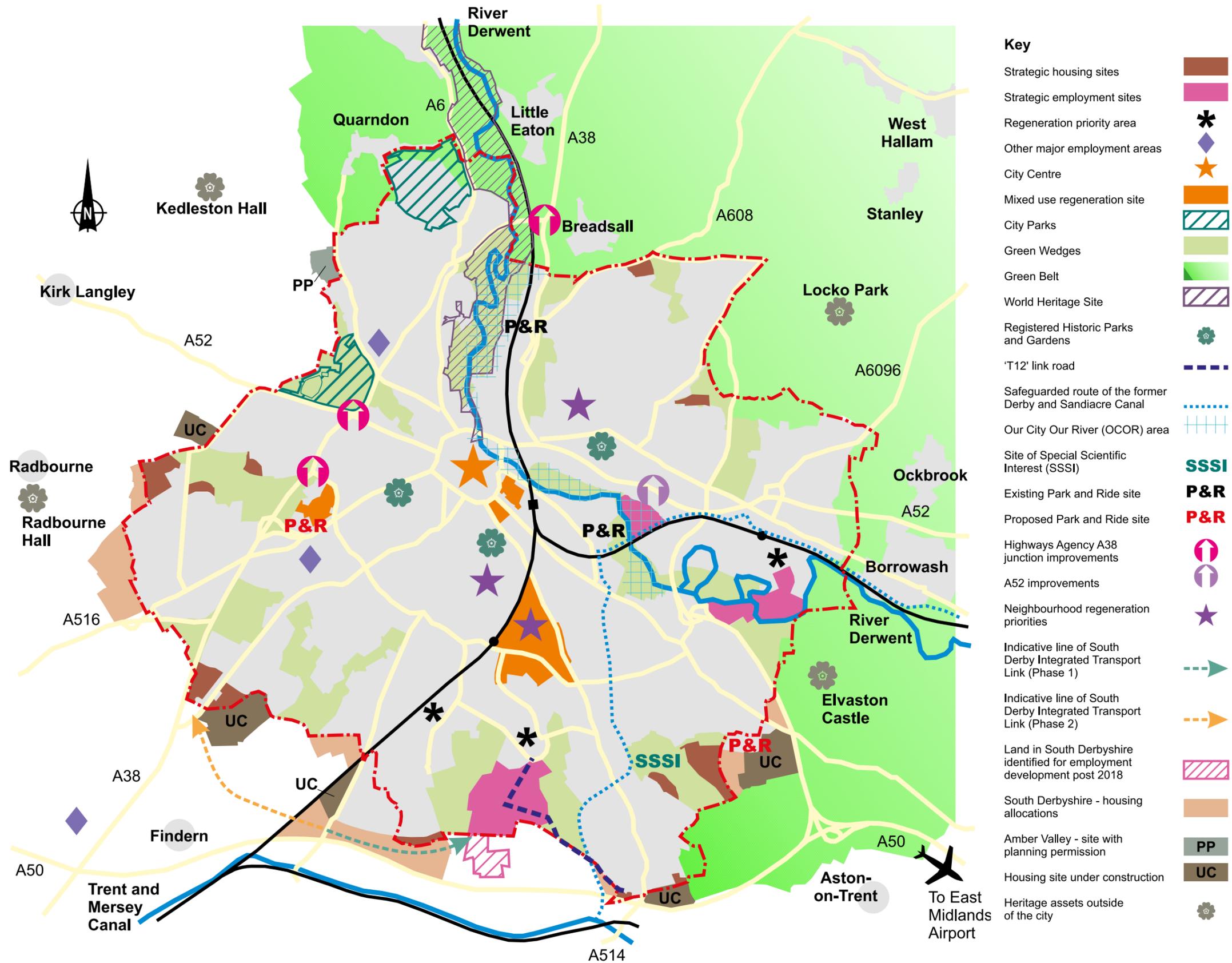
Transport:

- 4.36 The long term strategy is a balanced approach for all areas of transport. We aim to make best use of our existing transport asset by maintaining the roads, managing traffic using the roads, and investing further in measures to support people who choose to travel by sustainable transport modes other than the private car.



- 4.37 Land use and the design of developments will continue to have a fundamental influence on the way people travel or choose to travel. The strategy proposes to ensure development is located in areas which already have good access to public transport, or where people can reach local shops and services by walking or cycling. It also seeks to ensure that new employment uses are easily accessible by all forms of travel. Where this is not already the case, the Core Strategy will seek contributions from developers to ensure facilities can be provided or transport links improved.
- 4.38 While priority will be given to reducing the demand for travel, promoting 'active travel' and making efficiency improvements to the existing network, there will also inevitably be a need for capacity increases and new infrastructure. The Core Strategy identifies a number of schemes, some of which will be delivered by partner organisations that will create additional capacity; thus reducing some of the existing problems on the road and rail network but also helping to mitigate the growth of development.

Figure 4 - Key Diagram



CP6 – Housing Delivery:

The Council will work collaboratively with its HMA partners, to ensure that the City's full, objectively assessed needs for market and affordable housing are met. In order to meet these needs, land will be identified and allocated for residential development in the City and also in sustainable locations in the neighbouring HMA authority areas. This will include cross boundary development and urban extensions wholly in the neighbouring districts which will contribute to meeting Derby's housing needs. A closely co-ordinated approach to infrastructure planning and delivery will be adopted between the authorities.

The Council will:

- (a) enable the delivery of a minimum of 11,000 new mixed tenure, high quality homes in the City between 2011 and 2028 by allocating land in its Local Plan (Parts 1 and 2) and by setting out a development framework which facilitates the delivery of housing on appropriate sites
- (b) identify specific thresholds and targets for the delivery of affordable housing
- (c) require proposals for residential development to have regard to the Council's most up-to-date Strategic Housing Market Assessment (SHMA) in delivering an appropriate mix of housing. Opportunities should be taken to rebalance the mix of housing tenures whilst having regard to local character and to ensure that an appropriate mix of size, tenure and density of dwellings is provided which meet identified needs and are appropriate to the surrounding area
- (d) periodically review, update and have regard to a Strategic Housing and Economic Land Availability Assessment (SHELAA) and Housing Trajectory for the City in order to identify new sites and maintain a supply of deliverable housing sites consistent with the requirements of national policy
- (e) continue to encourage the regeneration of brownfield sites and the re-use of under utilised or vacant properties for residential uses, including empty homes and the upper floors of commercial properties within centres

- (f) expect developers to provide the housing numbers identified in site specific policies. In considering alternative numbers, regard will be had to the comprehensive development of the site, the effective and efficient use of land and the requirement to deliver high quality, sustainable forms of development consistent with other policies in the Plan.

Table 1 – Housing Supply Components 2011-2028 (Position at April 2016)

Housing Supply Components	Number of Dwellings
Completions (2011-2016)	1,998
Estimated Completions (2016-17)	588
Developable Planning Permissions (*)	585
Strategic Allocations (**)	6,461
Windfall Sites	825
Losses	-308
Dwellings to be addressed through the Part 2 Plan	851
TOTAL SUPPLY	11,000

(*) excludes permissions on sites which are allocated in the Plan. Comprises 285 dwellings worth of developable planning permissions on major sites and 300 dwellings worth of developable planning permissions on small sites.

(**) There are 6,975 dwellings on strategic sites, some of which have been completed since 2011 or are estimated to be completed in 2016/17 monitoring year. Completions and estimated completions on strategic sites since 2011 are therefore included in the 'Completions' and the 'Estimated Completions' components of Table 1 and are deducted from the 'Strategic Allocations' component.

- 5.6.1 The National Planning Policy Framework requires local authorities to use their evidence base to ensure that their Local Plans meet the full objectively assessed needs for market and affordable housing in the housing market area.
- 5.6.2 The Derby HMA authorities' shared evidence concludes that between 2011 and 2028 the Derby HMA needs to provide 33,388 new homes and that the City's objectively assessed need over the same period is for 16,388 new dwellings.

5.6.3 The Council has identified a number of strategic sites and locations to deliver new homes and contribute to meeting the City's housing target. The strategic sites allocated in Derby City are identified in Table 2:

Table 2 – Strategic Housing Sites Identified in Derby

Fig. 8 Ref.	Site	No. of Dwellings	Policy No.
1	City Centre	1,000	AC1
2	Castleward	800	AC6
3	Former Derbyshire Royal Infirmary	400	AC6
4	Osmaston Regeneration Area	600	AC14
5	Wragley Way, Sinfin *	180	AC18
6	Manor/Kingsway Hospitals	700	AC19
7	Rykneld Road, Littleover*	900	AC20
8	Hackwood Farm, Mickleover *	400	AC21
9	Onslow Road, Mickleover	200	AC22
10	Former Mackworth College	220	AC22
11	Boulton Moor East *	800	AC23
12	Boulton Moor West (Fellow Lands Way)	200	AC23
13	South Chellaston Sites *	100	AC24
14	Brook Farm, Chaddesden	275	AC25
15	South of Mansfield Road	200	AC26
	Total Strategic Site Allocations	6,975	

(*) site is part of a wider cross-boundary strategic location

5.6.4 The Derby HMA Strategic Housing Land Availability Assessment (SHLAA) identifies sites and land which have the potential to be developed in order to meet future housing needs. The SHLAA assesses the suitability of the sites for housing development, their availability for development, how



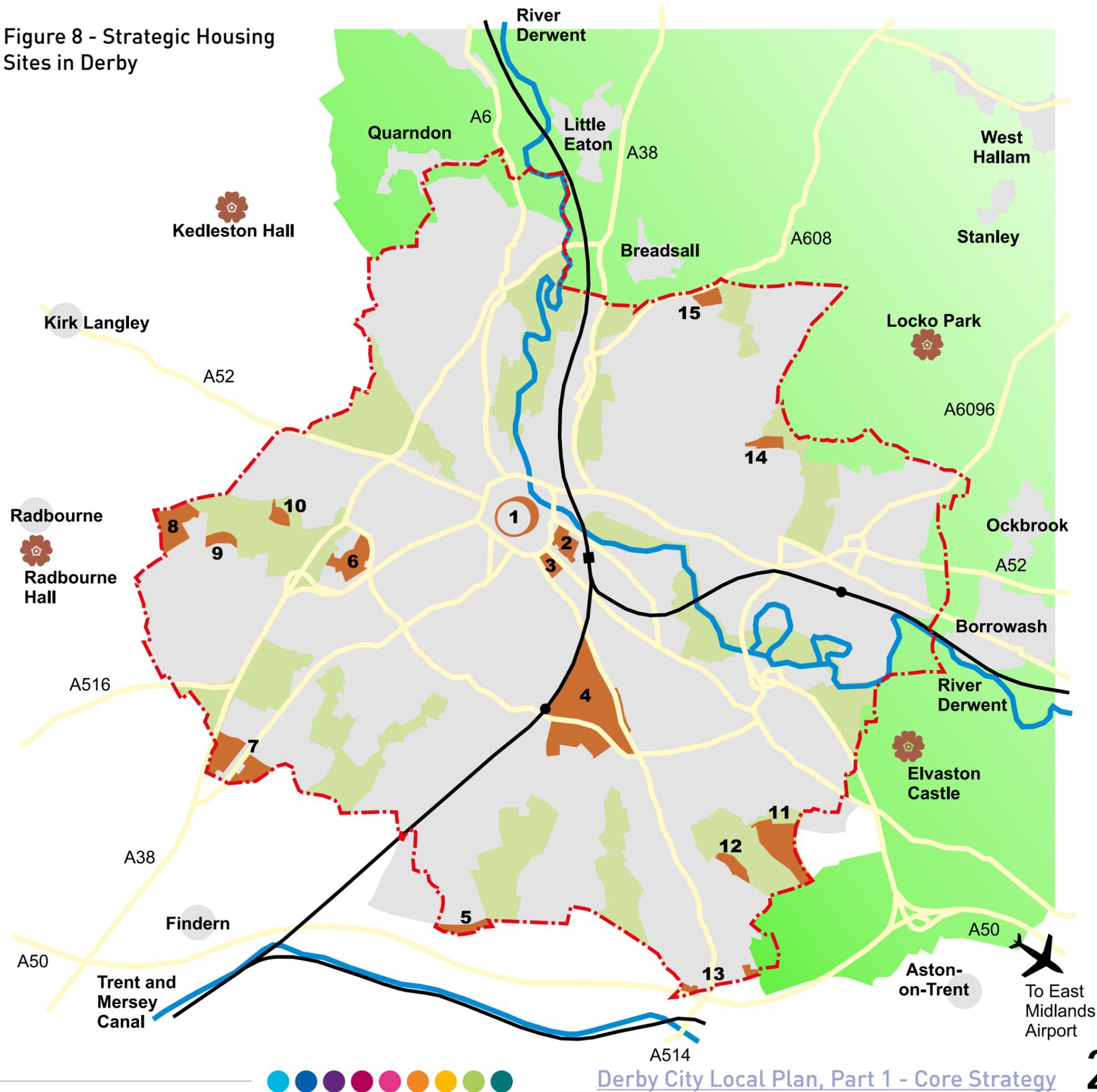
many new homes could be provided and whether it would be financially viable to develop them given costs and returns to a developer. The combined evidence of land supply and constraints, including the SHLAA and Sustainability Appraisal work indicates that the City can only sustainably provide 11,000 dwellings within its boundaries between 2011 and 2028. South Derbyshire District Council and Amber Valley Borough Council have identified land for the residual dwellings to meet Derby's assessed need in their respective plans, some of which will be in the form of sustainable cross boundary urban extensions to the city.

5.6.5 The specific housing sites identified in this Plan form the strategic housing allocations which the City Council is making. However there are several other components of the housing supply over the Plan period which will contribute to delivering that overall housing target for the City. The components of the housing supply are indicated in Table 1. As the Plan period begins in 2011, some of the contributing new homes have already been built and some have planning permission and are expected to be built imminently.

5.6.6 The Council will produce Part 2 of the Local Plan also known as the 'site allocations document' and this Plan will use the SHELAA to allocate smaller non-strategic housing sites which will provide new homes up to 2028. Table 1 sets out a need to identify land for 851 further dwellings in Part 2 of the Plan. The Council previously identified some 'potential housing sites' in its earlier Preferred Growth Strategy. Some of these may be allocated in the Part 2 document if evidence demonstrates that they are appropriate for residential uses and can be delivered.

5.6.7 It is important that developers seek to deliver the number of dwellings identified in the relevant site specific policies. These are what are considered appropriate levels of development for each site. When alternatives are proposed, the Council will consider whether a different approach is acceptable in terms of the comprehensive development of a site, the impact of the proposal on overall housing delivery and whether the form of development proposed is appropriate in terms of local character and the efficient use of land (in line with other policies of the plan). Where lower numbers are proposed, particular attention will be given to issues of housing delivery and whether the proposal

Figure 8 - Strategic Housing Sites in Derby



represents the most efficient use of land; where higher numbers are proposed, particular attention will be given to the impact on local character and environment.

- 5.6.8 More generally as a built-up urban area, in Derby opportunities exist to re-use underutilised and unoccupied sites. These may range from larger sites to smaller infill sites, single buildings or perhaps the upper floors of commercial buildings which may have fallen into disrepair or become vacant or under used. The conversion and change of use of these buildings can contribute to the delivery of new homes and proposals to develop them for housing will generally be welcomed.
- 5.6.9 The Council has included a 'windfall allowance' in its supply of long term housing. Historically the City has seen a range of buildings and land become available for redevelopment to form new homes and this is expected to continue. Many of these types of sites are smaller and will become available in the course of time and are therefore very difficult to plan for and specifically identify in the long term.
- 5.6.10 The provision of new communal living accommodation such as student halls and residential care homes can contribute to housing delivery and free up spaces in other types of housing, particularly in the private rented market, and improve the availability of housing generally. Similarly, bringing empty homes back into use can help to meet housing needs and although not contributing to the additional new homes required will generally be welcomed and encouraged.
- 5.6.11 The Council is committed to periodically reviewing and updating the Strategic Housing Market Assessment and the Strategic Housing and Economic Land Availability Assessment (SHELAA) in order to continue to identify and monitor housing supply opportunities, delivery and housing needs.

Housing Trajectory

- 5.6.12 The City Council's housing trajectory is shown in Appendix B. The trajectory includes sites which have planning permission and are classed as being developable in the Plan period, sites allocated in the Part 1 Plan, a windfall allowance and accounts for losses of housing stock which are expected to happen. The Council will allocate further sites in the Part 2 Plan in order to deliver the housing requirement over the plan period. The initial trajectory therefore does not identify the full 11,000 (minimum) housing supply over the Plan period. The housing trajectory will be updated annually taking account of completions, new planning permissions and using a 'plan, monitor, manage' approach to ensure that the strategy is being delivered.

Five Year Supply of Deliverable Housing Sites

- 5.6.13 The National Planning Policy Framework requires local authorities to identify and update annually a supply of specific deliverable housing sites for 5 years. The five year supply only includes sites which have been assessed as being deliverable as defined in the National Planning Policy Framework. To be deliverable the site must be in a suitable location for housing, available now and achievable with realistic expectations that the dwellings will be delivered within five years.
- 5.6.14 The Local Plan will allocate sites for housing in Parts 1 and 2 which will establish and maintain a five year supply of deliverable housing sites. The 5 year supply will be updated annually in accordance with the NPPF to ensure that it is maintained. The Council's 5 year housing supply position will be reported each year. This will set out the delivery of market and affordable housing to satisfy the requirements of the NPPF in relation to producing a Housing Implementation Strategy.

CP7 – Affordable and Specialist Housing:

The Council is committed to meeting needs for affordable and specialist housing and will seek to ensure that identified needs are met through a range of mechanisms. A flexible approach will be adopted which seeks to deliver as much of Derby's affordable housing needs as are viable without unduly constraining general housing delivery. The Council is also committed to meeting the specific housing needs of the aging population and people with disabilities or additional mobility requirements.

The Council will :

- (a) work collaboratively with its partners and developers to explore and implement innovative ways of delivering affordable homes and homes which are designed and built to consider people's additional mobility needs
- (b) require the provision of a maximum of 30% affordable housing on residential developments on sites of 15 or more dwellings. The following factors will be considered in applying the policy:
 1. evidence of local need for affordable and other types of specialist housing which contribute to the delivery of the Council's strategic housing objectives
 2. site size, suitability and economics of provision taking into account any 'Vacant Building Credits'. Where a developer can provide robust evidence that it is not viable to provide the maximum provision, the Council will negotiate lower percentages of affordable housing provision. In such cases, the Council may require developers to enter a 'clawback' agreement which will allow contributions to be increased in the future should higher levels become achievable
 3. the presence of competing planning objectives
 4. any relevant review of the Council's Planning Obligations Supplementary Planning Document
- (c) support the provision of housing which is capable of meeting the needs of the aging population and people

with disabilities and which satisfies and does not conflict with the other policies of this Plan. The delivery of Extra Care housing will be supported in areas where there is an identified need subject to the scheme being supported by appropriate on-site infrastructure, delivering an appropriate 'critical mass' of units and having a robust and appropriate long term management plan in place.

- (d) seek opportunities to release public sector land and particularly land owned by the Council in order to provide sites for the delivery of new Council Housing and affordable homes.
- (e) support proposals for self-build, custom-build and community build projects which meet and do not conflict with the other policies of this Plan.

A mix of tenures to include social rent, affordable rent and intermediate housing will be agreed by the Council on a site by site basis having regard to the most up to date Strategic Housing Market Assessment and any other relevant evidence.

The expectation is that affordable and specialist housing will be provided on site as part of the proposed development. However, in exceptional circumstances, financial contributions or off site provision may be accepted, however in these cases off-site provision will be preferable to financial contributions.

In considering the laying out of affordable housing within market housing developments the Council will require that affordable homes are well integrated with and appropriately designed to complement the market housing.

- 5.7.1 The National Planning Policy Framework requires local authorities to address the need for all types of housing, including affordable housing and the needs of different groups in the community.
- 5.7.2 The Council will continue to review and update its evidence base as necessary through the Plan period. The Strategic Housing Market Assessment (SHMA) will be periodically reviewed and updated to inform decision making and policy implementation.

- 5.7.3 The Council understands that the requirements of the policy may have development cost implications and does not want the policy to constrain the delivery of housing generally. An approach will therefore be taken where the Council will seek to secure the delivery of the various policy components to meet known evidenced needs but will be prepared to negotiate with developers for reduced provision of affordable and/or other types of specialist housing where it is demonstrated that delivering the full policy requirement would render a scheme unviable.

Affordable Housing:

- 5.7.4 Evidence in the 2013 Derby HMA SHMA suggests that the need for affordable housing in the City is significant. The Council will require developers to contribute to meeting the City's affordable housing needs through the delivery of new homes provided by way of planning obligations as well as by delivering new affordable housing itself in partnership with providers and will seek innovative solutions to funding and provision.
- 5.7.5 The Council realises that the delivery of affordable homes by developers is a cost burden to them and does not wish to unduly constrain the delivery of new housing generally. The approach adopted will therefore be to seek to secure as much affordable housing as is reasonably viable taking into account development costs and other infrastructure requirements.
- 5.7.6 The Council's policy for securing affordable housing contributions through planning obligations is based on a percentage which has been informed by evidence of broad viability. Where the required level of affordable housing would make development unviable, the Council will be prepared to negotiate a lower affordable provision based on site level viability evidence provided by the developer. In cases where reduced amounts of affordable housing are required, the Council may require the developer to enter into a 'clawback' agreement so that should viability improve over time, the developer can provide the required contribution at a later date.



- 5.7.7 The Council will have regard to the most recent SHMA in considering applications for housing development. It will seek to ensure that an appropriate mix of tenures and house sizes are delivered in order to meet identified affordable housing needs.
- 5.7.8 When considering the tenure split of proposed housing the Council will have regard to the most up to date SHMA and any other relevant evidence. Regard will also be had to the impacts of tenure split on the viability and delivery of the site and will seek to provide an appropriate mix of housing without constraining the overall delivery of housing generally.
- 5.7.9 The Council will continue to monitor affordable housing needs and the most appropriate target to be secured through Section 106 Agreements. The affordable housing target will be reviewed through a partial review of the Local Plan if evidence of changes in market conditions indicates this to be appropriate.
- 5.7.10 Evidence suggests that the Private Rented Sector has in the past contributed to meeting affordable housing needs. Although meeting needs in the Private Rented Sector cannot constitute affordable housing, the sector can and will continue to meet some of the current and future affordable need.

Accessible, Adaptable and Wheelchair User Homes:

- 5.7.11 The 2015 Building Regulations include 'optional' standards for accessible and adaptable homes (Part M4(2)) and for Wheelchair User Dwellings (Part M4(3)). Homes built to these standards can meet the special requirements of people with mobility problems including elderly or infirm people, people with disabilities and wheelchair users.
- 5.7.12 The Council will assess the needs for such housing within the City and the viability of provision through the preparation of the Part 2 plan and, as a result, consider whether an additional policy for this type of development will be appropriate. Up to this point, standard building regulations will be in force.

Housing Stock:

- 5.7.13 Derby's housing stock of just over 100,000 homes is characterised by a mix of 80% private sector and 20% public sector housing. The City has a relatively high proportion of one bedroomed properties (11%), with 31% 2 bedroomed and 57% with three or more bedrooms.
- 5.7.14 The 2013 SHMA Update identifies a need to maintain and increase the number of larger three or more bedroomed properties to meet projected market requirements.
- 5.7.15 There is also a need to provide smaller sized market dwellings which are more suitable for older couples who wish to downsize or single people. The provision of these types of homes can help to rebalance the housing stock. This could include smaller homes grouped together for the ageing population.

Meeting the housing needs of the aging population and providing Extra Care Housing:

- 5.7.16 Demographic evidence shows that Derby has an aging population and the City needs to respond to the housing needs of this section of the population accordingly. The Affordable and Specialist Housing policies seek to support and encourage developers to meet these needs by delivering homes which are designed to meet the needs of an aging population. This includes designing new housing to consider accessibility and layouts which are sympathetic to mobility needs and adaptable to changing circumstances.
- 5.7.17 The development of Extra Care housing is one of the ways in which the special housing needs of an aging population can be addressed. Extra Care schemes can provide accommodation which has supporting facilities and management so that as and when people require more support and assistance it is available on site allowing them to stay in their home. Extra care accommodation can also help to free up larger under-occupied houses.

- 5.7.18 The Council supports Extra Care provision generally and will welcome schemes which are in an area of identified need, where they include the necessary communal spaces and supporting infrastructure on site. They should also have a robust long term management plan and be capable of delivering enough units to be feasible to serve their purpose.



CP9 – Delivering a Sustainable Economy:

The Council is committed to realising the vision of a thriving, sustainable economy that contributes to making the D2N2 Local Enterprise Partnership area more prosperous, better connected and increasingly economically resilient and competitive.

In order to help achieve this vision, the Council will:

- (a) encourage proposals that create new jobs and help to implement the Council's Economic Strategy, subject to the provisions of this Plan
- (b) identify sufficient land, of an appropriate quality and in appropriate locations to meet the needs of a thriving, sustainable economy
- (c) focus on creating a culture where enterprise thrives, ensuring that workforce skills match business needs and maximising quality of life for residents
- (d) use public sector assets to help facilitate economic development

More specifically, the Council will encourage proposals which:

- 1. contribute to an enterprise culture with innovation and creativity
- 2. support the growth and continued success of existing companies in the D2N2 area, particularly companies related to transport equipment manufacturing
- 3. provide relocation opportunities, particularly where it would enable regeneration
- 4. improve Derby as an investment proposition
- 5. help to address barriers to employment
- 6. contribute to the alignment of the supply and demand of skills

- 7. positively influence young people's career aspirations
- 8. reinforce cultural / leisure facilities and the city's infrastructure
- 9. take advantage of opportunities in the low carbon economy sector
- 10. realise the potential of Derby's heritage and tourism assets
- 11. contribute to the development of vibrant City and District Centres

In addition to the aspirations of the Economic Strategy, the Council will also encourage proposals which:

- 12. help to make businesses more energy and resource efficient
- 13. provide a range of new business premises including affordable workspace
- 14. enhance digital connectivity across the City
- 15. help to realise economic benefits of the expansion of the high speed rail network, electrification of the Midland Mainline and the ongoing success of East Midlands Airport.

- 5.9.1 Derby is the focus for economic development and regeneration within the sub-region. Derby itself has a population of around 250,000 of which 77% of the working age population are economically active.
- 5.9.2 Employment in Derby is heavily weighted towards the public sector, but at the same time, around one in five jobs in the city is in manufacturing, almost double the national average. Derby is proud of being home to global companies such as Rolls-Royce and Bombardier and will continue to support these firms as the cornerstone of the economy. However, in order to strengthen the private sector we also need to support the growth of new enterprises.



- 5.9.3 Derby's exceptional industrial heritage, strengths in engineering innovation and world-class brands have helped to maintain a vibrant local economy that has generally punched well above its weight on a whole range of economic indicators.
- 5.9.4 Derby is the UK leader in advanced manufacturing employment and has the sixth highest value of goods and services produced per head (gross value added) in England, second highest of any local authority area outside the south-east.
- 5.9.5 Our retail core has been transformed; we have a flourishing commercial area at Pride Park and there is renewed interest in the city from inward investors. However, no city can afford to become complacent and stand still. Significant challenges lie ahead for Derby. This Policy sets out the Council's broad strategy to delivering a sustainable economy during the Plan period.
- 5.9.6 The UK is still slowly emerging from the worst recession in a generation and uncertainty prevails about the full impact of public spending cuts. Derby is competing in a global economy and our businesses face a fight to stay ahead of the game. Persistent low skill levels and high rates of worklessness continue to hold back some of our communities. The wealth that the city creates could be driving our progress even more effectively.





- 5.9.7 The vision of the D2N2 Local Enterprise Partnership is to make the D2N2 area more prosperous, better connected and increasingly economically competitive and resilient. In realising this vision, the LEP has produced a Strategic Economic Plan (SEP) which sets a single target of creating 55,000 additional private sector jobs in the D2N2 area by 2023. The SEP includes proposals for the use of Local Growth Funds (LGF) and reflects a number of proposals set out in this Core Strategy, including the delivery of 'Infinity Park' (Policy AC15), the 'Our City Our River' programme (Policy AC8) and junction improvements to the A52 (Policy CP24).
- 5.9.8 The Council will continue to work proactively with partners including the D2N2 Local Economic Partnership (LEP) to help tackle barriers to growth and overcome market failures. This will help to ensure that the full economic potential of Derby is unlocked.
- 5.9.9 To ensure Derby's economy remains vibrant and competitive, the Council is committed to facilitating the conditions that will encourage growth in private sector employment. This will involve measures set out in the Council's Economic Strategy (2011-2016) including further diversifying the local economy, comprehensively embedding innovation and a culture of enterprise, uplifting skill levels within our most deprived communities and creating a quality of life of which we are all proud. Proposals that help to implement the aims and objectives of the Economic Strategy will be supported by the Council, subject to the provisions of other policies in this

Plan. Further justification for each of the aims and objectives and detail of how each one will be achieved is set out in the Council's Economic Strategy.

- 5.9.10 The aims of the LEP and Economic Strategy are underpinned by a single factor – the need to create and sustain new private sector employment so that people living in and around Derby have the opportunity to engage in the local labour market. This is reflected in this Policy.
- 5.9.11 The Council is committed to ensuring that sufficient employment land is identified in appropriate locations in order to enable the vision and aspirations of the LEP and Economic Strategy to be realised. Policy CP10 identifies the key employment sites that will contribute to the supply during the Plan period. The Council will identify opportunities to use public sector assets to help encourage economic development and to ensure that employment sites are brought forward for development within the Plan period. Interventions could include the use of the Derby Regeneration Fund.
- 5.9.12 To rebalance the economy of Derby in favour of a strengthened private sector, a concerted effort is required in supporting enterprise to start, grow and thrive. In a changing environment of business support, Derby remains committed to achieving enterprise success. We will look to support the growth of all companies in the city and work with our partners to focus efforts on employment growth. The low carbon and renewable technologies sectors provide particular opportunities for future growth and diversification taking advantage of existing supply chains and skill sets already embedded in the city and surrounding area. Opportunities to expand employment in non-B use sectors will also be pursued, such as leisure, tourism and culture.
- 5.9.13 Working with education and training providers will help to improve educational achievement, raise employability standards and tackle existing skills gaps within the communities of the city where educational achievement and employment rates are generally lower. The Council will therefore encourage developers to contribute towards improving employment and skills opportunities and facilities, particularly in more deprived areas and amongst the most deprived communities, by engaging with appropriate recruitment and training initiatives. Working with business

support organisations will also help to stimulate innovation and nurture the growth of small and micro enterprises which are fundamental in helping diversify and strengthen the economy. The Council will therefore particularly welcome evidence that developers have considered the impact of their proposals, particularly in more deprived areas and amongst the most deprived communities and upon growth and innovation.

- 5.9.14 It is now widely considered that global oil production will 'peak' and go into sustained decline, with some commentators suggesting there is significant risk of this happening before 2020. What is certain is that fuel deficits and the end of cheap carbon will have extremely far-reaching social and economic consequences. These inevitable increases in energy costs will impact on all of our businesses. We will contribute significantly to the strength of the future economy if we can help to make Derby businesses more resilient to increases in energy costs by, for example, improving their resource efficiency.
- 5.9.15 Many firms in the city, such as Rolls-Royce, are already world leaders in the development of energy efficient technologies. There is great opportunity for the city to use the expertise it has within this field to embed new technology opportunities within other sectors and reduce energy use throughout the local economy. Our ambition is to pursue a low carbon economy and realise the environmental and economic opportunities associated with reducing energy use.
- 5.9.16 It is important to provide a variety of types of accommodation to support a diverse economy. Small scale, affordable units are just as important to the local economy as landmark developments as they can provide start-up / incubator space for new enterprises. The Council wishes to seek a balance in terms of the scale, location and tenure of commercial floorspace.
- 5.9.17 Enhancing digital connectivity is a key priority, helping to make Derby's economy more competitive, attracting a greater range of businesses, facilitating modern work practices and reducing the need to travel. The Council will continue to pursue opportunities to secure faster connection speeds for residents and businesses within the city.



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- 5.9.18 Derby is at the heart of the UK railway system and is well positioned to take advantage of the planned expansion of the high speed network, known as HS2. Plans for the new network currently identify an East Midlands HS2 station, serving both Derby and Nottingham. The proximity of this station is likely to generate related economic growth within the city due to significantly reduced travel times to London and to northern cities.
- 5.9.19 The Government has also announced that as part of the HS2 project, it will fund a new 'National High Speed Rail College'. The new centre of learning will be a national college, with sites in Birmingham and Doncaster. It will train the next generation of world class engineers that will be needed to work on the HS2 project. The college will deliver specialised training and qualifications needed for high speed rail, which will benefit HS2 and other infrastructure projects across the country. Derby is already home to a significant number of rail related industries, including Bombardier, the only train manufacturer in the country as well as other high-tech industries related to the planes, trains and automobile sectors. These factors mean that Derby is well placed to work closely with the new College, providing training opportunities and benefitting in the uplift in skill levels in the transport equipment manufacturing sector.
- 5.9.20 The city is also well placed to benefit from the electrification of the Midland Mainline which will reduce travel times to London and to mainland Europe. The Council will generally support development proposals that help Derby to realise the economic benefits of these infrastructure projects.
- 5.9.21 East Midlands Airport (EMA) is located approximately 15 miles to the south-east of the city. EMA and the city are connected by the A50 which provides an excellent link for freight and logistics. EMA was the second busiest freight hub in the UK in 2012 and carries in excess of 4 million passengers per year. The airport is currently undergoing a comprehensive £12 million improvement programme helping place it at the forefront of air travel and logistics. Derby is well placed to take advantage of the continuing success of EMA and the Council will generally support proposals that help the city to realise the economic benefits associated with proximity to EMA.



CP10 - Employment Locations:

199 hectares (gross) of new employment land is allocated in a variety of accessible locations to accommodate a range of employment generating activities.

The majority of demand for new land will be met at four strategic employment locations including:

- The Central Business District (CP11 and AC2)
- The Derwent Triangle, Chaddesden (AC11)
- Derby Commercial Park, Raynesway (AC12)
- Land South of Wilmore Road, Sinfin (AC15)

The Council is committed to the delivery of new employment land in these strategic locations and will use CPO powers where necessary to ensure comprehensive development.

In addition to the development of new employment land, the Council will also support the retention, intensification and consolidation of land currently identified for employment uses. The extent of existing employment land will be reviewed through the Local Plan Part 2

New business and industrial development in other areas of the city will be permitted provided that it:

- (a) does not conflict with the objectives of this Plan
- (b) would not adversely impact upon the amenity of nearby residents
- (c) is well integrated into the urban area
- (d) would not lead to a significant oversupply of employment land
- (e) would contribute to the aims and objectives of Policy CP9; and

- (f) in the case of office development it would meet the requirements of Policy CP11

The delivery of new employment land as part of strategic housing developments will be encouraged where it would meet the criteria above, would not prejudice housing delivery and would create a more sustainable form of development.

It may be appropriate to redevelop some areas of existing employment land, or buildings for alternative uses. The loss of existing employment land will only be permitted where it can be demonstrated that:

- (g) the alternative use would benefit the economy of the city or other strategic objectives of the Plan
- (h) existing land or buildings no longer meet modern requirements and that they have been adequately marketed for employment use for a reasonable period of time
- (i) the employment land supply would not be unduly affected in terms of quantity or quality
- (j) surrounding uses would not be adversely affected and in the case of sites near to residential areas would lead to an improved environment for residents; and
- (k) in the case of residential proposals a satisfactory living environment can be created

It is particularly important that existing employment areas that are fundamental to the operation of the local economy are protected and are retained, intensified and recycled primarily for the development of employment uses. Such areas include:

- The Rolls-Royce Campus, Sinfin
- Pride Park and Wyvern Business Park
- The Railway Technical Centre (RTC) and Bombardier

- Raynesway, including Rolls-Royce Marine Power
- Ascot Drive
- Mansfield Road and Alfreton Road corridors

In addition to satisfying criteria (g) – (k), proposals for alternative uses within these areas will only be permitted where it can also be demonstrated that that proposals:

- (l) would not undermine the overriding industrial / commercial character of the area
- (m) would not devalue the employment generating potential of the area; and
- (n) would not lead to the loss of important units or areas of land

5.10.1 It is crucial for the City's economy to remain strong, particularly in light of uncertain economic circumstances. The Council is committed to doing everything within its power to secure sustainable economic growth during the Plan period. One of the key areas where the Council can directly influence economic growth is through ensuring that sufficient employment land is identified to meet the needs of the economy during the Plan period.

5.10.2 The NPPF specifically requires Local Planning Authorities (LPAs) to plan pro-actively to meet the development needs of business and support an economy fit for the 21st Century. This Policy and the associated site policies aim to identify sufficient land to meet the development needs of business during the Plan period and provide a clear vision of what the Council wish to see developed on each of the sites. It is vital that sufficient new land is provided and existing land protected to enable the economy to be resilient to an ever changing economic climate and enable Derby to continue to be the focus for economic development in the HMA.

5.10.3 The relationship between land and jobs is very complex and control goes far beyond the remit of the planning system. In order to try and understand future business needs within Derby and the wider HMA it is necessary to look at a range of factors and indicators, both quantitative and qualitative.



5.10.4 All forms of quantitative economic forecasting and projections, particularly over a long period, have significant limitations due to the number of assumptions and variables that have to be accounted for. Therefore, a range of different forecasts and projections have been assessed to determine which one provides the most logical and robust basis to inform the identification of new employment land in Derby and the wider HMA. The level of demand in the future will ultimately be largely determined by the investment decisions taken by individual companies. Therefore quantitative assessment can only ever provide an estimate of the potential magnitude of future demand.

5.10.5 In light of the complex relationship between land and jobs, the ongoing economic uncertainties at a national and global scale, the nature of Derby's economy and the various shortcomings of the different methodologies, the quantitative forecasts and projections of future employment land needs within Derby and the wider HMA suggest a wide range of potential outcomes.

5.10.6 Having assessed the different methodologies there is agreement across the HMA that forecasting employment land needs based on the amount and distribution of new housing growth is a sensible and robust starting point. This methodology can be summarised as the 'labour supply, policy-on' (LSPO) approach distributed in line with the housing strategy for the Derby Urban Area (DUA).

5.10.7 The LSPO approach specifically takes account of anticipated growth in target sectors, reflecting the work and interventions of the Council and the LEP aimed at boosting the economy, whilst distributing in line with DUA housing growth seeks to ensure that residents of the DUA will have an opportunity to engage in the local labour market. Focussing the provision of new employment land in and around the DUA will help to support sustainable economic growth, reduce the level of out-commuting, help to attract high quality inward investment opportunities, support existing employers, provide modern alternatives to existing sites and help to meet wider employment objectives.

5.10.8 The LSPO, DUA distribution approach provides an indicative 'gross' employment land requirement for the DUA of in the region of 154.5 hectares for the period 2008-2028.

Figure 9 - Employment Land Provision

Key

Strategic employment sites



Main areas of existing employment land



Regeneration priority area



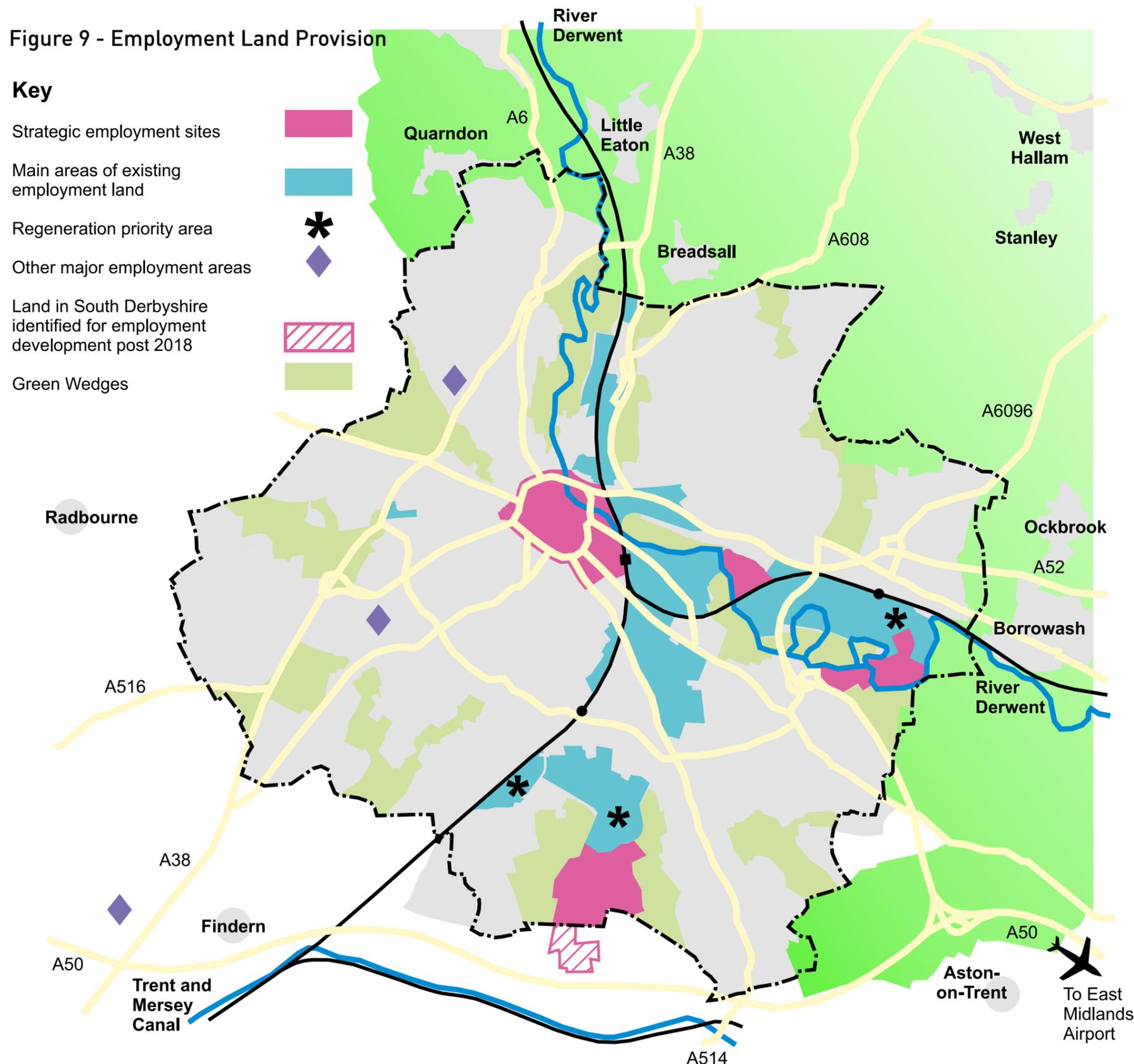
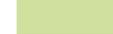
Other major employment areas



Land in South Derbyshire identified for employment development post 2018



Green Wedges



Approximately 4 hectares of new employment land has been developed within the DUA between 2008 and 2011, meaning that the indicative requirement for the DUA during the Plan period is in the region of 150.5ha.

Table 3: Calculation of Indicative Employment Land Requirement:

	Hectares
Indicative HMA 'Net' Need 2008-2028	98
Replacement of HMA Losses	98
Flexibility Margin	80
Indicative HMA 'Gross' Need 2008-2028	276
DUA Distribution (56%)	154.5
New Land Completed 2008-2011	4
Indicative DUA 'Gross' Need 2011-2028	150.5

5.10.9 This LSPO forecast approach is based on the period 2008 to 2028, uses job forecast information from Experian (2012), utilises a HMA housing provision figure of 35,354 and assumes that this level of housing growth will generate 21,957 residents of working age. It also includes a flexibility margin equating to 5 years of past take up rates across the HMA and assumes that 56% of the HMA housing provision will be located in and around the DUA.

5.10.10 Following the initial examination of Amber Valley Borough Council's Local Plan in Spring 2014 the overall HMA housing provision figure for the same period has been increased by approximately 1,500 homes, but at the same time rebased to cover the period 2011-2028. These changes do not significantly alter the amount of employment need across the HMA or the requirement for the DUA indicated by the LSPO, DUA distribution approach.

5.10.11 In comparison to the LSPO DUA distribution forecast, the gross amount of land allocated for employment uses in this Plan (199 hectares) provides an oversupply. The allocation of this amount of land represents the continued allocation of sites that have been identified for many years in previous Local Plans, but are yet to be developed.

5.10.12 The apparent oversupply of allocated employment land is not considered to be a significant issue as the majority of the proposed supply is made up of large strategic sites with major infrastructure requirements. In reality, it is estimated that the net developable supply is closer to 128 hectares once major infrastructure requirements have been taken into account. A supply figure of 128 hectares equates to an undersupply of approximately 22.5ha when compared to the indicative LSPO DUA distribution forecast.

5.10.13 It may be necessary to identify additional employment land through the Local Plan Part 2, particularly if the net developable area of the strategic employment sites reduces any further. Additional employment land could potentially be identified through the expansion of saved non-strategic allocations and / or through the intensification of uses at sites such as the former Celanese Acetate works in Spondon.

5.10.14 Even without the identification of additional land, the Council is satisfied that sufficient new land has been identified to meet future needs, in line with the requirements of the NPPF. This is largely due to the fact that the LSPO DUA distribution forecast is heavily reliant upon the provision of a substantial flexibility margin and the replacement of all known future losses from the overall supply, some of which in reality may not need to be replaced. A significant amount of 'need' in terms of jobs will also be accommodated within the CBD. City Centre office development generally has high job densities meaning that a large number of people can be employed within a small area of land. This will reduce the level of need to be accommodated within the remaining areas of the supply, outside of the CBD. A significant amount of need could also be accommodated through the intensification of existing employment sites. This will also reduce the potential pressure on the new sites.

5.10.15 Once these issues are taken into account, it is likely that the actual level of employment land 'need' during the Plan period will be less than that suggested by the indicative LSPO DUA requirement. However, the Council is keen to identify sufficient land to accommodate even the most optimistic of forecasts and provide maximum flexibility to ensure that Derby and the DUA is able to secure every opportunity for economic growth. The larger strategic sites

are generally not appropriate for alternative uses such as housing and are deliverable within the Plan period. Therefore, the Council is confident that there are no dis-benefits in continuing to allocate these sites.

5.10.16 The Council considers that the portfolio of sites allocated in the DUA will be sufficient to meet future needs, in all relevant growth sectors whilst also providing sufficient flexibility, choice and ability to accommodate growth in non-B uses. The creation of jobs outside of traditional employment uses will assist in the continuing move towards building a strong and flexible economy with greater resilience to economic shocks. The range of identified sites will provide space for existing employers to expand and has been supported by the development sector. No alternative strategic employment sites have been identified through the Plan making process.

5.10.17 The Council envisages that the four strategic employment sites will perform specific roles:

- The CBD (CP11) will provide for predicted growth in office based (B1a) employment, helping to bolster the vitality and viability of the City Centre. Sites within the CBD have the potential to provide in excess of 100,000sqm of new office floorspace during the Plan period.
- Land South of Wilmore Road (AC15) will accommodate a range of uses associated with the manufacture of planes, trains and automobiles and the associated energy sector. The site will support the growth of Rolls-Royce and associated high-tech industrial supply chains and will accommodate related office and warehousing development.
- Derby Commercial Park (AC12) will provide for the growth in the warehousing and distribution sector, taking advantage of excellent links to the A50, M1 and East Midlands Airport.
- The Derwent Triangle (AC11) will provide a mix of new employment units and has the potential to accommodate growth in the non-B sectors such as leisure. It will provide a logical continuation of the Pride Park area.



5.10.18 The Council will promote these sites as inward investment opportunities and assist with their delivery where appropriate. The Council has worked for many years with the development industry to try and unlock the potential of these sites as they are the last remaining areas of the City that can appropriately accommodate new, large scale employment development and have the potential to provide for a range of business needs. All of the strategic sites have developers in place, whilst planning permission for employment development also exists on a number of the sites.

5.10.19 In addition to the strategic employment locations, a further 7.4 hectares of employment land is identified as part of mixed use allocations at Rykneld Road and at the former Manor Kingsway hospitals site. The provision of employment land in these locations will further broaden the portfolio of land on offer within the city and help to rebalance the distribution of employment land in the west of the city. It will also help to facilitate more sustainable forms of development in these locations. The principle of providing employment opportunities as part of mixed use developments is generally supported by the Council. A further 10.1 hectares of employment land will remain 'saved' on non-strategic allocations, to be reviewed in the Local Plan Part 2.

Table 4 – Employment Land Supply - 2011

Proposed Sites	Gross Site Area at 2011 (ha)	Net Site Area at 2011 (ha)
Land South of Wilmore Road	86.8	50
Derwent Triangle	28	23
Derby Commercial Park	64.7	40
Mixed Use Allocations	7.4	7
Saved Non-Strategic Employment Allocations	10.1	6
City Centre Sites	2	2
Employment Land Supply:	199	128

5.10.20 South Derbyshire District Council has identified additional land to the south of Sinfin Moor Lane for a potential extension to the allocated site within Derby to the south of Wilmore Road. This additional land could potentially provide in the region of an additional 20 hectares of developable DUA employment land that could be developed in the Plan period, subject to highways capacity issues being appropriately addressed.

5.10.21 It is acknowledged that some businesses that locate onto new employment sites will relocate from existing sites within the City and therefore there will be no net addition in terms of jobs. This is a consequential impact of the general churn of land and buildings in any economy. In many cases the land where businesses relocate from will be protected for employment generating uses and will therefore provide opportunities for other businesses. In some cases, land will be lost where it no longer has the potential to contribute towards the economic output of the city. The extent of the existing supply is identified on the Proposals Map, although this will be reviewed as part of the Local Plan Part 2.

5.10.22 Many of our existing industrial and business areas are fundamental to the successful operation of Derby's economy. The Council wishes to specifically protect the most important of these areas and important units within them primarily for employment use in order to avoid the potential prejudicial impact of alternative uses and to safeguard job opportunities. Some of these areas accommodate the city's biggest and most prestigious employers, such as Rolls-Royce and Bombardier which are the cornerstones of the local economy.

5.10.23 Many of the existing employment areas are largely built up, although there is significant scope for recycling and intensification of employment uses within these areas. In recent years, recycling of existing employment sites has made a significant contribution to meeting needs. This is expected to continue in the future as land accommodating older stock is recycled for the construction of new units, helping to meet modern needs.

5.10.24 The redevelopment of poorer quality existing employment land for alternative uses can sometimes help to alleviate conflicts between industrial and surrounding uses. This can

bring benefits for the area as a whole, particularly where there is conflict between residential properties and business use. Residential redevelopment and associated community uses may help to improve the local environment and provide the opportunity to create more open space in inner-city areas.

5.10.25 Residential redevelopment in these areas may also improve the mix of brownfield housing sites available to the market. However, the Council will continue to ensure that an adequate employment land supply, in terms of quality and quantity, is maintained. Proposals for development of existing business and industrial land should not override the employment objectives of the Plan.



CP18 – Green Wedges:

The Council will continue to identify Green Wedges as areas of land that define and enhance the City’s urban structure, maintain the identity of the different residential neighbourhoods, provide an uninterrupted link to the countryside, form part of the wider green infrastructure network and play an important role in climate change adaptation.

The Council will:

- (a) ensure that development in the Green Wedge is limited to the following:
 1. Agriculture and forestry
 2. Green space, outdoor sport, recreation and community uses providing the character of the Green Wedge and its amenity is not adversely affected
 3. Nature conservation, including improvements which provide multiple benefits to Derby’s green infrastructure or which link the Green Wedge to the wider Green Infrastructure network
 4. Cemeteries
 5. Essential buildings and activities ancillary to existing education establishments
 6. Public utilities where it can be shown that a suitable site outside the Green Wedge is not available
 7. The extension or alteration of existing dwellings and the erection of ancillary buildings.
- (b) ensure that development does not endanger the open and undeveloped character of the Wedge, its links and green infrastructure value; taking into account scale, siting, design, materials and landscape treatment and would not lead to an excessive increase in numbers of people, traffic or noise

- (c) ensure that development associated with categories 1 to 7 is small-scale and ancillary to the operation of the main use
- (d) permit the conversion or change of use of existing buildings provided that building is suitable for its intended use without extensive alteration, rebuilding or extensions
- (e) permit the redevelopment of existing buildings in the Green Wedge for uses in categories 1 to 7 and the replacement of existing dwellings with new dwellings
- (f) permit, in exceptional circumstances, redevelopment of buildings other than dwellings for residential development, and supporting facilities. Permission will only be granted where the Council is satisfied that the original buildings are genuinely redundant and surplus to requirements, and that the site adjoins nearby residential areas
- (g) ensure that planning permission for the conversion or change of use of farm buildings is subject to conditions to prevent a proliferation of additional farm buildings under permitted development rights
- (h) ensure that development adjacent to a Green Wedge does not endanger the character and function of the wedge, taking into account scale, siting, design, materials and landscape treatment and would not lead to an excessive increase in numbers of people, traffic or noise
- (i) seek opportunities to link Green Wedges to the wider green infrastructure and ecological networks
- (j) ensure that development in or adjacent to a Green Wedge provides opportunities to improve the remaining Green Wedge
- (k) seek to ensure that, where urban extensions occur, the principle of the Green Wedge itself will be continued.

For all development proposals, the proposed buildings:

- should not have a greater impact on the openness

of the Green Wedge and the purpose of including land within it than the existing buildings

- should not exceed the height of the existing buildings
- should not occupy a materially larger area of the site than the existing buildings, unless this would result in a reduction in height which would benefit visual amenity.

- 5.18.1 Green Wedges are an important part of Derby’s character and are a long-standing, and successful local planning policy. Their primary function is to define and enhance the urban structure of the city as a whole, in particular by reinforcing local identity by maintaining areas of open land between the City’s neighbourhoods. All have important existing or potential recreational and ecological value and play an important role in mitigating against climate change. In addition, farming remains an important economic activity and extensive user of land in some Green Wedges. Some Green Wedges have an additional role of acting as ‘buffer zones’ between residential communities and business areas.
- 5.18.2 Green Wedges do not have the permanence of the Green Belt but it is intended to retain the principle of Green Wedges, maintain their identity, reduce the impression of urban sprawl and resist harmful development.
- 5.18.3 The proximity of Green Wedges to the built-up area and, in some cases, their narrowness makes them particularly vulnerable to development pressure. Where development does occur the Council will ensure that the principle of the Green Wedge will not be adversely affected. In addition, the Council expects that development will provide improvements to part, or all, of the Green Wedge. Where urban extensions occur, outside of the city boundary, the Council will seek to ensure that the wedge itself, inside and outside, the City will be continued.
- 5.18.4 The extension or alteration of existing homes and other buildings may be permitted provided that they are in keeping with the size and character of the original building and do not adversely affect the overall character of the Green Wedge. The erection of ancillary domestic buildings may



be approved as long as they do not adversely affect the openness of the Green Wedge. The replacement of existing homes may also be acceptable in the Green Wedge provided that the new home is not materially larger than the original dwelling.

- 5.18.5 From time to time, circumstances may arise where existing non-residential buildings in Green Wedges become redundant and pressure for redevelopment arises. Planning permission for residential development may exceptionally be granted on such 'previously developed' sites in Green Wedge locations, providing visual impact is minimised and the site is reasonably adjacent to existing housing areas.
- 5.18.6 To prepare the Part 1 plan, the Council carried out an extensive review of Green Wedge boundaries to help identify strategic housing sites. The Part 2 plan will consider further amendments to Green Wedge boundaries as part of the process of identifying non-strategic housing and employment sites, address the implications of existing or planned development on current boundaries and to take full account of all other issues and opportunities raised in the Green Wedge Review (2012). Any review of boundaries will be taken within the context of maintaining the principles of Green Wedge as set out in this policy and the objectives of the plan.
- 5.18.7 Any existing 'non-conforming' operations or permitted uses within Green Wedges will not be prejudiced by this policy. This will include the consideration of any renewal of permission, variation of conditions and any reserved matters applications. An example of this is the existing aggregate recycling facility at Chaddesden Sidings which was in use prior to the designation of the Green Wedge. Any extension of timescales associated with this use will not be prejudiced by being within a Green Wedge.



AC1 - City Centre Strategy:

The Council is committed to delivering a renaissance for the City Centre and reinforcing its central economic, cultural and social role by supporting sustainable economic growth and regeneration, improving the quality of the built environment, creating new residential neighbourhoods and enhancing its standing as a regionally important business, shopping, leisure, tourism and cultural destination.

The Council will:

- (a) encourage investment which strengthens and integrates the City Centre's retail, employment, leisure, cultural and residential functions and meets overall sustainability objectives
- (b) use its assets and seek all appropriate sources of Government and EU funding to help create a thriving business environment and promote the Central Business District (CBD) as the preferred location for major new business, leisure, hotel or conferencing development
- (c) promote the 'Core Area'(CA) as the preferred location for new retail development and support proposals which serve to protect and enhance its overall vitality and viability. Regard will be given to the role, function and vision for different frontages within the CA
- (d) identify policies and priorities that will reinforce the specific character and roles for distinct City Centre character areas, including the Cathedral Quarter, St Peters Quarter, the intu Shopping Area, the Riverside and the Eastern Fringes
- (e) support the delivery of a minimum of 2,200 new homes across the City Centre through the delivery of key regeneration sites, realising the opportunities created by the Our City Our River programme and by making better use of under used or vacant buildings and upper floors. Residential-led regeneration will be supported in principle on the following sites:
 - Castleward

- Former Derbyshire Royal Infirmary
- Former Friar Gate Goods Yard
- Becket Well / Duckworth Square
- Full Street
- North Riverside (subject to OCOR)

- (f) establish the City Centre as a year round leisure, cultural and festival destination through the diversification of the cultural, leisure and tourism offer by encouraging the development of new venues and visitor attractions. The Council will review Derby's large scale performing arts and leisure infrastructure
- (g) create a safe and inclusive City Centre by supporting the development of family orientated facilities that appeal to all residents and visitors, in particular uses that support the early evening economy and maintain the City's 'Purple Flag' status. It will have regard to the character of the City Centre and crime and disorder by regulating the number and location of pubs, nightclubs and other licensed premises, hot food takeaways and taxi ranks
- (h) strengthen quality in every aspect of placemaking and reinforce distinctiveness through architecture, streets and spaces, lighting and public art, while strengthening key routes between major spaces and nodes
- (i) enhance heritage assets in order to generate a positive impact on the townscape character and vitality of the City Centre
- (j) maximise the potential of the riverside. The Council will promote the use of the river and river corridor as part of the leisure infrastructure, improve safety and establish the river as a key connecting route within the city. The Council will work with the Environment Agency to deliver the Our City Our River programme
- (k) make the City Centre the focus of sustainable transport

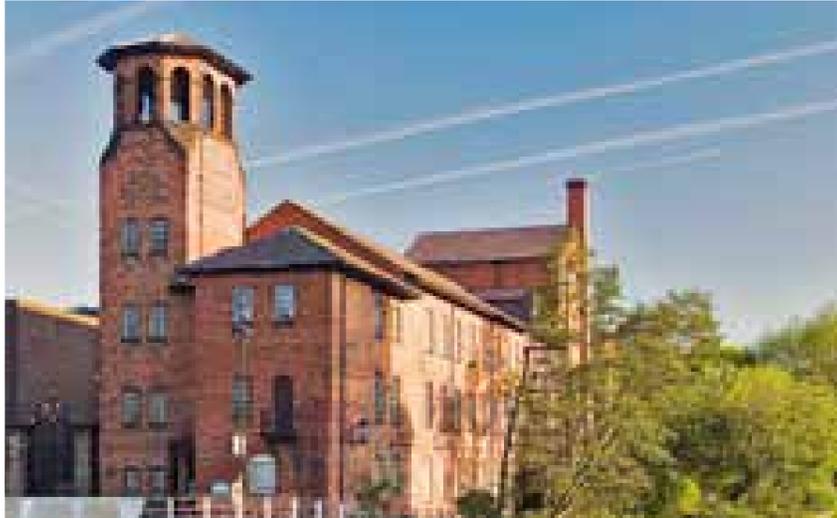
nodes and improve accessibility by all modes of transport

- (l) provide more detailed guidance on City Centre Regeneration Priorities in the Part 2 Local Plan

- 6.1.1 Derby City Centre is the main focus for commercial uses, business and shopping within the City and has an influence and attraction that stretches far beyond the City's boundaries. Maintaining and enhancing its role as a sub-regional centre is a key policy of the Core Strategy and is consistent with the aims and objectives of the NPPF with regard to town centres and sustainable economic growth.
- 6.1.2 To this end, the Council is seeking to encourage new investment into the Centre and to improve the range and quality of services offered. This not only relates to improving the retail offer of the centre where possible, it also seeks to diversify the 'offer' available to visitors. This will include supporting proposals for new cultural, leisure, tourism and commercial uses that can help to attract visitors into the centre and extend dwell times when there. This will, in course, help to sustain and enhance the economy of the centre. The Cathedral Quarter and St Peters Quarter BID companies are important partners in delivering the vision for the City Centre as a whole. The Council will continue to work with them to achieve our shared aims and objectives.



Guildhall, Market Place



The Silk Mill

- 6.1.3 Challenges resulting from the recession, the growth of alternative forms of retailing and the re-organisation of the City Centre as a result of the development of the intu shopping centre will only increase the need to diversify and improve the quality of the offer, for both existing residents and visitors to the City. These themes are addressed in more detail throughout the plan, though this policy establishes the strategic framework within which this will be delivered.
- 6.1.4 Policy AC2 sets out more detailed priorities for different parts of the City Centre and identifies regeneration priority schemes that will help to deliver a 'City Centre Renaissance'. The Council will take a positive stance toward development within the City Centre that can help deliver these schemes and enhance the economy of the centre or increase its attractiveness as a place to live and work. This will always, however, be subject to proposals respecting the heritage of the Centre, in particular the World Heritage Site, Conservation Areas and Listed Buildings.
- 6.1.5 The City Council recognises the importance that Derby's heritage plays in making the experience within the City attractive and varied. From niche shopping in the Cathedral Quarter area, to the Silk Mill and World Heritage site, the City has used its heritage as a placemaking tool, capitalising on it in maintaining existing and encouraging new development. The City is committed to the continuation of this practice to use heritage to maintain and create a sustainable retail environment and economic vitality.

6.1.6 The Plan establishes a number of geographic City Centre policy areas. The 'Central Business District' (CBD) encompasses what could be considered the full extent of the City Centre's core commercial activity, taking in the area within – and on the edge – of the Inner Ring Road and areas well related to the railway station and riverside. The Core Strategy will seek to strengthen the overall role and function of this area by making it the sequentially preferable location for major new office and leisure development. Evidence suggests that a lack of high quality new office space in the City Centre has had a negative impact on investment in the City. To address this, the Council established its 'Regeneration Fund' and this has already had some success in facilitating new high quality office development. Where practical, this will continue.

6.1.7 The 'Core Area' reflects the traditional retail 'heart' of the City Centre. For the purposes of the retail sequential test, the 'Core Area' represents the 'primary shopping area' and thus is the sequentially preferable location for new retail development. Owing to changes to the retail market, it would be fair to say that the Core Area has contracted in recent years and the nature of the uses has become more diverse. Policies AC2 and AC3 provide more detail on the nature of uses that will be permitted in this area, though the general objective will be to ensure that this area remains a 'vital and viable' part of the overall City Centre economy.

6.1.8 Straddling the CBD and Core Area are a number of smaller 'character areas' including the Cathedral Quarter, St Peters Quarter, Riverside area, intu area, the Eastern Fringes and former Friar Gate Goods Yard. Each of these areas has individual qualities that complement each other to help build a stronger overall centre. The Cathedral Quarter has a strong focus on niche retail, leisure and culture; the St Peters Quarter is the traditional high street environment, intu the more modern retail and leisure mall, the Riverside reflects Derby's quality environment, heritage and civic headquarters and the Eastern Fringes and former Friar Gate Goods Yard represent significant regeneration opportunities that will create new residential and commercial neighbourhoods that will provide significant sustainable economic growth.

6.1.9 It is important that each of these 'character areas' function together to sustain the City Centre as a whole. For that

reason, the Core Strategy has a focus on facilitating improvements to the built environment. In particular, it seeks to improve pedestrian and cycle linkages and the quality of the public realm. Creating an attractive, welcoming and safe environment is key to meeting the Council's objectives for the City Centre. In line with the more detailed policies in AC5, the objective is to also see a significant improvement in the quality of new buildings across the City Centre.

6.1.10 Finally, the Core Strategy will seek to further enhance the role of the City Centre as a residential neighbourhood. Evidence suggests that there is currently scope for a minimum of 2,200 new dwellings during the plan period, the majority of which will come from major regeneration sites at Castleward and the DRI. However, there are other sites and opportunities to provide a significant number of dwellings. These will contribute to the overall City Centre housing provision. Over and above this are the opportunities that exist in underused or vacant floorspace on upper floors of buildings across the City Centre. The Council will support the principle of converting such floorspace to residential uses wherever practical and appropriate to do so.

6.1.11 More detailed guidance on this, and other non-strategic sites and locations, will be provided in the Part 2 Local Plan. The benefits of promoting City Centre living in terms of sustainable development and economic growth are obvious. It will help reduce reliance on greenfield land, help to maximise the use of brownfield land and underused properties, facilitate travel by alternatives to the car and create new customers for City Centre businesses.



AC2 – Delivering a City Centre Renaissance:

In delivering a renaissance for the City Centre, the Council will give priority to the delivery of key regeneration opportunities and development which can make significant contributions to its role in terms of employment, retail or visitor growth or which improve accessibility and legibility.

In supporting proposals for regeneration and environmental improvement, the Council will also seek to support the specialist roles and functions of different parts of the City Centre as described below.

The Central Business District (CBD):

The CBD provides the main focus and concentration of economic and leisure activity across the City Centre. This area will be the preferred location for the development of new office development in the City. The implementation of existing office led planning permissions and the development of opportunity sites will also be encouraged in this area. Where appropriate and feasible, the implementation of stalled office developments will be supported by the Council through its Regeneration Fund in order to help facilitate regeneration.

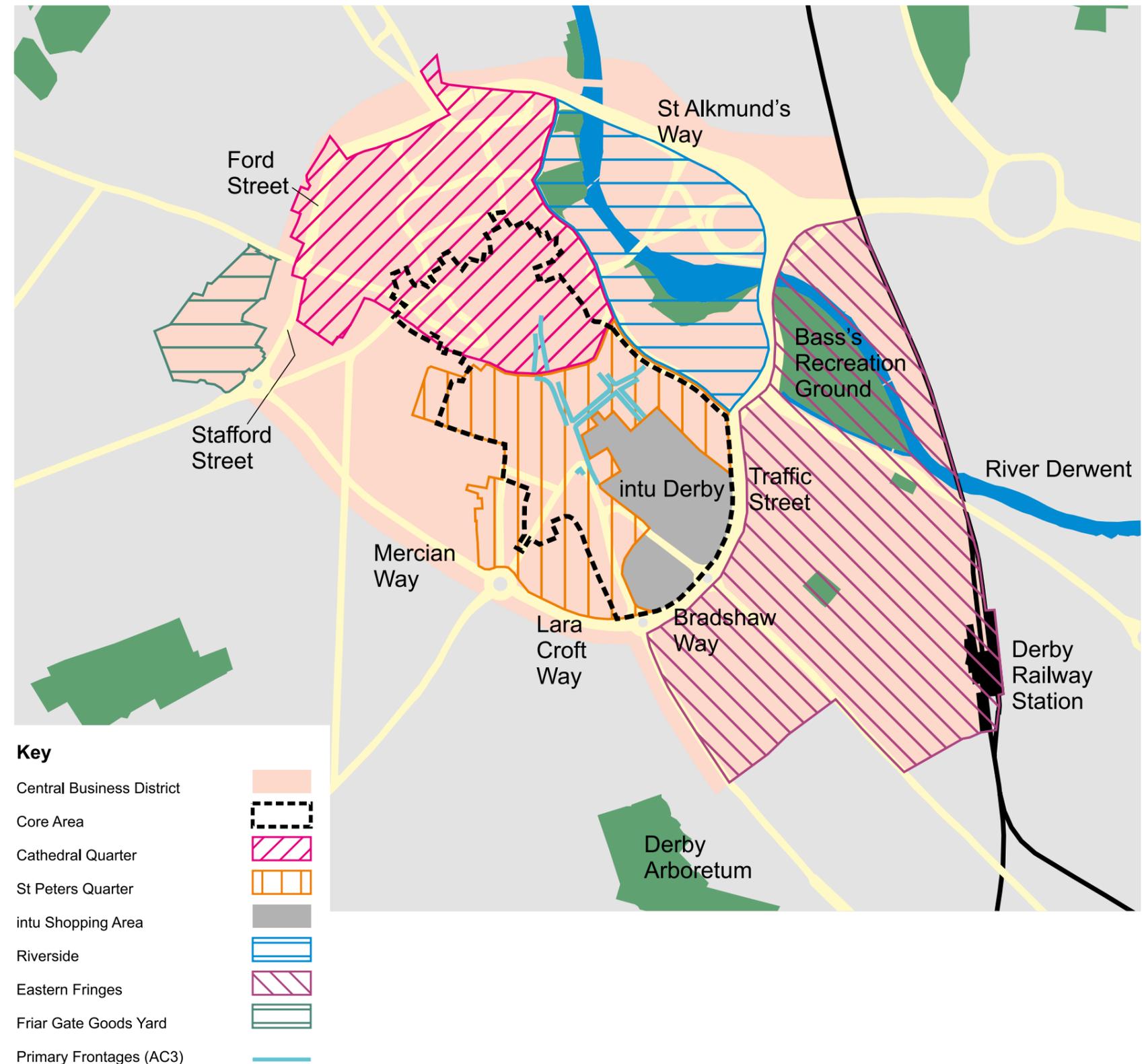
Within the CBD, proposals that help to promote 'City Centre Living', whether through new development or the re-use of empty or underused floorspace, will be supported where it would not inhibit existing business activity or undermine the vitality and viability of the Core Area.

Development within the CBD should reflect the role and function of sub-areas within it, having regard to broad characteristics outlined below.

The Core Area:

The Core Area (CA) is the focal point for non-food retailing in the City Centre and is key to the vibrancy of its economy. The Council will protect the overriding function of the CA through the identification of primary frontages and the management of uses across the area, as set out in Policy AC3. The CA will also remain the sequentially preferable location for major new retail within the city. Proposals which seek to extend the CA beyond its existing boundaries will be resisted.

Figure 16 - City Centre Inset Map



Across the Core Area, the Council will also:

- work with partners, including the Business Improvement District (BID) companies, to improve the quality, promotion and management of key places, infrastructure and uses across the Core Area
- ensure new retail development is well integrated and closely linked with the primary frontages in terms of proximity, continuity of function and ease of access
- maintain an appropriate level of retail market provision having regard to a Markets Review
- promote environmental responsibility from all businesses and developers within the area

The Cathedral Quarter:

The 'Cathedral Quarter' represents the historic core of the City Centre. Within the 'Core Area', the Council will encourage proposals which support its niche high quality shopping, leisure and evening economy role.

Outside the Core Area, the strategy will also seek to strengthen the area's office and commercial function. The Cathedral Quarter as a whole has an increasingly important role in supporting the evening economy of the City and this will be reflected in the nature of the uses permitted.

Within the Cathedral Quarter, priority will be given to the following opportunities:

- Implementation of the Sadler Square mixed-use regeneration scheme, including the appropriate reuse of Middleton House
- Mixed use regeneration of St James' Yard
- Implementation of regeneration schemes on Cathedral Road

- The appropriate long term regeneration or re-use of Queen's Leisure Centre
- Redevelopment of the Assembly Rooms

St Peters Quarter:

The St Peters Quarter reflects a diverse range of shopping and other complementary uses within an equally diverse range of built environments. It reflects a long standing and important 'high street shopping' role within the City Centre and provides crucial pedestrian links between the historic Cathedral Quarter, intu and the Riverside. It is also an area that has seen, and will continue, to see a great deal of change over the plan period. It almost entirely sits within the CA and contains a large number of primary and secondary frontages. The range of uses and activity within this area will be managed to ensure they continue to contribute to the overall vitality and viability of the City Centre.

Within the St Peter's Quarter, priority will be given to the following opportunities:

- Mixed-use regeneration of Becket Well and Duckworth Square
- Revitalisation of the East Street / Albion Street / Exchange Street / Morledge area
- Implementation of public realm improvements at The Spot and St Peter's Cross

intu Shopping Area:

The 'intu Shopping Area' contains the modern intu Shopping Centre and the Bradshaw Way Retail Park. This reflects the most recent retail and leisure development in the city. The intu Derby Shopping Centre has become the focus of shopping and leisure activity in recent years.

The strategy will seek to enhance the integration between this area and the rest of the CA and support any further regeneration that can further enhance the retail and leisure offer.

Proposals for the regeneration of the Bradshaw Way Retail Park will be supported, provided they include a significant retail element and would not have a significant negative impact on the Cathedral Quarter or St Peters Quarter.

Riverside:

The Riverside area consists of a diverse range of residential, commercial and civic uses. The Council will seek to emphasise this role by maximising the potential of the Riverside. The Council will promote the use of the river and river corridor as part of the leisure infrastructure, improve safety and establish the river as a key connecting route within the city. It will seek to incorporate the flood defences into appropriate regeneration projects including the green infrastructure, public realm design and buildings.

Within the Riverside area, priority will be given to the following projects:

- Implementation of the 'Our City, Our River' programme in line with Policy AC8, including the regeneration of key riverside sites
- Regeneration of the former Magistrates Court and Police Station regeneration scheme, including the provision of a new Local Studies library
- Enhancing the environmental quality of the Riverside area
- The appropriate regeneration of the remaining land within the Riverlights complex

The Eastern Fringes:

The 'Eastern Fringes' will become a vibrant new residential neighbourhood that will complement the City Centre economy and breathe new life into an underutilised area. It will also contain significant commercial uses that can help support the overall City Centre economy. Improvements will be made to links to Bass' Recreation Ground and hope to increase usage of the park to help support the new communities.

The Council will work with partners to deliver improvements to the railway station and links between the station and the City Centre.

Priority will be given to the implementation of the major mixed use regeneration allocations at Castleward and former DRI sites, in line with requirements of Policy AC6. Implementation of the 'Castleward Boulevard' to improve links between the Railway Station and City Centre will be a key part of this scheme.

The regeneration of the Trent Bus Depot and Derby Telegraph sites to the north of Bass' Recreation Ground will be supported, subject to the satisfactory relocation of existing businesses and the implementation of the 'Our City, Our River' programme as defined by Policy AC8.

Friar Gate Goods Yard:

The Goods Yard Site has the opportunity to deliver a vibrant mix of residential, retail, leisure and business uses including offices. Proposals will be required to respond positively to the presently neglected railway heritage assets on site.

Improved connections with The Cathedral Quarter to strengthen the overall offer in the western part of the City Centre should be explored, including the potential to utilise Friar Gate Bridge.

The Council will encourage schemes that:

- Conserve and enhance the heritage assets by securing their appropriate and viable reuse, including retail but only where justified through an impact assessment on the vitality and viability of defined centres
- Deliver a vibrant mix of other uses including residential, leisure and offices
- Ensure development is in accordance with a comprehensive, long term strategy and masterplan for the site

6.2.1 This policy is designed to drill down to a finer grain of detail and provide more detailed guidance on how the Council will consider development proposals in each of the distinct 'character areas' and identifies a number of key opportunities for development and regeneration.

6.2.2 The policy also identifies a number of priority schemes across the City Centre. Where necessary, the Part 2 Local Plan will provide more detail on specific policies and requirements for each site or area. Where already allocated in the City of Derby Local Plan Review, the 'saved' policies will continue to give guidance on the smaller sites. It is also considered that the policies in this strategy will be sufficient to manage development in the meantime.

6.2.3 Policies for the CBD broadly reflect the objectives set out in Policy AC1 and should be read in conjunction with Policy CP11 (Office Development). For the purposes of the sequential test for major office and leisure uses, the CBD is considered the 'town centre' and will be the first preference. Clearly, the CBD should not just be about new office or commercial development. It covers an area where there are numerous opportunities for other uses, including residential development. Most of these are within specific 'character areas' but others may exist on the periphery of the CBD.

6.2.4 The 'Core Area' (CA) reflects the main concentration of retail and complementary uses in the City Centre. While it is recognised that areas outside the CA do contain shops and services, this area represents the focus of activity and where the Council will encourage further retail activity and growth. For the purposes of the retail sequential test, the CA will represent the 'town centre' and will be the first preference when considering proposals that relate to the City Centre, have a city-wide catchment or where no specific geographic need has been identified.

6.2.5 The City Council will work with the two Business Improvement Districts (BIDs) companies and other partners to promote the CA and maintain or improve its vitality and viability. This will not just relate to the management of development and uses, but also in terms of working to create a lively centre; utilising public spaces for events and promoting the centre to visitors. A key part of the strategy for the CA as a whole will be to facilitate increased footfall

across the centre, ensuring that all areas thrive equally.

6.2.6 The City Centre has two high quality indoor markets. The NPPF requires Councils to retain and enhance markets, ensuring that markets remain attractive and competitive. The Council is currently carrying out a review of its market operations to assess how best to manage long term market provision in the City Centre. Using the results of this review, the Core Strategy will ensure that the requirements of national policy are met in the long term.

6.2.7 The Cathedral Quarter has long been identified as having a special character of its own. It is where the majority of Derby's listed buildings lie and much of its cultural attractions and heritage are to be found in this area. Working with the BID company, the Core Strategy will aim to build on its unique character and the range of commercial, cultural and leisure roles it currently fulfils. In particular, it will focus on bringing forward a number of key regeneration opportunities across the area, including the implementation of the Sadler Square regeneration scheme, the mixed-use regeneration of the St James' Yard site, the implementation of a new office scheme on Cathedral Road and the regeneration of the Assembly Rooms. These proposals have been in the development pipeline for some time and will be important in helping to support the area's economic activity.

6.2.8 Where other opportunities for regeneration become apparent over time, the Council will seek to ensure that they fit into the overall vision for the area, both in terms of use and design. The Cathedral Quarter straddles the CBD and CA. Outside the CA, the area has an important, and growing, role in the provision of high quality office accommodation. The Cathedral Quarter already contains a high proportion of professional services and this role is something that the Council will continue to support. Within the CA, the area is more focussed on retail, leisure and the evening economy.

6.2.9 The St Peters Quarter has a different role, also currently underpinned by a BID company. This area contains an extremely diverse range of uses within a range of different built environments. It also provides a vital link between the intu centre and the Cathedral Quarter. Maintaining and enhancing its vibrancy is also key to maintaining the vitality of these two areas. The St Peters Quarter sits entirely within



the CA and so inevitably has a greater focus on retailing and related uses. Policy AC3 provides more guidance on what will be acceptable on individual frontages, but the general objective will be to manage uses in order to maintain and increase activity. This also includes taking opportunities to make more use of spaces. This will be facilitated through public realm improvements at The Spot and St Peters Cross (the junction of St Peters Street and East Street). The nature of the area has meant that it has been significantly affected by changes to the retail market and economic downturn. It is unlikely that the level of floorspace in retail use will ever reach pre-recession levels. As such, some parts of the area may need to see a change in their role and function over time. This will have to be proactively managed through the consideration of change of use applications or regeneration proposals. More peripheral areas such as Green Lane would be subject to a more flexible approach to alternative uses.

- 6.2.10 The Becket Well and Duckworth Square area has been identified as a regeneration priority for some time. Market conditions and the sheer complexity of the site has meant that no deliverable scheme has been forthcoming. The Council will continue to support the comprehensive regeneration of this area, though it also recognises that incremental change may also be acceptable if it can help revitalise the area and not prejudice any long term options. In recognition that the retail market has changed considerably in recent years, there is no expectation that the redevelopment of the area should contain a significant retail element (though this would be acceptable if conditions were to become more favourable). However, any development should still serve to meet the Council's objectives for the City Centre. A mix of uses that are consistent with the nature and function of the City Centre would be acceptable, including residential.
- 6.2.11 The East Street area has been another area of change, impacted by the economic downturn. The Council will work with the St Peters Quarter BID company and local landlords to identify ways in which this can be addressed. Any proposals for change resulting from this will have to have regard to the locally listed buildings in the area.
- 6.2.12 The intu area covers both the intu centre and the Bradshaw Way Retail Park. The intu Centre has an extremely important retail and leisure function that is fundamental to attracting

visitors into the City Centre. The Council will seek to improve the integration between intu and the remainder of the City Centre. This will be done through improvements to the public realm, improved signage and legibility but also by ensuring that there is a good 'offer' in the rest of the City Centre.

- 6.2.13 The Bradshaw Way Retail Park provides opportunities for retailers who want larger footprints or who sell bulkier goods. There is no immediate requirement or expectation that this site will be redeveloped. However, the site may provide a long term opportunity for change. Proposals for retail or leisure would generally be supported if it can be demonstrated it would not undermine measures currently being undertaken to revitalise the St Peters and Cathedral Quarters.
- 6.2.14 The Riverside Area combines the requirement for strict policies on environmental and heritage protection with promotional policies promoting opportunities for significant change and regeneration.
- 6.2.15 The implementation of the OCOR programme will facilitate the regeneration of currently vacant sites north of the river. Any development would have to be consistent with the objectives of the programme and Policy AC8. On the southern side of the River, the former Full Street Magistrates Court and Police Station provides an opportunity for mixed use regeneration. The Council has converted the listed Magistrates Court into a new Local Studies Library and apartments and a hotel have been built on part of the former Police Station site. A range of uses would be allowed on the remaining areas of the site, including residential, office or leisure. Enhancements to the Silk Mill will also be implemented in this part of the area, both to protect an extremely important heritage asset, but also to improve the City's cultural facilities. The remaining undeveloped land adjacent to the Riverlights complex also provides an opportunity for mixed-use development in line with the requirements of this and other relevant policies.
- 6.2.16 The Council also intends to try and make the riverside a more important area of leisure activity. Importantly, part of the Riverside Policy Area falls into the Cathedral Quarter BID area and the St Peters Quarter BID area. This will help

to implement the improvements needed to help ensure that the Riverside plays an increasingly important part of the City Centre economy.

- 6.2.17 The Eastern Fringes covers the Castleward, former Derbyshire Royal Infirmary, Bass' Recreation Ground, the railway station and land north of the River Derwent that is currently occupied by the Trent Bus Depot and former Derby Telegraph (DT) premises. Two strategic allocations are made for major mixed use regeneration within this area under Policy AC6. However, the remainder of the area is still important.
- 6.2.18 Bass' Recreation Ground is an important, but currently underused, area of open space. Recent improvements such as the provision of a skate park have helped, but over the longer term the Council will work to make this a more accessible and usable space – particularly in relation to the Castleward development.
- 6.2.19 The railway station area has been subject to a number of improvements in the last two years, including the provision of new canopies and the construction of a new transport interchange. These have helped to make the station more accessible and create a better environment for passengers. The Council will continue to support measures that can further enhance the station and the attractiveness of rail as a means of travel.
- 6.2.20 Land to the north of the River Derwent is currently in use by Trent Buses. It is also subject to a high risk of flooding and thus cannot be considered as a deliverable development site at this time. However, the implementation of the OCOR programme may unlock development potential on this site. In this event, it may be suitable for new residential development.
- 6.2.21 Friar Gate Goods Yard is one of the most important regeneration priorities within the City Centre. It is home to a number of important heritage features, including the prominent listed Bonded Warehouse, Engine Shed and Friar Gate Bridge. The site provides opportunities for a mix of uses that can help to meet the wider objectives of the plan, including supporting the City Centre as a new residential neighbourhood and the sustainable growth of its economy.



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- 6.2.22 Development schemes should pay full attention to the important conservation issues presented by this site. The Bonded Warehouse and Engine Shed are important heritage assets on the site, for which new uses must be found as part of any development scheme. It is recognised that in order to secure the long term future of these important buildings, and the comprehensive delivery of any regeneration scheme, it may be necessary to allow higher value uses such as retail. However, any such development will still have to be subject to an assessment of impact on the vitality and viability of defined centres.
- 6.2.23 Uncertainty over the final land use mix and delivery of the site means that it is not currently appropriate to make a specific allocation. However, this is something that will be considered in Part 2. Until this time, AC2 provides some guidance as to the importance of the site and what the Council expects.



In all parts of the Eastern Fringes the Council will expect:

1. a high standard of design which reflects the requirements of Policy CP3 and CP4
2. a mix of housing typologies and supporting facilities to ensure that the new neighbourhood attracts a diverse population and caters for the changing needs of residents
3. a 'green link' through the area providing a pedestrian and cycle link from Arboretum Park to Bass' Recreation Ground
4. measures to improve accessibility to, and from, the City Centre, bus station and railway station by walking and cycling

The Council will work with partners to ensure that regeneration of the Eastern Fringes is delivered in a comprehensive manner and will use compulsory purchase powers if necessary to ensure delivery.

- 6.6.1 Castleward and the former Derbyshire Royal Infirmary provide a superb opportunity to create a sustainable residential neighbourhood in the heart of the City. The two sites will provide a minimum of 1,200 new dwellings but also supporting community facilities and complementary business and leisure development.
- 6.6.2 The regeneration of these sites has already been subject to a considerable amount of planning, culminating in the preparation of the 'City Centre Eastern Fringes Area Action Plan' (CCEFAAP). This process reached the 'preferred options' stage before being suspended to allow resources to be put into the Core Strategy. The CCEFAAP established a detailed vision and framework for the comprehensive regeneration of the area. This has helped guide proposals thus far and is being carried forward through the Core Strategy.



Castleward development - courtesy of Compendium Living

- 6.6.3 Castleward occupies a strategic position between the Core Area and the railway station. It has a wide range of uses including offices, industry, car showrooms and warehousing. It also contains a large amount of surface car parking. This area is considered to be under used and is an inefficient and mostly inappropriate use of land in such a prominent, important and sustainable location. The regeneration of this area for a high density mixed-use development will make more efficient use of the land and can provide much greater benefits to the City's economy and environment.
- 6.6.4 Outline planning permission already exists for the Council's preferred development partner Compendium Living to develop 800 new dwellings, a new primary school and supporting facilities. The first phase of this scheme is already under construction. This will also implement the first part of the 'Castleward Boulevard' pedestrian link, linking the railway station to the Core Area.
- 6.6.5 Land adjacent to Traffic Street is an ideal location for a landmark office development, due to its prominence and excellent links to the train and bus stations This gateway location may also provide an opportunity for taller development in line with Policy AC5.

- 6.6.6 The relocation of many hospital services to the Royal Derby Hospital has provided a major regeneration opportunity in a highly sustainable and prominent location. It provides a fantastic opportunity to create a sustainable high quality residential neighbourhood. Again, outline planning permission has been granted for a mixed use scheme which incorporates 400 new dwellings, some complementary uses and a new supermarket on the northern edge of the site. The supermarket proposal does not form part of the strategic allocation. In the event that the permitted scheme is not implemented, any future proposals for retail would have to be justified afresh in line with Policies CP13, AC1 and AC2.



Castleward development - courtesy of Compendium Living

- 6.6.7 The DRI site contains a number of features of historical importance. Any proposals should have regard to these. In addition, the site provides an opportunity to create a pedestrian link from the Arboretum through to Bass' Recreation Ground. These requirements will help ensure that the quality of development and the benefits it provides to the City are maximised.
- 6.6.8 Across the area as a whole, all opportunities will be taken to promote active travel, making the most of the proximity to the railway station, bus station and City Centre facilities.

7. MH1 - Making it Happen

The Council is committed to ensuring that the necessary and appropriate infrastructure, facilities, amenities and other planning benefits are provided to:

- Meet the objectives of this plan and mitigate the impact of development
- Facilitate growth
- Solve existing problems

The Council will only permit proposals for new development where a comprehensive and co-ordinated approach to both phasing and infrastructure can be demonstrated. In particular the Council will seek to ensure that the density, layout and design of roads, buildings and green space is comprehensively phased and implemented within identified development sites.

Through the use of planning obligations, the Council will ensure that new development will be supported by the necessary and appropriate infrastructure, such as:

- Affordable housing
- Education facilities
- Pedestrian, cycle and public transport facilities, disabled people's access and services
- Traffic management measures and road improvements
- Water, sewerage, surface water drainage and flood defences
- Health and community facilities
- Provision of green infrastructure, including public green space, sport and recreation facilities
- Public realm improvements and public art
- Protection or enhancement of the City's cultural heritage

- Any other infrastructure deemed necessary to mitigate the impact of the development

Proposals that do not make adequate provision for necessary infrastructure will be resisted.

The Council will:

- (a) work in partnership with infrastructure providers, grant funders, the development industry and other delivery agencies to seek the necessary infrastructure to support new development, mitigate its impact and improve the lives of people living in Derby
- (b) take the necessary action to implement the policies and proposals of this plan, including:
 - Applying planning conditions
 - Securing developer contributions
 - Entering into joint development schemes
 - Assisting with site assembly
 - Using Compulsory Purchase powers
 - Seeking external funding
 - Enforcement powers
- (c) use Section 106 obligations, the Community Infrastructure Levy (CIL) or successor regulations/guidance to secure developer contributions. Where appropriate, these contributions will be pooled to allow the provision of strategic infrastructure that individual schemes cannot justify on their own
- (d) set out strategic infrastructure priorities in its Infrastructure Delivery Plan
- (e) determine the nature and scale of any planning obligation

sought by taking into account specific site conditions and other material considerations including long-term viability. Redevelopment of previously developed land or mitigation of contamination may be taken into account

- (f) ensure that the necessary infrastructure is provided either on-site or off-site as part of the development or by making financial contributions towards its provision and/or maintenance

Where a developer can provide robust evidence to demonstrate that it is not viable to deliver the policy requirement, the Council may require developers to enter a 'clawback' agreement which will allow contributions to be increased in the future should higher levels of viability become achievable during the lifetime of a development.

7.1 Like many cities, Derby's growth will happen on sites located near to existing development, infrastructure facilities and networks. However, we recognise that the existing infrastructure is of varied age, quality and often under pressure from existing residents, businesses and visitors.

7.2 It is essential that the aims and objectives of the Core Strategy's spatial vision are met to ensure that Derby grows in a sustainable manner. This will need the necessary transport, physical, social and environmental infrastructure providing in a timely manner to support growth.

7.3 Cumulatively, almost all development puts additional pressure on infrastructure and should contribute to addressing that impact. While some infrastructure can be directly provided by, and directly serve a specific development, in many cases it will be necessary to pool funding from several developments. The use of planning obligations and the Community Infrastructure Levy have an important role in contributing to the provision of supporting infrastructure.

7.4 The Council and its partners have an important role in ensuring the City's infrastructure is maintained, improved and where necessary, expanded. The Infrastructure Delivery Plan (IDP) contains the strategies and projects of both the Council and its partners necessary to support development.





- 7.5 The Council's Infrastructure Delivery Plan (IDP) sets out the essential infrastructure required to deliver the Core Strategy. The schedule includes approximate costs, timescales, funding sources and, where known, likely delivery agents. The IDP is a 'living' document, and as such there will be on-going monitoring of infrastructure requirements and dialogue with infrastructure providers, throughout the Core Strategy Plan period. Where necessary the IDP will be updated and new priority schemes included.
- 7.6 The site specific policies outlined in this Plan specifically set out the infrastructure requirements to support each individual development site.
- 7.7 The Council currently has an adopted Planning Obligations Supplementary Planning Document which sets out the Council's approach, policies and procedures in respect of Planning Obligations. Its aim is to indicate the requirements that are likely to be needed, providing formulae for calculating contributions and ensuring transparency, certainty and speed in the application process.



Derby City Council

Council Plan 2019 – 2023



Derby City Council

Council Plan 2019 – 2023

Introduction from the Leader of the Council

I'm really proud to live in Derby, and I'm determined that we will deliver on a bold vision and strong plan that shows we care about our communities, and provides for our residents' and businesses' needs in a value for money, open and transparent way.

Derby has real strengths, great ambition and many opportunities ahead. We have a strong economy, a diverse city and a great central location. Our city also faces challenges that we need to tackle together if we're to achieve our potential. We must be adaptable, innovative and responsive in the light of ever changing economic trends in Local Government finances. We have to tackle the challenges posed in relation to continued provision of the best possible services for our children and most vulnerable people.

If we focus on the things that matter to the people of Derby, we can help them to lead healthy and happy lives, and create an environment where all our communities can raise their ambition and aspire to succeed in life, through education, wealth and employment.

Some of our infrastructure and transport connections need to be upgraded, and we must make the most of a number of up-and-coming opportunities to improve further on our already enviable geographical position at the heart of England. We are well positioned and determined to deliver the infrastructure, high quality homes and leisure and culture offer that our successful, growing city deserves. If we couple this with a strong Local Industrial Strategy, we can attract the wider investment, improved skills and productivity along with the research and development needed to secure future prosperity for local people.

In the light of recent national events, strong local leadership has never been more important. We have to broker and drive effective partnerships, secure inward investment and be the positive voice of the city. Derby City Council is a key player in a much wider regional partnership, and we are committed to raising the regional, national and global profile of our City to the best it can possibly be.

We are Derby - we want Derby people to enjoy living and working in and visiting our great city; to be happy, safe and healthy, with great opportunities and an enviable quality of life. Our focus this year is on delivery against our plan to achieve these aims.

A successful Derby is rightly proud of its people and its heritage, and is ambitious for the future. We have come a long way in the last twelve months but need your continued support and commitment to help us and our dedicated *Team Derby* officers to deliver our important plans for our future.

On the next page you'll see a summary of our whole vision in the Plan on a Page. We then set out each of our themes on pages 3, 4 and 5. Some examples of our areas of focus and the differences you'll see are on page 6. Lastly, page 7 introduces our values, which underpin everything we do.

YOUR DERBY - OUR DERBY!



A handwritten signature in black ink, which appears to read 'e Poulter'.

Councillor Chris Poulter
Leader of the Council

Vision

Derby – a caring and successful city at the heart of the Midlands, proud of its heritage and ambitious for the future

Delivering for Derby – our Plan on a Page

We want the best for Derby and its diverse communities. We are committed to our leadership role in shaping Derby’s long-term development and in sustaining the city as a great place to live, work and visit. To do this, we are outward looking, providing and commissioning a very broad range of services, and working collaboratively with our partners to secure our vision of a proud, successful and ambitious Derby.

Over the last year, we’ve taken stock of where we are in terms of our city, its communities and the council, and have refocused our organisation, its activities and how we engage. Our vision for Derby is straightforward: a caring and successful city at the heart of the Midlands, proud of its heritage and ambitious for the future. A place with big ambitions, where citizens are healthy and happy, and supported by a Council focussed on the things that matter to the people of Derby. These three themes are used throughout this plan, so we can be clear about our priorities and deploy our resources to deliver them.



These actions are underpinned by our core values which, put simply, reinforce that the Council, its councillors and officers are here for Derby.



Population of Derby



Satisfaction with Derby as a place to live



Gross Value Added per worker



Average earnings of residents



Deprivation

Themes

A city with big ambitions

A city of health and happiness

A council focussed on the things that matter

A city with big ambitions

Derby is a great city, but we can be even better. We're already world leaders in some fields and, with the right support, our citizens can achieve great things. This theme is about ambition, being connected to the world and ready to optimise the opportunities that lie ahead.

Our story so far

Derby is built on science and industry, from the world's first factories, through the invention of the jet engine, to recent major investments in aerospace, rail and advanced manufacturing. Our central location is a major competitive advantage, and the University plays an important and increasing role in the life and future of the city.

Derby is a regional destination for shopping and leisure. Our Cathedral Quarter was named Best British High Street in 2016. We have a great food and drink scene, a diverse cultural offer, and events that bring the city together all year round. We recognise there is more work to do in developing a vibrant and cosmopolitan city centre.

In the last year, we've made significant progress towards re-opening the Assembly Rooms, securing the future of the Market Hall, and progressing redevelopment in the Becketwell area. We secured agreement to develop a new Advanced Manufacturing Research Centre at Infinity Park, which will build on our historic strengths, and we deepened our international trade and development relationships.

We also published our Economic Growth Strategy, which aims for an inclusive economy with growth that works for all. To support this aim, the Enterprise for Education programme created over 14,000 encounters between young people and our major employers. School results at all levels improved again, and Early Years outcomes for children with fewer opportunities were notably strong, which is an important foundation for making sure everyone can benefit from our big ambitions.

Where we want to be

Where there are inequalities in Derby, we will promote fairness so that everyone benefits from the opportunities in our thriving local economy. Educational outcomes for pupils with fewer opportunities are too low, and are being addressed through our Opportunity Area programme. The creative, digital and technical (STEAM*) skills of our young people are essential to keeping us competitive in the knowledge economy, along with a physical infrastructure that is fit for the future.

Many Derby people work in sectors where more automation is expected in the future. So we need to continue to build national and international partnerships to attract new investment and to support our diverse small business sector to grow and create the careers of the future. This will require further development of new skills in the creative and high-tech industries, research and development, and the ability to evolve rapidly.

*STEAM – Science, Technology, Engineering, Arts and Mathematics as access points for guiding students in their pursuit of learning and skills.

Themes

A city with big ambitions

A city of health and happiness

A council focussed on the things that matter

A city of health and happiness

Whilst we look to the future, we are also focussed on making Derby a great place to live in the here and now – somewhere that people from all generations and all backgrounds can have a good quality of life, and feel part of a thriving community, because we know that a happy city is a healthy city.

Our story so far

Derby is one of the best cities in the UK to raise a family. Our city is green, accessible, young and diverse, with 25% of people being from a minority ethnic background. 90% of people say they are satisfied with their neighbourhood; well above the national average.

However, there are significant health inequalities between the most and least affluent parts of Derby. Overall, the city has a high prevalence of smoking, and high rates of alcohol-related harm. Prevalence of mental health issues is similar to the national picture. Like most English councils, we've seen increases in the numbers of children and young people in need of protection, or coming into care, compared to five or ten years ago, and this is linked to the wider picture of health and wellbeing. This is causing significant pressure on our budget.

In the last year, we've continued to lead the way in effective partnerships with the NHS, supporting people to live in the community and getting them out of hospital as soon as they are well enough. We've minimised agency staffing in Children's Social Care, so that young people can build a relationship with a consistent worker, and successfully launched Adoption East Midlands with our regional partners so that children in care can be more quickly matched to adopters.

We've reconfigured our homelessness services and provided formal assistance to many single people in line with our new duties. We've pressed on with Derby's exciting new swimming pool complex, which will become a great leisure destination. And we've supported hundreds of people to lose weight, quit smoking, and get more active, including in Derby's fantastic parks, which won a record 14 Green Flag awards in 2018.

Where we want to be

We are leading players in the Derby Partnership, and support its goal of making sure that everyone in every part of Derby has good health, a great quality of life, feels safe in their community, and has opportunities to get on, especially those with additional needs.

The current high numbers of children in care will mean more care leavers in future, and we have a special responsibility to help them thrive as young adults. It also means we need more foster carers so that children can be placed in or close to Derby. We're also working hard to make sure vulnerable adults and children are kept safe from harm.

We are planning for a future with an older population, alongside forecasts that there will be more disabled adults. We'll do this through further integration with NHS partners, and continuing to promote lifestyles that support good physical and mental health and building a new swimming pool complex at Moorways. Our focus will be on independence, early intervention and services delivered in the community, in people's homes where possible and using technology where appropriate.

Themes

A city with big ambitions

A city of health and happiness

A council focussed on the things that matter

A Council focussed on the things that matter

The City Council is here for Derby, and our third theme brings together all the action we're taking to make sure we are serving the city in a modern and efficient way, and securing the most benefit for every pound we spend. We are your council, governed by the councillors you elect and funded by taxpayers, so listening to your views is a priority for us.

Our story so far

We have some amazing people and dedicated teams, and we're improving fast, but there is more work to do before we are a consistently strong and effective Team Derby in supporting the city we serve. Over the last couple of years we've achieved major improvements in our culture, planning and governance. We have a range of colleague equality networks, who support and advise us. Our Team Derby Improvement Plan sets out how we'll take our performance culture to the next level.

We have a Medium Term Financial Plan that will require hard work and difficult decisions to achieve the savings we need to be effective with reduced resources. In particular, we're looking at ways of managing demand in areas including social care and universal services. We may need to deliver some valued services in different ways, for instance, using new technology, and working differently with partners.

Our political groups are working together on options to review our decision making and electoral arrangements. How we engage with communities and partners and involve people in the big decisions about their city also needs to be refreshed.

In the last year, we involved colleagues and other stakeholders in a wide-ranging corporate review, which has informed our vision, values and the Team Derby Improvement Plan. We have strengthened our grip on performance, risk and project management. We also launched a major drive to focus on colleagues' wellbeing, including training over 50 Mental Health First Aiders. We moved more services online, reducing costs and improving convenience, and we assisted customers through the rollout of Universal Credit full service in Derby, providing over 800 people with support on budgeting and using digital processes.

Where we want to be

We want to be a council that continues to listen to communities, and earns their trust, is open and transparent, and which leads effective partnerships to successfully tackle the challenges of the future and achieve Derby's potential.

We want a skilled, diverse and flexible council workforce; colleagues who are ambassadors for the city, and who consistently live our values every time the public interacts with us.

We must continue to get the most out of the limited resources we have and secure a balanced budget. As signatories to the Local Digital Declaration, we'll continue to challenge ourselves to make services as lean and efficient as we can, using digital solutions and other streamlined, modern approaches to simplify, focus on customer value and reduce overheads wherever we can. And, if there are some things that partners can deliver better than we can, we will also look at alternative models for service delivery if that will generate value for the public.



Our Council Plan sets out our overarching direction of travel. Each year we also publish a Council Delivery Plan, to set out exactly how we will deliver the Council Plan. This is where our themes focus down on the practical actions that will bring the Plan to life and help deliver our vision.

A city with big ambitions	The differences that you'll see: <ul style="list-style-type: none"> • Better educational outcomes, including for our vulnerable young people and those with special educational needs and disabilities♦. • A refreshed City Centre Masterplan and delivery of key regeneration projects. • Improved transport links, maximising opportunities through HS2, the National Infrastructure Commission and Transforming Cities Fund. • Refreshed strategic partnership, including an updated Derby Plan. • Delivery of our Derby Economic Growth Strategy, to increase business growth and create more jobs♦. • Completion of the Museum of Making project at Derby Silk Mill. • Progress the re-development of the Market Hall. • The Assembly Rooms re-opened.
Culture Economy Regeneration Skills Transport	

A city of health and happiness	The differences that you'll see: <ul style="list-style-type: none"> • Continued work with our partners to promote independence and keep vulnerable children and young people and adults in the city safe♦. • More fostering households in the city, supporting our looked after children to achieve the best outcomes possible. • More affordable housing, including new housing developments♦. • A new swimming pool complex at Moorways. • Our Move More Derby Strategy supporting everyone to be more active, improving the health and wellbeing of the city♦. • Improved air quality through delivery of an overarching strategy. • Work with partners to reduce Derby's carbon footprint. • Strengthened neighbourhoods, with better networks and connections♦.
Children and adults Health and wellbeing Housing Leisure Neighbourhoods	

Across both of these themes, we'll continue our focus on closing the gap with our partners – making sure that there are great opportunities in Derby that are equally available to all, with everyone being supported to thrive. Key contributors to this underpinning theme are indicated by a blue diamond ♦.

A council focussed on the things that matter	The differences that you'll see: <ul style="list-style-type: none"> • A city with global, national, regional and local influence. • More opportunities to have your say, with the views of Derby people at the heart of the open and transparent decisions that we make. • Services that have been reviewed, from a customer perspective, with our frontline colleagues, to ensure we provide best value for money. • Colleagues who feel recognised and valued. • Colleagues who are supported to develop and learn. • The delivery of our Digital by Default and Digital Workforce programmes. • Strengthened oversight of our major projects. • A balanced budget and sustainable Medium Term Financial Plan.
Delivering for Derby Engaged Modern and efficient Value for money	



These activities are underpinned by our core values which, put simply, reinforce that we - the Council, its councillors and officers - are here for Derby.

Our values and behaviours describe who we want to be and how we will achieve this. This is the basis of who we are, the way we work and the type of people we like to employ. Our values inform our future and set us on the right path.

We are bold, we are strong, we care about Derby and we value great people working together as one team.

 <p>we are BOLD</p> <p>We have the courage to speak up, challenge current systems and practices, and feel empowered to take appropriate and measured risks</p>	<p>We are courageous and find innovative and creative ways to deliver and challenge the status quo</p> <p>We are open minded, take reasonable and explored risks and make responsible decisions</p> <p>Our positive attitude means that we find ways of achieving excellent outcomes</p>	 <p>we are STRONG</p> <p>We excel using our strengths and have the confidence to ask for help and support when we need to</p>	<p>We are responsible and accountable, speaking up and encouraging challenge</p> <p>We are self-aware so know our own strengths and limitations</p> <p>We take responsibility for our own learning and development</p>
 <p>we CARE</p> <p>Caring is what motivates us. We care about what we can achieve for Derby</p>	<p>We care about the wellbeing of all our colleagues, customers, citizens and stakeholders</p> <p>We behave with integrity, celebrate diversity and challenge inequality</p> <p>We are public servants doing our best to achieve positive outcomes for Derby every day</p>	 <p>great people ONE TEAM</p> <p>We get the best out of each other and together achieve great things for Derby</p>	<p>We are proud of making a difference for Derby and look for opportunities to collaborate</p> <p>We value and trust others, give and receive constructive feedback and support each other</p> <p>We are driven to make a positive difference every day</p>

These values underpin what we expect from our managers and colleagues throughout the Council. They are embedded in our appraisal system, to ensure that each colleague is focussed on doing their best for Derby and delivering the vision, aims and objectives contained within the Council Plan, the Delivery Plan and their service plans.

We can give you this information in any other way, style or language that will help you access it. Please contact us on: 01332 640767
Minicom: 01332 640666

Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku.

Prosimy o kontakt: 01332 640767 Tel. tekstowy: 01332 640666

Punjabi

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Slovakian

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Urdu

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منی کام 01332 640666 پر ہم سے رابطہ کریں۔



Derby City Council

Derby City Council The Council House Corporation Street Derby DE1 2FS
www.derby.gov.uk

Extract from Derby Economic Growth Strategy 2018 – 2022, section 1.1

Available at

<https://degs.derby.gov.uk/1-derbys-economy-an-overview/1-1-derbys-economy-some-headlines-in-2017/>

Our Key Challenges

- **Higher-value business services remain under-represented in Derby.** Cities are increasingly the focus for such activities, which in turn are key to future productivity and attracting tomorrow's wealth creators. Derby is not keeping up with wider trends. The share of jobs in knowledge intensive business services (KIBS) in the City is 12% compared to 14% nationally. Between 2011 and 2015 the total number of jobs in this sector grew much faster across D2N2 (+10%) and nationally (GB, +13%) than it did in Derby (+4%)^[11].

To sustain and grow the strong productivity levels in the Derby economy, more needs to be done to support growth and diversification of the higher-value service sector to complement its recognised success in productive sectors.

- **There is a 'missing middle' of work in Derby for skilled workers.** The profile of work in Derby has polarised since 2011 as the City saw the number of skilled jobs shrink by 5,900 (-18%). Compared to 2011, more Derby jobs are in higher-order managerial, professional and technical roles (+3,800; 7% growth); but more are also in lower-order unskilled service (+10%) and manual work (+20%).^[12]
- **There is an ongoing mismatch between the skills of city residents and the needs of many city businesses.** While 44% of Derby jobs are in higher-order occupations – managerial, professional and technical – this includes a proportion of workers living outside of the City^[13]. As might be expected of a tightly-bounded City with an attractive rural hinterland, Derby draws some of its highly-skilled labour from outside its boundary, a missed opportunity for Derby's own local labour pool and for retaining economic value and spending in the city.

Fewer people (16-64) in Derby have a higher-level qualification (NVQ4+) than the national average (Derby 33%; UK 38%). The skills deficit is particularly acute at the entry-level – a key issue is the level of basic employability in the labour market^[14].

- **Derby has a clear gap between the value of employment in Derby and the economic wellbeing of its residents** partly because of strong labour flows to and from the city – in particular to surrounding districts. The average (median) job in Derby pays £32,300 whilst the average resident earns £28,650 – a gap of £3,650 (11%)^[15].

Encouragingly, this gap has closed significantly since 2010, when the difference between average job value (median) and average resident earnings was £5,900 (18%). Continued progress in creating more higher-value jobs will be required to ensure that the City's residents have the opportunity to share in its future economic growth.

- **The benefits of Derby's growth are not spreading across the whole-city.** As with many large urban centres, Derby has a greater share of more deprived households than the national average – almost a fifth of local neighbourhoods (LSOAs) fall within the 10% most deprived nationally^[16]. Encouragingly, however, unemployment (JSA claimant count, % 16-64) was line with or below the national average for the two and half years to mid-2017^[17].

Housing Strategy 2020-2029



Derby City Council

Spring 2020
315

Front cover: An impression of Castleward Urban Village (provided by Sandy Morrison of HTA housing design specialists www.hta.co.uk)

Located between the train station and Intu shopping centre, Castleward will be a distinctive place combining high quality homes with the benefits of city centre living. A first phase of 164 dwellings has been completed and a second phase of 54 dwellings is due for completion in July 2020. A total of about 800 homes are planned to be completed over the next 15 – 20 years.

Foreword

A safe and settled home is the cornerstone on which individuals and families enjoy a better quality of life. In fact, good quality, well managed housing is essential to health and wellbeing, enhancing the lives of adults and the life-chances of children. It not only provides shelter, but promotes stability and a sense of identity.

Strategic planning for the continued and effective provision of housing and related services in Derby is therefore a key priority.

Nationally, housing as an issue is more high profile than it has been for many decades. Government has announced a series of policies to 'Fix our broken housing market' and backed these up with substantial new funding streams intended to accelerate construction and tackle infrastructure barriers. It has also lifted the borrowing cap on stock-owning authorities such as Derby. These measures will improve access to the resources required to build more affordable homes.

But in delivering improved housing and related services we are nevertheless faced with a number of challenges.

Although capital funding for new build is more substantially available, significant revenue pressures to the Council and its partners persist. Consequently, the medium term financial outlook for Derby, as for many local authorities, remains extremely challenging. These pressures restrict the scope for providing the support services necessary to help vulnerable people live sustainably in suitable homes.

Relaxation of national planning guidance also causes concern in some quarters that new development might be focusing on 'quantity over quality'. While the possible extension of 'Right to Buy' to cover Housing Association properties as well as Council properties may further reduce the stock of scarce affordable housing.

These and other factors, such as the growing and ageing population, are likely to increase the demand for services while further stretching resources. Nevertheless, the challenge - and our intention - remains to maximise the supply and quality of suitable homes across tenures, while supporting broader goals around health and wellbeing, economic growth and regeneration.

In order to ensure our actions continue to be up to date and successful, they should be based on a clear and comprehensive strategy.

We would like to thank all those who have worked with us in shaping this document, which provides the broad framework to maximise the effectiveness of service provision across agencies.

To succeed, the strategy needs the backing of all partners; please give it your support.

Thank you.



Councillor Roy Webb

*Cabinet Member for
Adults, Health and Housing*

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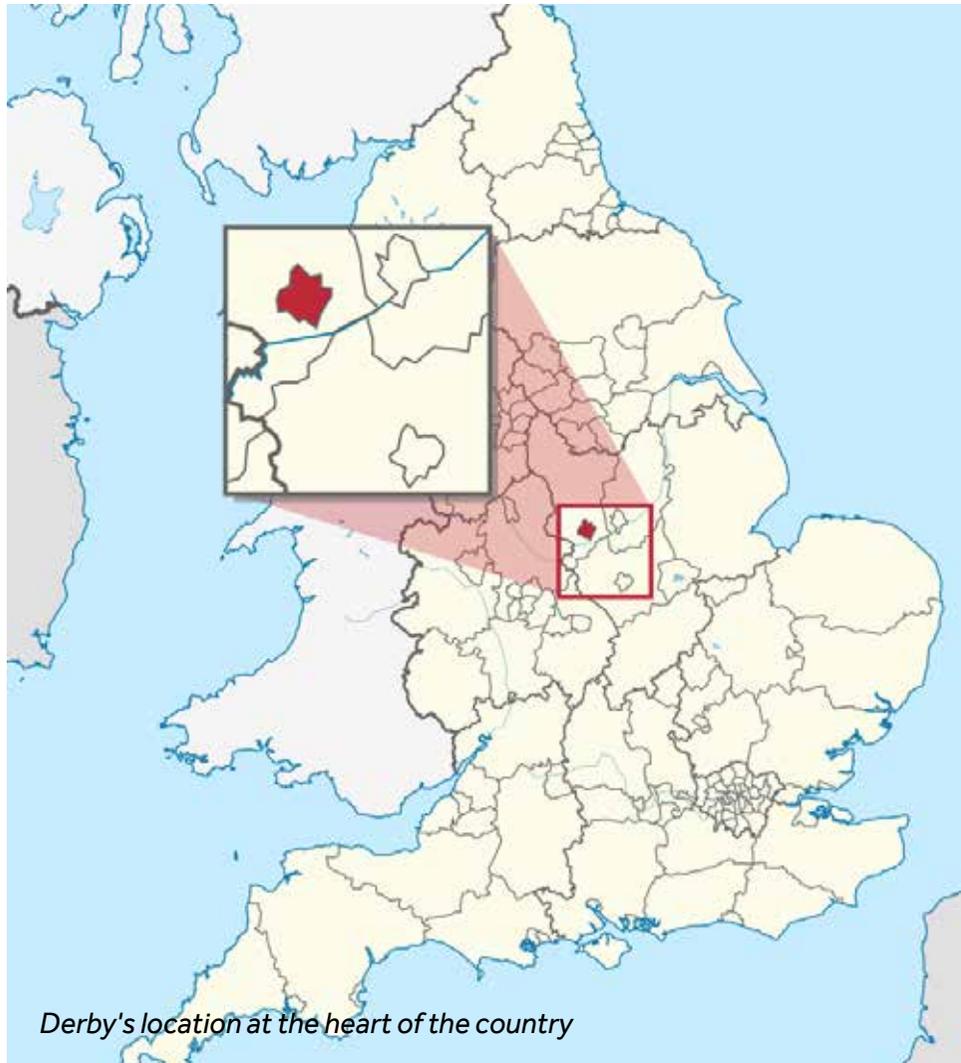
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In writing this strategy we have followed 'Plain English' guidelines. However, the use of some technical terms has been essential, but we provide a comprehensive table of terms and abbreviations at the end of the document.

Section 1

Setting the scene



Derby's location at the heart of the country

Part 1:

A Vision for Housing / Purpose and Scope / Strategic Context

1. The City of Derby

Derby is the third largest city in the East Midlands. It is administered by a unitary authority, Derby City Council, and comprises a clearly defined city centre and distinct neighbourhoods. It has good road, rail and air links and has a prominent manufacturing sector, which provides employment for approximately one quarter of the workforce. There are large manufacturing, service and engineering industries in the locality, including Rolls-Royce and Bombardier. Derby has a population of over a quarter of a million people, inhabiting in excess of 110,000 homes.

2. Housing and Housing Services

Housing is important. Good quality, well managed housing is essential to health and wellbeing; it enhances the quality of life of adults and the life-chances of children. It enables people to access the services they need and maintain independence, contributing to stability and a sense of identity. These elements all support secure, thriving communities.

Investment in housing can also be a key driver for economic growth and regeneration. Expenditure on house building creates jobs for construction workers and those in associated occupations, with 'knock-on' effects on demand in the broader economy. Improving housing stock and conditions can therefore also play a critical role in urban renewal programmes.

The importance of housing for Derby residents is also borne out in consultation exercises¹. In these exercises, people have frequently expressed their wish for the provision of good standard homes in desirable areas that are available at an affordable price.

Ensuring housing is of sufficient supply, suitable quality and properly managed are therefore key priorities in Derby. This applies whether the housing is owned privately, by a housing association, or by the Council.

3. Vision

Our priorities for housing in Derby are captured in the following vision statement:

To ensure all Derby's residents have access to good quality homes and housing services which support communities and improve quality of life.

We have identified four key priorities which must be delivered if we are to achieve this vision. These are discussed in section 2.

Purpose and Scope

This strategy broadly sets out how we plan to achieve this vision over the next ten years. It sets out our general 'direction of travel' and our major priorities. It also stipulates key actions which will help achieve these priorities.

¹ Such as for the Older Persons' Housing Strategy 2019, the Empty Homes Strategy 2015 and the 'Big Conversation' consultation which ended in 2016.

It is not intended to specify an exhaustive list of detailed actions, but does point to a number of related policies and strategies, where relevant and detailed delivery plans can be found. These can be accessed through the links provided at the end of each chapter.

4. Strategic Context

The Council Plan

Derby City's [Council Plan](#) establishes the long term vision for Derby as:

A caring and successful city at the heart of the Midlands, proud of its heritage and ambitious for the future.

The Council Plan sets out the city's over-arching goals. It includes three main themes - Derby as a place with big ambitions, where citizens are healthy and happy, and supported by a Council focussed on the things that matter to the people of Derby.

This Housing Strategy directly supports the vision and themes of the Council Plan and seeks to contribute to the goal of making Derby a happy and healthy city.

Economic Growth and Regeneration

[Derby's Economic Strategy 2018-2022](#) recognises good quality, reasonably priced housing as a driver for a thriving sustainable economy. Its vision for 2022 includes Derby as the UK Capital of Innovation, creating, attracting and retaining 'urban entrepreneurs' as part of an innovative economy.

It stresses that to attract and retain the highly skilled workers² and innovative and entrepreneurial talent that Derby businesses require, we must offer a high-quality built and natural environment and housing of sufficient quality. Similarly, to develop a vibrant city centre it is necessary to persuade higher-income families to live closer to the centre. This has the added advantage of supporting wealth retention, as earnings are spent in the city's core area. It also reduces pressure on transport infrastructure and the environment.

The City Centre Masterplan 2030 identifies the city centre as one of the Derby's key economic assets and one of its best opportunity locations for future growth. The masterplan targets are to deliver 4,000 new jobs and 1,900 new homes in Derby City Centre by 2030.

Further evidence of the importance of housing to growth is provided in the work of the Local Enterprise Partnerships (LEPs). These are partnerships between local authorities and businesses set up in 2011 under the direction of the Department for Business, Innovation and Skills. Their purpose is to help determine local economic priorities and lead economic growth and job creation. Derby is part of the Derby and Derbyshire/Nottingham and Nottinghamshire LEP known as 'D2N2'.

The D2N2 LEP recognises that building and maintaining housing is a key driver of economic activity³

In addition to housing's role in supporting growth in the wider economy, there is considerable economic benefit to be gained from investment in housing development. Every £1 invested in house building generates £2.84 of economic activity.

² According to the ONS at [Employee Earnings in the UK:2018](#) average weekly gross pay for full time workers in Derby is higher than the East Midlands average and the Great Britain average. Derby's strengths in advanced engineering will be bolstered by the development of the Rolls – Royce / Aerospace Campus in the south of the city. While the iHub at Infinity Park Derby will boost transport equipment manufacturing and related transport technologies in the 'planes, trains and automobiles' sector.

³ [D2N2, Vision 2030, www.d2n2lep.org/](#)

D2N2 supports skills development, encourages apprenticeships (for example in the construction industry), facilitates innovation (such as modern methods of construction) and invests in transport, road and other infrastructure projects that help release sites and remove barriers to building more homes.

Working with D2N2 we have been successful in accessing funds to invest in a number of infrastructure and development projects that contribute significantly to the vitality of the city and will continue to do so for the duration of this Strategy and beyond. More detail on the work we will do in this regard can be found in Priority 4.

Planning

The Derby Local Plan⁴ was approved and adopted in January 2017. It is our key planning document that sets out our long-term strategy for the spatial development of Derby to 2028.

The Local Plan allocates land for development and includes proactive policies for the delivery of housing. It provides a clear indication of the scale and distribution of housing growth required to meet the city's needs. It also includes policies to ensure that the right sizes and types of new homes are provided, having regard to matters such as the surroundings, densities, character, design, site layout and energy efficiency.

A target of delivering a minimum of 11,000 new homes in the city between 2011 and 2028 is included in the plan. It seeks the provision of 30% affordable housing on developments of 15 dwellings or more, subject to viability. This policy is based on achieving a balance between housing delivery and meeting affordable housing need. It recognises there will be times when 30% is not viable and provides scope for negotiation⁵.

⁴ Derby City Local Plan – Part 1, Core Strategy January 2017, <https://www.derby.gov.uk/>

⁵ These targets and thresholds may be subject to amendment as the government adds to and clarifies national guidance.

Evidence from the Strategic Housing Market Assessment (SHMA) and a city-wide 'viability appraisal' has been used to inform this policy position⁶. Similarly, the evidence provided by the SHMA and the policy position set out in the Local Plan have informed this Housing Strategy.

Health and Wellbeing

2019 saw the 100th anniversary of the Housing and Town Planning Act (the "Addison Act") and the advent of Council housing. The Act's promotion of generous space standards and public amenities specifically aimed to improve the health of residents and the wellbeing of their communities.

Derby's 2019 Private Sector Housing Stock Condition Report states: *Living in suitable housing is increasingly being recognised as playing a central role in health and wellbeing. Public Health England lists housing as a positive protective factor across the life course, together with having a healthy balanced diet, access to physical activity, good education, stable employment and support networks.*

The health needs of the people of Derby are periodically analysed through a Joint Strategic Needs Assessment (JSNA)⁷. The aim is to improve the physical and mental health and wellbeing of individuals and communities. It is produced and implemented by Derby City Council and NHS Derby & Derbyshire Clinical Commissioning Group (CCG) through the Health and Well Being Boards.

Derby's JSNA recognises the importance of housing to health and wellbeing, stating...

Housing is a key determinant of health, with poor quality housing being intrinsically linked with poor health. Poor housing conditions continue to cause preventable deaths, illness and accidents; they contribute to health

⁶ Derby SHMA at www.derby.gov.uk/housing-strategy

⁷ Derby City Council www.derby.gov.uk/health-and-social-care/joint-strategic-needs-assessment/

inequalities, impact on peoples' life expectancy and on their overall quality of life.

Derby's Health and Well Being Strategy also recognises the role housing plays, stressing that living in poor quality or otherwise unsuitable housing is a potential major factor in ill-health, accidents and wellbeing. In contrast, availability of good, suitable housing is identified as a driver for better health and enhanced wellbeing.

The highly respected King's Fund has reported that 'Housing interventions...are an efficient use of resources. Every £1 spent on improving homes saves the NHS £70 over 10 years⁸.' This means that resources spent on dealing with poor or unsuitable housing is effectively an investment in health. When local authorities act to improve housing conditions there is a resulting financial benefit to the health sector.



⁸ Source: Public health spending and return on investment at www.local.gov.uk

5. Corporate Links

The links between these policies, plans and strategies and the Housing Strategy are illustrated in figure 1 below:

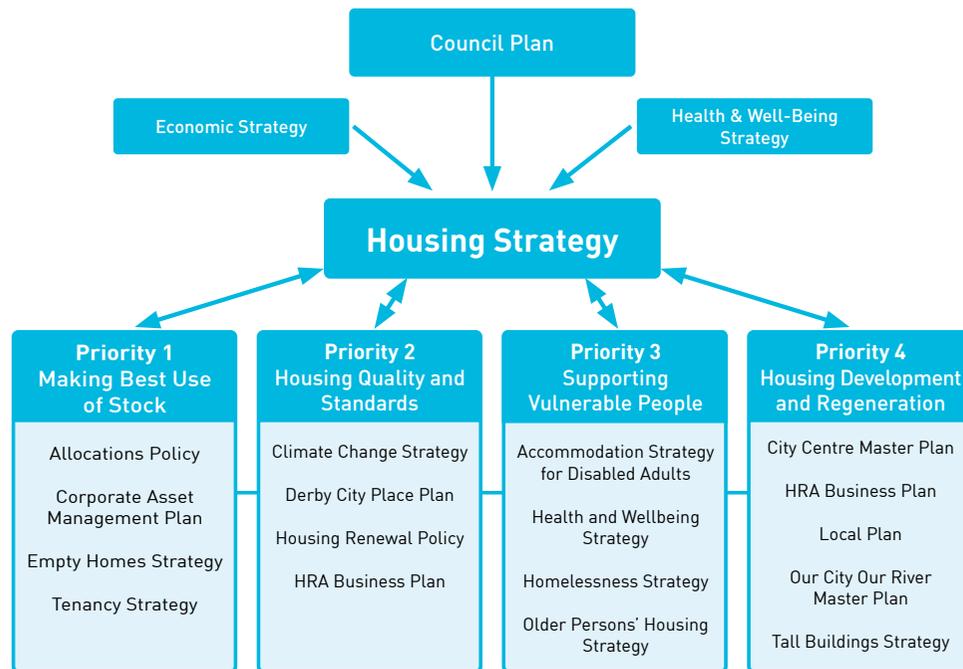


Figure 1: The Housing Strategy's position in relation to the Council Plan and other related strategies, plans and policies

Figure 1 also sets out the key priorities of the Housing Strategy. These are discussed in detail in section 2.

6. Developing this Strategy

This strategy was drafted and reviewed in Autumn 2019 in dialogue with a wide range of stakeholders, including:

- Derby Homes and our housing partners
- Partners in Health and Social Care
- Other Council departments in related service areas such as Public Health, Adult Social Care, Commissioning, Regeneration and Planning.

Wider public consultation over the draft strategy took place between December 2019 and March 2020. The findings of this consultation along with an Equalities Impact Assessment fed into the final version of the strategy, which was completed in March/April 2020.

7. Equalities

A full Equalities Impact Assessment (EIA) of this draft strategy was undertaken in January 2020. Its purpose was to assess and ensure that access to services is maximised for everyone and that the strategy has a positive impact on the equality groups. More information on the intended equalities impact of this strategy can be found in section 4.

More information

- The Council Plan 2019-23; Economic Growth Strategy; Local Plan: www.derby.gov.uk
- Health and Well Being Strategy: www.derbyshirepartnership.gov.uk/
- Derby City's current housing related strategies and policies: www.derby.gov.uk/housing-strategy



Chester Green: to the left, a sympathetically designed flood defence wall

Part 2: Major Changes since the Last Strategy

Changes to the legal, political and financial context, all of which will affect the delivery of this new strategy, have continued since we released our last strategy in 2015. Most of the changes outlined in this section are national changes which affect Derby and other areas across the country. Local changes and impacts are specified where applicable.

1. Welfare Reform

Implementation of the changes to the benefits system inaugurated by the Welfare Reform Act 2012 has continued through the Welfare Reform and Work Act 2016.

- The housing benefit cap was lowered.
- The value of most working age benefits was frozen for four years.
- Local Housing Allowance (LHA) rates were also frozen for four years. (These are used to calculate the amount of Housing Benefit or UC that is payable toward the rent in the private rented sector).

These welfare reforms and how they are paid and administered has in some cases impacted negatively on certain low income groups. Landlords and housing providers can also be affected through increased rent arrears and the costs of providing financial advice and inclusion services.

Probably of most significance to social housing landlords was the requirement that social rents be reduced by 1% each year from 2016 to April 2020. This followed a policy of, broadly speaking, rent increases for 10 years to 2015/16. This change led many providers to reconsider their business plans and in many cases scale them back or postpone them. On the whole, the Council with Derby Homes has been able to sustain a programme of new homes and good service for existing tenants despite these rent reductions. From 2020 rent increases will be restored at the rate of CPI plus 1%. These increases are expected to continue for a minimum of 5 years and coupled with the relaxation of the HRA debt cap, will support new investment in housing.

2. Local Government Funding

Funding for Housing Investment

The government has made substantial new funding streams available for capital investment in new house building. The HRA debt cap - the cap on local authority borrowing through their Housing Revenue Account - was lifted from November 2018. According to Savills, 100,000 additional homes could be built nationally as a result.

Additional funding streams, often a mixture of grant and loans, are intended to accelerate construction and tackle infrastructure barriers. They represent the most substantial new funding for house building for many decades. The major streams comprise:

- Housing Infrastructure Fund
- Land Assembly Fund
- Accelerated Construction Programme
- Home Building Fund

- Small Sites Fund
- Community Housing Fund

It should be noted that these funds are subject to strict eligibility criteria and a competitive bidding process. They are often rolled out over a period of years. More detail can be found in the [Homes England Strategic Plan](#).

Additional funding to support vulnerable groups is also made available periodically, usually through MHCLG. Current examples include the Care and Support Specialised Housing Fund (for specialist accommodation for older people and adults with disabilities or mental health problems) and the Move On Fund (to support rough sleeping initiatives).

Overall Funding

Notwithstanding the funding streams outlined above, financial pressures to local government have been well documented and are likely to continue for the foreseeable future¹:

Derby has continued to be subject to these pressures. From 2010/11 to 2018/19 the Council had to make savings of about £175 million, and further savings of over £20 million are required between 2019/20 and 2022/23. These savings are restricting the scope for mainstreaming provision of the services needed to support vulnerable people live sustainably in their homes.

¹ For example see the Select Committee report, 21 August 2019: "Local Government Finance and the 2019 Spending Review." <https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/2036/203602.htm>

3. Government Guidance and the Political/Legal Framework

- The National Planning Policy Framework (NPPF) was reviewed in 2018 and replaced in 2019. The changes emphasised the theme of accelerating house building, to meet the government's target of building 300,000 new homes annually by 2025.
- Permitted development rights, introduced temporarily in 2013 to allow the conversion of offices to residential use, were made permanent in 2016, and extended to include conversions from light industrial use. The aim was to unlock brownfield sites and increase the number of new homes.
- The Housing and Planning Act 2016 introduced a range of measures that impacted the private rented sector. It sought to crack down on 'rogue' landlords through Banning Orders, Civil Penalties, the extension of Rent Repayment Orders and a National Rogue Landlord Database.
- Changes to tax relief and an increase in stamp duty were made to put a break on the growth of buy-to-let, seen as contributing to increasing house prices, and to 'level the playing field' with other house purchasers. Institutional investment in large scale build-to-let schemes was incentivised.
- The publication in February 2017 of the [White Paper, Fixing our broken housing market](#) marked a shift of emphasis in investment priorities back towards rented housing.
- The awful tragedy of the Grenfell tower fire of 14 June 2017, in which 72 people were killed and hundreds lost their home, raised the provision and management of social housing in particular to the forefront of political attention.
- One of the major reports published as a result of Grenfell, *Building for our future: A vision for social housing recommends*, "...a historic renewal of social housing, with a 20-year programme to deliver

3.1 million more social homes." It claimed the net annual cost – after savings in benefits and increased taxes – would be less than £4 billion, "worth the money, compared with the £21bn spent on housing benefit annually and our £62bn budget for capital expenditure" and would provide an estimated return on investment over 39 years.

- The Homes (Fit for Human Habitation) Act 2018 required that social and privately rented properties meet certain standards, both at the beginning and throughout a tenancy.
- The [Homeless Reduction Act](#) became law in April 2018. This emphasised prevention, early intervention, and support for families and single people faced with homelessness. A National Rough Sleeping Strategy was announced on 13 August, with £100 million funding and the objective to end rough sleeping by 2027. This was followed in 2018 with the publication of a [Housing Green Paper, "A new deal for social housing."](#) This was said to, "herald[s] a fundamental rethink of social housing in this country.", though concrete proposals for action are currently pending.

4. The Housing Market

Having a good understanding of our local housing market informs our investment decisions in housing and related services.

The overall average value of a residential property in Derby in 2018 was £156,591, an increase of about 10.5% compared to April 2016. This trend reduces accessibility to the owner-occupied sector, and has a knock-on effect on the demand for social housing and private rented properties.

Derby City	Detached (£)	Semi-Detached (£)	Terraced (£)	Overall (£)
Average for 2016	229,995	140,000	109,975	140,000
Average for 2017	230,150	146,213	119,532	150,607
Average for 2018	238,723	152,941	124,373	156,591

Fig 3: Derby House Prices as of April 2018 Source HM Land Registry 2018

Rent levels in the private sector have also risen, although not as much as sale prices.

	1/10/2015-30/9/2016 (£)				1/10/2017-30/9/2018 (£)			
	1bed	2bed	3bed	4bed	1bed	2bed	3bed	4bed
England	719	780	887	1570	720	787	898	1582
East Midlands	443	544	635	973	471	582	683	1050
Derby	416	507	598	901	454	555	644	978
	Percentage increase in Derby:				8.4%	8.6%	7.1%	7.9%

Fig 4: Derby private rented sector mean rents per month Source: Valuation Office Agency

Annual housing completions in England totalled 160,560 during 2017/18. Although this is an increase of over 22% compared to when Derby's last housing strategy was prepared, 2014/15, it remains short of the number required for national targets to be achieved.

Year	No. of Completions
2014-15	124,640
2015-16	139,710
2016-17	148,360
2017-18	160,560

Fig 5: Annual House Completions Source: Gov.uk live tables on housebuilding

According to the ONS, the current level of housebuilding is just about keeping pace with the level of household creation:

- The number of households in England is projected to increase by 4.0 million (17%) over the next 25 years, from 22.9 million in 2016 to 26.9 million in 2041.
- This equates to 159,000 additional households each year compared with the 210,000 previously projected.
- Households headed by someone aged 65 years and over will account for 88% of the total growth in households between 2016 and 2041.

5. Right to Buy (RtB)

Once Council tenants have been resident for 3 years or more, they have in most cases the right to purchase their property at a discount. These discounts are capped at 70% of the property's value to a maximum of £82,800.

In Derby, the volume of RtB sales has risen as follows:

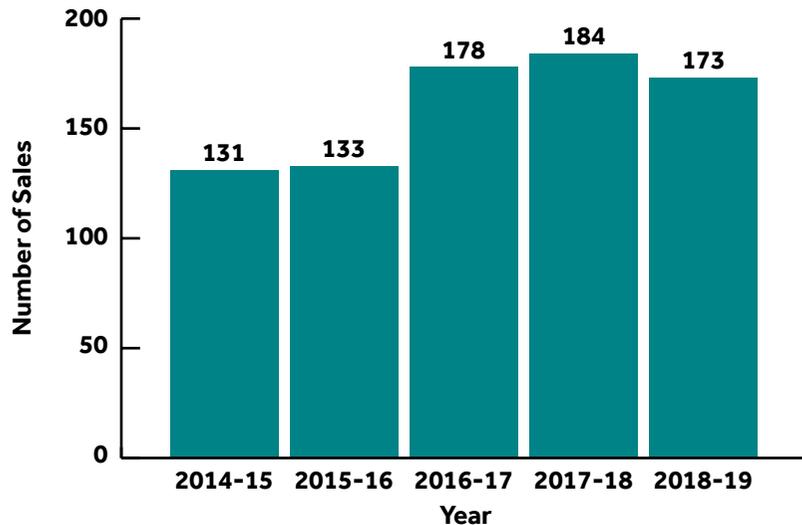
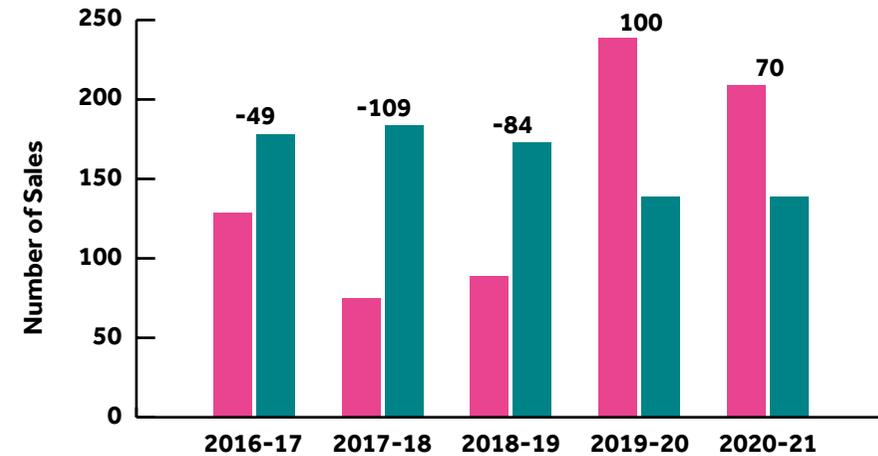


Figure 6: RtB sales Source: Derby City Council Strategic Housing

Although there was a slight fall in the 6 months to 1 April 2019 the annual figures are substantially higher than they were four to five years ago. This potentially reduces the total volume of social housing stock, making it in even shorter supply for families in housing need. However, when the loss of stock through RtB is compared against additions to affordable housing stock, the outlook is more promising, as illustrated below:



	2016-17	2017-18	2018-19	2019-20	2020-21
Net Additions	-49	-109	-84	100	70
Statutory Right to Buy Sales	178	184	173	139	139
Total Additions (gross)	129	75	89	239	209

Figure 7: RtB sales and net additions to affordable housing supply, source, DCC Strategic Housing

With the levels of (gross) additions to affordable housing stock set to rise this year and next and RtB sales static or falling², total council owned affordable stock is set to rise. More information on affordable stock is found in the next section.

More information

- Homes England Strategic Plan 2018-2023: www.gov.uk
- Laying the foundations: a Housing Strategy for England and the National Planning Policy Framework: www.gov.uk
- National Planning Policy Framework Guidance: <http://planningguidance.planningportal.gov.uk/>
- Older Persons' Housing Strategy www.derby.gov.uk/housing-strategy



Part 3: Key Facts about Housing in Derby

1. Stock Characteristics

Derby's housing stock is predominantly low-rise, and made up of older and larger homes than the national average. Derby has more pre-1945 dwellings than the national average, including many built pre-1919. The proportion of semi-detached houses is particularly high; the number of detached, large or medium-sized terraced houses and bungalows is equally above average. Conversely, the percentage of small terraced houses and flats is below the English average. Older housing stock in turn is associated with higher levels of disrepair and poorer thermal efficiency.

2. Tenure

According to Derby's Stock Condition Report 2019, the tenure breakdown in Derby is as follows:

Owner Occupied	Social rented	Private rented	Other
57.1%	20.5%	22.4%	4%

Fig 8: Tenure breakdown

The table demonstrates that Derby's housing stock comprises just over 57% owner occupied, 20% social rented and over 22% private rented. The key changes over the last 20 years or so are the rapid expansion of the private rented sector (PRS) and relative decline in size of the owner occupied and social rented sectors. (The 2001 census states that the PRS accounted for just 7.3% of stock). Because some

of the poorest quality housing is found in the PRS, these changes have implications for maintaining property conditions and management standards in this tenure.

The proportions of owner occupation, private rent and social rent vary across the city from ward to ward. The wards around the perimeter of the city have the greatest proportion of owner occupation. Conversely, the highest levels of private rented homes are seen across the more central wards of Arboretum, Abbey and Normanton.

3. Housing Conditions

The 2019 Derby Stock Condition Report identifies the condition of private sector homes in the city. It provides a range of data and analysis that helps us to quantify the need for housing interventions, their likely costs and benefit, and best ways to target them. Its findings also inform many of the Council's Housing and Health strategies.

There are just over 110,000 dwellings in Derby. About 12,500 (14.3%) private sector (owner occupied and private rented) dwellings in Derby were classified as having a Category 1 hazard to health (under the Housing Health & Safety Rating System). This is higher than the average nationally (12.2%) and for the East Midlands (13.8%).

Tenants of private rented dwellings are five times more likely to suffer from damp and mould (1.5%) than homes that are owner occupied (0.3%).

4. Housing Need and Supply

The Scale of Need

There are just over 110,000 dwellings in Derby. But with a population of 258,000¹ people rising to a projected 277,000 in 2029, there is an on-going need for new housing. Alongside this, national planning policy guidance states a requirement to 'boost significantly' housing delivery and meet assessed needs.

Analysis undertaken for the Local Plan evidence base concludes that Derby's housing need is 16,388 dwellings over the period 2011 and 2028. Further analysis demonstrates that the need for affordable housing for the remainder of the Plan period averages at approximately 750 new homes per year².

Meeting Need from New Development

There are just over 700 new homes provided each year³ and therefore new build typically accounts for less than 0.7% of the housing stock each year.

With regard to affordable housing, there is a total stock of approximately 20,000 homes. New build affordable housing has averaged 112 dwellings per year over the last 4 years (see section 1 for more details).

New builds therefore contribute a relatively small, but nevertheless significant contribution to overall supply. And the effect over a period of years is cumulative.

¹ Source: Office for National Statistics, 2014 based population projections to 2039 - local authority based by single year of age

² Source: SHMA 2013 www.derby.gov.uk/housing-strategy

³ The exact figure is subject to considerable fluctuation but the average over the last four years is 714 dwellings per year. See the next page for more detail.

Considering the build rates of new homes over the last few years, it is unlikely that Derby will be able to meet all of this need from new developments within its boundary. The chart below shows the number of new dwellings across all tenures provided each year between 2015/16 and 2018/19. The average number of new dwellings⁴ each year over this period is 714 (784 for the last three years). It is clear that past completions have been significantly lower than required to meet need.

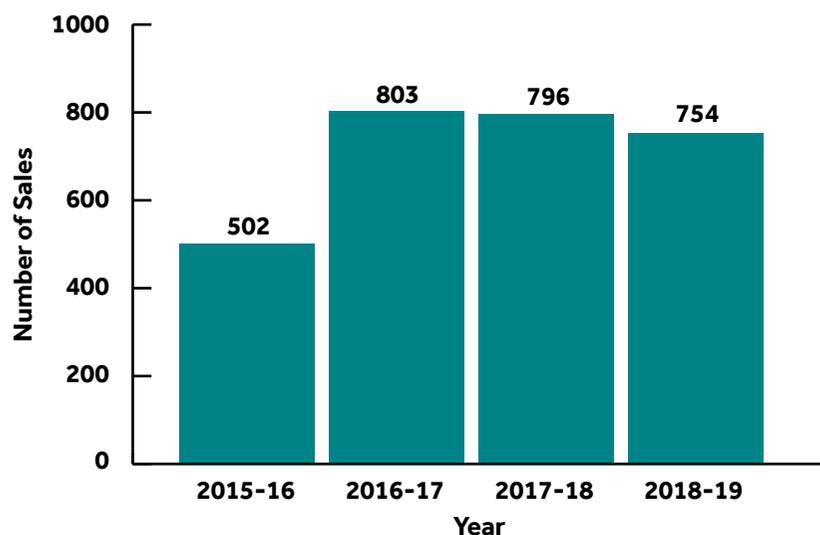


Fig 9: New Residential Dwellings 2015-2019 Source: Derby City Planning Housing Monitoring System

The actual picture is slightly worse than this because the figures quoted do not include dwellings lost due to demolition, remodelling or change of use. The figures for total *net* additions to housing stock range from 489 in 2015-16 to 670 in 2018-19.

⁴ The chart is based on figures for new builds plus conversion of existing non-residential buildings to housing.

Affordable Housing

Figure 9 shows that the number of new affordable homes provided for the period 2015 – 2019.

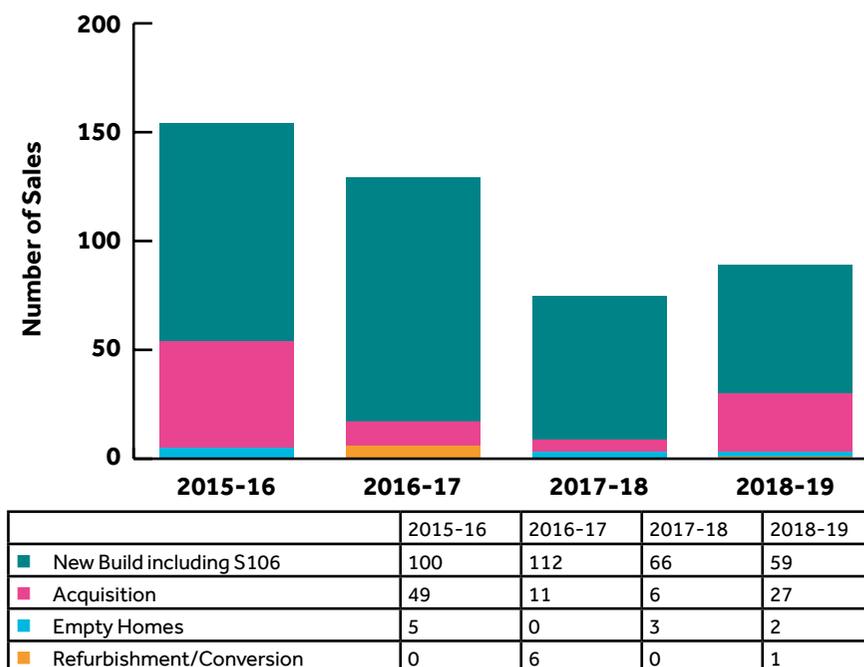


Fig 10: Additions to Affordable Housing Supply Source: Derby City Development Unit

There have been significant additions to affordable housing supply since 2015, numbering 447 additional dwellings. Although there were fewer in 2017/18 compared to the previous two years, numbers picked up again in 2018/19 and it is expected that this rate of increase will be maintained in the future. This is not directly comparable to gross tenure new dwellings in Fig 8 as it includes conversions and other means of increasing affordable supply rather than just new build.

Some of the need for affordable housing can be met from the private rented sector, often with the support of Housing Benefit. Nevertheless, the overall supply of affordable housing is unlikely to meet need in full.

Land availability

Evidence on land suitable for housing development indicates that there is only a certain amount of housing which can be realistically delivered in sustainable locations in the City by 2028.

It is expected therefore that the residual of Derby's housing needs will be met in sustainable locations just outside the city boundaries.

We will commission a Local Housing Needs Assessment by the end of 2020/21. This will help ensure our intelligence on Derby's housing need is kept accurate and up to date.

5. Under Occupation

There are typically around 3,500 Council residential properties which are under-occupied, of which around 1,500 are occupied by older, single person households or older couple households. Just under 850 of these are currently three bedroomed houses which are under-occupied.

This represents a problem for both the Council and other Registered Providers of social housing, as under occupied properties could potentially provide a suitable home for larger families in housing need. A number of measures have been introduced to tackle this nationally and locally with some success. These include help and advice and financial incentives.

Derby Homes (which manages Council housing stock) has introduced incentives for households willing to downsize from properties they are under occupying, as part of a Home Release Policy. As part of this package, they offer financial incentives and help and assistance with

removals and disconnecting and reconnecting white goods, such as washing machines. For tenants who are elderly and/or disabled, they also offer a Home Redecoration Scheme, where the whole property can be redecorated.

There is also significant under occupation in the private sector. National research indicates⁵ that under occupying households wish to remain in areas with which they have an established connection, but that a shortage of suitable and attractive alternative housing choices represent a barrier. Research for Derby's Older Persons' Housing Strategy indicates similar barriers are present in Derby.

Deprivation

As with most local authorities in England, Derby comprises a number of different wards, with varying degrees of deprivation in each. In 2015, Derby was ranked as the 55th most deprived local authority of 326 in England, (1 being the most deprived and 326 the least), according to the Index of Multiple Deprivation (IMD).

Almost 18% of Derby's smaller areas (known as 'lower super output areas') are amongst the 10% most deprived nationally. Derby's most deprived LSOAs are found in Arboretum, Normanton and Abbey wards.

More information

- The Private Sector Housing Renewal Policy, The Older Persons' Housing Strategy, The Stock Conditions Survey: www.derby.gov.uk/housing-strategy
- Strategic Housing Market Assessment www.derby.gov.uk
- Census data www.ons.gov.uk

⁵ For example see the Wanless review at www.housinglin.org.uk/

Section 2

Our priorities¹



¹ The priorities in this section are not intended to be 'in order of importance'. The numbering of the priorities from '1-4' is purely for practical purposes to distinguish one priority from another.

Priority 1:

Best Use of Stock: getting the most out of the homes that already exist

1. Supply and Demand

The demand for housing exceeds the supply. This does not apply to every house and house type in every part of Derby but generally speaking there are substantially more people looking for houses to buy or rent than there are houses available.

This is evidenced in market housing by the almost continuous rise in sale prices and the growth in the size of the private rented sector. In social housing it is evidenced by the high numbers on the housing register, which stood at just over 4100 'active' applicants (those that have placed a bid within the last 12 months) at September 2019.

Because there are not enough houses for everyone that wants them, making best use of Derby's existing homes must play a central part in meeting housing need.

2. Making the best use of affordable housing

a. Allocations

There are approximately 20,000 affordable homes in Derby. About two thirds of these are owned by the Council, with the remainder being owned by Registered Providers (Housing Associations).

Up to 1200 of these become empty and available for re-let each year. Even considering these relets in addition to homes newly built or purchased each year there is insufficient supply to meet the demand from the waiting list. We therefore have an Allocations Policy to ensure that those in the greatest need have priority for the housing that becomes available. This inevitably means that some people who want a Council or housing association home will not be able to get one.

Where people approach us for social housing, we assess their level of need. Households that are currently homeless or at risk of homelessness, or living in unsafe or over crowded housing, are considered to be in the greatest need. Other households may have lesser degrees of need. We house as many people as possible, but where there is not an available home from Council or housing association stock, we sign post to other options such as renting privately. We can provide advice and assistance about how to go about this.

Our Allocations Policy will be reviewed and updated in 2020. Further revisions will be undertaken when necessary as a result of changes in market conditions or following changes in legislation.

b. Tenancies

The Localism Act 2012 gave local authorities freedom to offer fixed term tenancies to general needs tenants. After lengthy consultation a decision was made in Derby not to implement this widely. Nevertheless, certain accommodation types are let on non-secure arrangements, such as hostel accommodation for homeless households and certain specialist accommodation for vulnerable groups. Introductory tenancies for new general needs tenants are

routinely given, though these are usually followed with a secure tenancy subject to the terms of the introductory tenancy being met. Our Tenancy Strategy sets out our approach to this issue in more detail.

Our Tenancy Strategy will be reviewed in 2020-21. This review will consider how to make best use of our affordable homes by the use of the different tenancy types available.

c. Mutual Exchange

Derby's new mutual exchange service is delivered by 'Housing Exchange'. This provider allows all Homefinder partners and customers to have free access and is a nationally based system, allowing exchanges to take place beyond the Derby boundary.

d. Remodelling

Whilst there is increasing demand across the board for all property sizes, there is a particular shortage of four bed or larger properties¹. We continue to assess whether remodelling existing three bed properties (which are in relatively greater supply) to provide additional four beds is a viable way of increasing supply.

e. Under Occupation and Downsizing

It is frequently the case that larger family homes become under occupied once any children have grown up and left home. Freeing up these larger under occupied properties has proved challenging for many years. Current initiatives to help this include:

¹ There is also a shortage of 1 bed properties.

- Relocation assistance
- Financial incentives
- Housing Options Advice
- Prioritising down-sizing households for new build
- Developing extra care as alternative provisions for elderly and potentially vulnerable households.

We will continue to review and provide suitable initiatives to encourage downsizing. Our Older Person's Housing Strategy contains a range of measures to improve advice and support to older people, and the range and quality of accommodation that is available.

3. Making the best use of private housing

a. Planning Policy

It is of course beyond the power of the Council to fully control the private housing market. But we do implement planning policies to try to encourage new house building, and for the right types of market housing to be provided. Planning powers can often be used to ensure a certain number of new affordable homes (social housing) are built when larger developments of private homes are constructed. More detail can be found in section 1 page 8.

b. Empty Homes

There are around 2,250 vacant residential properties in the City, 1,245 of which have been empty for six months or more. This is a reduction of about 36% and 22% respectively compared to 2015, when there were around 3,500 vacant, with 1,600 empty long term. All of these long-term empty properties could potentially provide much needed additional homes.

In addition, empty properties can be detrimental to the lives of local residents as they are a magnet for crime and antisocial behaviour, drive down property values locally and contribute to urban decline and blight. They also represent a risk for the emergency services and put added pressure on various Council departments such as Environmental Health and Anti-Social Behaviour teams.

Our Empty Homes Service tackles this problem by actively encouraging, supporting and where necessary, enforcing, the return of long-term empty properties to beneficial use. Where possible and appropriate, empty properties returned to use are made available as social housing,

c. Property Standards

The Council has a number of processes for addressing property and management standards in the private sector. These are discussed in the next chapter.

Actions

Specific actions to achieve better use of stock are detailed in the action plan at the end of this document and in the action plans of the strategies listed in the 'more information' section below.

More information

- Housing Advice: www.derby.gov.uk
- Planning Policy: www.derby.gov.uk/environment-and-planning/
- Tenancy Strategy / Allocations Policy / Empty Homes Strategy / Older Person's Housing Strategy www.derby.gov.uk/housing-strategy



Recently developed bungalows at Chaddesden

Priority 2: Housing Quality and Standards: well-designed, well-managed, decent homes

1. Measures to Improve Housing Quality and Standards

Ensuring housing is of suitable quality and properly managed is a key priority in Derby. This applies whether the housing is owned by the Council, a housing association, or privately. Consequently we have a number of targeted measures and initiatives in place to help achieve this. These are as follows:

Planning Policy

Our Local Plan Part 1 includes various policies which contribute to sustainable design and construction, support energy efficiency and contribute to ensuring a satisfactory living environment. The Plan also includes policies to ensure that the right sizes and types of new homes are provided.

In respect of new house building this means that they will support a number of measures, including the following:

- a. The design and layout of development takes account of opportunities to mitigate greenhouse gas emissions.
- b. New residential development is designed in accordance with the standards set out in Building for Life¹:

¹ <https://www.designCouncil.org.uk/resources/guide/building-life-12-third-edition>

- c. Best practice and guidance is considered with regard to sustainable design and construction.
- d. Developers are required to deliver the most sustainable form of development achievable in terms of building and site design and layout, subject to viability.
- e. Developers are encouraged and supported to move towards Government targets to deliver low and zero carbon homes.

In 2020, the Council will aim to produce an 'Urban Design Guidance Document' to supplement Planning Policy. This will set out in detail preferred design standards in new housing developments. It will include stipulations in respect of visual, place-making and sustainability issues such as energy efficiency.

The Council will also complete Part 2 of the local plan which will include further development management policies including policies relating to residential development. It will also make further housing land allocations.

Housing Advice and Enforcement

Various pieces of legislation (primarily the Housing Act 2004) place a duty on local authorities to tackle housing related hazards which present the most serious risk of harm to health. Privately owned and most particularly private rented properties are of most concern in this regard due to the very high numbers of vulnerable occupiers who live in poor housing conditions in the private sector.

Over recent years governments have introduced policies and set targets to increase the proportion of vulnerable households living in decent homes, for example by tackling poor landlords and encouraging better quality accommodation within the private rented sector.

The Homes (Fitness for Habitation) Act 2018 came into force on 20 March 2019. This requires all landlords to ensure that their properties, including common parts, are fit for human habitation at the beginning of the tenancy and throughout.

Locally, officers in the Housing Standards Team respond to complaints from tenants about unhealthy and dangerous living conditions. In addition they operate proactively in a number of streets in the city, known to have high concentrations of rented property. Although essentially an enforcement service requiring private sector landlords to improve housing conditions, the Housing Standards Team works cooperatively with landlords wherever possible. It does this in the following ways:

- a. Advisory inspections and consultations.
- b. Information for landlords is made available on the DCC website², including links to important changes in legislation, news items, prosecutions etc.
- c. A regular newsletter for landlords.
- d. An increasing number of landlords receive information by email and have the opportunity to consult on Council strategies and policies which impact on their activities as a landlord.
- e. Conferences/seminars to which all landlords with property in Derby are invited.

² <https://www.derby.gov.uk/environmental-health-licensing-trading-standards/environmental-health/housing-standards/private-rented/>

- f. Staff from the team regularly attends the Pear Tree and Normanton Landlords' Association, Hartington Street Landlord Association and National Landlord Association (NLA) meetings to offer advice and assistance.

Climate Change

In May 2019, the Council declared a Climate Emergency in the city. Derby's Climate Change Policy is currently being reviewed and strengthened following this declaration. But it continues to provide a framework through which we can all work together to improve the efficiency with which we use resources, reduce the city's greenhouse gas emissions and address the challenges that a changing climate will bring. In respect of housing it aspires to create a city where 'local people have homes that enable them to reduce their demand for energy and to use energy more efficiently'.

We will:

- **Establish a series of climate change sub-groups that will report to a cross-party Derby City Climate Change Working group:**
- **Determine climate reduction targets and trajectory, in the context of the UK target of net zero carbon emissions**
- **Produce a Derby Climate Change Action Plan in 2020/21**

We will also work with other local authorities and public, private and voluntary sector partners on carbon reduction projects to ensure the UK is able to deliver on its climate commitments.

Other Measures

Decent and Safe Homes - DASH

DASH delivers a number of services, all of which are designed to increase the supply of good quality well managed accommodation within the private rented sector and to ensure the delivery of high quality private sector housing services. These include a wide range of landlord support services such as training sessions, briefings, updates and guidance. DASH also manages the city's landlord accreditation scheme, which recognises and encourages improved property standards. The service is open to all landlords but is predominately used by landlords wishing to let property to students via the University of Derby.

In all, there are over 130 landlords in Derby who are members of DASH, with a combined portfolio of approximately 400 properties

2. Property and tenancy management standards in Social Housing

Private Registered Providers (Housing Associations) are our valued partners who play a crucial role in providing affordable homes and housing services to a wide range of people.

The Homes and Communities Agency (HCA) was replaced in January 2018 by Homes England (HE), which funds new affordable housing, and the Regulator of Social Housing (RSH). This is the statutory body which regulates standards in housing provided by registered providers. They must comply with the 'economic' and 'consumer' standards set out by the RSH.

Council Stock

The Council's own stock is managed by Derby Homes.

Derby Homes has four strategic objectives:

Objective 1	Service that puts our customers first
Objective 2	Quality homes and contributing to sustainable communities
Objective 3	Reducing homelessness and enabling access to affordable housing
Objective 4	Value for money is a consideration in everything we do

Derby Homes' approach to tenancy management particularly underpins these objectives. The aim is to support sustainable communities by working proactively and in partnership with tenants and other agencies to ensure high levels of community confidence. Proactive work includes:

- a. Working with all new and existing tenants who have an identified need for more intensive work through tenancy sustainment, intensive housing management and mental health services.
- b. Carrying out a programme of monthly planned estate and flat inspections.
- c. Providing a furnished tenancy scheme so that new tenants without furniture of their own (and who might struggle to buy what they require) can be comfortable in their home straight away.
- d. Operating a proactive system for identifying and dealing with tenancy fraud.
- e. Having fair processes in place for managing introductory tenancies.

- f. Responsive procedures and processes to tackle antisocial behaviour (ASB).
- g. A performance management framework which quantifies and captures 'routine' housing management work.

As well as managing the Council's housing stock, Derby Homes manages properties on behalf of or in partnership with other organisations. It has also built or acquired 99 properties for rent which it owns in its own right. This figure will rise in 2020/21 and in subsequent years.

As a registered provider, Derby Homes complies with the performance standards set out by the Regulator of Social Housing. In 2019 Derby Homes ranked 9th in 24Housing's top 50 landlords and 2nd highest ranked ALMO in the UK³.

Energy efficiency and fuel poverty

More than 11,000 (over 10%) of Derby households are classed as fuel-poor. For this reason and to tackle climate change, energy efficiency and a reduction in the energy consumed by residents are high on the agenda.

Collaborative working between the Council and Derby Homes, working with Eon, a major energy provider, resulted in the installation of solar panels to nearly 1,000 Council properties. As well as continuing to help tenants reduce their electricity bills, this generates income for the Council through the Feed in Tariff (FIT).

Governments over recent years have offered incentives to improve energy efficiency and reduce carbon emissions. However, some schemes have been withdrawn (the Green Deal) or much reduced (the

³ See: www.24housing.co.uk/

Energy Companies Obligation (ECO)). Eligibility for assistance has become more restrictive and grants less generous.

Through ECO the Council has some flexibility – known as LA-Flex - to set eligibility thresholds for financial assistance. This means that households who would not otherwise qualify can be helped to have more efficient heating and/or insulation. This helps to reduce fuel poverty in the city, which is above the national average and higher than in most of the local authority areas in the East Midlands. LA Flex is included in ECO3 2018 – 2022.

RAM Energy is a not-for-profit energy company set up by the Council in partnership with Robin Hood Energy. It aims to save residents money on energy bills. By focussing on helping some of our most vulnerable people it will continue to help to reduce fuel poverty. Income generated by RAM is used for a Fuel Poverty Fund that helps qualifying Derby residents with their winter fuel bills.

Should ECO3 2018 – 2022 not be renewed the Council will look at alternative ways to ensure assistance is maximised. We will continue to develop and roll-out RAM where viable to do so.

We will continue to maintain Council stock at the Decent Homes Standard through a robust property maintenance programme, renewing, repairing or replacing where necessary key components such as heating systems.

Actions

Specific actions to achieve improved housing quality and standards are detailed in the action plan at the end of this document and in the action plans of the strategies listed in the 'more information' section below:

More information

- Housing Renewal Policy, Climate Change Strategy, Housing Standards Team information: www.derby.gov.uk
- DASH Services: www.dashservices.org.uk/
- Planning Policy: www.derby.gov.uk/environment-and-planning/
- Homes England: www.gov.uk/
- Derby Homes: www.derbyhomes.org/
- Regulatory framework for social housing: www.gov.uk/government/publications/



Enabling access to the home for people with reduced mobility

Priority 3: **Vulnerable People - providing suitable accommodation for vulnerable groups, linked where necessary to specialist support**

1. Helping people stay in their homes

Most people express a preference for staying in their own home for as long as possible, rather than moving into some kind of institutionalised care setting. The Council and its partners support and encourage this preference, as it tends to improve dignity, independence and health outcomes for residents while reducing budget pressures on Social Care and the NHS. Consequently we will continue to provide or commission services that allow residents who might otherwise struggle to do so to remain in mainstream accommodation wherever possible.

The Regulatory Reform Order 2002

Derby will continue to use the financial flexibilities offered by RROs to provide assistance, directly or indirectly, for a range of housing interventions. These include adaptations for disabled people, improvement grants, and other assistance to help owners, landlords, and tenants to repair and improve their homes.

Disabled Facilities Grants (DFGs)

These grants are available to owner occupiers and tenants to help adapt their home to meet the needs of a disabled occupant with a

physical impairment. Landlords may also apply for a DFG on behalf of a disabled tenant.

The aim of a DFG is to remove or help overcome any obstacles which prevent the disabled person from moving freely into and around the dwelling and enjoying the facilities and amenities in it. Typical work might include the provision of a stair-lift, the replacement of a bath with a level access shower or provision of ramps to main entrance doors.

Healthy Housing Hub

This service brings together a range of local partner agencies and organisations to offer information, advice and practical housing assistance to vulnerable residents where their housing conditions are impacting upon their health and wellbeing. Quite simply, the service aims to achieve better health and wellbeing through a better home. In doing this, it also helps to limit the ever-increasing demand on health, social care and emergency services by supporting a healthy living environment.

The Hub provides directly or works to facilitate a wide range of housing solutions. These include:

- a. Home Maintenance Advice, such as advice to assist homeowners in maintaining their homes. For example, advice can be given to people carrying out simple DIY repair tasks or preventative maintenance, so that more costly repairs, accidents or ill health can be avoided in the future.
- b. Advice and signposting to other agencies around areas such as accessing grants for improved insulation and maximising welfare benefit take up, etc.
- c. Financial support for small and some larger scale home improvement works such as repairing boiler/gas fires, removing trip

hazards; making electrical installations safe; or installing central heating in cold homes (means tested)

- d. A 'Handy-Person Service'
- e. Help with fuel poverty.

The Healthy Housing Hub also works with Adult Social Care and the NHS to help make sure that, for example, an aged person's home is suitable for them to return to when ready to be discharged from hospital.

Derby's Healthy Housing Hub was named as 2019 National Home Improvement Agency of the Year by Foundations, the Governments appointed umbrella body for home improvement agencies and handy person services.

Other services to help people stay in their homes

- a. Home Energy Advice: helping vulnerable people keep warm in winter by giving advice and information on heating & insulation and referring to other help where needed.
- b. Health Advice: information about the free NHS health check programme, flu jabs and cancer screening programmes.
- c. Mediation to help 16 and 17 year olds who are at risk of becoming homeless to remain at home where that is a safe option.
- d. Telecare - assistive technology such as discreet equipment that detects falls, inactivity, fire, flood & gas can help vulnerable and disabled customers to live more independently and safely. Derby Carelink provides this service in Derby.
- e. Tenancy Sustainment Service. There are a number of strands to this including:

- Support for vulnerable people commencing a new tenancy for a period of up to 12 months.
- Intensive housing management service, which is a short term focussed intervention for those struggling to sustain tenancies.
- Tenancy support for people suffering domestic abuse
- *Call Before You Serve*, a specialist service provided by the Housing Options Service in conjunction with DASH for landlords who are considering possession proceedings. The aim is to work with the landlord and identify what is needed to stabilise the tenancy to stop an eviction and so prevent homelessness at the very earliest opportunity.

2. Voluntary and community services

In addition to statutory services there is a range of voluntary and community services which support health and wellbeing and the prevention agenda. Examples include: Citizens Advice, CAMTAD (Campaign for Tackling Acquired Deafness), Age UK and [Derby City Life Links](#). These services support people who are vulnerable due to age, frailty, disability or mental health issues.

Access to them is strengthened through an innovative approach called Local Area Coordination (LAC). This supports the development of personal resilience and aims to reinforce the capacity of communities to welcome and include people and to make services more personal, flexible and accountable. LAC works through partnership and collaboration with individuals, families, local organisations and the broader community.



Modern extra care Apartments at Parklands View

3. Helping people with learning difficulties or mental ill-health live independently

Disabled people should have choice of and access to the same housing as the rest of the community. The vast majority of disabled people of working age do not need specialised housing and it is our vision that they should increasingly live in 'ordinary' housing with appropriate care and support. Many of the services described above, which help vulnerable people remain in their homes, are available to disabled people who may be living independently or semi- independently for the first time.

For people with autism, learning difficulties or mental health problems currently living in institutionalised care there are also services specifically available to help them move out into the community. Getting housing right for people with challenging behaviours can have a positive impact on their wellbeing and reduce the need for health and social care support.

4. Specialised accommodation and appropriate support

Although the majority of vulnerable people can live in ordinary housing, in some cases, specialist accommodation or accommodation with onsite or floating support is needed. For example, people fleeing domestic abuse, refugees, children in care/leaving care etc may require dedicated or bespoke accommodation.

Some disabled people with learning difficulties or mental health issues may require measures such as sound proofing; additional safety features; increased internal space and/or expansive external open space. They may also need day care or overnight support. Most people that are eligible for social care services now have access to Personal Budgets. These provide them with greater independence and flexibility in buying the services and support they need and choose to have.

There is also a range of accommodation types with support that can be of help to other vulnerable groups:

Extra Care

Extra Care housing is intended primarily to meet the housing needs of older people and the frail elderly, though disabled people below the standard age threshold may sometimes also choose to be housed in extra care developments. It comprises self-contained homes with design features and support services available to support self-care and independent living.

A strategic approach to housing with care will help older people to live well at home for longer, providing many with a home for life. Well planned and designed Extra Care Housing, offers a lifestyle choice to older people who require some level of care and support. Research has shown that such housing can improve health and wellbeing – reducing

hospital admissions and other demands on the NHS and social care budgets.

Derby has made good progress in delivering and planning for future Extra Care housing. There are currently over 326 extra care dwellings in the city and the Council will continue to be proactive in seeking out further opportunities to deliver new schemes as the demand for such schemes continues to rise.

Homelessness and Rough Sleeping

Homelessness is one of the most acute types of housing need, and rough sleeping its most visible and distressing form. Consequently, preventing and alleviating homelessness is a key priority

We have developed a Homelessness and Rough Sleeping Strategy which sets out a comprehensive programme for addressing this issue. It provides a detailed and robust action plan which will improve the lives of people at risk of or actually homeless. More details can be found at the end of this chapter.

Gypsies and Travellers

The travelling community has a need for both permanent and transitory sites of suitable design and specification. We remain committed to meeting this need and currently manage a dedicated site for gypsies and travellers in the southern part of the area. We are currently participating in county wide research with our neighbouring district Councils to further understand the needs of this group. The findings of this research when published next year in 2020, will form part of the further evidence base for our strategic planning responsibilities and resulting housing response. Whilst this work is still in progress, we do anticipate responding to further identified need, which may be in partnership with neighbouring authorities. A

more detailed planning response will be made available as part of the finalisation of our Local Plan.

5. Integrating Housing, Health, and Social Care

The Care Act introduces a general duty on local authorities to promote an individual's 'wellbeing'. This means that they should always have a person's wellbeing in mind and when making decisions about them or planning services.

Under the Care Act:

- a. The suitability of living accommodation is explicitly listed as part of the definition of wellbeing, which sets the tone for the whole Act.
- b. Housing is now clearly referenced as part of local authorities' new duty to promote the integration of health and care.
- c. Registered providers of social housing are now explicitly listed as one of the partners a local authority must co-operate with when considering and planning a person's need for care and support.

These changes mean that planning for appropriate accommodation is recognised as an essential part of supporting the health and wellbeing of vulnerable people.

In Derby this has meant much closer working between the Housing, Social Care and Commissioning teams, and a greater degree of joint commissioning of accommodation (with support).

We have also developed a number of policies and protocols around support for vulnerable people. These are listed in the 'more information' box below.

Actions

Specific actions to provide additional accommodation for vulnerable people are detailed in the action plan at the end of this document and in the action plans of the strategies listed in the 'more information' section below:

More information

- Homeslessness Strategy, Older Persons' Housing Strategy, and Housing Renewal Policy can all be found at: www.derby.gov.uk/housing-strategy
- Healthy Housing Hub: www.derby.gov.uk/housing
- AgeUK: www.ageuk.org.uk/derbyandderbyshire
- Support for people with autism can be found on the health and social care pages at: www.derby.gov.uk
- Health and Well Being Strategy and Transforming Adult Social Care: www.derby.gov.uk



*Proposed large-scale redevelopment in the Becketwell area
artist's impression*

Priority 4: **Housing Development and Regeneration - supplying a range of new housing that meets need and contributes to urban renewal**

1. Building the homes Derby needs

From our analysis for the Local Plan we know that a minimum of 16,388 new homes are needed over the plan period of 2011-28 to provide for our growing population. Of these, 11,000 are to be built within the city of Derby, and the remainder in neighbouring districts.

Without these new homes, we risk people living in overcrowded conditions, or deciding not to take up employment in Derby. This in turn means that our major employers can't attract the talent they need, and reinforce Derby's position as a centre for innovation and growth, which benefits the whole city and wider region.

However, to develop sustainable, communities with these new homes we also need supporting infrastructure such as roads, schools, GP surgeries etc. And the challenges of delivering housing in Derby are not always the same as in some other parts of the country. House price data shows that there are some areas with high prices where the market is pushing to deliver homes, with intensive development activity. These areas are generally around the suburbs such as Mickleover, Littleover and Oakwood. In many cases, the same market forces are driving development on the urban fringes across the boundary in neighbouring districts.

On the other hand, house prices are lower in most other parts of the city, and development is less viable, particularly if there are additional costs with remediating brownfield land. It is nearly always preferable for new housing to be built on previously developed brownfield sites. This reduces the pressure to use green space and some of the additional infrastructure requirements can be lower. But developing these sites can be extremely expensive and render construction non-viable. In order for us to deliver more of the homes that we need, it is therefore essential to allow some building to also take place on undeveloped 'greenfield' sites.

The high cost of developing brownfield sites is why the market has left some homes empty and some prominent sites have remained undeveloped for years. The risk is that the gap between 'desirable' areas and the rest of the city widens, with some areas subject to high levels of physical blight and poor quality housing that lacks investment.

There is a clear role for the Council to intervene here, particularly by promoting the development of quality market housing in sustainable locations across the city. This will support the viability of neighbourhoods that may otherwise be left behind by pure market forces.

2. Accelerating Housing Delivery

The Council has Housing Development and Regeneration teams which work with private landowners and developers to get homes built. Provision of adequate additional infrastructure can be essential to unblocking many sites and ensuring development is sustainable, so this is a key part of the work of these teams. Their work can include:

- Monitoring sites through the planning process and identifying new residential opportunities that may arise.

- Brokering partnerships between landowners, developers and potential funders
- Leading on bids for major funding streams, principally the Housing Infrastructure Fund at present, but also other types of public sector investment such as debt or equity finance
- Offering a point of contact to access advice and co-ordinate the input from other professions within the Council, such as planning, transport and land drainage
- Managing direct interventions, such as the Council purchasing sites, or purchasing new homes, if this would offer value for money and would unlock a wider development.

The teams take an open-minded and pragmatic approach to what is needed to get homes built. This is backed up by the Council's general power of competence, which provides the ability to take a wide range of actions in order to further the social and economic wellbeing of the area.

3. Managing urban extensions and the South Derby Growth Zone

Through our planning function, we ensure that major new developments, including those at the urban fringe, form sustainable and coherent new communities within the overall development plan for the city. Once these sites are allocated for housing, we need to work with partners to remove any barriers to their delivery, such as road infrastructure or school capacity. If we cannot show the allocated sites are deliverable, then the city is vulnerable to unplanned development on sites that may be less suitable for housing, or more valuable as green space.

We have a particular focus on the South Derby Growth Zone, which has the potential to provide over 4,500 new homes over three main strategic housing sites, along with over 5000 new jobs. Although the majority of the houses will lie in South Derbyshire, they will form part of the urban area of the city, and will make a major contribution to meeting the assessed housing needs of the city.

Within the South Derby Growth Zone is Infinity Garden Village, one of fourteen new Garden Villages announced by the Government in 2017. Infinity Garden Village will draw on historic principles, coupled with innovation and new technologies, to provide an exemplar of modern sustainable living. Strong partnership working and community engagement will ensure that Infinity Garden Village makes the most of its own unique circumstances, creating a community where people will want to live and work, with a clear and distinct sense of identity.

Its location within the South Derby Growth Zone places Infinity Garden Village at the intersection between town and country, next to major employment opportunities at Rolls-Royce and Infinity Park



Nightingale Quarter development scenario (artist's impression)

Derby (IPD), one of the Government's Enterprise Zones, and with Toyota nearby. The new community will be designed to create a complete neighbourhood, where walking and cycling are enabled and encouraged, and reliance on traditional travel by car outside the city centre is unnecessary.

We have worked with a wide range of partners to submit a business case for Housing Infrastructure Funding to provide the infrastructure needed to bring this vision forward. This includes a new junction on the A50 (within South Derbyshire), an associated link road to join the new junction to Derby's road network and a new primary school at Boulton Moor. Without this funding, only a fraction of the housing will be deliverable.

4. City Living

A busy and attractive city centre is critical to the wider success of Derby as a whole. The City Centre Masterplan 2030 identifies the city centre as one of the City's key economic assets and one of its best opportunity locations for future growth. The masterplan target is to deliver 1,900 new homes in Derby city centre by 2030.

The City Centre Masterplan promotes the growth of residential uses in the centre, which makes streets more active and builds the consumer base. This supports shops, food and drink, and leisure facilities in the city centre. It is also an opportunity to bring historic buildings back into use, and preserve and enhance the rich heritage of Derby's streetscape.

We have had some success in recent years, with new development coming forward, especially in the student accommodation sector – in 2016/17 the city centre accounted for more than half of the new dwellings in Derby. Increasing the number of students living

in purpose-built city centre accommodation provides many of the benefits discussed above, and reduces pressure on the housing stock let through the private rented sector in other parts of the city.

We offer loan funding through the City Living Initiative to developers who wish to provide new homes in the city centre, either through new build on brownfield sites, or by converting redundant commercial property. This is a revolving loan fund with around £6.5m of capital allocated. Loans are provided at interest, but the terms can be more accessible than traditional lending, and repayments are tied to the occupation of the new homes.

Derby City Centre was designated as a Housing Zone in 2015, which marks it as a priority area for support from government and other partners. As well as smaller opportunity sites, the Housing Zone highlighted the following major developments:

- a. Former Derbyshire Royal Infirmary site – this large and prominent site, adjacent to Castleward Urban Village, now has planning permission for 796 new homes, with work expected to start on site in 2020
- b. Castleward Urban Village – 800 new homes in a sustainable location between the city centre and the railway station, with a consistent high-quality of urban design and priority for cyclists and pedestrians. We are currently developing the new primary school to serve this area, and provide a heart to the community, and we are progressing with a Compulsory Purchase Order to relocate business occupiers from the area, and bring forward future phases of new homes. We have assembled significant external investment to make this happen.
- c. Friar Gate Goods Yard – this site features the Grade II listed Engine House and Bonded Warehouse of the former Great Northern Railway, which are part of the city's heritage but have been in a derelict state for many years. Part of the site is now intended

for the new Derby Cathedral School, but the remaining portion continues to present a number of challenges. We are in discussions with the landowner and other partners to identify viable options to bring this site forward.

The City Living Initiative and the Housing Zone designation will help to deliver city centre master plan objectives and planning policies. Sustainable development of the right kind in the right place and our ambition for a vibrant city centre and night time economy will continue to be priorities.

Our City Our River (OCOR)

Proposals for residential development are a part of the City's ambition for an active riverside. An emerging masterplan includes proposals for mixed development that will comprise almost a thousand residential units and commercial/leisure space approaching a million square metres. The OCOR project aims to provide enhanced flood mitigation to help enable the unlocking of housing and employment sites. Package 1 upstream of the City Centre and the first phase of the part EU- ERDF funded Munio works are nearing completion (March 2020); further packages which will expand the scope and reach of these works, are subject to funding.

5. Delivering new affordable housing

As this Strategy has identified, we need to ensure a ready supply of affordable housing to meet the needs of the city, and ensure all Derby's residents have access to good quality homes. As with most parts of the UK, demand for affordable homes is currently much higher than supply, so there are a number of ways that we are addressing this challenge.

Council-led development

Recent reforms discussed in section 1 part 2 have given us greater freedom to invest in building new council homes. We can now use receipts from Right to Buy sales to offset up to 30% of the cost of new development, and we can borrow more extensively against the assets in our Housing Revenue Account. The rental income of new homes will pay back this borrowing over the long term (30 years), and the 'cost floor rule' means that the sale of new homes under Right to Buy is restricted for the first 15 years.

All this means that we are able to consider developing sites that would be unviable for a commercial developer that needs a short-term return, and that we can prioritise quality, space, efficiency standards and design, as well as just numbers. Having celebrated the 100th anniversary of council housing in Derby in 2019, we are keen to build homes that people will still be proud of in another 100 years.

We are constantly reviewing surplus Council land, such as redundant garage sites or car parks, and considering housing development as a means of getting best value for our properties, and potentially those of partner agencies within the One Public Estate programme. We will also acquire larger sites for longer term development, where this fits with our wider priorities, for instance, city centre regeneration, and the Our City Our River programme and the development of a riverside residential offer. We will sometimes work with small developers to acquire their schemes on completion, giving them the certainty of a buyer to lever their investment into Derby.

We also have an active program of individual property acquisitions on the open market. We are prudent and highly selective about the type and quality of the homes that we purchase, but compared to the high costs of dealing with homelessness and the potential use of bed and breakfast, it makes financial sense for the Council to invest for the long term in acquiring homes. We particularly focus on buying back former

Council homes sold under Right to Buy, as we can offset 50% of the cost of these from new Right to Buy receipts.

Housing associations and section 106 developments

As well as building our own homes, we have strong relationships with a number of Registered Providers (housing associations) who have a long track record of serving communities in Derby.

Many of our partners are looking to develop new homes in Derby and, like us, have access to Homes England grant funding. Some have been designated as Homes England Strategic Partners, giving them flexibility to invest a significant allocation of grant. We will improve the level of co-ordination with our partners to ensure that we attract investment into Derby and make the most of public resources in delivering homes on the more challenging sites.

We require housing developers to provide 30% affordable homes (link to part 1, section 4) on all developments of 15 or more homes, subject to viability, and housing associations have traditionally taken ownership and management of these under 'section 106 agreements'. This is an important element of increasing the supply of affordable homes. The Council is also considering taking direct ownership of these on sites where it is best placed to do so.

6. Property types to be prioritised

Market housing accounts for approximately 80% of housing in the city. As demand for housing rises it is essential therefore that the supply of market housing also rises. Affordable housing is also in scarce supply, though analysis in section one shows the supply of affordable housing is expected to grow over the next few years. Nevertheless, there will still be insufficient affordable housing to meet demand, as evidenced by the numbers on the housing register.

In respect of developable land, each site presents its own opportunities and constraints, and we will look to achieve provision for a balanced community on larger sites. However in general, we will prioritise property types that are in particular short supply, which are:

One bedroom properties

In the affordable housing sector (and lower-end private rented sector, where tenants may be reliant on local housing allowance), welfare reforms are resulting in a greater need for smaller accommodation to support down-sizing. Evidence from the housing register informs us that there is an acute shortage of one-bed properties.

Larger family homes (four bedrooms or more)

Historically, the majority of council houses built in the twentieth century were three-bed types. The lower numbers of four-beds, and their attractiveness to purchase through the Right to Buy, has led to a particular shortage for larger families.

Older persons' housing

As discussed in this strategy (link to section 1, part 2, 4), the share of Derby's population over retirement age will continue to grow in the coming years, and around 1,500 council homes are 'under-occupied' by single people or couples of this age group. We need to offer a range of attractive and practical options for older people, suitable for their financial circumstances. This includes the further expansion of Extra Care, giving residents the security of knowing that if they require care in the future, this can be provided in their own home.

This is covered in further detail in our Older Persons Housing Strategy and Older Persons Investment Prospectus.

Housing for people with learning disabilities and mental ill-health

The vast majority of people in these groups do not need specialised housing and it is our vision that they should increasingly live in 'ordinary' housing, with appropriate care and support.

There are successful models which help people to access tenures other than social housing - such as outright ownership, shared ownership and private renting. These models can, in principle, be applied to new housing developments as well as existing stock. We will encourage providers of supported housing that are not already doing so to consider how to mainstream provision for this customer group. We will also encourage providers of general needs housing to increase information about and accessibility of their stock to this customer group.

Actions

Specific actions to develop additional housing and support regeneration are detailed in the action plan at the end of this document and in the documents listed in the 'more information' section below.

More information

- Derby's City Centre Master plan: www.transformingcities.co.uk/ and www.derby.gov.uk/
- The Strategic Housing Market Assessment (SHMA): www.derby.gov.uk/
- Older Persons' Housing Investment Prospectus: www.derby.gov.uk/housing-strategy

Section 3

Delivering this strategy



1. Key challenges looking forward

In delivering the priorities set out in this strategy it is important to consider what challenges there will be and the resources we will be able to draw on.

A number of issues (some of which are discussed in more detail in chapter 2) are likely to present significant challenges over the next ten years and beyond. These include:

- a. The growing and ageing population increasing demand for housing and related support services
- b. Continued funding pressures faced by the Council and its partners, including a projected £8 billion funding shortfall for local authorities by 2024/2025, according to the Local Government Association¹.
- c. Postponements to reforms to the local government finance system make for additional uncertainty. In September 2019 the Government announced that the existing local government finance settlement would be rolled forward, postponing a multi-year Spending Review, and major reforms of local government finance, to 2020/21 and 2021/22 respectively. The reforms include replacing the Revenue Support Grant with the retention of a proportion of business rates. Also, the formula that determines funding allocations will be reviewed.
- d. A growing private rented sector, a significant proportion of which does not meet the decent homes standard. It is also based mainly on short-term contracts and a consequent lack of security which is often unsuitable for those who are vulnerable or in housing need.
- e. A lack of suitable housing sites within the city boundary to meet increasing need from new development.

¹ LGA written evidence to the MHCLG Committee on the 2019 Spending Review. See <http://www.data.parliament.uk/>

- f. The potential for an extension of Right to Buy to cover registered providers' properties, subject to the outcome of pilot schemes currently in progress. This has the potential to further reduce the stock of affordable housing
- g. Changes to Building Regulations resulting from the Deregulation Act 2015 and associated National Housing Standards Review. The full implications of this new legislation are yet to be established, and the Council is currently considering how it will affect emerging planning policies.

These and other pressures will have the general result of increasing demand for services while simultaneously reducing resources. Nevertheless, by working innovatively and collaboratively with partners it should be possible to address effectively the priorities outlined in this document.

2. Resources

The resources available to implement this strategy may vary from year to year depending on the Council's own income, the income of key partners and any additional funding that may be made available by central government and other agencies.

Primary Council resources are derived from grants, business rates and Council tax. Housing specific funding comes primarily from MHCLG and Homes England (HE). For example, HE has a regular programme of funding to support the development of new affordable homes.

The Council's Housing Revenue Account (HRA) has access to some Right to Buy receipts and an ability to borrow funds to be supported by future rental income. Derby Homes can also access HE funding and borrow funds from the Council to support affordable housing, as long as such borrowing is sustainable from the rental income.

Other government departments such as Department of Health periodically release funds to support accommodation for specific groups such as people with learning disabilities. New Homes Bonus, which is government funding based on new properties built or empty homes brought back into use, can also be used to support further development and support services.

The Council will take every opportunity to bid where appropriate for funding from other sources to supplement mainstream allocations and to take full advantage of external income opportunities in order to maximise housing delivery.

For example, in partnership with HE, we will establish a programme of housing development sites that require future public sector intervention in order to be delivered.

3. Equalities

The public sector equality duty is a duty on public authorities to consider how its policies or decisions affect people who are protected under the Equality Act (2010).

Derby City Council has a strong commitment to fairness and equality in everything that it does. This Housing Strategy is cross-tenure, which means that it applies to privately-owned residential properties and also to properties owned by the Council, housing associations or other public or quasi-public bodies. It applies to both owners and tenants.

Throughout the City, considerable work is being done to support and promote community cohesion, particularly in areas where there is significant economic and health disadvantage, such as Normanton and

Arboretum. These wards are also heavily populated with older people and people from a black or minority background who because of their location are more at risk of disadvantage than people from the same protected characteristics in other, more affluent areas.

Apart from significant financial investment to raise the standards in older housing stock in these areas, Derby City Council provides a number of services and grants such as the Healthy Housing Hub and Disabled Facilities Grant, which help older, disabled and vulnerable people stay at home for longer, more independently and in a safer environment.

Other work in these communities involves wider housing renewal work and tackling landlords letting substandard properties. These initiatives are particularly important in these areas as most of the housing is privately occupied and privately rented.

Targeted initiatives like these are vitally important in areas of disadvantage, and ensure that our most vulnerable residents are supported in accessing improved opportunities in housing, to enable them to occupy more safe and secure homes. They underpin the wider work throughout the city, ensuring that we have given careful consideration to issues affecting each ward and how they might particularly disadvantage particular groups.

As such, we have developed housing and support strategies which focus on the needs of particular groups, for example older people. This way we have been able to help this group to access new models of housing, such as extra care, which better meets their needs and in a more flexible way.

We therefore have as one of our key strategic priorities - the provision of housing and support for vulnerable people. Achieving this priority is likely to have a more pronounced beneficial impact on certain

groups in society. These include disabled people, older people and homeless people, who may need additional support accessing or living independently in suitable housing. It also includes low income and minority ethnic households, who are more likely to be resident in poor quality housing.

A full Equalities Impact Assessment of this strategy will be undertaken in January 2020, which will be attended by relevant Diversity Forum members and other key stakeholders. Any issues arising from this assessment will be considered and incorporated in the finalised version of this strategy.

4. Implementation, Monitoring and Review

As stated in chapter 1, the focus of this strategy is to set out our direction of travel and our over-arching priorities over the next decade, rather than specify a series of detailed actions.

However, there are a number of key actions which will be critical to achieving success. These are set out in the action plan at the end of this document.

The strategy has been formulated to be consistent with and supportive of a wide range of corporate and partnership policies and strategies. These include those relating to health and wellbeing, social care, planning, economic growth and regeneration.

With regard specifically to housing, the priorities and actions set out in this strategy are consistent with and directly supported by a wide range of housing related policies and strategies. These include:

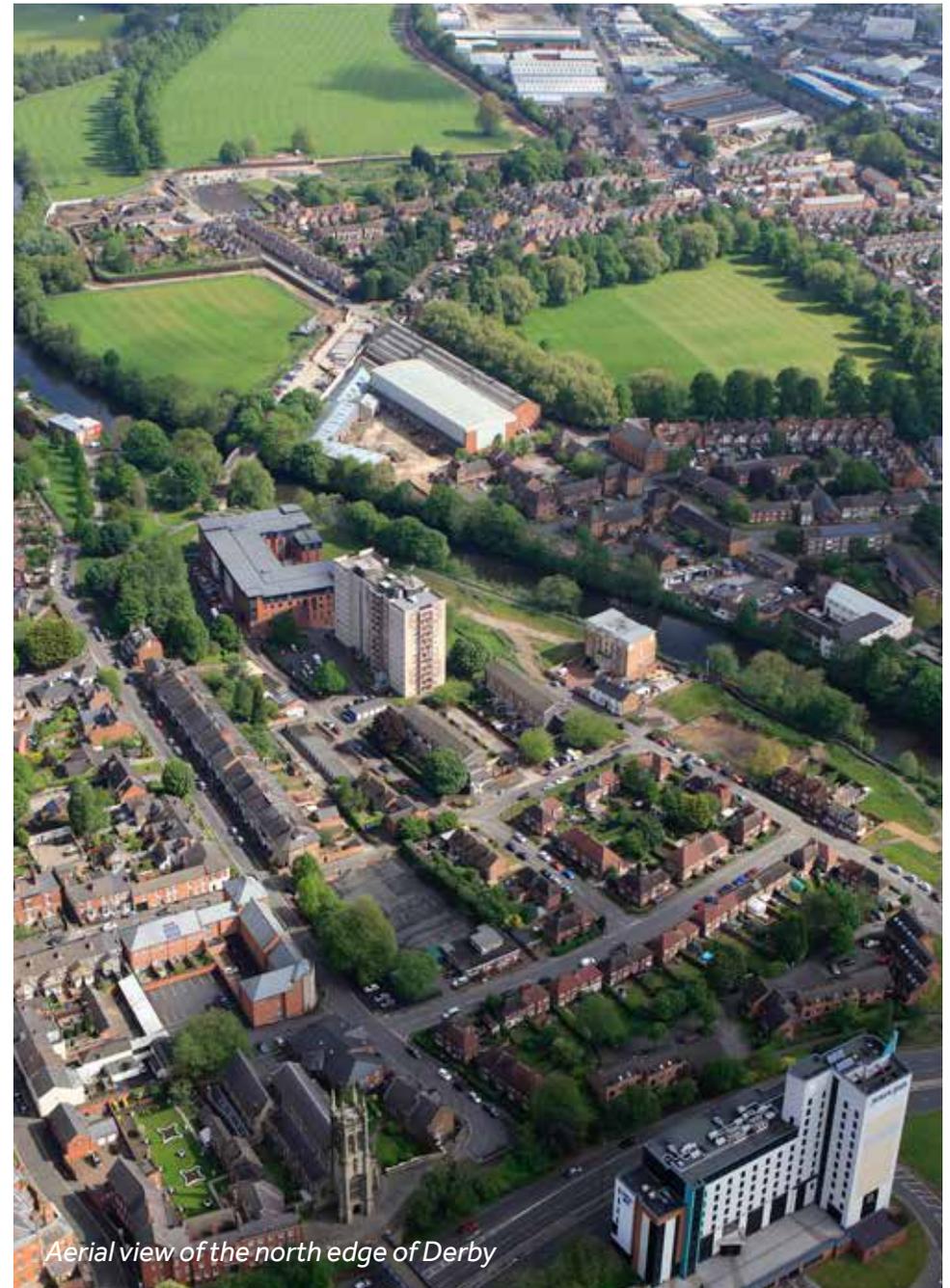
- Accommodation strategy for disabled adults of working age
- Allocations policy

- Empty homes strategy
- Homelessness strategy
- Housing renewal policy
- Older persons' housing strategy
- Tenancy strategy

All the strategies in this list contain detailed delivery plans with specific, time-bound actions. The measure of success of this housing strategy will therefore be closely linked not only to the action plan below but also to the delivery plans of these 'sub' strategies.

Review of progress against these delivery plans will therefore be made periodically, with additional measures being considered and implemented where appropriate.

All of these housing related strategies and their constituent delivery plans can be found at: www.derby.gov.uk/housing-strategy



Aerial view of the north edge of Derby

Delivery plan

	Action	Lead Department	Target / Timescale / More Detail
Priority 1: Best use of stock – getting the most out of our existing homes			
1.1	Review and implement a revised Empty Homes Strategy	Strategic Housing	2020/21. Ensure the new strategy provides continued support to maximise New Homes Bonus
1.2	Review and implement a revised Allocations Policy	Derby Homes	2020/21
1.3	Review the Tenancy Strategy, ensuring it remains fit for purpose	Strategic Housing	2020/21
Priority 2: Housing quality and standards - well-managed, well-maintained, decent homes			
2.1	Maintain the Council's housing at the Decent Homes standard	Derby Homes	Continually review and deliver programmes of maintenance and repair
2.2	Review and update the Private Sector Housing Renewal Policy	Strategic Housing	2020. Make effective use of the findings of the 2019 <i>Private Sector Stock Condition Survey</i> to inform this review
2.3	Deliver a new PRS focussed Stock Condition Survey	Strategic Housing / Public Health	2020/21. This will inform a longer term strategic approach to the improvement of Derby's private rented housing sector
2.4	Refresh the existing Stock Condition survey 5 years after its launch	Strategic Housing / Public Health	2024/25
2.5	Climate Emergency: To produce a new Derby Climate Change Strategy and Action Plan 2020/21	Planning Services	<ul style="list-style-type: none"> Establish a series of climate change sub-groups that will report to a cross-party Derby City Climate Change Working group: Determine climate reduction targets and trajectory, in the context of the UK target of net zero carbon emissions

	Action	Lead Department	Target / Timescale / More Detail
2.6	Investigate energy efficiency initiatives for the Council's housing stock	Derby Homes	On going
2.7	Monitor the effectiveness of the RAM Energy Fuel Poverty Fund and LA-Flex, and continue to develop and implement initiatives that tackle fuel poverty	Strategic Housing	From 2020
2.8	Develop and implement a 'Taller Buildings' strategy	Planning Services	From 2020
2.9	Produce an urban design guidance document to supplement Planning Policy	Planning Services	2020/21
Priority 3: Vulnerable people - providing suitable accommodation for vulnerable groups			
3.1	Develop a market position statement on supported living/accommodation options for working age adults with complex needs	Peoples Services - Adult's	2020/21
3.2	Provide additional extra care housing units	ASC-Commissioning/ Strategic Housing	Up to 360 additional units by December 2025
3.3	Develop a new Accommodation Strategy for Disabled Adults of Working Age	Strategic Housing / Peoples Services - Adult's	2020/21
3.4	Implement a range of measures to improve conditions and access to suitable housing for older and vulnerable people	Strategic Housing / Derby Homes	Implement actions from the Older Persons Housing Strategy 2019 – 2029 and the Housing Renewal Policy and making use of findings from private sector SCS Ongoing from 2020
3.5	Review service provision in sheltered and age-restricted housing schemes, specifically whether a relaxation of age-restrictions and the replacement of floating support in sheltered blocks remains effective	Strategic Housing / Derby Homes	2020-21

	Action	Lead Department	Target / Timescale / More Detail
3.6	Carry out a Housing-Health Impact Assessment	Strategic Housing / Public Health	2020-21. This will improve our knowledge, evidence and strategic approach to tackling the health impacts of substandard housing
3.7	Homelessness Prevention and Relief	Strategic Housing / Derby Homes and members of the Homelessness Liaison Forum	Implement the actions in the Homelessness and Rough Sleeping Strategy 2020-25
Priority 4: Housing development & regeneration - new housing that meets need and contributes to urban renewal			
4.1	Use planning policy to maximise the supply of new housing; enable delivery of sufficient new dwellings to meet Local Plan target to 2028	Planning Services / Strategic Housing	Use of Section 106 agreements and, where appropriate financial contributions towards infrastructure. Target for total new dwellings is an average of 750 per year to 2028
4.2	Commission a Local Housing Needs Assessment	Planning Services / Strategic Housing	This will help ensure our intelligence on Derby's housing need is kept accurate and up to date. 2020/21
4.3	Complete Part 2 of the Local Plan including further land allocations	Planning Services	Implement development management policies including policies relating to residential development.
4.4	Develop a programme of housing development sites requiring public sector intervention	Planning Services / Strategic Housing	Agree programme in 2020/21, in partnership with Homes England
4.5	Develop a cross-tenure investment prospectus for all housing	Strategic Housing	2022-23
4.6	Commission a market appraisal of the city centre	Strategic Housing	2020. This will assess development opportunities, inform strategy and decision making, and assist with funding bids

Table of abbreviations

Abbreviation	Meaning
ASB	Anti-social Behaviour
CBD	Central Business District
CCG	Clinical Commissioning Group
CESP	Community Energy Saving Programme
CVS	Community and Voluntary Sector
DASH	Decent and Safe Homes
DCC	Derby City Council
DFG	Disabled Facilities Grant
DMEX	Derby Mutual Exchange Service
DRI	Derby Royal Infirmary
DWP	Department of Work and Pensions
ECO	Energy Company Obligation
EIA	Equalities Impact Assessment
HA	Housing Association (also see RP)
HB	Housing Benefit
HE	Homes England
HHSRS	Housing Health and Safety Rating System
HIF	Housing Infrastructure Fund
HRA	Housing Revenue Account
HRS	Housing Related Support

Abbreviation	Meaning
IMD	Index of Multiple Deprivation
ISO	International Organization for Standardization
JSNA	Joint Strategic Needs Assessment
LAC	Local Area Coordination
LEP	Local Enterprise Partnership
LHA	Local Housing Allowance
LTH	Lifetime Homes Standard
MHCLG	Ministry of Housing, Communities and Local Government
NPPF	National Planning Policy Framework
OCOR	Our City Our River
ONS	Office of National Statistics
PRS	Private Rented Sector
RP	Registered Provider (of Social Housing)
RRO	Regulatory Reform Order
RSH	Regulator of Social Housing
RtB	Right to Buy
SHMA	Strategic Housing Market Assessment
SNPP	Sub-national Population Projections
UC	Universal Credit
UTC	University Technical College

We can give you this information in any other way, style or language that will help you access it. Please contact us on: 01332 640325
Minicom: 01332 640666

Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku.

Prosimy o kontakt: ~~01332~~640325 Tel. tekstowy: 01332 640666

Punjabi

ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਟੈਲੀਫੋਨ

~~01332 640325~~ ਮਿਨੀਕਮ 01332 640666 ਤੇ ਸੰਪਰਕ ਕਰੋ।

Slovakian

Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Skontaktujte nás prosím na tel.č: ~~01332 640325~~ Minicom 01332 640666.

Urdu

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم ~~01332 640325~~ منی کام 01332 640666 پر ہم سے رابطہ کریں۔



Derby City Council

Derby City Council The Council House Corporation Street Derby DE1 2FS
www.derby.gov.uk



Derby City Council

Private Sector Housing Renewal Policy 2015-2020

Providing a focus on existing private sector housing stock
in Derby.

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Assistance and service available to promote, encourage and, where necessary, enforce the improvement and better use of existing private sector housing in Derby are described within Appendices 3 to 12.

Section 1

1. Introduction

Nationally, the Department for Communities and Local Government's 'National Planning Policy' sets out its expectation that Local Authorities "...set policies to improve or make more effective use of the existing housing stock..." and it is this Private Sector Housing Renewal Policy that aims to do that locally, for Derby.

The House of Lords Select Committee 'Ready for Ageing' Report 2013 identified that:

"A better health and social care system to support people to stay living independently needs adequate housing and support in the home. If preserving independence is to be a central goal, appropriate and safe housing will become increasingly important. For example, by providing a warm environment or making adaptations to prevent falls, investment in housing can reduce hospital admissions. Services that help older people adapt their homes to allow them to live there for longer will become more important in the coming decades as the population ages."

At the other end of the age spectrum, Shelter commissioned research entitled 'Chance of a lifetime: The impact of bad housing on children's lives' estimates that 1.4 million children in England live in poor housing as a result of overcrowding and unfit conditions; and found that *"housing conditions affected virtually all aspects of a child's health and wellbeing, including mental health, educational attainment and physical wellbeing..."*

- *Poor housing conditions increase the risk of severe ill health or disability by up to 25 per cent during childhood and early adulthood*
- *Children living in bad housing are more likely to suffer respiratory problems including asthma and bronchitis.*
- *Children living in acutely bad conditions are more likely to attend accident and emergency in a year than other children - 24 per cent in comparison to 20 per cent*
- *Cold and damp homes can lead to children losing days at school. This can affect their examination results, their development and put them at a disadvantage in their future lives."*

Fuel poverty and the health impacts of cold homes are nationally recognised as significant health and well-being issues for vulnerable people of all ages and are likely to become more so as the cost of fuel increases and Welfare Reform changes take effect.

Whilst poor housing condition and choice clearly have significant impact on health, well-being, development and attainment across the age spectrum, they also impact on our wider economy; in 2014 the Governor of the Bank of England spoke out to say that *"shortage of homes is driving up house prices"* such that *"the booming housing market represents the biggest risk to Britain's economic recovery"*.

But, building new houses cannot solve the housing shortfall alone; it is crucial that we also work to reduce the numbers of homes left empty. Not only do empty homes represent a wasted housing resource; they also tend to attract anti-social and criminal activities and are often seriously detrimental to local communities. Hence, the Department for Communities and Local Government's 'National Planning Policy', referred to earlier, also states its expectation that Local Authorities *"...bring back into residential use empty housing and buildings...and, where appropriate, acquire properties under compulsory purchase powers..."*

Locally, Derby's own Joint Strategic Needs Assessment (JSNA) 2011 dedicated a chapter to the health impacts of poor quality housing, identifying housing as *"...a key determinant of health, poor quality housing being intrinsically linked with poor health. Poor housing conditions continue to cause preventable deaths, illness and accidents; they contribute to health*

inequalities, impact on people’s life expectancy and on their overall quality of life...” and housing remains high on the agenda in on-going JSNA updates.

Derby’s ‘Stay Warm + Healthy in Winter’ partnership has, for two consecutive years now, expressed its “...*shock that so many people were still living in homes which were not heated properly or without adequate insulation; lacking adequate heating and hot water whether because provision was absent, defective, ineffective or simply unaffordable...there remains huge demand out there; ...we still can’t be sure what the full extent of the real need is; but...we can be sure that nowhere near enough is being done to tackle it nationally or locally.*” Not surprisingly, Housing looks set to figure significantly in the City’s first Cold Weather Plan, development of which is being led by the Director of Public Health.

Our nationally recognised work to bring empty homes back into use in Derby continues to help to generate crucial extra funds for the City Council through the New Homes Bonus, maximise the use of existing housing stock and improve housing choice, as well as bringing much wider benefits to our communities and neighbourhoods.

Housing rightly remains at the forefront of national and local political agendas.

The majority of housing is private sector, in the form of either owner occupied or private rented accommodation.

Stock condition surveys show that private sector housing is in a worse condition than public sector housing and that private rented housing is in a worse condition than owner-occupied.

In Derby there are areas of our city with high concentrations of very poor housing occupied by economically deprived, socially excluded and highly vulnerable people.

The following case example demonstrates in stark terms the impacts that poor housing condition can have:

<p>An elderly couple’s boiler broke down in the autumn of 2013.</p> <ul style="list-style-type: none"> ➤ They had a gas fire in the lounge. ➤ No other form of heating and no hot water. ➤ They had been using electric blankets to try to provide at least some warmth for bedtime, but the electric blankets faulted through over use. 	<p>Unfortunately, the husband contracted pneumonia and sadly passed away in January 2014.</p> <p>It was still sometime after this loss before the wife was referred to us. Only then could we:</p> <ul style="list-style-type: none"> ✓ Arrange for temporary heating to be provided; ✓ Replace the boiler, to provide effective heat & hot water again. <p>A great help to the wife but unfortunately far too late for her husband.</p>
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It is no surprise, therefore, that Derby’s Council Plan 2014-15 commits to:

- *More private sector dwellings brought back into use or demolished.*
- *Continue to protect residents by tackling statutory nuisance and environmental crime.*
- *Continued delivery of the Healthy Housing Hub.*
- *Reduction in the number of older and disabled people having to move to residential and nursing homes.*
- *Provide good-quality housing across the city*
- *Increase the housing supply*

- *Improve the health and wellbeing of tenants in the private rented sector by improving housing standards and in particular by tackling rogue landlords.*

Through the Private Sector Housing Renewal Policy we strive to help achieve these aims and tackle these concerns by targeting help toward the more vulnerable and by taking action to promote, encourage and, where necessary, enforce the improvement and better use of existing private sector housing in Derby.

2. Background

Nationally

The DCLG's (Department of Communities and Local Government) 'English Housing Survey – Headline Report 2014' states:

"In 2012-13, the private rented sector overtook the social rented sector to become the second largest tenure in England.

There were an estimated 22.0 million households in England. Overall, 65% or 14.3 million were owner occupiers, 18% (4.0 million) were private renters and 17% (3.7 million) were social renters.

As in previous years, the private rented sector had the highest proportion of non-decent homes (33%) while the social rented sector had the lowest (15%).

Meanwhile, 20% of owner occupied homes failed to meet the decent homes standard in 2012. Failing the minimum safety standard (Housing Health and Safety Rating System – HHSRS) was the most common reason for not meeting decent homes criteria". Such hazards cause illness, injury or death and have significant cost implications for the nation.

33% of the private rented housing stock being non-decent is a problem that disproportionately affects the most vulnerable in society and thereby exposes them to a significantly greater risk to their health, well-being and development potential – further perpetuating health inequalities.

Marmot's Strategic Review of Health Inequalities in England post-2010 – 'Fair Society, Healthy Lives' – found that

"...Bad housing conditions – including homelessness, temporary accommodation, overcrowding, insecurity and housing in poor physical condition – constitute a risk to health...children in bad housing conditions are more likely to have mental health problems, such as anxiety and depression, to contract meningitis, have respiratory problems, experience long-term ill health and disability, experience slow physical growth and have delayed cognitive development. These adverse outcomes reflect both the direct impact of the housing and the associated material deprivation."

There is strong and growing evidence about the risk to health from cold weather. The effects of this on health are predictable and mostly preventable. Direct effects of winter cold include increased:

- heart attacks
- strokes
- respiratory disease
- influenza
- falls and injuries
- hypothermia

Indirect effects of cold include mental health illnesses such as depression and risk of carbon monoxide poisoning if boilers, cooking and heating appliances are poorly maintained or poorly ventilated.

Marmot's Strategic Review concluded that:

- *'...Investment in new and existing housing is needed across the social gradient. More than 500,000 people are living in overcrowded conditions and 70,000 people in temporary accommodation. Almost 2 million people are on council waiting lists for social housing.'*
- *'...[since] fuel poverty is a significant problem and likely to grow as the cost of fuel increases...investments to improve housing need to be sustained.'*

Age UK reported in its 2013 report 'The cost of cold - Why we need to protect the health of older people in winter': *"Our study found that around 2 million elderly people are so desperately cold that they are going to bed when they are not tired and a similar number have moved into one room, in an attempt to keep their energy bills down."*

Housing condition and choice is, without doubt, a major determinant of health and well-being and hence impacts significantly on health and social care needs.

By 2035 the number of people in the UK aged 85 or over is predicted to have increased by 250% and those over 65 are predicted to make up nearly 25% of the total population. [* Office for National Statistics; Statistical Bulletin - Older People's Day 2011; Sept. 2011.]

"The housing and health link becomes increasingly important with age. Older people spend an average of 80% of their time at home; they are at risk of falls and more susceptible to cold or damp related health problems." [Policy Paper: Health, Housing and Ageing; 2013; The Housing and Ageing Alliance]

Our population and our housing stock are ageing; with age their 'health' is deteriorating – and, with that deterioration, the 'care' costs of both are spiralling.

And with the inability of social care budgets to cope with the increasing costs of an ageing population there is an increasingly strong 'invest to save' case emerging; *"Money spent on dealing with poor housing is money invested in health – when local authorities act to improve housing conditions, there is a resulting financial benefit to the health sector. The opposite is also true – if money is not spent to improve poor housing, then society will pay, again and again."* [Linking Housing Conditions and Health; Warwick Law School with the Building Research Establishment.]

But poor housing conditions have significant detrimental impact across the age spectrum, with Shelter's 'Chances of a lifetime' research on the impact of bad housing on children's lives reporting that: *"Poor housing conditions increase the risk of severe ill health or disability by up to 25 per cent during childhood and early adulthood."*

Unhealthy or inadequate housing affects the physical and mental health of people from all spectrums. But, it is inevitably particularly the susceptible and vulnerable populations, such as young children, frail elderly and those with long term health conditions that are disproportionately affected.

Research shows that the interventions most likely to lead to health improvements are those that target clients most in need, where the potential benefit is greatest i.e. residents in the poorest housing and who are also most vulnerable to the detrimental health effects of poor housing

With vulnerable and older people being the main users of both hospital and primary care, their homes are a particularly important factor in maintaining physical and mental health, addressing health inequalities and for delivery of health and care services. Decent, suitable housing can reduce the costs of health care; it can decrease GP visits by older, vulnerable people with chronic conditions, enable timely hospital discharge, extend independence for patients with dementia, reduce demand on emergency health services and provide end of life care at home.

National concerns about the impacts of empty private sector homes, insufficient new-build housing, fuel poverty and climate change have been reflected in on-going Government announcements regarding the New Homes Bonus, monies targeted toward empty homes initiatives via the Homes and Communities Agency, the Green Deal and Energy Company Obligation to target energy efficiency, fuel poverty and carbon reduction issues.

Locally

Derby has a population of 241,420, living in 104,458 households.

2012 saw:

- 3,756 live births in Derby;
- a pre-school population of 18,071;
- continued growth in the proportion of older people (65+) (projected to grow from 39,000 in 2012 to 61,000 in 2037 – a growth of 56%).

Of Derby's housing stock, nearly 60% of dwellings are over 50 years old and nearly 18% are 100 or more years old. With regard to 'unhealthy housing' – most recent house condition survey data, in 2006, identified some 18,000 dwellings in Derby as lacking thermal comfort and over 8,000 classed as having a Category 1 hazard to health (under the Housing Health + Safety Rating System).

31% of private sector dwellings in Derby were identified as non-decent and 22% as lacking thermal comfort. Experian plc data from 2010 identifies 12,093 of the private sector stock as being privately rented, with the 2006 survey data revealing 49.9% of the private rented sector to be non-decent!

The number of private sector dwellings that are both non-decent and occupied by vulnerable households was estimated at that time to be at least 8,367.

Experian plc data from 2010 revealed 32.4% of private rented sector households in Derby as having an income of £10,000 or less – low income being most associated with the youngest and oldest heads of households.

In March 2014 there were 3,864 applicants on Derby's waiting list for social housing, 1,312 of whom had a need for at least one extra bedroom.

This at a time when there are approximately 3,400 empty properties in Derby, of which some 1,700 had been empty for 6 months or longer.

We clearly need to do more now to help mitigate for the effects of otherwise preventable risks to health; such as poor quality housing. Housing is therefore high on the agenda for public health practitioners, commissioners and policy makers and, recognised as a key determinant of health; housing will continue to be included within the Derby's JSNA through on-going updates.

Means of local intervention

Enabling vulnerable, older, or disabled people to remain in their homes should be seen as an integral part of promoting public health, well-being and sustainable communities.

Enabling people to remain in their homes safely can improve quality of life and can reduce demand on health services and social care. Targeted actions in such cases can have significant health impacts at relatively low cost. The Healthy Housing Hub and Handy-Person Scheme can help reduce the incidence and impact of housing related ill health or accidents in the home.

Ensuring delivery of an appropriately resourced Disabled Facilities Grants service helps meet the growing demand for disabled adaptations in the home.

Targeting of specific vulnerable groups or deprived areas can help effectively target direct improvement to health and developmental outcomes by tackling poor housing conditions, such as inadequate heating, poor insulation and overcrowding.

Adopted January 2015

Area focussed programmes can be used to stimulate improvement in private sector housing condition and the wider neighbourhood, contributing significantly to community sustainability and tackling health inequalities.

Empty Homes can blight a street or an area and be a hub for anti-social behaviour and crime. Returning them into productive use can help to tackle homelessness, reduce incidence of anti-social and criminal behaviour and improve neighbourhoods. The return of long term empty properties to the useful, occupied housing stock also helps contribute to the generation of valuable New Homes Bonus income for the City Council.

Initiatives such as landlord accreditation schemes, at relatively low cost to the local authority, encourage landlords to improve the management and condition of their private rented housing stock, thereby reducing hazards to the health of the occupiers.

Fire detection and prevention work reduces demand on both health and emergency services, commonly via low-cost installation of smoke detectors and awareness raising, for example. Such actions can, again at relatively low cost, be extended to include carbon monoxide detection and awareness raising. Targeting may be general, in areas of deprivation or at those most vulnerable to fire or carbon monoxide in the home, such as the very young, elderly or disabled.

The ability to obtain and sustain a family home with sufficient space and free of serious health hazards is a fundamental pre-requisite of public health. Targeted actions can work toward decent home standards, particularly in relation to households including young children and older adults. Ultimately, statutory enforcement action by the Housing Standards Team aims to target the very worst.

A home close to where you work and accessible to your support network contribute significantly to independent living, sustainable occupancies and mental well-being. Initiatives that improve housing condition and return empty properties to use can help increase housing choice, facilitate access into safe housing and help link that with the provision of appropriate support services.

Fuel poverty, carbon reduction and other energy related programmes of activity serve both to tackle the child health, child development and excess winter morbidity and mortality concerns of the public health agenda and also the wider commitments to address climate change.

Unfortunately our regionally and nationally recognised housing grant, group repair, Home Improvement Agency and area improvement initiatives no longer form part of this policy due to the severe financial restraints affecting both local government and the private sector.

Inevitably, the loss of such interventions will have a long term detrimental impact on housing conditions in Derby. We will however continue to monitor funding opportunities if and as they appear and seek to restore such initiatives as policy options.

Local strategic links

There are close links to, impacts upon and interactions with, a wide range of local strategies and policies, including:

- Derby City's Council Plan 2014-15
- Empty Homes Strategy 2015-20
- Joint Strategic Needs Assessment (JSNA) 2011 and on-going updates
- Affordable Warmth Strategy
- Housing Enforcement Policy – Housing Initiatives
- Homelessness Strategy 2010-14
- Housing Strategy 2009-14

- Economic Strategy 2011-16

The policy also contributes to the emerging priorities of the Housing Sub-Group, chaired by the Cabinet Member for Housing, Finance and Welfare, and attached to Derby's Inner City Renewal Project. The housing renewal activities of the policy focus particularly on economically deprived, socially excluded, highly vulnerable communities living in poor housing in inner city areas. This is achieved through the housing enforcement function, Empty Homes Service, compulsory purchase activities and the Healthy Housing and Handyman services for vulnerable people, for example.

3. Policy aims, purpose and guiding principles

Policy aims

The aim of this policy is to set out the structure of assistance, grants, loans, works and initiatives that the Council will undertake to promote improvements to the quality and choice of housing within the private sector.

Policy outcomes

Through implementing this policy the Council intends to make Derby a better place to live for everyone in the City and also help to improve the health and well-being of some particularly excluded and vulnerable people.

Measurable outputs

Business plans and performance monitoring frameworks within the Council will monitor measurable targets.

Values

Underlying the policy are a number of guiding principles as set out below.

The primary responsibility for the upkeep of private housing rests with the property owner and public assistance should be targeted at those least able to fulfil this responsibility.

Where possible, property owners should make a reasonable contribution towards improvements to their properties and, as far as possible, any financial assistance should be repayable.

In delivering this policy we will:

- be open and honest
- uphold high ethical standards
- listen and consult with service users
- seek sustainable solutions
- promote equality of opportunity
- support cultural diversity
- work in partnership
- provide best value services.

Resources

Funding for City Council expenditure on private sector housing is dependent, in the main, on Government allocations and on competitive bidding for resources. As such, funding can fluctuate from year to year.

Unfortunately, the economic climate is now very different, with Government allocations minimal and sources of competitive funding very scarce elsewhere.

However, the Council will continue to develop each year a capital programme for private sector housing, implemented via this Housing Renewal Policy and in line with available resources

The City Council will take every opportunity to bid for funding from other sources to supplement mainstream allocations, to develop new and reinforce existing partnerships and to maximise income opportunities, such as those presented by the New Homes Bonus.

Section 2

Assistance and service available to promote, encourage and, where necessary, enforce the improvement and better use of existing private sector housing in Derby

Except where otherwise stated all types of assistance and service are given at the discretion of the City Council and may be subject to conditions. The general provisions relating to applicable conditions are set out in Appendix 1.

Some types of assistance are not provided directly by the City Council but through partner agencies and organisations.

Types of assistance and service available under the terms of this policy are summarised below. Full details of each individual type of assistance are set out in the appendices at the end of this document.

Contact details

The private sector housing function, primarily within the Strategic Housing Service of the Council's Adults Health and Housing Directorate, is responsible for implementing this policy – our contact details and those for all other teams or services following are shown in Appendix 2 onwards.

1. Disabled Facilities Service

We deliver a service dedicated to offering advice, guidance and grant assistance to help people adapt their homes to meet the access and living needs of a disabled occupant.

1a. Disabled Facilities Grant – DFG

This grant is available to owner occupiers and tenants to help adapt their home to meet the needs of a disabled occupant. Landlords may also apply for a DFG on behalf of a disabled tenant.

The aim of a DFG is to remove or help overcome any obstacles which prevent the disabled person from moving freely into and around the dwelling and enjoying the facilities and amenities in it. Typical work might include the provision of a stair-lift, the replacement of a bath with a level access shower or provision of ramps to main entrance doors.

Eligibility for grant is based on an assessment of the disabled person's need carried out by an Occupational Therapist.

DFGs are a mandatory entitlement which means that the Council cannot refuse an application which fulfils the eligibility criteria. They are, however, subject to a legal maximum grant limit and to a Test of Resources to determine the level of any financial contribution to be made by the applicant.

Further details on DFGs are set out in Appendix 3. Contact us on 01332 293111 or email: customerservices@derby.gov.uk

1b. Discretionary Adaptations Assistance

This financial assistance may be available in conjunction with a DFG and may be in the form of a loan, where the cost of eligible works exceeds the current legal maximum grant limit for a DFG.

Further details on this assistance are set out in Appendix 4.

1c. Discretionary Disability Relocation Assistance

This financial assistance may be available where it is not reasonable or practicable to adapt the home of a disabled person. The amount of assistance applicable will be subject to a maximum limit.

Further details on this assistance are set out in Appendix 5.

2. Healthy Housing Hub

This service, run by Derby City Council, brings together a range of local partner agencies and organisations to offer information, advice and practical housing assistance to vulnerable residents where their housing conditions are impacting upon, or have the potential to impact on, their health and well-being. The Service aims to help achieve better health and well-being, through a better home.

The Healthy Housing Hub is also the lead service in delivery of the City Council's 'Stay Warm + Healthy in Winter' programme of help for residents particularly vulnerable to the health and well-being impacts of cold homes.

Contact details: 01332 640163

Email: healthyhousing@derby.gov.uk

2a. Healthy Housing Assistance

Assistance may be advisory, financial, prescribed works or a combination thereof. Financial assistance may be available to help low income, vulnerable, older or disabled residents to carry out minor repairs, improvements or adaptations to help them remain in their own homes in greater safety and better health.

Further details on this assistance are set out in Appendix 6.

2b. Handy-Person Service

The Handy-Person Service carries out minor repair, maintenance and improvement works for older people on a low income, homeowners or other vulnerable people having difficulties with their home due to maintenance issues.

Further details on this assistance are set out in Appendix 7. Contact us on 01332 640134 or email: home.repairs@derby.gov.uk

2c Home Maintenance Advice

Advice is available via our Healthy Housing Hub to assist homeowners on maintaining their homes, for example where people require advice on carrying out simple DIY tasks of repair or

preventative maintenance so that more costly repairs, accidents or ill health can be avoided in the future.

Further details on this assistance is available direct from our Healthy Housing Hub.

3. Empty Homes Service

Empty homes represent a waste of housing resource at a time of housing shortage; they can also attract crime and anti-social behaviour, contributing not only to urban decline and blight, but also to crime and the fear of crime. Higher numbers of long term empty houses serve to reduce any income that may otherwise have been allocated to the City Council through the Government's New Homes Bonus initiative.

Our Service can provide advice, support and assistance to property owners to help them bring their empty dwelling back into use.

Similarly, the Service is available to help neighbours or communities where problematic empty properties are having detrimental impacts on people's lives.

In addition to its advice and support role, we also has a range of legal powers that can be used to ensure empty homes are returned to use where an agreed solution cannot be found. To view the City Council's Empty Homes Strategy please contact us on 01332 640326 or email: empty.homes@derby.gov.uk

3a. Empty Homes Assistance

This assistance is generally available as a loan to new owners of long term empty properties where rehabilitation would otherwise not be financially viable.

The maximum period of loan is generally three years and subject to conditions being met is interest free.

Further details on this assistance along with the standard terms and conditions are set out in Appendix 8.

3b. Discretionary Home Relocation Assistance

This assistance may be advisory or financial and may be available to owners and/or tenants of properties acquired by or on behalf of the Council via compulsory purchase or clearance procedures. Further details on this assistance are set out in Appendix 9.

4. DASH Services - Decent and Safe Homes project

Derby is host to the DASH Services project that operates across the East Midlands and beyond. Operating at no cost to the City Council, its delivery is funded through competitively won project-specific grant monies, local authority member subscriptions, training income & consultancy fee income.

DASH delivers a number of services, all of which are designed to both increase the supply of good quality accommodation within the private rented sector and to ensure the delivery of high quality private sector housing services.

DASH contact details: 01332 641111; Email: dash@derby.gov.uk

4a. Landlord Services

DASH offers a wide range of landlord support services including training, briefings, updates and guidance.

Further details on landlord support services are available direct from DASH.

4b. DASH Landlord Accreditation Scheme

DASH Landlord Accreditation Scheme gives landlords access to an accreditation scheme that recognises the efforts of the better performing landlord and provides them with property survey expertise, information, training and events. By working across local authority boundaries DASH Landlord Accreditation Scheme provides considerable efficiency savings when compared to local schemes of this type.

Further details on DASH Landlord Accreditation Scheme are available direct from DASH Services.

4c. Accredited Property Assistance

This assistance will only be available to landlords via membership of the Derby Accredited Property Scheme or the DASH Landlord Accreditation Scheme.

The nature of this assistance is generally limited to advice, survey, support and accreditation scheme incentives but, subject to funding availability, financial assistance may from time to time be available to assist landlords in the accreditation process.

Further details on this assistance are set out in Appendix 10.

4d. Local Authority Support Services.

DASH offers a wide range of support services to Local Authorities across the East Midlands and beyond, including:

- training, briefings, updates and guidance;
- encouraging the sharing of resources;
- bringing consistency and standardisation of approach by private sector housing enforcement teams;
- acting, with considerable success, as a representative body on private sector housing issues at national level;
- delivering cost savings and efficiencies by operating across local authority boundaries.

Further details on local authority support are available direct from DASH Services.

5. Tackling fuel poverty, energy efficiency and carbon reduction

Through a range of measures, we aim to tackle fuel poverty, energy efficiency and carbon reduction issues in private sector housing, particularly where it impacts on the most vulnerable and excluded households in the city and at the same time contribute to the Council's efforts to combat climate change.

5a. Derby Home Energy advice and assistance

This assistance is provided in conjunction with the City Council's Derby Home Energy Advice Service – DHEAS - part of the Climate Change Team.

DHEAS offers free advice and information to all of Derby's residents on ways to improve the energy efficiency of their homes and, by working closely with other organisations, such as the fuel suppliers, the Service raises awareness of financial and other assistance that could benefit homeowners, landlords and tenants.

Further details on DHEAS are set out in Appendix 11.

5b. The Green Deal and Energy Company Obligation

The Green Deal aims to encourage householders to improve their homes' energy efficiency, paid for by savings from their energy bills. There may also help available through the Energy Company Obligation for more expensive improvements, such as solid wall insulation.

Working with the City Council's Climate Change Team we will play a key part in delivering the Green Deal and Energy Company Obligation across Derby's private sector housing.

Further details are set out at Appendix 12.

6. Housing Standards enforcement

This is a duty upon the Council and is delivered by the Housing Standards Team based within the Council's Neighbourhoods Directorate.

Under the Housing Act 2004, local authorities have a duty to deal with Category 1 hazards; that is those hazards which present the most serious risk of harm to health. Privately owned and, most particularly, private rented properties are of prime concern in this area due to the very high numbers of vulnerable occupiers who live in poor housing conditions in the private sector.

Officers in the team react to complaints about unhealthy and dangerous living conditions from tenants but in addition they operate proactively in a number of streets in the city, known to have high concentrations of rented property. Proactive inspections also take place in properties owned by landlords known to have poor track records.

Although essentially an enforcement service requiring private sector landlords to improve housing conditions, the Housing Standards Team are not focussed entirely on formal action; they also work with responsible landlords wherever possible, to help them improve standards in their properties and avoid falling foul of the law:

- Advisory inspections and consultations can sometimes be undertaken
- A regular newsletter for landlords is produced by the team
- A growing list of landlords receive information by email and have the opportunity to consult on Council strategies and policies which impact on their activities as a landlord
- The team offer the Derby Accredited Property Scheme, particularly focussed on landlords wishing to let property to students via Derby University
- Conferences/seminars are occasionally organised by the team to which all landlords with property in Derby are invited
- Staff from the team regularly attend the Normanton and Pear Tree Landlords' Association meetings to offer advice and assistance.

To maximise efficiencies, the team works very closely with DASH Services, for example by offering accredited landlords discounts on mandatory HMO license fees where they are accredited via the DASH Landlord Accreditation Scheme.

Further details on services provided are available direct from the Housing Standards Team on 01332 640764 or email: housing.standards@derby.gov.uk

Other assistance

Other types of assistance and/or other services may from time to time be made available and incorporated into this policy.

Section 3

1. Policy implementation

The private sector housing function, based primarily within the Strategic Housing Service of the Council's Adults Health and Housing Directorate, is responsible for implementing this policy.

We can be contacted by:

Telephone: our contact numbers and those for all other teams or services following are shown in Appendix 2 onwards.

Email: home.repairs@derby.gov.uk

2. Resources

The resources available to implement this policy vary from year to year depending on funding made available by central government and project partners.

The City Council will take every opportunity to bid for funding from other sources to supplement mainstream allocations, to develop new and reinforce existing partnerships and to maximise income opportunities, such as those presented by the New Homes Bonus.

3. Monitoring

The implementation of this policy will be monitored through the Council's Performance Monitoring Systems.

4. Housing Renewal Review Group

Some decisions regarding policy administration will be made by a Housing Renewal Review Group - HRRG.

The HRRG panel comprises:

- Head of Service for Strategic Housing - Chair.
- Housing Renewal Manager - Deputy Chair.
- Housing Initiatives Manager - Deputy Chair.
- Empty Homes Manager.
- Housing Standards Team Leader (in whose absence a Senior Housing Standards Officer may be delegated to attend).

Senior Officers from other services and departments including Legal Services and Financial Services may on occasion be invited to attend. A quorum for the panel will comprise a chair and at least two other officers from the above list.

The aim of the panel is to provide a formalised system for unusual cases to be discussed and considered on their individual merits, thus promoting consistent decision making.

In some cases the panel will determine the course of action. In others, generally where the situation may set a significant precedent, the panel will present a report to the Service Director Integrated Commissioning and Housing.

The Service Director Integrated Commissioning and Housing, in consultation with the Strategic Director Adults Health and Housing may then authorise a course of action.

Adopted January 2015

Examples of situations which would be dealt with by the HRRG are:

- Deciding on the appropriateness of schemes for which assistance is being sought, determining the level of assistance to be made available, the conditions to be attached thereto or waived and the approval/refusal of applications.
- Considering and deciding on requests for assistance to be provided as an exception to policy and, where that exception may set a significant precedent, submitting a recommended course of action to the Service Director Integrated Commissioning and Housing for consideration.
- Considering from time to time and amending as appropriate levels of fees and charges that are considered as eligible expenses in connection with any assistance provided.

5. Appeals about decisions in individual cases

Appeals about how the policy is operated in individual cases will be considered by the Service Director Integrated Commissioning and Housing, together with a representative nominated by the Strategic Director for Adults Health and Housing.

Appeals must be set out in writing, must include the specific grounds on which the appeal is based and be sent to and marked for the attention of the Head of Service for Strategic Housing: email to: home.repairs@derby.gov.uk
write to: Council House, Corporation Street, Derby, DE1 2FS.
phone: 01332 640319.

Appeals will be considered only on the following grounds:

- That the policy has not been applied correctly in the case in question, for example there has been a mistake, or
- That the case in question is exceptional in some way that justifies an exception to general policy.

A written response to an appeal will be given. If the Service Director and the representative of the Strategic Director believe that the case is exceptional, or at least merits further consideration, it will be referred to the Strategic Director along with recommendations and options where appropriate. The Strategic Director for Adults Health and Housing, in consultation with the portfolio holding Cabinet Member, may then authorise an appropriate form of assistance as an exception to general policy.

6. Reviewing and revising this policy

This Housing Renewal Policy came into force in January 2015 on Council Cabinet approval. The policy will remain in force until end 2020 during which it will be reviewed.

Minor changes which do not affect the broad scope of the policy may from time to time be made by the Strategic Director for Adults Health and Housing in consultation with the portfolio holding Council Cabinet Member.

7. Comments or complaints about this policy

Any queries, complaints, compliments or suggestions about this policy are welcome. These can be made to and marked for the attention of the Head of Service for Strategic Housing:

Email to: home.repairs@derby.gov.uk

Write to: Council House, Corporation Street, Derby, DE1 2FS.

Section 4

Appendices

Appendix 1

Conditions of financial assistance – General provisions

1. In this section the term ‘assistance’ means any form of financial assistance approved for the purpose of housing renewal, maintenance, improvement or adaptation. This may include a grant, an improvement scheme in which people are invited to participate, a loan, or any other form of financial assistance, whether provided directly or indirectly. ‘Condition’ means any condition attached to any such assistance.
2. Any reference to a ‘person responsible’ or to ‘the owner’ in this section, or in relation to conditions generally, is to be taken to mean any owner or other person who is responsible for the relevant condition(s), or assistance either singly or jointly. This includes the original person(s) who applied for and/or received the assistance, as well as any other person who has subsequently become responsible for any condition as a result of acquiring the property or an interest in it.
3. Conditions come into force from the date the assistance is approved or paid (whichever is the sooner), so that the Council may recover any interim payments or other costs incurred, where necessary. Where a condition period is specified, this takes effect from the certified date of completion of the eligible works.
4. Where stated, any financial assistance and related conditions will be secured as a legal charge against the property, where breach of the condition would require the repayment of all or part of the assistance. This charge will not be removed until either the conditions expire or until the assistance is repaid, together with any interest or additional charges that may apply. In some cases, it may be specified that only part of the assistance has to be repaid if the conditions are broken and, in these cases, the charge will be removed upon payment of the specified part of the assistance.
5. A charge against the property is binding on any person who is for the time being an owner of the premises concerned. Where a condition is broken, the Council has all the usual powers and remedies in law to enforce the charge and secure payment of any amount due.
6. Where any condition is in force, the Council may require the person responsible to provide any information to satisfy the Council that the condition is being complied with. The Council can require this information in writing or in any other reasonable form. It is a condition that this information be provided, in the form required and within the reasonable time period specified by the Council and as fully, accurately and honestly as reasonably possible. Failure to comply with this requirement is a breach of conditions in itself and the assistance, or part of the assistance where this is specified, must then be repaid to the Council.
7. It is the responsibility of the person responsible for any condition to demonstrate to the Council’s satisfaction that the condition is being complied with. Failure to do so will be treated as failure to comply with the condition. The council does not have the burden of having to prove that the condition is not being complied with.
8. Any reference to a member of a person’s family is to be taken to mean someone who is their parent, grandparent, child (including an illegitimate child), grandchild, brother, sister, uncle,

aunt, nephew or niece. A relationship by marriage is treated as if it were a relationship by blood. A half-blood relationship is treated as a full-blood relationship.

9. Any reference to a disposal of a property means:

- A conveyance of the freehold
- An assignment of the lease, where the lease was used to qualify for the assistance – for example, a long lease that was treated as effective ‘ownership’
- The grant of a lease, other than a mortgage term, for a term of more than 21 years otherwise than at a rack rent.

For the purpose of this definition, it will be assumed that any option to renew or extend a lease or sub-lease, whether or not forming part of a series of options, is exercised and that any option to terminate a lease or sub-lease is not exercised. Also, the grant of an option enabling a person to call for a disposal shall be treated as such a disposal made to that person.

10. In some situations, the disposal of a property is classed as an ‘exempt disposal’, which means there is no requirement to repay the assistance as a result. However, all the conditions do then continue to apply and are binding upon the person or persons to whom the disposal is made for the remainder of the condition period. A disposal is classed as exempt where the person, or each of the persons, to whom it is made is:

- The person, or one of the persons, by whom the disposal is made
- A member of the family of that person, or one of those persons
- The spouse or former spouse of that person, or one of those persons
- In the case of a company, an associated company of the company by whom the disposal is made.

11. Conditions will generally be enforced in all cases. Money repaid or recovered will be recycled into the Council’s capital programme for private sector housing renewal.

12. No retrospective application or request for financial assistance will be considered where the relevant work has already been started or completed.

13. Unless otherwise specified, all relevant work must be completed, to the satisfaction of the Council, within 12 months of the approval date of the assistance. The Council may agree, in writing, an extension to this period, but this will only be done if there is an extremely good reason.

14. Work must be carried out by the contractor who provided the estimate on which the assistance is based. The Council may give authorisation, in writing, for another contractor to carry out all or part of the work, but this will only be done if there is an extremely good reason.

15. A grant will only be paid when the Council receives a satisfactory invoice in relation to the work in question, together with any supporting documentation or information requested by the Council. Where a contractor is employed by the applicant and not directly by the Council, the invoice must be made out to the applicant or their nominated agent. No invoice will be accepted from the applicant or a member of their family.

16. The Council may choose to pay all or part of any approved assistance when the corresponding value of eligible work has been completed to the satisfaction of the Council. Specific authorisation to pay is not required from the applicant or any other person. The Council may choose to pay directly to the contractor or to a nominated agent, rather than directly to the applicant.

17. The approval of assistance does not give or imply the Council's approval of any other consents that may be required, such as planning permission or Building Regulation consent. It is the responsibility of the applicant to obtain any such consents that are required.

18. It is a condition of any assistance that the applicant takes all reasonable steps to pursue any insurance or legal claim that may be relevant to any part of the work to be carried out and to repay to the Council the assistance, so far as appropriate, out of the proceeds of such a claim. A claim is relevant if it relates to any damage or defect to the property, to the extent that the works required to make good such damage or defect are works to which the assistance relates.

Appendix 2

Contact details

Private Sector Housing services

The Private Sector Housing function, based primarily within the Strategic Housing Service of the Council's Adults Health and Housing Directorate, is responsible for implementing this policy. We can be contacted on:

Telephone: our contact numbers and those for all other teams or services following are shown in **Appendix 2 onwards**.

Email: home.repairs@derby.gov.uk

Disabled Facilities Service:

1. To enquire about Disabled Facilities Grants, Discretionary Adaptations Assistance or Discretionary Disability Relocation Assistance for the benefit of disabled adults please contact: Adults, Health and Housing

Derby City Council
The Council House
Corporation Street
Derby
DE1 2FS

Telephone: 01332 293111

Email: customerservices@derby.gov.uk

2. To enquire about Disabled Facilities Grants, Discretionary Adaptations Assistance or Discretionary Disability Relocation Assistance for the benefit of disabled children please contact:

Children and Young People's Service
Integrated Disabled Children's Service
The Lighthouse, St Marks Road, Derby DE21 6AL
Telephone: 01332 256990
Email: thelighthouse@derby.gov.uk

Healthy Housing Hub

01332 640163

Email: healthyhousing@derby.gov.uk

Handy-Person Service

01332 640134

Email: home.repairs@derby.gov.uk

Empty Homes Service

01332 640326

Email: empty.homes@derby.gov.uk

DASH Services

01332 641111

Email: dash@derby.gov.uk

DASH Landlord Accreditation Scheme

01332 641111

Email: dash@derby.gov.uk

Derby Accredited Property Scheme

01332 642371

Email: property.accreditation@derby.gov.uk

Green Deal and Energy Company Obligation

Energy Advice Line: 01332 640810

Email: Energy.adviceteam@derby.gov.uk

Derby Home Energy Advice Service - DHEAS

Energy Advice Line: 01332 640810

Email: Energy.adviceteam@derby.gov.uk

Housing Standards Team

01332 640764

Email: housing.standards@derby.gov.uk

Appendix 3

Mandatory Disabled Facilities Grant – DFG

Purpose

To adapt the home of a disabled person to meet their needs in providing access to the property and to kitchen, bathroom and sleeping facilities. Needs assessed and recommended by an Occupational Therapist from the City Council.

The Property

To qualify for assistance the property must be reasonably and practically capable of being adapted to meet the needs of the disabled person.

The Applicant

To qualify for assistance an applicant should be the homeowner or tenant, but the grant is available to help the home to be adapted to meet the needs of any disabled person living in the property and enable them to continue living there.

Details of the Assistance

- The owner's contribution will be determined by the "Test of Resources".
- The maximum grant will be £30,000 in any one application.
- The grant will pay for the works required to adapt the property to meet the needs of the disabled person as assessed and recommended by an Occupational Therapist from the City Council.
- Where the Council provides a DFG in excess of £5,000 that funds the construction of a new build extension to a property the Council will impose a local land charge. The maximum charge will be £10,000, repayable if the property is sold or otherwise disposed of within ten years of the grant works being completed.

Contact details

1. To enquire about DFGs, for the benefit of disabled adults please contact:

Adults, Health and Housing
Derby City Council
The Council House
Corporation Street
Derby
DE1 2FS
Telephone: 01332 293111
Email: customerservices@derby.gov.uk

2. To enquire about DFGs, for the benefit of disabled children please contact:

Children and Young People's Service
Integrated Disabled Children's Service
The Lighthouse
St Marks Road
Derby DE21 6AL
Telephone: 01332 256990
Email: thelighthouse@derby.gov.uk

Appendix 4

Discretionary Adaptations Assistance

Purpose

To provide additional assistance where the cost of the work exceeds the maximum Mandatory Disabled Facilities Grant to adapt the home of a disabled person.

The Property

To qualify for the Discretionary Adaptations Assistance the property must be reasonably and practically capable of being adapted to meet the needs of the disabled person. The cost of the work must exceed the Mandatory Disabled Facilities Grant maximum (currently £30,000).

The Applicant

To qualify for assistance an applicant must have an owners interest in the property or be a tenant.

Details of the Discretionary Adaptations Assistance

- The qualification may include leasehold with a legal obligation to repair with a minimum of 5 years left unexpired.
- The assistance will contribute to the total cost of the works in excess of the Mandatory Disabled Facilities Grant and owners contribution.
- The assistance will contribute toward the cost of works required to adapt the property to meet the needs of the disabled person as assessed and recommended by an Occupational Therapist from the City Council.
- The assistance will be in the form of a loan up to a maximum of £10,000.
- The amount of the assistance will be secured by attaching a land charge to the property so that the council recovers the charge on sale of the property or transfer of the freehold or leasehold
- The Housing Renewal Review Group has the discretion to waive repayment of the assistance in cases where the owner can prove exceptional circumstances, which will be defined by financial hardship, the threat of serious anti-social behaviour or an adverse impact on health.

Contact details

1. To enquire about Discretionary Adaptations Assistance, for the benefit of disabled adults please contact:

Adults, Health and Housing
Derby City Council
The Council House
Corporation Street
Derby, DE1 2FS
Telephone: 01332 293111
Email: customerservices@derby.gov.uk

2. To enquire about Discretionary Adaptations Assistance for the benefit of disabled children please contact:

Children and Young People's Service; Integrated Disabled Children's Service
The Lighthouse, St Marks Road, Derby DE21 6AL
Telephone: 01332 256990
Email thelighthouse@derby.gov.uk

Adopted January 2015

Appendix 5

Discretionary Disability Relocation Assistance

Purpose

To provide assistance to a person qualifying for a Mandatory Disabled Facilities Grant but where the property cannot practically be adapted to help that person move to a more suitable property.

The Property

To qualify for Relocation Assistance the existing home of the disabled person must not be reasonably and practically capable of being adapted to meet the needs of the disabled person. The property to which the disabled person wishes to relocate to must have been assessed as being suitable by an Occupational Therapist from the City Council.

The Applicant

- To qualify for assistance an applicant must have an owner's interest in the property or proposing to acquire an owner's interest.

Details of the Discretionary Relocation Assistance

- The qualification may include leasehold with a legal obligation to repair with a minimum of 5 years left unexpired.
- The maximum amount of assistance is £30,000.
- The assistance must be recommended by the Disabled Facilities Working Group.
- The assistance must be approved by the Housing Renewal Review Group.
- Any element of the grant which is approved to meet the differential cost between the existing and proposed property will be secured as a Local Land Charge and repaid on sale or transfer of the freehold or leasehold.
- The property to which the disabled person wishes to relocate to must have been assessed as being suitable by an Occupational Therapist from the City Council.

Contact details

1. To enquire about Discretionary Disability Relocation Assistance, for the benefit of disabled adults please contact:

Adults, Health and Housing
Derby City Council
The Council House
Corporation Street
Derby, DE1 2FS
Telephone: 01332 293111
Email: customerservices@derby.gov.uk

2. To enquire about Discretionary Disability Relocation Assistance for the benefit of disabled children please contact:

Children and Young People's Service; Integrated Disabled Children's Service
The Lighthouse, St Marks Road, Derby DE21 6AL
Telephone: 01332 256990
Email: thelighthouse@derby.gov.uk

Appendix 6

Healthy Housing Assistance

The Healthy Housing Hub will receive referrals from:

- health and social care professionals such as GPs, Community Matrons, OTs and Social Workers;
- a broad range of home visiting professionals, such as Police, Fire Officers, third sector, community groups and volunteers;

where they have identified a *vulnerable customer*:

- who has a medical condition or other vulnerability that may be affected by their housing conditions; or
- whose housing conditions are such that they may be detrimental to their health and well-being.

A *vulnerable customer* for the purposes of this policy is defined as a person on low income, who is in receipt of an income related or disability related benefit and includes:-

- People living with a chronic or severe health difficulty/illness/frailty or disability – (evidence may be sought)
- older people or pre-school children – defined as those over 60 and under five years of age

(NB in the absence of a qualifying benefit 'low income' will be determined by a 'test of resources' calculation.).

Each case will be assessed in a fair and consistent manner, according to the criteria set out above, however it may be necessary to prioritise cases where budget is limited. In prioritising cases, the following factors may be considered:-

- severity of hazard and risk to health
- age
- chronic and severe illness or disability – including heart conditions, respiratory insufficiency, asthma and COPD (chronic obstructive pulmonary disease)
- energy inefficient homes
- living alone
- inability to adapt behaviour to suit vulnerabilities
- people who are in-patients at an NHS hospital and in need of works of repair or adaptation so that they can be safely discharged to their home
- previous financial assistance received..

Eligibility for Healthy Housing Assistance will be assessed, in the first instance, by the Healthy Housing Project Officer with support, where appropriate, from other health or social care professionals.

Subsequent appeals or disputes will be considered by the Housing Renewal Review Group and then, where appropriate, as laid out within Section 3, Item 5 of the City Council's Housing Renewal Policy.

The Assistance

Healthy Housing Assistance may be advisory, financial, prescribed works or a combination thereof in order to achieve the following outcomes:

- improve health and well-being; and
- reduced longer term demand on health and social care services.

Any financial assistance awarded will be registered as a local land charge and will be recoverable by the Council on sale of the property or transfer of the freehold or leasehold

Where works are prescribed directly, the Local Authority has the discretion to commission works through agents or may choose to carry out the works themselves. The cost of the prescribed works may be registered as a local land charge recoverable by the Council upon disposal of the property.

The maximum limit of £2,500 will generally apply to any financial assistance awarded by the Council.

In exceptional circumstances, the Healthy Housing Project Officer may submit a case for consideration to the Housing Renewal Review Group who may vary the maximum limit up to £5,000 or make recommendation to the Strategic Director Adults, Health and Housing for authority to approve beyond these limits.

Rules applicable to Healthy Housing Financial Assistance specifically

- To qualify for Healthy Housing Financial Assistance an applicant must:
 - have an owners interest in the property. The qualification may include leasehold with a legal obligation to repair with a minimum of five years left unexpired.
 - must be vulnerable (as defined above)
 - be on a means tested benefit or low income as determined by a 'test of resources'
 - reside in a property which is not occupied by any other adult who, through employment, is not in receipt of a means tested benefit.

- The maximum limit for individual Healthy Housing Financial Assistance approvals is £2,500
 - There is no limit on the number of separate Healthy Housing Financial Assistance that can potentially be granted to the same owner or at the same property, subject

to a limit that the maximum amount of such Assistance that can be approved within any two year period is £2,500. This means that two or more Healthy Housing Financial Assistance may be approved within a two year period, as a result of separate problems occurring at the same house, but they may not total more than £2,500.

- The amount of the assistance will be registered as a local land charge and will be recoverable by the Council on sale of the property or transfer of the freehold or leasehold

Subject to the Housing Renewal Review Group having the discretion to waiver requirements in exceptional circumstances.

Contact details

Healthy Housing Hub

01332 640163

Email: healthyhousing@derby.gov.uk

Appendix 7

Handy-Person Service

Purpose

To provide assistance for vulnerable, older or disabled homeowners to help address minor repairs, works of preventative maintenance, improvement and security works to enable them to remain in their own home in comfort, security and independence.

The Property

To qualify for assistance the property must:

- Have eligible defects or improvement works to the owners' main living accommodation.

The Applicant

To qualify for assistance an applicant must:

- Have an owner's interest in the property and have occupied the property for the previous 1 year.

Please note: The qualification may include leasehold with a legal obligation to repair with a minimum of five years left unexpired.

- Must hold an Assured, Assured Shorthold or Secure tenancy and have occupied the property for the previous one year.
- Must be over 60 years of age and in receipt of a means tested benefit or low income as determined by a 'test of resources' or must be over 75 years of age.
- In receipt of Disability Living Allowance at the medium or higher rate
- Must reside in a property which is not occupied by any other adult who, through employment, is not in receipt of a means tested benefit.

Subject to the Housing Renewal Review Group having the discretion to waiver requirements in exceptional circumstances.

Details of the Assistance

- The defects or improvement works must be those which can be rectified by the Handy-Person service in not more than three hours.
- The defects or improvements must not include works where specialist qualifications are legally required for a tradesman to carry them out, for example works to electrical or gas installations (including boilers).
- The service will generally be available for the following works and in the following priority order:
 - The removal of Category 1 hazards as determined by an assessment under the Housing Health and Safety Rating System.
 - Achieving a reasonable state of repair as detailed in the Decent Homes Standard.
 - Works of preventative maintenance.
 - Fall prevention works (such as fitting of handrails, curtain rails and so on).
- The Council will not require the repayment of the costs of providing the service if the property is sold or the applicant ceases to live there.

Contact details

Handy Person Service

01332 640134

Email: home.repairs@derby.gov.uk

Appendix 8

Empty Homes Assistance

Purpose

To contribute to the wider Empty Homes Strategy by providing financial assistance for the acquisition and renovation of long-term vacant residential dwellings.

Funding provided is dependant, subject to certain upper limits, on the purchase price, refurbishment costs, the availability of alternative funding sources and is available for those intending owner-occupation or intending to let the property.

The Property

To qualify for assistance the property must have been:

- empty for at least twelve months. Those empty for less than twelve but more than six months will be considered in certain circumstances;
- in use in whole or in part for residential purposes prior to becoming empty.

To retain the flexibility to respond to opportunities arising, the Housing Renewal Review Group has the discretion to consider properties previously used solely for commercial use.

The Owner

To qualify for assistance an applicant must:

- be intending to purchase the property imminently or have recently acquired it. Assistance is not generally available where the property became empty and fell into disrepair during the current ownership.* The Housing Renewal Review Group does have the discretion to waive this condition where the loan is considered of sufficient importance that the property in question would not be reoccupied within a reasonable timeframe without the award.

*A transfer of ownership to a family member (as defined by the Housing Act 1985 s113) would not constitute 'new' ownership when considering eligibility for assistance under this scheme. Transfers to business partners may also be excluded in certain circumstances.

- be assessed for credit-worthiness
- be able to demonstrate they have sufficient resources to fulfil their own financial obligation to the proposal. Loans do not cover the costs in their entirety, but are for a proportion only.

Level of Funding

- The loan will be interest-free with a full loan repayment term norm of three years. To retain the flexibility to respond to opportunities arising, the Housing Renewal Review Group has the discretion to vary the repayment period up to a maximum of seven years and/or to incorporate a 'write-off' element to the loan amounting to a maximum 40% of the loan sum.
- A maximum award norm of £10,000 per property. To retain the flexibility to respond to opportunities arising, the Housing Renewal Review Group has the discretion to vary this sum up to a maximum of £50,000.
- First repayment due date is as close to six months following receipt of monies as is reasonably practicable.
- The Housing Renewal Review Group will assess each case on its own individual merits and will take into account such matters as:
 - The level of acquisition and refurbishment costs
 - The proposed final use of the property and its location
 - The extent to which the proposal as a whole ties in with our housing strategy or other corporate strategies.

Further Terms and Conditions

A full schedule is available on request but the main requirements are:

- maintain ownership of the property for at least a five year period and the property must not be sold or disposed of, or an option to sell created, unless such an intention has been declared at the time of submitting the initial loan application;
- where for rental, only Assured Shorthold Tenancies can be granted during the 5-year period;
- refurbish and maintain the property to the Decent Homes Standard, ensuring that all renovation works comply with applicable planning, building control and housing standards requirements;
- make all reasonable efforts to ensure the lettable units, where applicable, are fully occupied, by tenants of an agreed tenure;
- refrain from dividing, sub-dividing or combining any of the units into smaller/larger units without the express written consent of the Council. This consent will only be given if the Council considers that such conversion will support its strategic objectives;
- a charge will be placed on the property to protect interests of Derby City Council.

Contact details

Empty Homes Service 01332 640326

Email: empty.homes@derby.gov.uk

Appendix 9

Discretionary Home Relocation Assistance

Purpose

To provide discretionary compensation and/or assistance to owners and/or tenants of properties acquired by or on behalf of the Council via compulsory purchase or clearance procedures.

The Property

To qualify for assistance the property must be identified for compulsory purchase or clearance action as most appropriate course of action.

The Owner

To qualify for assistance an owner applicant must, as a minimum, have an owner's interest in the property. Please note: The qualification may include leasehold with a legal obligation to repair with a minimum of five years left unexpired.

The Tenant

To qualify for assistance a tenant applicant must, as a minimum, be able to evidence a recognised tenancy at the property.

Details of the Assistance

- Up to a maximum of Market Value compensation may be offered to qualifying owners, at the discretion of the Housing Renewal Review Group.
- Up to a maximum of £1000 may be offered to qualifying tenants, at the discretion of the Housing Renewal Review Group, to assist in sourcing, securing and moving to alternative accommodation.
- Assistance will be provided with identifying suitable replacement properties for purchase for current homeowners (including shared ownership options).
- Assistance will be provided with locating suitable properties in the Council, Registered Social Landlord or private rented sector for tenants who will lose their current accommodation.
- Payment may be made of other statutory compensation amounts (such as Home Loss Payment) whether action is formal or by agreement, as may be legally required and/or at the discretion of the Housing Renewal Review Group.

Contact details

To enquire about Discretionary Home Relocation Assistance, please contact:

Housing Initiatives Manager

01332 640139

Email marked for the attention of the Housing Initiatives Manager at:

empty.homes@derby.gov.uk

Appendix 10

Accredited Property Assistance

Purpose

To provide discretionary assistance to landlords, via membership of the Derby Accredited Property Scheme or the DASH Landlord Accreditation Scheme, to help improve private rented housing standards.

This assistance is not currently available but, subject to the sourcing of funding, it may from time to time be available to assist landlords in the accreditation process.

The Property

The property and/or landlord must be accredited under the applicable accreditation scheme as part of this process.

The Owner

To qualify for assistance the owner must have:

- an owner's interest in the property
- been assessed as 'fit and proper' during the accreditation process
- accreditation status, as applicable, as part of this process.

Details of the Assistance

Where assistance is in the form of a grant - a condition will be registered as a legal charge against the property for a period of three years. This will require full repayment of such financial assistance on breach of conditions, which may include for example, the sale of the property or its non-availability for rent. The Housing Renewal Review Group has the discretion to waive repayment of grant only in cases where the owner can prove exceptional circumstances.

Where assistance is in the form of a loan or fully repayable grant – the assistance will be registered as a legal charge against the property. This will require full repayment of such financial assistance in accordance with loan/grant conditions and on breach of any conditions, which may include for example, the sale of the property or its non-availability for rent. The Housing Renewal Review Group has the discretion to waive repayment of loan/grant only in cases where the owner can prove exceptional circumstances.

Due to the current scarcity of funding, when/if funds are sourced the nature of this assistance will be reviewed for maximum effect and conditions set by the Housing Renewal Review Group where led by Derby City or by the DASH and/or DASH Landlord Accreditation Scheme Boards where DASH led. However, in general, works likely to be eligible for any such assistance are:

- fire safety works to enable a non-accredited property to become 'Accredited', or
- specific works to enable an accredited property to improve its accreditation status.

For details of the current status of Accredited Property Assistance please contact:

DASH Services for the DASH Landlord Accreditation Scheme

01332 641111

Email: dash@derby.gov.uk

and

Derby City Council's Housing Standards Team for the Derby Accredited Property Scheme

01332 642371

Email: property.accreditation@derby.gov.uk

Appendix 11

Derby Home Energy Advice Service – DHEAS

DHEAS offers free advice and information to all of Derby's residents on ways to improve the energy efficiency of their homes and, by working closely with other organisations, such as the fuel suppliers, the Service raises awareness of financial and other assistance that could benefit homeowners, landlords and tenants.

Contact details:

Derby Home Energy Advice Service

Energy Advice Line: **01332 640810**

Email: Energy.adviceteam@derby.gov.uk

www.derby.gov.uk/homeenergyadvice

Appendix 12

Home energy efficiency assistance

Schemes to help people with making energy efficiency improvements to their home have changed in recent years – the Government's Warm Front scheme and the fuel suppliers' energy saving schemes have now ended. The main ways that residents now may be able to get financial help is through the Government's Green Deal scheme, the Green Deal Home Improvement Fund and the Energy Company Obligation initiative.

The Green Deal

The Green Deal provides finance to carry out home energy efficiency improvements which are then repaid through the energy bill. This charge is attached to the electricity meter and remains with the property even when there are new occupants. The 'Golden Rule' makes sure that any charge must be less than the expected savings from the home energy saving improvements. There is also help available through the Energy Company Obligation for more expensive improvements, such as solid wall insulation.

How the Green Deal works

Residents may be able to make energy-saving improvements to their home without having to pay all the costs up front through the Green Deal.

Energy-saving improvements may include:

- insulation – such as loft or cavity wall insulation
- heating
- draught-proofing
- double glazing
- renewable energy technologies – such as solar panels or wind turbines.

There are four main stages:

1. A property assessment to see what improvements may be made and how much could be saved on energy bills.
2. Choosing a Green Deal provider to carry out the work. They will discuss what work can be done and whether the Green Deal is right for the occupier.
3. Signing the Green Deal Plan. This is a contract between the occupier and the provider stating what work will be done and how much it will cost. The provider will then arrange for a Green Deal installer to do the work.
4. Paying off the money in installments through the electricity bill, once the work has been completed.

The Green Deal Home Improvement Fund

The Green Deal Home Improvement Fund (GDHIF) is an incentive scheme open to all householders in England and Wales wanting to improve the energy efficiency of their homes. The scheme allows Householders to choose one or both of the two core offers available and may also be eligible to claim up to £7,600 as a bundled package.

- Core offer 1 – up to £1,000 for installing two energy saving improvements from a list of twelve eligible measures;
- Core offer 2 – up to 75% of the total cost of the installation of internal or external solid wall insulation, up to a maximum value of £6,000;
- Add-on offer 3 – a refund of up to £100 for a Green Deal Assessment Report (GDAR) that is less than twenty four months old when they have the work done.
- Add-on offer 4 – an additional bonus of up to £500 for homebuyers who have bought a home in the last twelve months prior to application.

To be eligible for GDHIF offers householders must:

- apply for the voucher before the work starts;
- install measures recommended in an Energy Performance Certificate or GDAR carried out in the last twenty four months;
- not use ECO or other central Government funding on the energy saving improvements applied for under GDHIF.

The Energy Company Obligation

The Energy Company Obligation (ECO) is complementary to the Green Deal, offering financial assistance where the 'Golden Rule' cannot be met. ECO is complex, split into three 'sub-obligations' each with their own criteria. The help available is for the more expensive improvements, such as solid wall insulation. If you own your home or rent privately you may also be able to get help from the main fuel suppliers to repair or replace your heating – but for this you must be in receipt of certain income or disability benefits or credits to qualify.

For more information:

Green Deal Energy Saving Advice Service 0300 123 1234

Registered Green Deal installers and providers: <http://gdorb.decc.gov.uk/consumersearch>

Green Deal Oversight and Registration Body: www.greendealorb.co.uk

Department of Energy and Climate Change: www.gov.uk/green-deal-energy-saving-measures

DHEAS contact details:

Derby Home Energy Advice Service

Energy Advice Line: **01332 640810**

Email: energy.adviceteam@derby.gov.uk

www.derby.gov.uk/homeenergyadvice

Appendix 13

Glossary

CPO: Compulsory Purchase Order. A legal function that allows the City council to purchase long term empty properties without the consent of the owner.

DCLG: Department for Communities and Local Government. This is a ministerial department responsible for a wide range of functions, including Housing and Planning

HCA: Homes and Communities Agency. The national housing and regeneration agency for England. The HCA is also the regulator of Registered Providers (typically Housing Associations)

HRRG: Housing Renewal Review Group. As defined in Section 3; Paragraph 4 of this Policy.

JSNA: Joint Strategic Needs Assessment. The main goal of a JSNA is to accurately assess the health needs of a local population in order to improve the physical and mental health and well-being of individuals and communities. It is produced and implemented by Derby City Council and NHS Southern Derbyshire Clinical Commissioning Group (CCG), who have a joint duty to prepare the JSNA.

NHB: New Homes Bonus. A grant paid by central government to local councils for increasing the number of homes and their use. NHB is paid each year for six years and is based on the extra amount of council tax revenue raised for new build homes, conversions and long term empty properties brought back into use. There is also an extra payment for providing 'affordable homes'.

RP: Registered Provider. Large and small non-profit organisations that provide social housing – typically Housing Associations. They are regulated by the HCA.

Private Sector Housing Renewal Policy 2015-20
Strategic Housing Service
Adults Health and Housing Directorate
Derby City Council
Email: home.repairs@derby.gov.uk

Version control:

V1-0 DRAFT – early draft sent for internal consultation June 2014.
V1-1 DRAFT – following Plain English amendments Oct 2014.

Housing Renewal Policy 2015-20 - adopted January 2015 at Council Cabinet

**We can give you this information in any other way,
style or language that will help you access it.
Please contact us on 01332 640319 Minicom 01332
640666.**

Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku.
Prosimy o kontakt: 01332 . 640319 . Tel. tekstowy: 01332 .. 640666

Punjabi

ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ,
ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਟੈਲੀਫੋਨ
01332 640319 ਮਿਨੀਕਮ 01332 640666 ਤੇ ਸੰਪਰਕ ਕਰੋ।

Urdu

01332 640319 براہ کرم۔ آپ کی مدد کرے۔ براہ کرم
یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم
منی کام 01332 640666 پر ہم سے رابطہ کریں۔



DERBY CITY COUNCIL

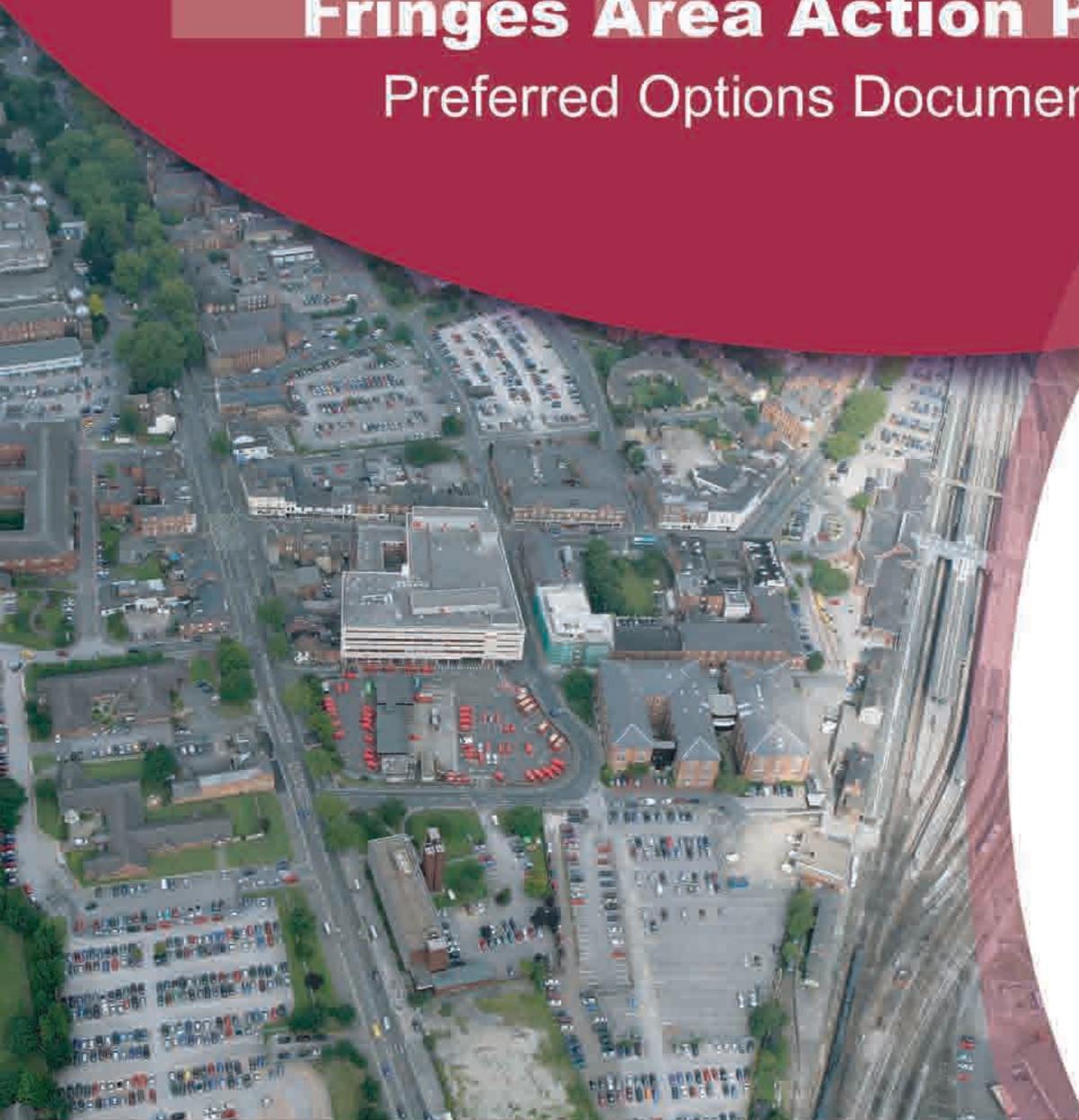
July 2008

Development Plan Document

DPD

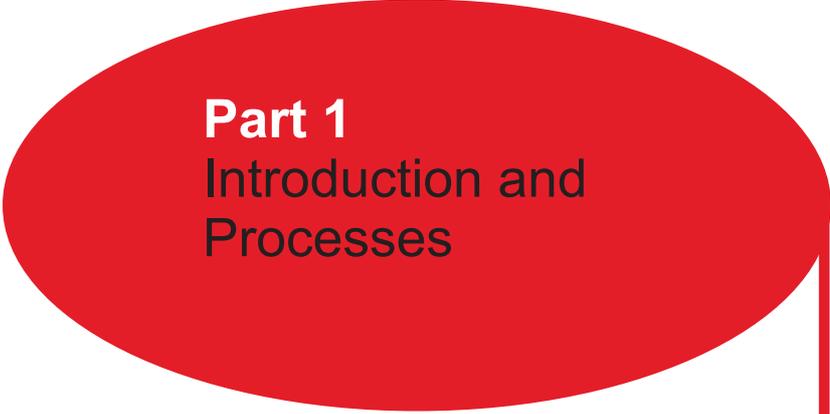
City Centre Eastern Fringes Area Action Plan

Preferred Options Document



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Part 1
Introduction and
Processes



Part 1: Introduction & Processes

1.1 What is an Area Action Plan?

An Area Action Plan (AAP) is intended to establish the planning framework for areas where major change is anticipated.

The 'City Centre Eastern Fringes' has been identified as such an area. To facilitate this change, the AAP will;

- ☑ Set out the distribution of land uses and their interrelationships;
- ☑ Set out design, layout and accessibility requirements;
- ☑ Ensure developments are of an appropriate scale, mix and quality;
- ☑ Set out policies and proposals for the preservation and enhancement of areas worthy of Conservation;
- ☑ Set out a timetable for implementation of development, enabling people to see how and when the changes may start taking place;

The 'City Centre Eastern Fringes' AAP is being prepared as part of the City of Derby 'Local Development Framework' (LDF).

1.2 What work has been done so far?

Work started on the City Centre Eastern Fringes AAP in 2005. There have already been two informal consultation exercises, one in September 2005 and one in April 2006, which looked at different options for the development of the area. This period is known as the 'frontloading' period, the intention of which is to flush out as many issues as possible in order to give the Council a chance to address issues before the more formal stages of the preparation process.

As well as these exercises, the Council and its main partner in this process, Derby Cityscape Ltd, have had many discussions with key stakeholders, organisations, landowners, businesses and members of the public about how this area should be developed and how these changes can be implemented.

In addition, a number of pieces of research have been carried out to help formulate and provide evidence for the preferred proposals.

All of this has contributed to the 'frontloading' of the document and has helped to form the proposals set out in this Report.

1.3 What are we consulting on now?

The Preferred Option Report

The Council must produce a 'Preferred Options' document for consultation. As the name suggests, it sets out the Council's 'Preferred Option' for the regeneration of the Eastern Fringes area and follows on from the consultation activity that has already taken place.

As well as setting out a broad strategy for the area, this document also includes ideas on the detail of development. This is useful for two reasons. Firstly, it allows us to demonstrate what will be needed to make the 'land-use strategy' work. One of the things we discovered during our consultation is that people are quite concerned with the detail. As such, adding some idea of detail at this stage will all the public to understand how the area may be developed.

The format of the Report is as follows;

Part 2: The Context for the AAP

- Provides a 'spatial portrait' of the Eastern Fringes Area;
- Describes the characteristics of each of the key areas of change;
- Sets out some of the social, environmental and economic characteristics of the area.
- Sets out the 'drivers for change' which will provide broad parameters for the types of options it is appropriate to consider.
- Illustrates how the AAP fits into the overall planning policy context, including the Regional Spatial Strategy, the CDLP Review and the Community Strategy.
- Identifies the strengths, weaknesses, opportunities and threats for the area.

Part 3: The Vision & Spatial Objectives

- Sets out the 'Vision' and 'Spatial Objectives' of the Plan. These are what the AAP will try to achieve through its policies and their implementation.

Part 4: The Preferred Option

- Sets out the broad strategy for the area as a whole;
- Sets out area-wide general policy objectives and specific character area priorities that should be followed for the following topic areas;
 - Land Use
 - Transport and Movement
 - Sustainable Design and Layout
 - Natural and Built Environment
- Sets out the mechanisms through which the Plan will be implemented;

- Sets out the priorities and phasing of development in the area;
- Identifies the alternative options, proposals that have been considered up to this stage;
- Summarise the findings of the Sustainability Appraisal Report for each area of change;

Part 5: Monitoring Framework

- Sets out the indicators we will use to monitor the progress of the AAP.

Appendices

- Appendix 1: The Policy context for the AAP (this illustrates the AAP's compatibility with the Community Strategy, the Local Plan objectives and demonstrates that the proposals are consistent with the AAP's own objectives);
- Appendix 2: The City of Derby Local Plan Review policies that the AAP will be replace;

1.4 The Sustainability Appraisal Report

The Preferred Option is accompanied by a Sustainability Appraisal Report (SA). Local authorities are required to undertake a SA in conjunction with the preparation of all Local Development Documents that form part of the LDF. This is to ensure that the principles of sustainable development are an integral part of the plan making process and that all the significant social, environmental and economic effects of the proposals put forward are properly considered and mitigated.

SA also incorporates the requirements of Strategic Environmental Assessment (SEA) in accordance with European Legislation (EU Directive 2001/42/EC).

In August 2005 a *Scoping Report* was published for consultation, in which key sustainability issues in the Eastern Fringes Area were identified. This also included a large amount of baseline data, which illustrated the current situation in the Eastern Fringes area and gave some indication of the issues that AAP will need to address.

The Scoping Report also established a framework against which the significant effects of the Action Plan could be assessed. As a result of consultation on the Scoping Report this framework has been amended.

Comments can be made on the findings of the SA Report as part of this consultation exercise.

1.5 Consultation & Next Steps

The Preferred Option Report, and associated documents, is being published for a statutory 6 week consultation period and all aspects of it can be comment on, including the Sustainability Appraisal (SA).

The Council will consider all comments made very carefully. Once all the responses have been reviewed, the document and proposals will be amended where it is felt appropriate and will be re-submitted to Council Cabinet for approval.

Recent experiences of other local authorities with the LDF system have highlighted a number of concerns over whether the AAP is still the most appropriate vehicle for bringing forward the regeneration of the 'Eastern Fringes' area.

Of particular concern is the risk of preparing the AAP in advance of the Core Strategy. The Government has recently confirmed that the Planning Inspectorate is finding it very difficult to consider such plans. The development of the Core Strategy could soon overtake the production of the AAP and this could threaten to undermine development of the AAP.

A further area of concern is the changing aspirations of some AAP stakeholders and the lack of certainty over their long-term requirements. The AAP process is not suited to accommodating changes to proposals, particularly once the Preferred Option has been finalised.

It is important to ensure that delays in preparing the AAP do not hold up the regeneration of the 'Eastern Fringes'. The AAP was intended to facilitate regeneration by providing a statutory basis for a potential compulsory purchase, if necessary. It was never the intention, nor is it desirable, for the AAP process to restrict or delay otherwise acceptable proposals.

In order to mitigate the risks and delays outlined above, an alternative approach is being recommended as set out below.

The Preferred Option Report will be subject to a statutory 6 week consultation and any changes required as a result of this will be reported back to Council Cabinet as normal. At this point, however, the preparation of the AAP will be suspended. This will still give weight to the work carried out to this point in bringing forward and assessing regeneration proposals. In particular, it will provide part of the template for attracting and selecting a 'preferred developer' for the Castleward Area.

The 'preferred developer' will work with the Council and Derby Cityscape to bring forward appropriate proposals that are consistent with the planning framework already in place and bolstered by the Preferred Option. This approach would save the time and resources needed to prepare a formal Submission document and for its Examination by the Planning Inspectorate. If necessary, production of the AAP could be picked-up again at a later date.

The revised approach will potentially bring forward new development quicker than the AAP approach. Consultation will continue to be at the heart of the revised approach and the views of the public will be sought as more detailed proposals emerge. The Council will continue to endeavour to provide updates on the progress of regeneration in the Eastern Fringes area.

1.6 The Status of the Preferred Option Report

In light of the revised approach the Preferred Option Report, including any amendments made as a result of consultation, will continue to be a material consideration in any planning applications that may be submitted in the Eastern Fringes in the future. Proposals that conflict with the objectives of the emerging Plan or where it is felt that the proposal could prejudice the implementation of the wider strategy may not necessarily be considered favourably.

This should not preclude the submission of planning applications or delay proposals that fit in with, and do not prejudice, the emerging strategy for the area. Indeed, these may be welcomed where they can bring forward the vision earlier. The preparation of the AAP is to facilitate, and provide a framework for the regeneration of the area. It is not its intention to hold this up if appropriate comprehensive schemes can be brought forward through the normal planning application process.

1.7 Key Questions for Consultation

The Preferred Option has been developed over a significant period of time and we recognise that, in recent months, there are things which are changing in the wider market and economy. In particular, we are seeing a more difficult housing market, rising energy costs and other environmental pressures. These raise a number of questions. This consultation provides us with an opportunity to put the proposals to the test.

To help with this we have provided a few questions that might help you to frame your responses. It would be useful to us if, when making any comments, you could also explain what you would do to alter the proposals and why.

Questions:

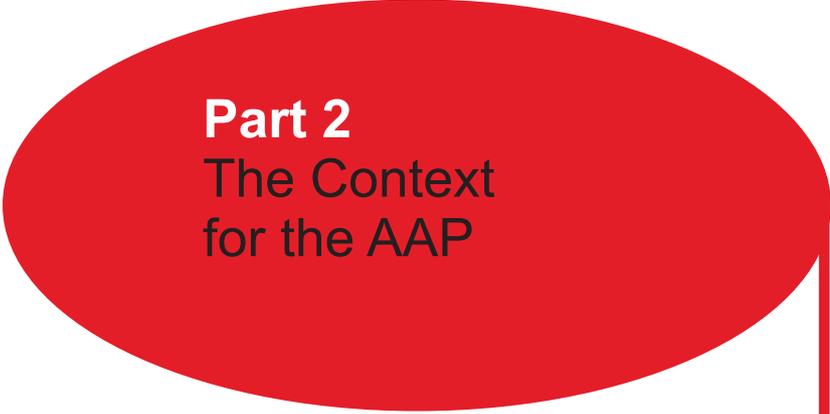
1. Are we proposing the right amount of new housing in the area? If not, how would you change it and why?
2. Are we proposing the right mix of housing types? If not, what would you change and why?
3. Are we proposing the right amount of commercial floorspace? If not, what would you change and why?
4. Are we proposing the right number and types of community facilities, including new shops, to serve the new community? If not, what would you change and why?
5. Is the approach to the design and layout of the area right? If not, what would you change and why?
6. Is the approach to transport and access through the area the right one? If not, what would you change and why?
7. Is the approach to nature conservation the right one? If not, what would you change and why?
8. Is the approach to built heritage conservation the right one? If not, what would you change and why?
9. Has anything important to the long term sustainability of this area, and wider Derby, been omitted? If so, what and why?

If you wish to submit comments on any aspects of the information contained in this document, or in the associated Summary Document or Sustainability Appraisal please contact;

Derby City Council at derby.lfd@derby.gov.uk

Alternatively, write to;

Plans & Policies
Derby City Council
Roman House
Friar Gate
Derby
DE1 1XB



Part 2
The Context
for the AAP



Part 2: The Context for the AAP

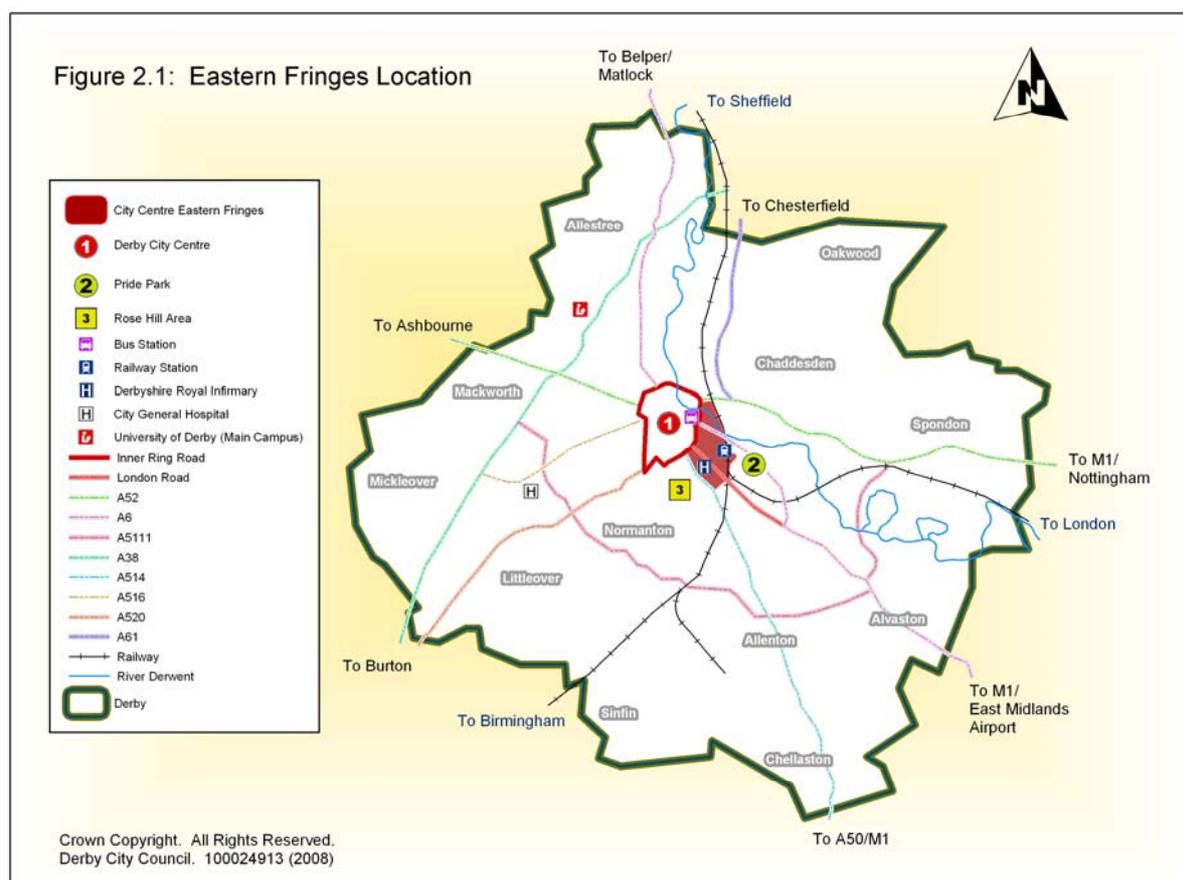
This section examines the context for the Area Action Plan in terms of planning policy context and other relevant plans, programmes and policies that the AAP takes account of and helps to take forward and implement.

This context both helps to justify the need for the AAP and the policies and proposals that are being pursued in this report.

2.1 The City Centre Eastern Fringes Location

The map below illustrates the Eastern Fringes' location within the City as a whole. As can be seen, it lies between the city centre to its west and the main railway station to its south east. It lies entirely within the Arboretum Ward of the City.

Its southern end is made up of a land parcel between London Road and Osmaston Road. This is occupied mainly by the Derbyshire Royal Infirmary, but also contains some residential properties on its southern side. **Figure 2.1**



To the north of this lies Castleward. This is a mixed use area, comprising mainly commercial properties but also some residential properties, including the historic railway cottages on its eastern edge. A pedestrian walkway and cycleway is routed through this area to provide access between the city centre and the railway station.

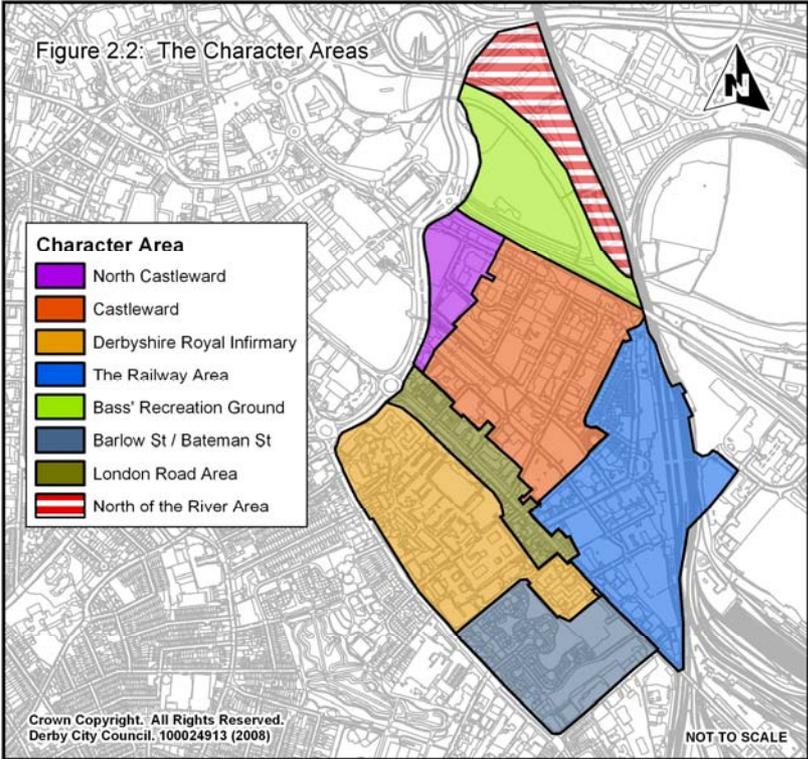
To the north of Castleward, across Station Approach, is Bass's Recreation Ground. This is a large but relatively underused open space, caused in part at least by its relatively poor linkages to the city centre and areas such as Castleward. The northern boundary of 'Bass's Rec' is formed by the River Derwent.

To the north of this lies an industrial area which is home to the Derby Evening Telegraph and Trent Bus Depot. This area forms the northern extent of the Eastern Fringes area and is bounded by the main railway line that runs through the City (which provides direct links to London, the North-east and the South-west).

The area contains a number of important 'gateways' to the city centre and a number of key transport routes, including the important arterial routes of London Road, Osmaston Road and the Inner Ring Road.

2.2 The 'Character Areas'

The Eastern Fringes area contains a varied range of characteristics and features. For the purposes of this report, and to make illustrating the 'Preferred Option' easier to follow, the Eastern Fringes has been divided into eight 'Character Areas'. We think these either have a very distinctive set of characteristics or they make sensible 'policy' areas. The map below identifies the Character Areas and the following section provides a brief description of their main characteristics.

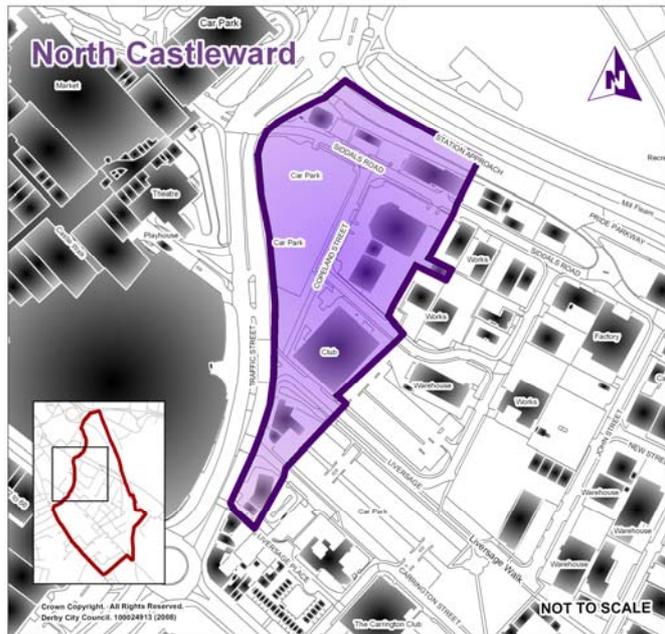


A. North Castleward

The predominant land uses within the North Castleward area are a 233 space public car park, a large car dealership, a 3 storey office block, Bingo Hall, a petrol filling station and a tyre and exhaust fitter fronting onto Traffic Street.

The area covers some 3.1 hectares, with a considerable proportion of this in use for parking.

The general character of the area is low intensity, low density development, typified by shed like buildings and poor materials. There is no design consistency across the area. The office block is a 3 storey red brick building with a pitched roof (early 1990's). The car showroom is a 1-2 storey unit of fairly standard construction. The car parking area is not maintained to a particularly high standard.



The site is directly bounded to the west by Traffic Street and the Cock Pitt Island, to the north by Station Approach and to the east by the Castleward industrial estate. The area relates reasonably well to the new Westfield Development, the emerging Riverlights development and to Bass' Recreation Ground via surface level crossings and the existing pedestrian underpass

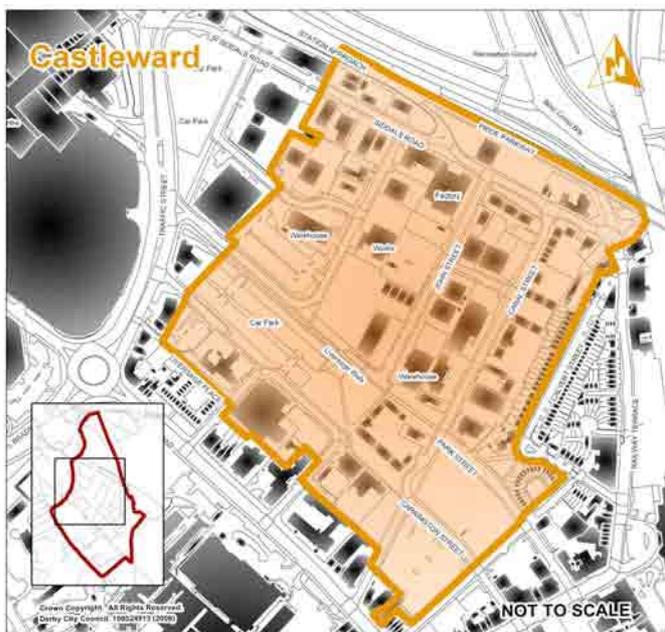
Access through the site to other parts of the Eastern Fringes is currently relatively poor for pedestrians. Copeland Street does facilitate access to the car park and other industrial units behind the Speeds site within the Castleward industrial estate but the route is unattractive for pedestrian users at present.

B. Castleward

The Castleward area covers approximately 12 hectares and contains a number of small businesses of varying sizes and types, ranging from a concrete batching plant to a chocolate factory.

There is also a small area of open space, large expanses of surface level parking and a small number of residential properties, located around the Calvert Street area.

There is no coherent architectural style across the whole of the Castleward area. Buildings are small in scale (1-3) storeys and industrial in nature (metal cladding), with the exception of an



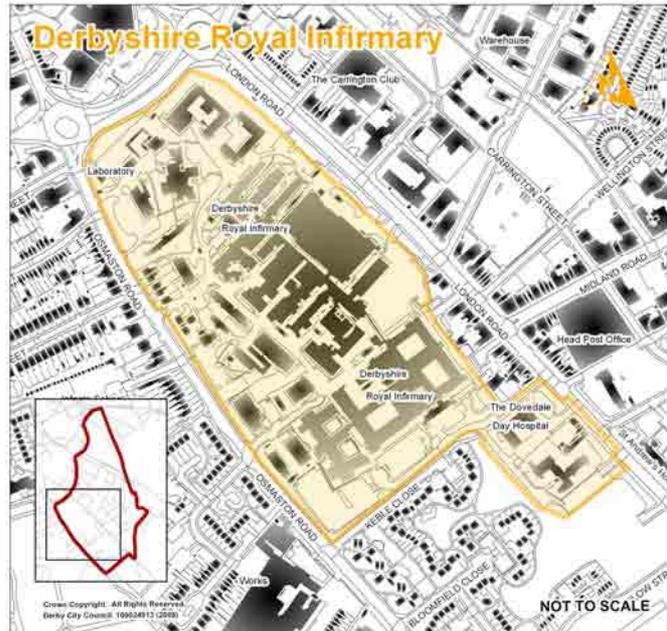
impressive older brick built building on Canal Street which is taller in height and of a higher architectural quality than surrounding buildings.

Permeability through the area is relatively good, with Siddals Road, Canal Street and Liversage Street providing important links through the area. However, the nature of the links make them unattractive, particularly for pedestrians and in the evening as the area suffers from a lack of activity.

The area has very little night time activity or sense of community.

C. Derbyshire Royal Infirmary

The Derbyshire Royal Infirmary (DRI) site is located immediately to the south of the city centre, and is currently occupied by a range of NHS facilities including hospital wards, key worker accommodation, teaching facilities and ancillary plant operations. The north of the site contains several hospital medical buildings, as well as the 14 storey Wilderslowe Tower (nursing accommodation), the Public Health Laboratory and the school of nursing. Fronting onto Osmaston Road, in the north-western part of the site, is the Hartington Street Conservation Area, which includes a school of nursing building, the surgery building and five residential properties.



The central core of the site comprises a mix of various hospital facilities, including medical clinics, wards and servicing. Commercial properties, offering retail and service sector services, are in the south of the site, fronting onto London Road.

The architecture of the area is mixed ranging from ornate Victorian infirmary buildings to the 14 storey concrete Wilderslowe tower block and more recent red brick additions. The scale and massing varies across the site with the majority of development set back from the roadside.

The site is bounded to the north by Bradshaw Way, to the east by London Road, to the west by Osmaston Road and to the south by the Oriel Court residential area. The London Road frontage forms an important gateway into the City that exhibits exemplar streetscape, with numerous listed buildings and monuments.

Permeability is currently poor through the existing site due to the nature of the existing activities.

London Road and Osmaston Road are two key arterial routes into the city and provide excellent access along the edges of the site, but there is little pedestrian access between these key routes.

D. The Railway Area

Railway Area there is dominated by the Railway Conservation Area.

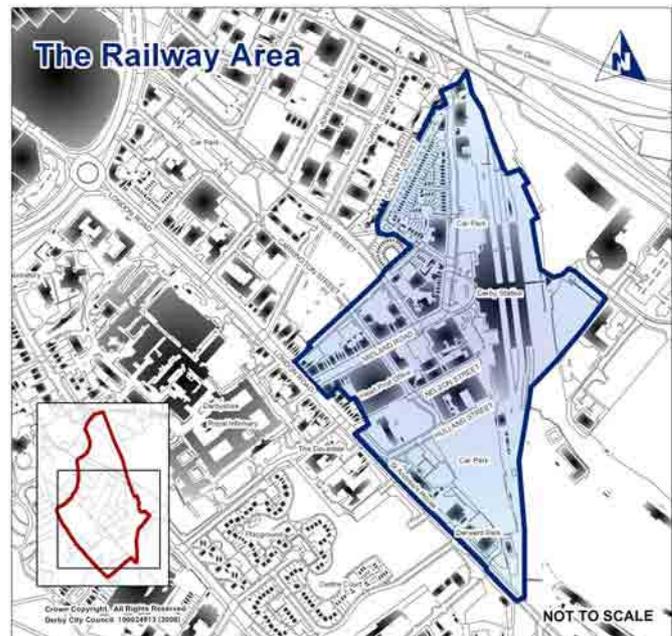
Within the Railway Conservation Area there are four 'mini' character areas, which overlap each other because of their use, scale and architectural detail. Within the four areas there is an evident overriding character of predominantly red brick buildings based around the railway station and the associated office buildings (Amber House, Wyvern House and Midland House) and the Midland Hotel.

The second area includes the small-scale residential buildings along Railway Terrace and the Brunswick Inn which form the remaining part of the former railway village. The buildings are simple in design and include stone hooded windows and stone dressings.

The Midland Road area forms the third of the mini character areas. Midland Road is a more commercial area that includes shops, restaurants, hotels, public houses and the incongruous Royal Mail building, which contrasts sharply with the smaller scale Victorian buildings adjacent and opposite.

The fourth area is the quiet, underused area on Wellington Street. The area predominantly contains areas of surface level parking and the rear elevations of the buildings on Midland Road. This area is mainly in operational uses associated with the businesses on Midland Road.

Outside the Conservation Area, the largest site is the 'South car park' that is currently utilised for surface level parking for the railway station. Adjacent to the car park, fronting onto London Road is a row of commercial buildings, including a large office block. This row of buildings is currently separated by a vacant development site, created through the demolition of a petrol filling station.



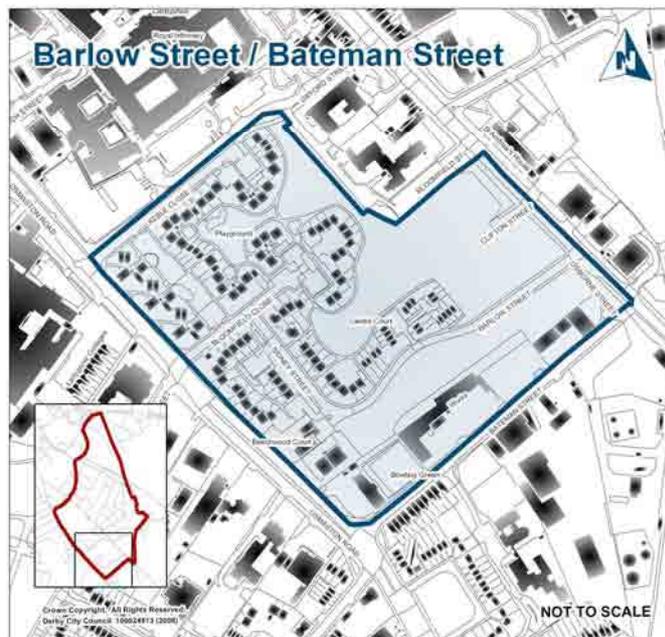
E. Barlow Street / Bateman Street

The area contains a surface level staff car park serving the DRI, two areas of incidental open space; one serving the residential properties at Oriel Court and another stretch along the bottom of Barlow Street that was to be used for a new road linking Osmaston Road with London Road. The southern end of the site is more industrial in nature and is currently occupied by 'Quadralene'.

The site is approximately 2.5 hectares and is bounded to the north by the DRI, to the south by industrial land, to the east by London Road and to the west by Osmaston Road.

The existing buildings on the Quadralene site are industrial in nature and the surrounding residential properties are two storey dwellings (approximately 1970's).

Oriel Court is the largest area of existing residential property in the Eastern Fringes. It is set within a relatively open environment, with access to a fairly large area of open space.

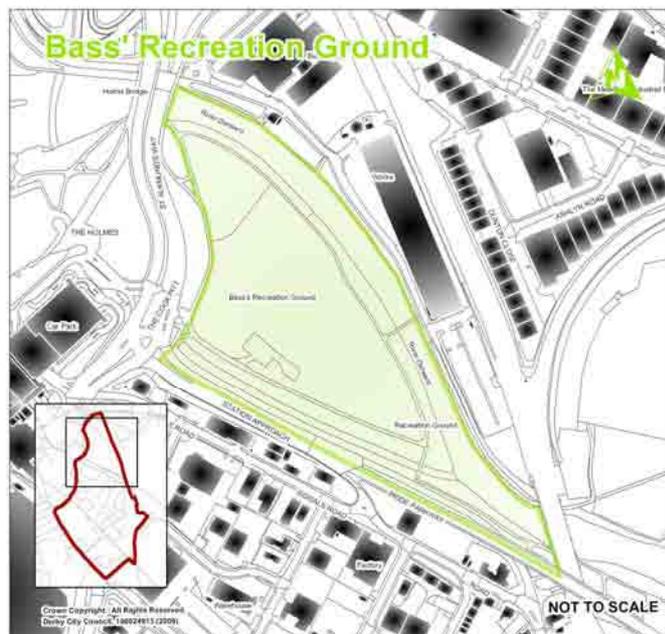


Bass's Recreation Ground

The site contains 4.5 hectares of major open space surrounded by mature trees. The site is bounded to the north by the River Derwent, to the south by Station Approach and to the west by the inner ring road.

The site is undulating, peaking at the northern end and falling away towards the River and the Cock Pitt.

The area is open but has poor access and few attractions or facilities, meaning that the area is an underused resource. The River Derwent is an important environmental resource. Both the river and its banks have been identified as sites of importance for nature conservation.



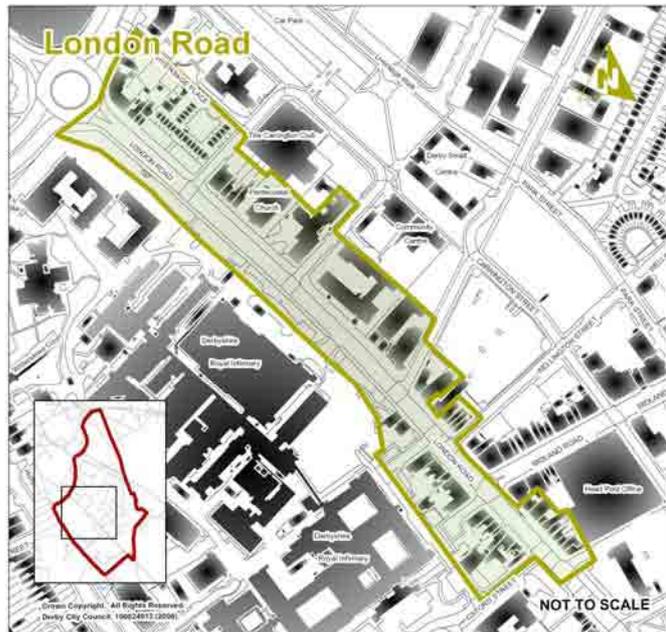
A section of the southern end of the area is covered by a covenant having been left to the City by Michael Bass.

G. London Road

London Road from Midland Road to Traffic Street is part of a major radial route within the city and one of the principal routes between the city centre and the railway station. It contains a number of special components that are not formally recognised. In Derby terms, the townscape here is outstanding and has citywide significance.

There is a mix of buildings, including the Liversage Almshouses, Holy Trinity Church and Victorian buildings within the DRI site fronting onto London Road.

On the south west side of the road, the Florence Nightingale statue including surrounding stonework; the walls and railings fronting the DRI, and the Queen Victoria Statue are all listed. Other buildings fronting London Road worthy of mention include, the Trocadero Centre (locally listed), Magee Court (locally listed). and the mature London Plane trees, which combine to create a distinctive and special townscape.



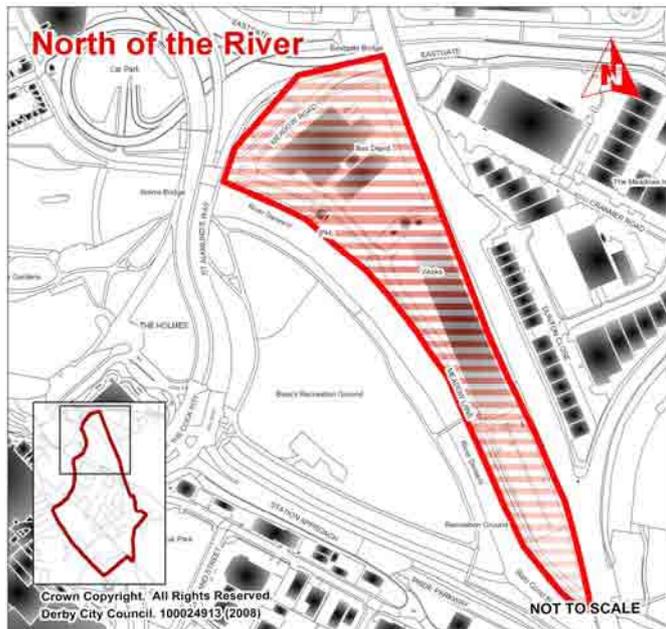
H. North of the River

The area north of the river is predominantly industrial in nature, characterised by the Trent bus depot and the Derby Evening Telegraph production facility. The remainder of the area comprises of surface level car parking and the Smithfield Public House.

The site is approximately 4 hectares (gross) and is serviced by Meadow Road.

The site is bounded to the east by the railway line, to the north by the inner ring road and to the west and south by the River Derwent.

There is no prevailing architectural style. The Evening Telegraph building is approximately 5 storeys in height at its highest point. The bus depot is a maximum of 2 storeys. Both are industrial in nature.



For the purposes of this consultation, the area is still included within the Eastern Fringes area. However, it is the Council's preference to remove the area north of the river from the Action Plan for subsequent stages in plan preparation as it no longer represents a viable regeneration opportunity within the timescale of this plan (see Section 4.4).

2.3 Environmental, Social and Economic Characteristics & Issues

In preparing the SA Scoping Report an analysis of the 'baseline' situation was carried out to establish what the existing area is like socially, environmentally and economically.

This information is also useful in helping to establish some of the issues that the AAP will need to address.

The main findings of the scoping report are outlined below, with some further more up to date information also included, and not contained in the Scoping Report. The full Scoping Report is still available on the Council's website www.derby.gov.uk.

Social Characteristics

According to the 2001 Census the existing population of the Eastern Fringes was approximately 865. This is roughly 6% of the population of the Arboretum Ward in which it is located. The area also seems to have been home to few families, with a much lower than average number of people under 17 and a higher than the City average proportion of people over 65. This also reflects the presence of residential homes for the elderly in the area.

The Eastern Fringes (based on best fitting 'super output area', SOA) themselves sit within an area of relatively high deprivation. The Government's 'Indices of Multiple Deprivation' – which is based on a comparison of SOA's – places the Eastern Fringes in the 418th most deprived SOA in the Country and is adjacent to the 176th most deprived (this is out of a national total of 32,482 SOAs).

In terms of health, the percentage of people within the Eastern Fringes who stated that they have a limiting long term illness was 35% compared to the city wide total of 19%. The percentage of people who stated that their general health was 'not good' was also 11% higher than the city average of 10%, totalling 21% of the Eastern Fringes population.

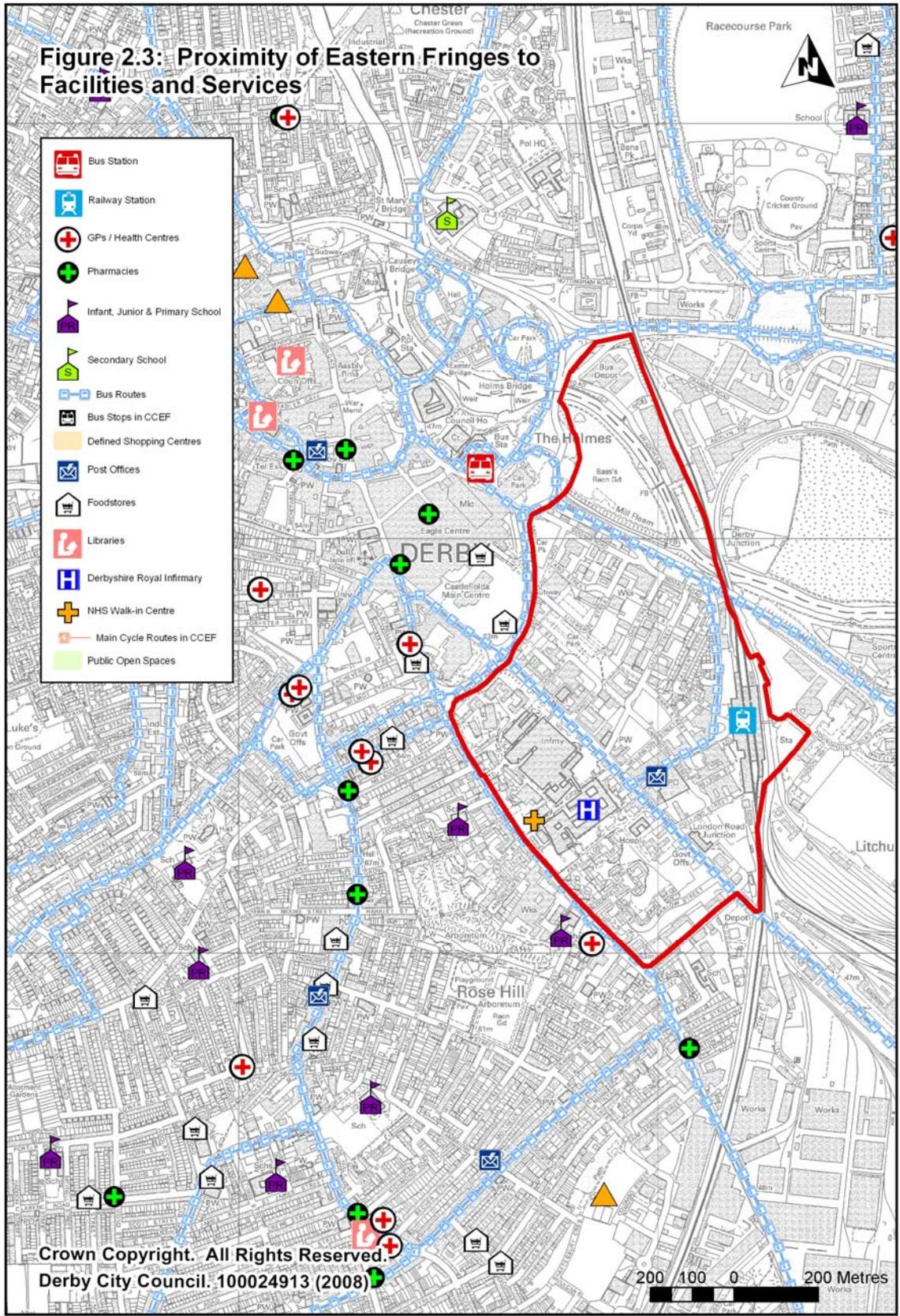
Educational achievement within the Eastern Fringes area is also below the city wide average. The percentage of people within the Eastern Fringes with no qualifications is 41% which is higher than the city wide average of 31%.

In the City as a whole, there were 30,273 reported incidents of crime between April 2004 and March 2005. Importantly for the AAP, 27.8% of these crimes were recorded in the Arboretum Ward. In terms of the best fitting SOA, 1572 crimes were reported in the 2004/05 period. This represents 19% of all crimes in the City and 5% of crimes in the City. This is a high level considering the small geographic area of the Eastern Fringes.

At the 2001 census 9% of the population of the Eastern Fringes area were classed as unemployed. This compares to 4% for the city as a whole. At 2005 the rate in Derby was down to 2.9%, however the level for Arboretum Ward was still considerably higher at 8%.

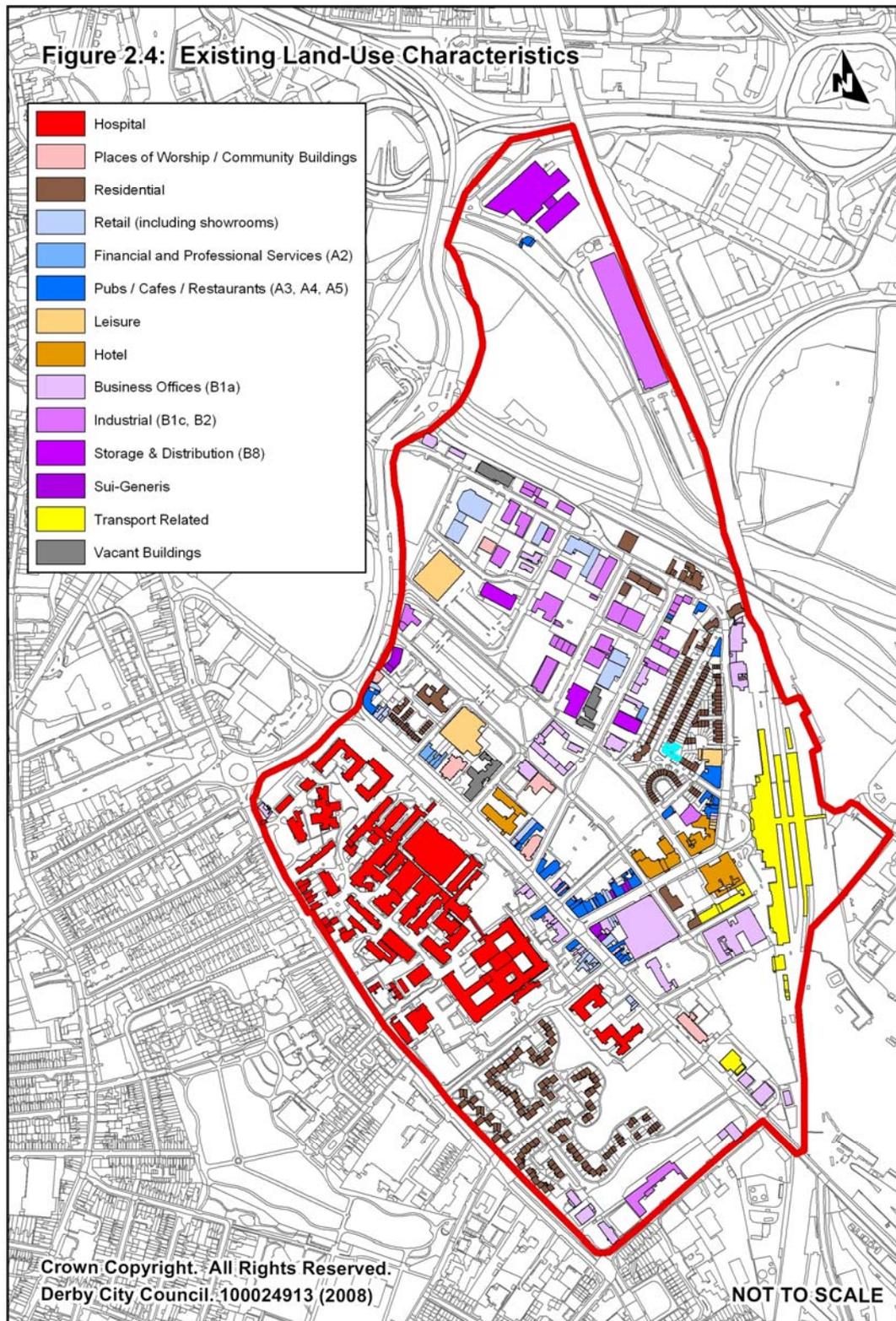
Figure 2.3 illustrates the location of a number of key services and facilities in the vicinity of them to the Eastern Fringes area. The area's location at the heart of the City, in close proximity to the city centre and the opportunities it provides, the proximity to a hospital and other healthcare facilities, the presence of major areas of public open space and the two major public transport nodes mean that much of the infrastructure required to create a sustainable community may already be in place. Obviously, the AAP still needs to consider what gaps there may be in this infrastructure and make sure it either makes provision within the Eastern Fringes itself or contains policies to ensure its provision elsewhere. This is

particularly in relation to such things as educational facilities, food shopping, leisure, open spaces and community facilities.



Economic Characteristics

Figure 2.4 illustrates what the predominant land-uses were in the Eastern Fringes when they were surveyed in 2003. Very little has changed in the intervening period, with the only significant development occurring at Churnet House on Midland Road, which is being refurbished and redeveloped for 53 new apartments. Permission has also recently been granted to convert part of Wyvern House for residential uses.



As can be seen this is a mixed-use area with the dominant land uses being commercial, transport and institutional activities. At the time of the 2001 Census there were approximately between 7,300 – 7,800 people employed in the Eastern Fringes area – although it is not possible to be specific about where the majority of these are based. This represents 7% of Derby's total workforce.

In 2005, there were approximately 3,665 staff based at the DRI. Although it is likely that some of these will remain at the DRI once the acute services relocate, it is still quite likely that a proportion of this workforce will move.

There are three other significant institutions within the Eastern Fringes that have the potential to employ large numbers of people. These are the Royal Mail, Midland Mainline and the Probation Service. The remainder of the employment activity appears to take place in small or medium enterprises, primarily in the light industrial or wholesale industries.

There has been little development activity in the area in recent years. Indeed, there has been no new significant commercial development in over 8 years.

'Natural' Environmental Characteristics

The Eastern Fringes area contains two key environmental allocations recognised in the adopted CDLPR. The banks of the River Derwent have been recognised by Derbyshire Wildlife Trust as important wildlife sites (SINC), including the riverside running alongside Bass's Rec and are thus covered by Policy E4 in the CDLPR.

The riverside banks and the Bass's Rec area are also recognised as a wildlife corridor and have been allocated under Policy E6 of the CDLPR to enhance their protection.

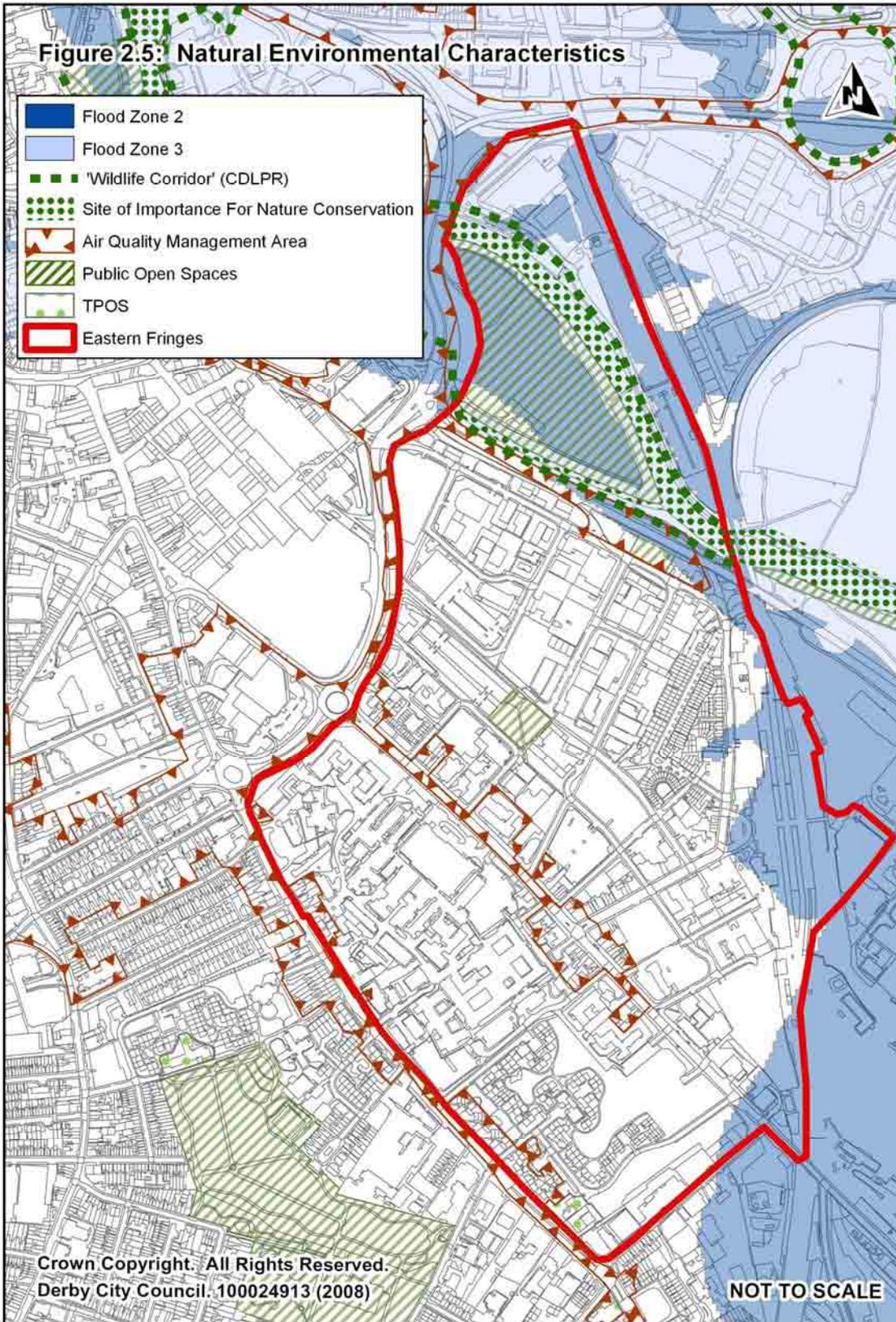
Only 1 cluster of trees within the study area is covered by a tree preservation order (TPO's) and these are located at the southern end of the area on the periphery.

A Flood Risk Assessment (FRA) of the AAP area has been carried out which noted that when climate change is taken into account, land in the area of Station Approach, Bass's Recreation Ground, the Derby Evening Telegraph site and Trent Buses depot will be affected by Flood Zone 3a (1:100 year flood). This affects the potential deliverability of development within these areas. Since this work was done, the Council has been working on a city-wide Strategic FRA. This work is on-going and we are yet to determine the exact extent of the flood zone boundaries.

The Action Plan area intersects an identified Air Quality Management Area (AQMA) as shown in Figure 2.5 . This area has been identified on the basis of nitrogen dioxide levels.

In this area, the main producer of this is vehicle emissions from traffic on the Inner Ring Road. The AQMA generally follows the line of the Ring Road but spills out from this around the DRI area owing to the presence of sensitive receptors (i.e. residential properties).

The Council has produced Supplementary Planning Guidance (SPG) on Air Quality and Planning. All relevant proposals in the AAP area will have to have regard to this document.

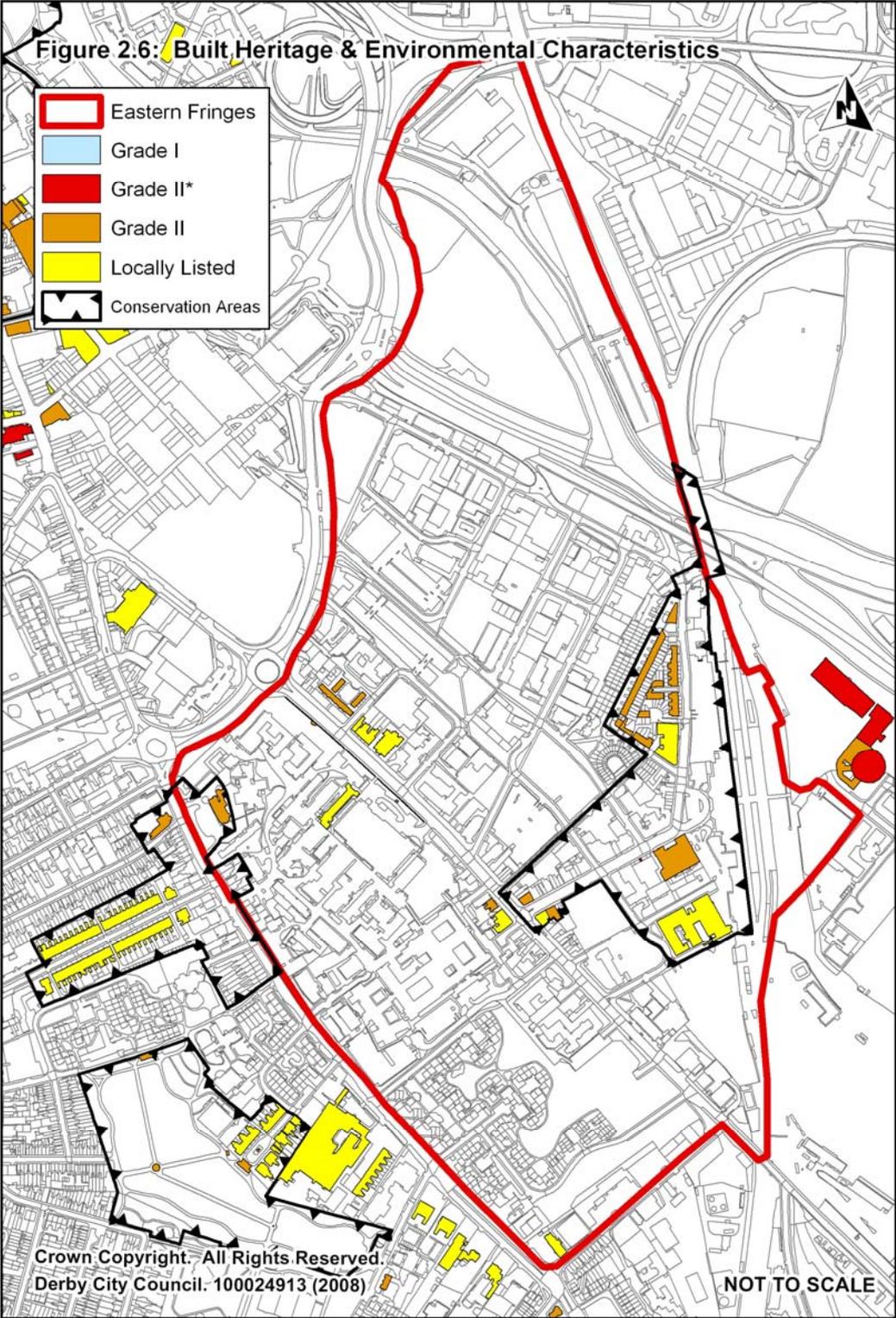


'Built' Heritage & Environmental Characteristics

The majority of the 'Eastern Fringes' area is not of a high quality in urban design or architectural terms. This, however, has the effect of highlighting those areas that are worthy of protection. There are two Conservation Areas within the Eastern Fringes. The Railway

Conservation Area is entirely within the AAP area and the Hartington Street Conservation Area straddles the boundary at Osmaston Road and takes in part of the DRI Character Area.

There are concentrations of good quality buildings within the Railway Conservation Area, particularly in the Railway Terrace and Station Area. The railway cottage buildings are all Grade II listed as is the Midland Hotel. The DRI site also contains a number of good quality buildings, including the local listed original Infirmary buildings and the statutory listed Wilderslowe House. The DRI site is also home to a listed wall and listed statues.



Outside the Conservation Areas, there are a number of other Listed and Locally Listed buildings, primarily along London Road, including the Liversage Almshouses. Altogether, there are 17 Grade II Listed 'entries' within the AAP area. This equates to more than 17 buildings as a number of the listings relate to more than one property (e.g. 1-15 London Road). There are a further 8 features on the Local List.

Figure 2.6 illustrates the locations of the Conservation Areas and Listed Buildings.

2.4 Planning Policy Context

AAP's do not exist in a vacuum and cannot ignore other relevant policies and objectives at national, regional or local level. The AAP must reflect these and, as such, they will help to form the Preferred Option and the policy objectives it contains.

What follows is a brief summary of the main documents that are relevant.

National Planning Policies & Government Objectives

National planning policy is contained within Planning Policy Statements (PPS) and Planning Policy Guidance notes (PPG). All PPSs and PPGs are relevant. However, the following have the most significance for this AAP.

PPS 1 - Delivering Sustainable Development

Focusing on sustainable development, community involvement and spatial planning.

PPS1 - Planning and Climate Change Supplement

The PPS sets out how planning, in providing for the new homes, jobs and infrastructure needed by communities, should help shape places with lower carbon emissions and resilient to the climate change now accepted as inevitable.

PPS 3 - Housing

The principal aim of PPS3 is to increase housing delivery through a more responsive approach to local land supply, supporting the Government's goal to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. The guidance also focuses on the use of previously developed (brownfield) sites.

PPG 4 - Industrial, Commercial Development and Small Firms

PPG 4 encourages continued economic development in a way which is compatible with its stated environmental objectives. It notes that economic growth and a high quality environment have to be pursued together.

PPS 6 - Planning for Town Centres

The Government's key objective for town centres is to promote their vitality and viability by:

- planning for the growth and development of existing centres; and
- promoting and enhancing existing centres, by focusing development in such centres and

- encouraging a wide range of services in a good environment, accessible to all

PPS 9 - Biodiversity and Geological Conservation

PPS9 sets out planning policies on protection of biodiversity and geological conservation through the planning system.

PPS 12 - Local Development Frameworks

This planning policy statement sets out the Government's policy on the preparation of local development documents which will comprise the local development framework.

PPG 13 - Transport

This PPG's objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.

PPG 15 - Planning and the Historic Environment

This PPG lays out government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It explains the role of the planning system in their protection.

PPG 17 - Sport and Recreation

This PPG describes the role of the planning system in assessing opportunities and needs for sport and recreation provision and safeguarding open space which has recreational value.

PPS 25 - Development and Flood Risk

Planning Policy Statement 25 (PPS25) sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

Full versions of these documents can be found on the Department for Communities and Local Government (DCLG) website (www.communities.gov.uk).

Regional Planning Policies (RSS and Draft RSS)

The Council is also required to meet housing targets set by the Regional Spatial Strategy. The current Regional Spatial Strategy for the East Midlands (RSS8) was published in March 2005 and covers the period up to 2021. This document is currently under review and, the revised strategy, will cover the period up to 2026.

The Draft RSS indicates that Derby must provide land for 700 new dwellings per year. The AAP must, therefore, consider how it can contribute to assisting in meeting this provision in a sustainable way. The Panel Report was issued in late 2007 and it is expected that the amended draft will be adopted towards the end of 2008.

In terms of employment land, the Draft RSS does not set out any figures. Rather, it states that local authorities should ensure that there is an adequate supply of good quality land for office and industrial development. The RSS does recognise that office land supply is constrained in Derby. As with housing, therefore, the AAP must take account of – and where possible contribute to – the meeting of RSS policy.

City of Derby Local Plan Review (2006)

The City of Derby Local Plan Review (CDLPR) sets out the Council's planning policies and land use allocations for the entire City. It also sets out the Council's 'Planning Vision' and 'Planning Objectives'. The AAP must be consistent with the vision, objectives and policies of the CDLPR.

The CDLPR 'Vision Statement' is to;

"... seek to ensure that development promotes the economic, social and environmental well being of Derby and contributes to improving the quality of life for its citizens."

Appendix 1 illustrates how well the AAP's Preferred Option relates to the CDLPR objectives.

Specifically for the 'Eastern Fringes' area, the CDLPR contains the following site specific policies;

R1: Regeneration Priority Areas

CC13: Castle Ward

CC14: Wellington Street

LE6: Derbyshire Royal Infirmary

H2b: Barlow Street

EP3b: Pride Park

Continuing with these policies was put forward as a legitimate way forward for the area and has been consulted on. The AAP proposals will broadly supersede the policies listed above whilst many of the CDLPR Policies, particularly relating to conservation and environment, will remain and continue to underpin the proposals set out in this document.

2.5 Links to Other Plans, Programmes and Strategies

Community Strategy and Derby City Partnership Priorities

Derby City Partnership (DCP) is an alliance of organisations working together to improve the quality of life for people in Derby. They are the Local Strategic Partnership (LSP) for Derby and have published their renewed vision and priorities for seeking change.

DCP's vision is,

'For people of all ages and from all walks of life to feel they belong to Derby and that Derby offers them everything they need - for work, education, housing, leisure and for a safe, healthy lifestyle'.

DCP has set out key priorities in their Community Strategy entitled “2020 Vision”. This outlines a set of objectives to help achieve their priorities. The key priorities are to create a city centre which people of all ages and backgrounds will be able to enjoy at any time of day and also to focus on Derby's deprived neighbourhoods, so that opportunities for people living there are the same as for people living in the rest of the city.

Appendix 1 of this report outlines the extent to which the objectives of DCP correlate with the thrust of the AAP Preferred Option. This demonstrates that the AAP Preferred Option is moving towards the achievement of many DCP priorities.

DCP are currently working on a review of the Community Strategy in order to create a 'Sustainable Community Strategy' (SCS). Development of this document will help to inform the development of citywide planning policies contained in the Core Strategy DPD, produced by the City Council.

Derby Cityscape Ltd

Derby Cityscape Ltd - the Urban Regeneration Company for Derby city centre was established in April 2003 by the Government in response to the City's relative underperformance in social and economic terms within the region.

Recognising the need for significant and co-ordinated change to address this, local and regional partners, from the public and private sectors joined forces in forming Derby Cityscape Ltd. to deliver comprehensive change.

To assist in the delivery of comprehensive change, Derby Cityscape has produced a Masterplan. The Masterplan sets out objectives and principles that will guide regeneration and identifies a number of key deliverable projects that will help to transform the city centre. The areas covered by this AAP are all identified within the Masterplan as major opportunities for change.

Although the Masterplan is not a statutory planning document, it was approved as a 'material consideration' in the determination of planning applications by the Council.

The AAP and Derby Cityscape Masterplan have been evolving in tandem, with work on one helping to inform the other. The development of the documents in parallel has allowed us to ensure that the wider objectives and principles of Derby Cityscape are picked up within the AAP. The Masterplan outlines the key objectives of the URC which include to:

- Generate a step change in the scale of activity in the city centre;
- Establish a living centre with new communities living in the city centre;
- Promote the commercial office sector and ensure the supply of small business premises;
- Reinforce the existing retail core;
- Reinforce the city centre as the focus for civic activity;
- Develop the tourism offer;
- Promote future development of the highest quality;
- Greatly enhance the quality of the public realm and connectivity;

- Improve access to the city centre by all means of travel;
- Ensure that Derby city centre is for the whole community;

All of the objectives and principles set out above should be achieved through the implementation of the AAP's proposals.

The Derby City Council Corporate Plan

The Corporate Plan describes the city that the Council wants to help Derby become. It outlines 6 priorities for the period 2007-2010 including;

- Making us proud of our neighbourhoods;
- Creating a 21st Century city centre;
- Leading Derby towards a better environment;
- Supporting everyone in learning and achieving;
- Helping us all to be healthy, active and independent;
- Giving you excellent services and value for money;

The AAP must contribute to these objectives where it can.

The final of these priorities relates to City Council services and cannot be directly related to the AAP Preferred Option. Within the 5 remaining priorities there are a number of objectives to help achieve these priorities. Each of the objectives are listed in Appendix 1 of this report. The table outlines the extent to which the objectives of the Corporate Plan correlate with the thrust of the AAP Preferred Option.

Appendix 1 demonstrates that the AAP Preferred Option is moving towards the achievement of many corporate objectives and subsequent priorities. Out of the 16 listed objectives, the AAP will directly help to achieve 9, whilst 4 could be achieved; dependant upon the implementation of the Plan and 3 cannot directly be related to the AAP.

2.6 Other Drivers for Change

Relocation of Hospital

A decision was made several years ago to relocate acute services from the Derbyshire Royal Infirmary to the City Hospital. It is expected that this process will be completed by the end of 2008.

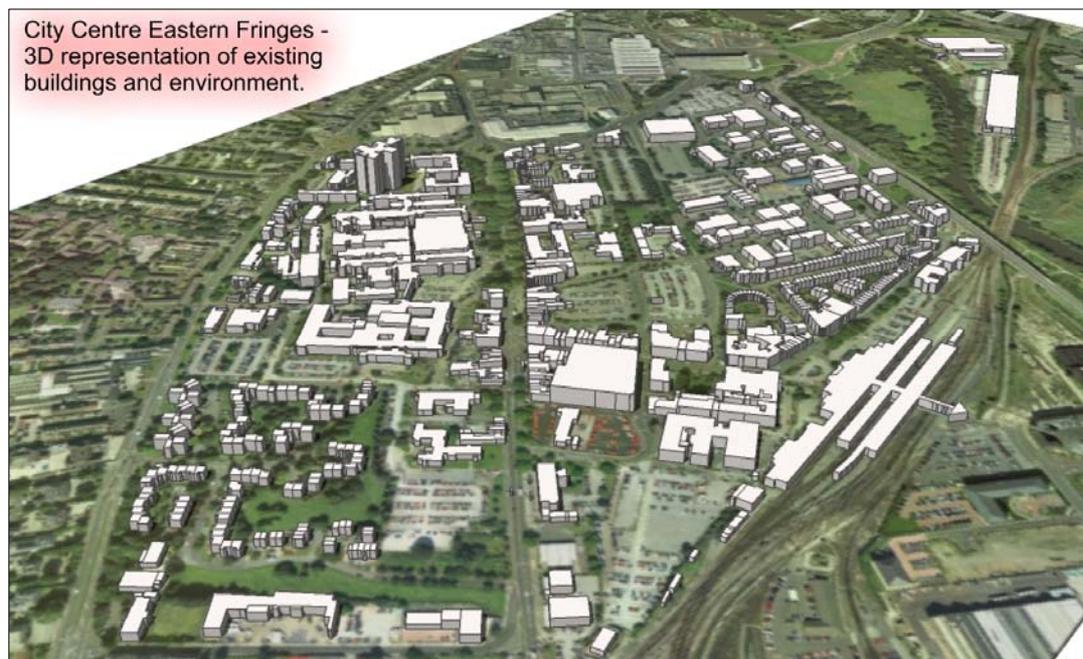
This will result in a large amount of land becoming available for development, both in the main site and in adjacent areas where land is currently being used for staff parking.

It is important that any development that happens on this land does so in a co-ordinated and comprehensive way, that contributes to the wider planning objectives for the area and that creates real benefits for the area as a whole.

Inefficient use of Land and Lack of Vitality

This is an area characterised by large expanses of inefficient surface car parking, low-density industrial uses and poor quality townscape. Owing to its location, what should be an area of vibrancy, activity and community is, to a degree, dormant and not fulfilling its potential. This is an area that people walk through, but don't particularly engage with.

At a time where sustainable development and increasing the efficiency of how resources, including land, are used it would seem to run contrary to the aims of national, regional and local government not to try and make better use of this land. The AAP will provide an opportunity to achieve this.



The need for Brownfield Housing and Sustainable Patterns of Development

Following on from above, the Government has set a target for 60% of all new housing to be developed on previously developed (or brownfield) land. The Eastern Fringes provides a significant opportunity to bring forward large numbers of brownfield housing.

Consequentially, it will also serve to promote the city centre a place to live. Currently very few people live in the city centre, which is a missed opportunity. Encouraging more city centre living will not only be more sustainable, it will also make the centre more vital and viable.

In addition to this, the proximity of the railway and bus stations, not to mention the city centre itself, all point to this area being potentially one of the best opportunities we have to create a sustainable urban community, particularly in terms of reducing the need to travel.

Importance of Conservation, the Environment and Open Space

Within the Eastern Fringes lies one of the City's most important Conservation Areas; The Railway Conservation Area. This area is already given protection by both specific legislation and the City of Derby Local Plan Review. However, the AAP can take existing guidance

further by giving specific design guidance for new development and, perhaps more importantly, it can identify sites or buildings that are currently undermining the quality of the area and set out specific policies for their improvement.

Outside the Conservation Areas, there are other features of architectural and historic importance that may benefit from more detailed guidance the AAP can provide. This might be particularly important for preserving the setting of important historic buildings.

Bass's Recreation Ground is a major piece of open space within the city centre. However, it is recognised that it is a massively underused resource, with poor access and facilities. Including the park within the AAP area enables the Council to link any development that happens with bringing about changes that can rectify this situation and turn Bass's Recreation Ground into a vital part of city centre life.

Railway Station Changes

It is widely recognised that the area in front of the railway station, and potentially the station itself, needs some improvement. For many visitors to Derby it is the first and last image that they have of the city which helps to shape people's opinions of the city as whole.

A group called the '*Derby Station Partnership*' has been established to look at ways to bring forward the regeneration of the station. In addition, East Midlands Trains (Stagecoach) have recently taken over the franchise and may wish to make enhancements themselves.

The AAP proposals can help to facilitate these proposals where appropriate.

2.7 SWOT Analysis

As mentioned in Part 1, once it was decided to prepare an Area Action Plan for this part of the City, a large amount of effort went in to analysing the characteristics of the area and gathering data and information. This was done to help identify the key issues affecting the Eastern Fringes and to help us to measure the effects of the Plan over time.

Drawing together the evidence gathered, issues raised by the 'drivers of change', the underlying policy context and from discussions and consultations, it is possible to identify the **strengths, weaknesses, opportunities** and **threats** (SWOT). This analysis has been used to help define the 'vision' and 'spatial objectives' for the AAP.

The SWOT characteristics are shown below. The aim would be to create a plan that builds on the area's strengths, improves on its weaknesses, takes advantage of the opportunities it provides and that ensures any threats are kept to a minimum.

2.71 - Strengths

- **Locational Advantages – transport benefits**
- **Locational Advantages – access to facilities**
- **Locational Advantages – gateway location**
- **Historical context**
- **Examples of high quality in the built environment (Railway Conservation Area / London Road)**

2.72 - Weaknesses

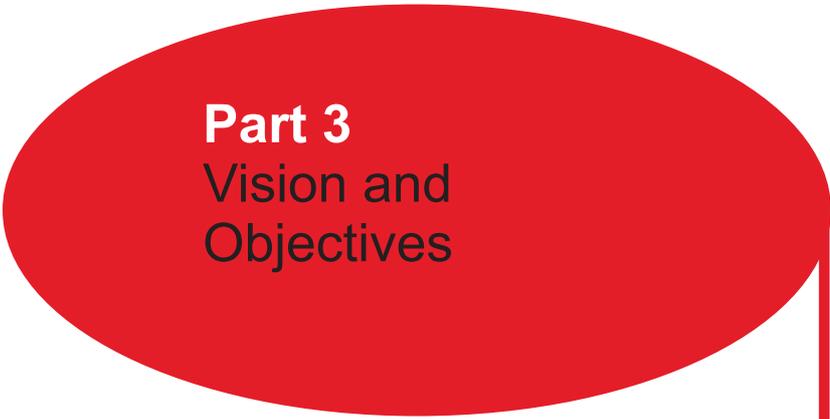
- **Existing pedestrian access to city centre and open spaces poor (the 'Rail Trail is visually weak)**
- **Restricted east/west pedestrian links**
- **Dead frontages**
- **Examples of poor quality in the built environment**
- **Inefficient use of land**
- **Small resident population**
- **Underused open space resources**
- **Poor public realm**

2.73 – Opportunities

- **Within Derby Cityscape URC area**
- **Availability of key development sites**
- **city centre living opportunities**
- **Potential for modal shift**
- **Improved public transport links**
- **Quality place making**
- **Improved pedestrian and cycling links to city centre and open spaces**
- **Potential for Railway Station improvements**
- **Potential to elements of the Railway Conservation Area**

2.74 – Threats

- **Development of different sites taken forward without proper integration – leading to more isolation and a lack of cohesiveness**
- **Growing congestion and reducing air quality**
- **Unconstrained car use leading to worsening accessibility**
- **Lack of developer interest**
- **Ineffective public sector delivery capabilities and resources**
- **Flood risk in parts of the site**
- **Difficulty in relocating existing businesses**



Part 3
Vision and
Objectives

Part 3: Vision and Objectives

3.1 The Vision

Drawing on the 'drivers for change' and the strengths, weaknesses, opportunities and threats identified in the previous section, a 'vision' for the regeneration of the area, and a set of 'spatial objectives' were devised. These will guide

The Vision that has been decided on for the AAP is as follows;

“To establish a framework for the creation of a sustainable neighbourhood, where people can enjoy a high quality of life within a distinctive, high quality urban environment”

This Vision encompasses three main ideas;

- ☑ **A Sustainable Neighbourhood:** The Government's Sustainable Development Strategy sets out five guiding principles for sustainable development;
 - Living within Environmental Limits;
 - Ensuring a Strong, Healthy and Just Society;
 - Achieving a Sustainable Economy;
 - Promoting Good Governance;
 - Using Sound Science Responsibly

These principles are the cornerstone of the planning system and the proposals set out in this report help to ensure that they are achieved in this area. The idea of creating a new neighbourhood is also vitally important. Neighbourhoods are not just residential estates. Rather, they are areas where people can live and work and which provide for their leisure, health, shopping and educational needs. The proposals recognise this. Any significant sustainability issues identified in the Sustainability Appraisal have also been mitigated.

- ☑ **A High Quality of Life:** There are numerous factors that go into achieving a high quality of life. The proposals help ensure that people live in a high standard of housing, in a safe and attractive environment, with good access to jobs, shops, open space, leisure, health and educational facilities. As can be seen from some of the area's existing strengths, residents already have excellent access to a great number of facilities. The challenge will be to ensure that those facilities or services that don't currently exist are provided.

- ☑ **A Distinctive Urban Environment:** The Council wants the Eastern Fringes to become a nationally recognised area of best practice in sustainable design and architecture. The proposals include design objectives that set out challenging minimum requirements and also objectives for sustainable design and layout. However, the Council does not want to stifle creativity and innovation. Architects will be encouraged to show flair and forward thinking in all aspects of design in order to make ensure this part of the ‘vision’ is achieved.

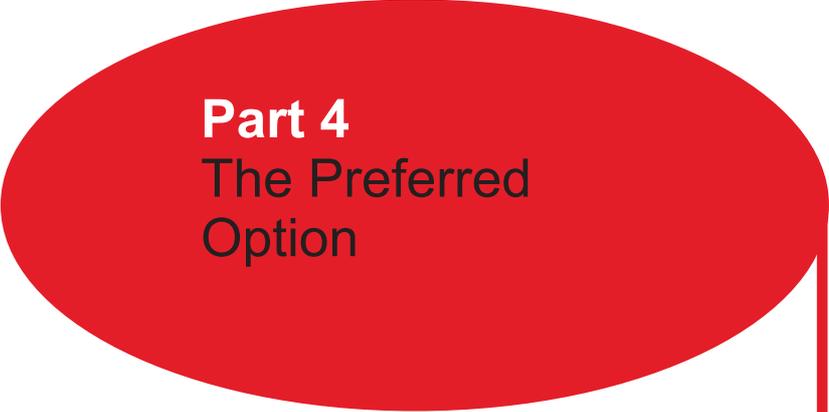
3.2 Spatial Objectives

To achieve this vision, to address significant issues that have been identified through evidence gathering and consultation and building on the known ‘drivers for change’, eleven ‘*spatial objectives*’ for the AAP have been adopted.

The objectives try to cover all aspects that will need to address and demonstrate the Plan’s commitment to sustainable development and to creating a better, safer and more vibrant environment where people *want* to live and work.

These objectives have been consulted on at every stage so far and have been amended over time to address specific concerns or points raised. Along with the local characteristics and the policy context (Part 2), the spatial objectives of the AAP are an important factor in considering what form of development is most suitable for the Eastern Fringes area.

1. To ensure that the AAP supports the wider aims and objectives of the Local Development Framework, the Community Strategy and the Derby Cityscape Masterplan.
2. To provide sustainable mixed-use development that reinforces Derby city centre’s role as a place to live and work.
3. To ensure the provision and access to all the key services and facilities that are needed to support the ‘Eastern Fringes’ and that the mobility and accessibility needs of the neighbourhood are met.
4. To provide wider opportunities for city centre living, by providing residential development with a mix of size, types and tenure.
5. To provide commercial and employment generating development that contributes to the continued economic prosperity of the City.
6. To ensure that development within the Eastern Fringes sets new high standards of design for the City and that a consistent approach to quality is taken in order to create a distinctive urban environment.
7. To ensure that the best elements of the Eastern Fringes’ existing natural and built environment are protected or enhanced.
8. To ensure that new development promotes energy efficiency and prudent use of resources and minimises the impact on the environment.
9. To improve linkages between the Eastern Fringes and the city centre, that encourage walking, cycling and public transport use, particularly focussing on the links between the railway and the bus stations.
10. To create safe, convenient and attractive routes in, out and through the Eastern Fringes which help to create a vibrant and active neighbourhood.
11. To improve the design, access and usage of existing areas of open space and to ensure that the public realm is a fully and safely integrated part of the wider urban environment.



Part 4
The Preferred
Option

Part 4: The Preferred Option

4.1 Introduction

This section provides a detailed illustration of the Council's 'Preferred Option' for the regeneration of the 'Eastern Fringes' area. It deals specifically with how the Council would want to see the area developed and the principles that we want to see embraced by development proposals to ensure the regeneration of the area is sustainable and of the highest quality possible.

This section also provides further information on when we feel development might take place and how it will be implemented.

Importantly, there is also a description of the alternative options that have been considered and sets out why they were not considered as part of the 'preferred option'. Comments on these alternatives are welcomed.

The section is presented on a topic-by-topic basis, as follows;

- **The Overall Preferred Option – Summary**
- **The Proposals Map**
- **Land-use Principles**
- **Transport Principles**
- **Sustainable Design & Layout Principles**
- **Natural and Built Environment Principles**
- **Delivery & Implementation Principles**
- **Key Issues Raised in the Sustainability Appraisal**
- **Alternative Options Considered**

A '*Summary Document*' is also available that outlines all the proposals for each 'character area' and sets out the area-wide principles that the Council wish to see adopted in the area. This is available on the City Council website (www.derby.gov.uk).

It is important to note that in the event of a planning application being made within the AAP area prior to the adoption of this Plan, the following section (including all principles objectives and discussions) will be considered material in its determination.

Figure 4.1: Preferred Option Character Area Summary

F. Bass's Rec

This will be maintained and enhanced and will act as the main open space serving the new Castleward community. A new access point will be created across Station Approach and existing access points will be improved.

A. North Castleward.

Commercial-led development, creating a transition between the business core of the City centre to the more residential area of Castleward. Will provide a strategically important site for new office and related development.

Provision is made for a significant new office development, alongside potential complementary uses such as hotels and conferencing facilities.

G. London Road.

The Preferred Option does not propose any new development but does promote enhancements to the already excellent public realm in this area. It also suggests that the area is of such a high quality townscape environment that a special policy is needed to control future development.

C. DRI.

New residential development will be permitted on those areas surplus to the requirements of the NHS Trust. Special consideration will be given to important architectural and historical features on the site.
On the remainder of the site, the Council will continue to support the healthcare role of the hospital and the site.

E. Barlow St / Bateman St

The Preferred Option provides for the redevelopment of an existing car park and industrial uses north of Bateman Street for new residential development. This would have to be designed in a way that respects the amenity and setting of existing development and retains as much of the existing open space as possible. The proposals also include a requirement to alter the junction arrangements to improve safety.

H. North of the River

The Preferred Option is to no longer seek any change to this area in the medium to long term. The area is subject to considerable flood risk and there are substantial viability issues which makes redevelopment very uncertain. For this reason, it is felt that the area north of the river should be removed from the AAP for future stages of plan preparation.

B. Castleward

The Preferred Option is the creation of a new sustainable residential neighbourhood formed around a central 'boulevard' linking the railway station to the City centre. This will be a new pedestrian and cycle priority link, characterised by active ground floor uses, with residential or commercial above. This new street will become the focal point for the new community.

To complement the housing a new primary school and shopping facilities will be provided. In addition, a new multi-storey car park will be provided to consolidate existing surface parking.

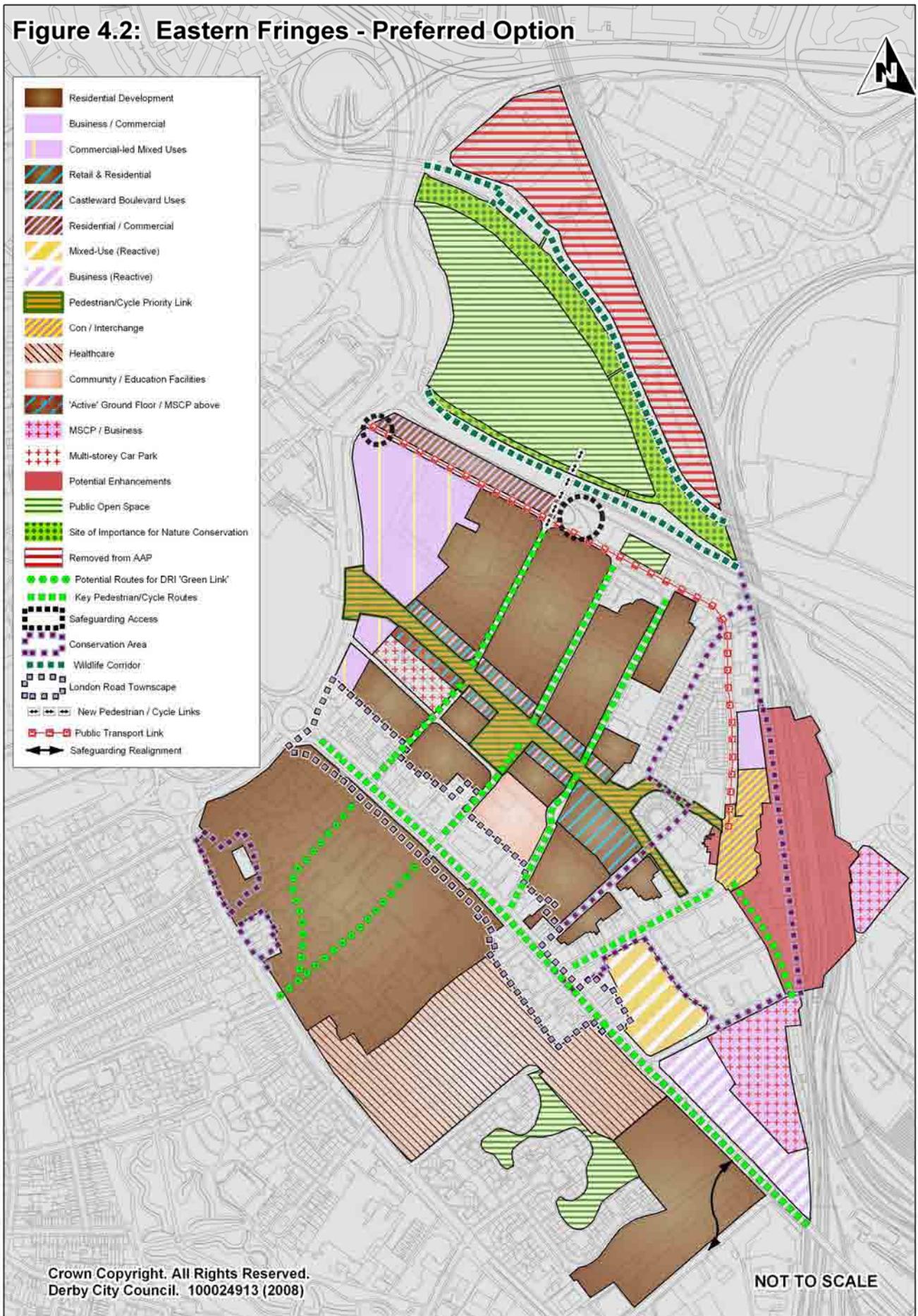
D. Railway Area

The aim will be to preserve and enhance the existing Conservation Area, but make better use of underused or vacant sites for either residential or business uses.
In addition, the AAP will provide for the refurbishment and improvement of the railway station and its environs. This could include the development of two new car parks to consolidate existing facilities and release land for development.

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NOT TO SCALE

Figure 4.2: Eastern Fringes - Preferred Option



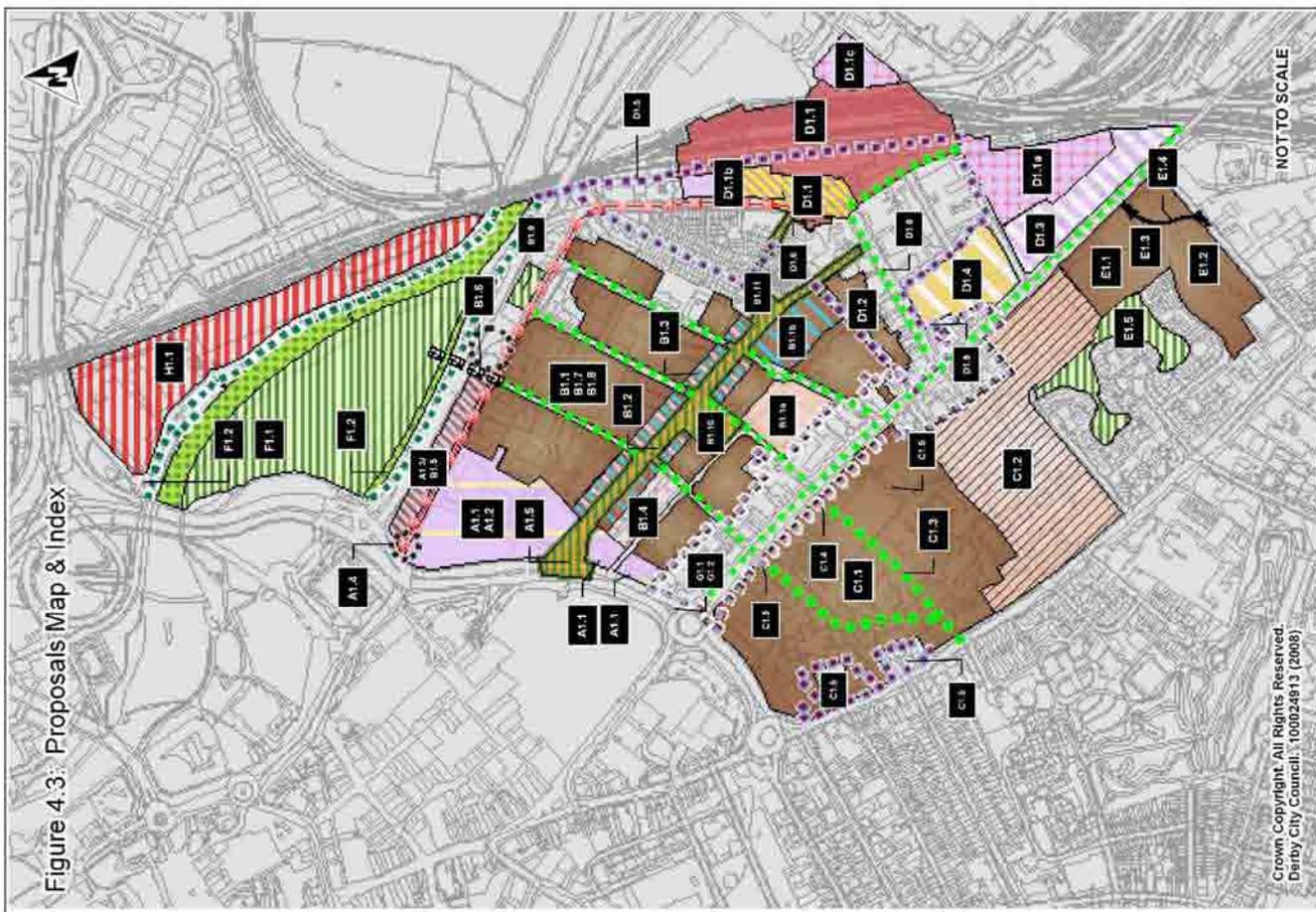


Figure 4.3: Proposals Map & Index

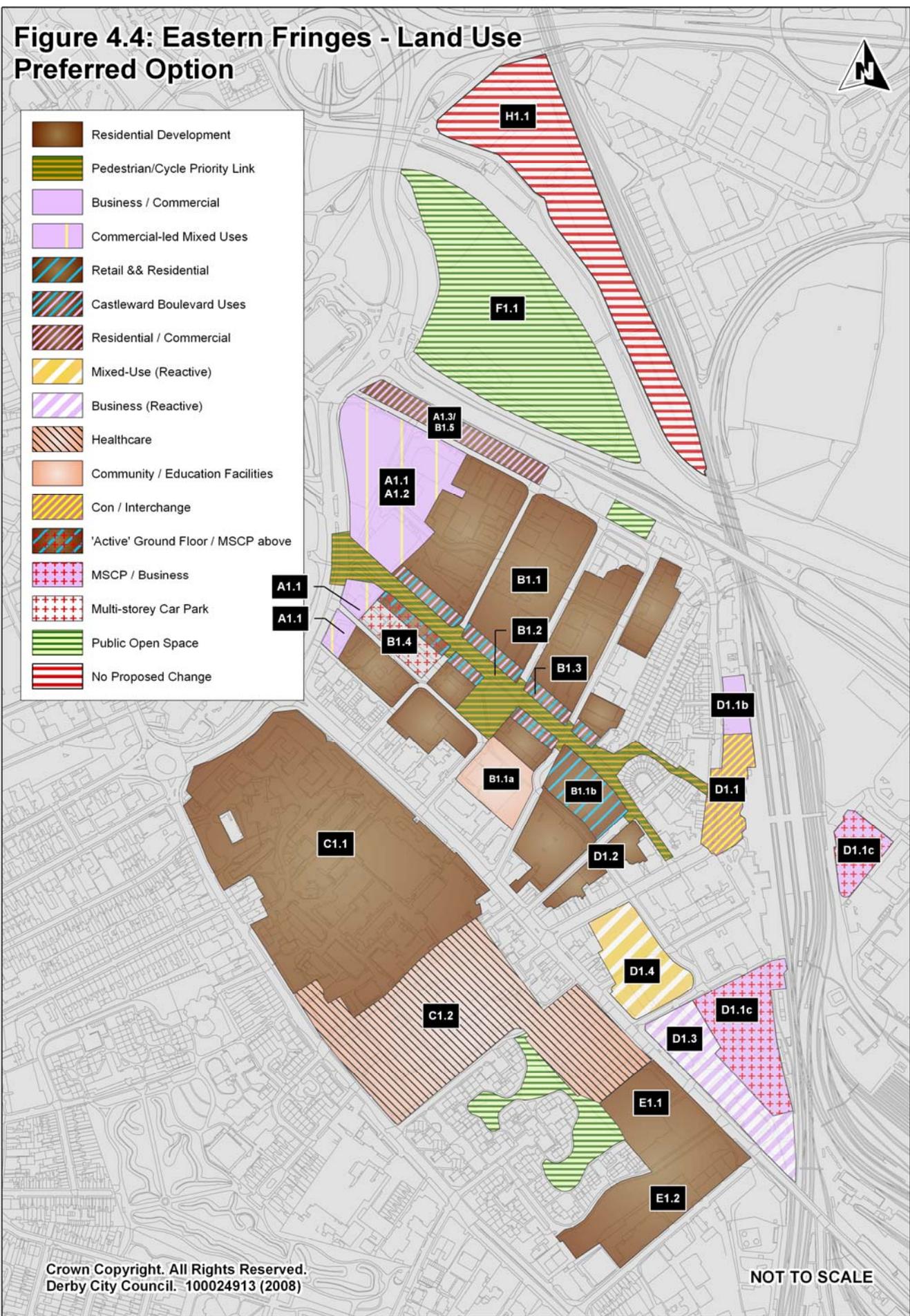
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A1.1	Page 37	C1.5	Page 59	Residential Development	
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C1.3	Page 45			Removed from AAP	
C1.4	Page 54			Potential Routes for DRI 'Green Link'	
				Key Pedestrian/Cycle Routes	
				Wildlife Corridor	
				Public Transport Link	
				New Pedestrian / Cycle Links	
				Safeguarding Access	
				Safeguarding Realignment	

Figure 4.4: Eastern Fringes - Land Use Preferred Option



- Residential Development
- Pedestrian/Cycle Priority Link
- Business / Commercial
- Commercial-led Mixed Uses
- Retail && Residential
- Castleward Boulevard Uses
- Residential / Commercial
- Mixed-Use (Reactive)
- Business (Reactive)
- Healthcare
- Community / Education Facilities
- Con / Interchange
- 'Active' Ground Floor / MSCP above
- MSCP / Business
- Multi-storey Car Park
- Public Open Space
- No Proposed Change



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4.4 Land Use Principles and Priorities

Figure 4.4 illustrates the preferred land use mix for the Eastern Fringes. This map is cross-referenced to the text below, which provides detailed information on what the Council would like to see developed on each site. This is broken down by 'character area' for ease.

(A) North Castleward

A1.1 Creation of an area of commercial-led mixed-use development forming a transition from the city centre to the residential area of Castleward.

Regeneration will focus on;

- Development of a large-scale landmark office scheme comprising a minimum of 18,000 sqm of new floorspace;
- Provision of complementary uses, such as additional business uses, hotels, leisure and residential (where air quality issues are properly mitigated).

A1.2 Parking provision to serve the office development that will serve a dual purpose on evenings and weekends to serve the city centre. Parking will not exceed the standards set out in the adopted Development Plan.

A1.3 Allow business and / or residential uses on land north of Siddals Road. Residential development will only be accepted where air quality issues can be satisfactorily mitigated.

(B) Castleward

B1.1 Creation of a sustainable residential-led neighbourhood on the edge of the city centre. This will be complemented by supporting facilities, including;

- a. New primary and nursery school facilities;
- b. Provision of a new convenience shopping facility of a scale commensurate with the needs generated by the enlarged community;

B1.2 Creation of the Castleward 'boulevard' pedestrian priority link and public realm improvements, linking the railway station to Traffic Street (see Section 4.7 for more detail).

B1.3 Provide for 'active frontages' on buildings fronting the Castleward boulevard, including the potential for small scale retail, food & drink, leisure and community uses. At first floor level and above, residential or commercial uses will be encouraged.

B1.4 Consolidate existing surface parking into a new multi-storey car park.

B1.5 Allow business and / or residential uses on land north of Siddals Road. Residential development will only be accepted where air quality issues can be mitigated.

(C) Derbyshire Royal Infirmary

C1.1 Creation of a new residential neighbourhood on the parts of the site no longer required for healthcare, supported by small scale convenience retail facilities.

- C1.2** Continue to make provision for new healthcare uses within the area to be retained by the NHS Trust.

(D) The Railway Area

- D1.1** Reorganisation of the parking and drop off areas at the railway station to facilitate a new and improved inter-modal transport interchange. This will include improvements to the layout, short stay parking provision, access to public transport and improvements to, and a increase in, cycle parking provision. Improvements at the railway station should provide a new attractive gateway to the city centre from both the Midland Road side and Pride Park. Improvements at the railway station should also include the following:
- D1.1 (a)** Consolidation of existing railway station parking into new multi storey facility on the existing South car park. Part of the site surplus, surplus to the development of the MSCP will be expected to be used for business and / or light industrial uses.
 - D1.1 (b)** Surplus land on the North car park should be utilised for small scale office development which respects the character of the Conservation Area.
 - D1.1 (c)** Consolidation of existing railway station parking into a new multi storey facility on the existing Pride Park car park. Suitably designed complementary office development will also be permitted on surplus land.
- D1.2** Make provision for residential development on 'back land' sites along Wellington Street for residential development that takes account of and enhances the character of the Conservation Area.
- D1.3** Make provision for new business and/or light industrial uses along the London Road frontage.
- D1.4** Make provision for the suitable redevelopment of the Royal Mail sorting office for a mix of commercial and / or residential uses in the event of the current occupier wishing to relocate within the City.

(E) Barlow Street / Bateman Street

- E1.1** Creation of a new sensitive residential development on the existing surface car parking on the London Road frontage.
- E1.2** Creation of a new sensitive residential development on the existing industrial land to the north of Bateman Street and the existing open land.
- E1.3** Development should not prejudice the potential replacement of the London Road railway bridge.

(F) Bass's Recreation Ground

- F1.1** Retain Bass's Recreation Ground as major public open space to serve the new residential community. Measures will be taken to improve access and safety to generally make the area more attractive to users.

(G) London Road Corridor

There are no land use implications in this area.

(H) North of the River

H1.1 Propose 'no change' to this area in the medium to long term. The area will be removed from the AAP after the publication of the Preferred Option. Development will be controlled via existing Development Plan documents.

4.5 Land Use: General Principles

Alternative Land Uses

The Council wishes to promote the uses proposed in the AAP and provide as much certainty as possible. However, it is recognised that, over time, conditions may change and alternative proposals may be put forward. The Council would only consider these, where;

- The allocation development proposals are demonstrably not viable or required to achieve either the AAP's Vision or the wider objectives of the Development Plan;
- The alternative proposals would contribute to the achieving the wider Vision and Objectives of the AAP;
- The proposal is consistent with other LDF and AAP policies and would not prejudice the comprehensive regeneration of the area.

4.6 Land Use: Commentary

Residential Uses:

The Preferred Option reflects the fact that the Eastern Fringes area is one of the most sustainable locations in the City. It has unparalleled access to the facilities in the city centre, the railway and bus stations, major open space at Bass's Recreation Ground and the major healthcare facilities that are anticipated to remain on the DRI site.

In addition to its locational advantages, residential development would make a significant contribution to the City's 'brownfield' housing development, thus helping to meet the 60% brownfield housing target and reducing the need for greenfield housing on the edge of the City.

Derby City Council are required by the Government to allocate land for residential development to meet the increasing demand for housing. In 2006 Derby was granted 'Growth Point' status, which recognises the City as a key area for residential growth. In light of these facts it is very important that highly sustainable housing locations are identified in order to cater for the increasing housing demands. The Draft Regional Spatial Strategy (RSS) suggests that Derby must provide land for an average of 700 dwellings per year up to 2026. The central location of the Eastern Fringes area is highly sustainable and has the potential to contribute towards meeting some of the demand for housing.

The relocation of acute services from the DRI site will open up major development opportunities in the coming years and it is felt that a sustainable residential community in conjunction with the 'urban village' being proposed for the Castleward area is the most sustainable and appropriate option. Development of this type will also help the NHS to

facilitate the relocation of facilities to the City General Hospital and accomplish its other objectives in the City. In this way the AAP is contributing to wider spatial interests. Considering the objectives of the AAP and the wider context for this site, and the Eastern Fringes as a whole, residential-led development is the only viable option.

Employment Uses:

Derby is currently lacking in high quality strategic city centre office sites. In recent years, the office market in the City has been focussed on Pride Park and the Wyvern Business Park. Pride Park is now close to being complete and there are early signs of a recovery in the city centre's office market with a number of new schemes recently being granted planning permission.

Making provision for this type of development in appropriate parts of the Eastern Fringes can provide further opportunities for such development both at the strategic and smaller scale, without undermining employment development proposed elsewhere in the City.

The City has an extensive portfolio of employment land outside the city centre that will provide for the majority of Derby's general industrial, storage and distribution needs over the coming years. Unfortunately, the City does not have the same portfolio in the city centre and the Council feels that the Eastern Fringes area, particularly the North Castleward site would be attractive to high profile occupiers, requiring a highly visible site, with good connections to the strategic road network, railway station and bus station.

The proposals will help to redress the balance in terms of available office site provision and provide a sustainable alternative, particularly now that alternative sites are nearing completion. The proposals will contribute to the creation of sustainable patterns of development and will help bolster the city centre's economy. The levels of floorspace proposed for the area are considerable, but are needed if the City is to attract the type of operator aspired to.

This offer could be further enhanced by recognising that other complementary uses should be permitted on the North Castleward site. Examples of what may be acceptable are hotels or conferencing facilities. Other complementary uses may also be acceptable, provided they wouldn't undermine the vitality and viability of other areas and would not prejudice the objectives of the AAP.

There will also be opportunities for commercial development around the railway station. The development of MSCP's on Pride Park and South car park will open up opportunities on land currently used for surface level parking, such as the North car park.

The Preferred Option for the land north of the river, currently occupied by the Derby Evening Telegraph is to continue to allocate it for employment uses, as in the CDLPR. Redevelopment of this site was considered however there are a number of important issues that may constrain the redevelopment of this area in the short to medium term and thus reduce the certainty of bringing the site forward in the timescale of the plan. A proportion of the site is within Flood Zone 3 and thus there are concerns over the potential for flooding of this area. The FRA carried out for the plan has recommended that this area is not identified for housing at this time owing to these risks.

Retail:

The population of the 'Eastern Fringes' will increase substantially over the life of the Plan. It is considered that new shopping facilities will, therefore, be needed to provide for this population's food and convenience shopping needs. These facilities should be in the most

accessible place for the new community and it is felt that the Bemrose & Sovereign car park site would be the best location.

Other locations, such as the DRI site and railway station, have been considered for the location of a new supermarket. However, the boulevard has benefits in terms of its relationship to other similar uses and would be in a more central, accessible and sustainable location.

A store that will serve the needs of the local area may be appropriate here. The size of the store should be gauged so that it does not attract people from other parts of the City or impact on the city centre or other District Centres. This would be unsustainable and contrary to the Council's retail strategy. New shopping should be for the local community and not become a city-wide resource.

Although there are obviously shopping facilities within a walk-able distance from Castleward it is still felt that there would be a qualitative advantage in providing some specific facilities for the new community within the Castleward area. The new store will provide the focal point for the new neighbourhoods and provide easier access to shopping facilities.

Education:

The AAP must make provision for new education facilities to meet any needs it will generate. It is unlikely that enough housing will be created to justify a new secondary school and so, at this time, this possibility is not being progressed. However, in line with existing policies, developers will be required to make provision for secondary school education elsewhere (see Section 4.14 on Implementation). This will be guided by the Council's emerging SPD on Planning Obligations.

As a minimum, it is expected that a new primary school will be provided as part of the Castleward regeneration scheme. This could also incorporate a new or relocated nursery.

New Parking Facilities:

Three multi-storey car parks will potentially replace the existing surface car parks in the area. This will make more efficient use of land. The Liversage Street site will serve the immediate area and has benefits over other sites considered. It is already a car park and has good access off of Traffic Street and London Road. It would also be located on the boulevard and has excellent access to the city centre. It will also have less impact on the Railway Conservation Area than, for example, the Bemrose & Sovereign car park site, previously considered.

It is felt that the parking is required to serve city centre needs and will not add significantly to the number of public spaces already in the area. Coupled with the other benefits the provision of a new car park will bring, this is still a reasonable proposal to include in the AAP.

The North, South and Pride Park car parks at the railway station are currently used as surface car parks for the railway station and its staff. Consolidation of this car parking into two new, sensitively designed, multi-storey car parks will release the remainder of the land for development. This option will make much more efficient use of the land and may also facilitate other improvements at the railway station. The development of MSCP's to serve the railway station will only be permitted provided that areas of surface level parking are released for beneficial development. The aim of the proposals is to not significantly increase the level of parking at the station, instead to rationalise current facilities, making better use of the land.

The North Castleward site will employ a large number of people and it will be necessary to provide a certain level of on-site car parking to meet demands. This parking should also provide opportunities for evening and weekend parking for the city centre, when demand is at its highest. This 'dual-use' is an efficient use of a facility that would be required to serve the office development in any event.

Health and Community Uses:

There are no plans to *require* further health related facilities as part of the redevelopment proposals but the AAP would allow the development of such uses within the 'Castleward Boulevard' and the retained element of the DRI site.

The area is already home to some existing community facilities (for example, the West Indian Community Centre, Castle Nursery, St Johns Ambulance training centre). As part of the wider regeneration of the area, the existing premises for these uses are identified for redevelopment. However, in line with existing Council policy, no existing community facilities will be redeveloped unless it can be demonstrated there is no longer a demand for these facilities or appropriate alternative accommodation has been provided (either within the Eastern Fringes area or in an alternative suitable location). Buildings fronting the boulevard could potentially provide a suitable location for community type uses.

Derby Cityscape will continue to work with the Council and any organisations affected, to ensure that appropriate accommodation can be found for these uses.

Open Space:

Section 4.10 and 4.11 give further detail on open space provision however it is important to mention Bass's Rec in this section due to its obvious significance.

There are few realistic alternatives to consider for Bass' Rec. While we considered the redevelopment option, it was decided that there were far too many constraints for this to be realistic, viable or desirable. Bass's Recreation Ground will be retained as public open space but the AAP will have to ensure that improvements are made to the facilities and most importantly access to the park.

Bass's Recreation Ground is identified in the City of Derby Local Plan Review as Public Open Space and any proposals would continue to be assessed against the relevant saved policies. Should any development need to take place on the park to facilitate improvements, then it will necessarily be of a scale and nature that fits in with the character of Bass's Rec.

Royal Mail Site:

The Royal Mail building on Midland Road is recognised as being incongruous and out-of-keeping with the area. Considerable improvements would be made to the quality of the built environment if this building were to be redeveloped. In particular, the setting of the Conservation Area would be greatly enhanced.

The Council recognise that the Royal Mail carry out an important and necessary function from these premises and would not want to see the operation move out of the City. However, should a relocation within the City be facilitated, then this site does offer opportunities for mixed-use development that takes account of its location near to the railway station. This should have an element of residential and employment within it, but could also include a hotel, conferencing and/or community facilities. An active frontage on the ground floor would help to maintain Midland Road's character.

Leaving the site unallocated would be inappropriate. As mentioned above, the building is out of scale and character with its surroundings and not giving guidance on what would be a suitable replacement, would constitute a wasted opportunity.

During consultation, no overall consensus was gained as to what should replace the Royal Mail building. This is perhaps inevitable. Its scale and location make it attractive for a range of uses and a flexible approach is probably the most sensible.

The Boulevard:

The new 'boulevard' will provide a vital link between the key retail area of the city centre and the railway station. The boulevard will utilise high quality materials and place the needs of the pedestrian above those of the motorist. See Section 4.7, Transport and Movement for further details

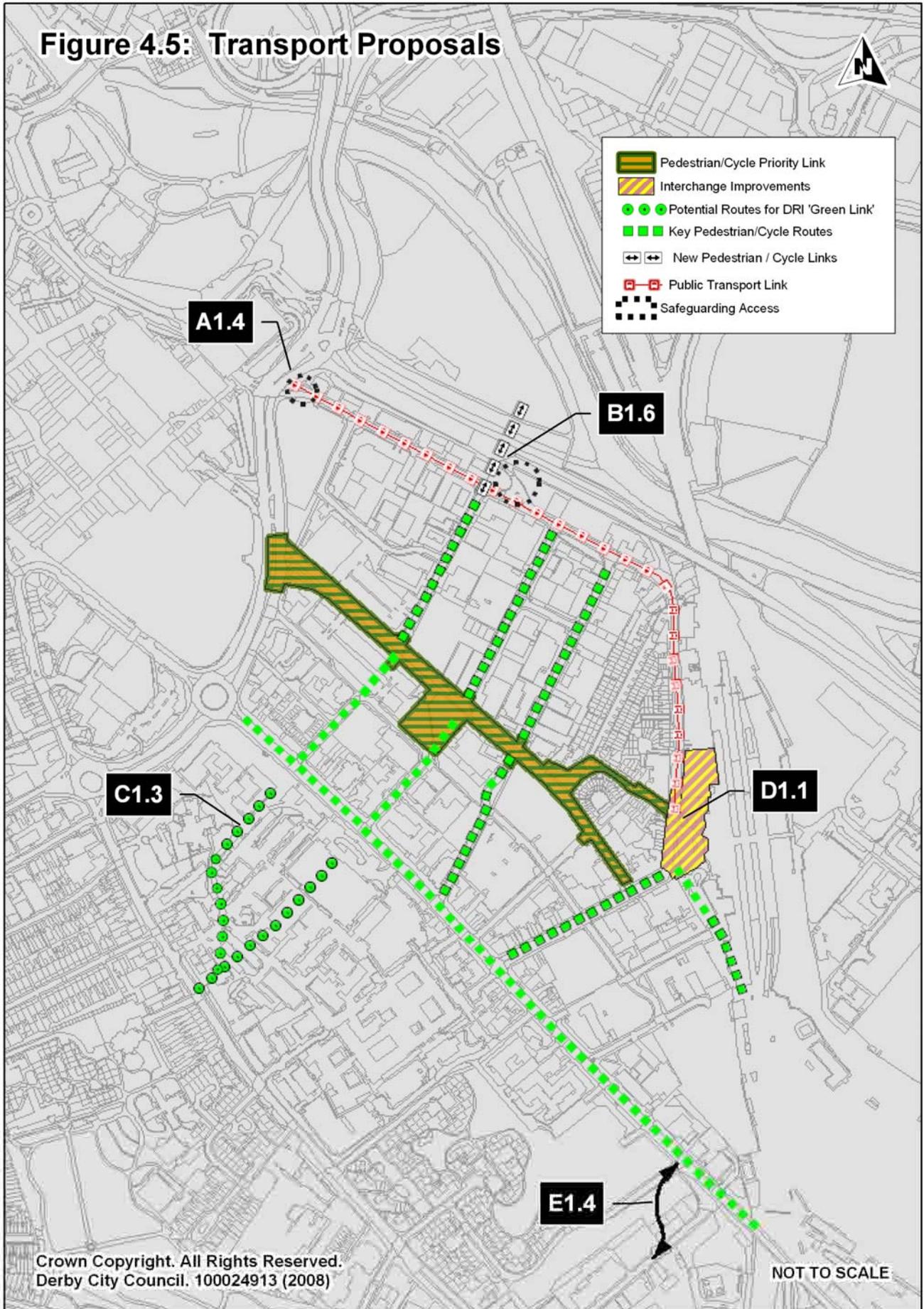
Implementation:

Section 4.13 gives further guidance on implementation; however it is recognised that bringing forward the proposals will mean facilitating the relocation of existing businesses in the area.

The Council, working with its partners at Derby Cityscape, will try to work with businesses to find an acceptable solution to this. With this in mind, Derby Cityscape (who will have a key role in implementing the proposals) have prepared a 'Relocation Strategy'. The Council and Derby Cityscape will be working hard to ensure that **no** jobs are lost to the City through the implementation of this Plan.

Derby Cityscape have recently purchased 2.42 hectares (5.97 acres) of land at Raynesway to aid their relocation strategy. This site will provide a range of units and further demonstrates another step towards the successful implementation of these plans.

Figure 4.5: Transport Proposals



4.7 Detailed Transport and Movement Principles: Character Area Proposals

(A) North Castleward Priorities

A1.4 Continue to protect the dedicated public transport access point ('bus-plug') and ensure that future development does not prejudice this important link.

(B) Castleward Priorities

B1.6 Creation of a new 'all moves' junction on Siddals Road and surface level crossing at this point to Bass's Recreation Ground.

(C) Derbyshire Royal Infirmary Priorities

C1.3 Creation of a 'green infrastructure' pedestrian link through the site to form a safe and accessible route between the Arboretum and Bass's Recreation Ground.

(D) The Railway Area Priorities

See proposal D1.1 in the land use section.

(E) Barlow Street / Bateman Street Priorities

E1.4 Reorganisation of the highway configuration between Barlow Street and Bateman Street in order to improve the safety at this junction.

4.8 Transport and Movement: General Principles

It is recognised that the amount of development envisaged in the Eastern Fringes area will bring with it challenges with regard to transport and movement through the area and to the rest of the City. This is identified by the Transport Study carried out by consultants on behalf of the City Council and Derby Cityscape.

As already stated, the location of the Eastern Fringes makes it an ideal location to try to promote alternative modes of transport to the car. The Preferred Options proposals are therefore designed to maximise this potential.

However, it cannot be ignored that there will still be a demand and a need for people to use and own cars. The AAP will therefore need to make sure appropriate measures are taken to ensure that development does not create unacceptable levels of congestion and impact upon the high quality living environment.

Implementation of a 'Street Hierarchy'

The Transport Study recommends the adoption of a 'street hierarchy', in line with the recently published 'Manual for Streets' (MfS) report published by the DfT, which will underpin the transport strategy for the AAP.

The street hierarchy has been developed with the aim of creating a site that meets the vision set out in the AAP. In order to do this a number of objectives were identified which set the parameters for the hierarchy and which it achieves. These include the following:

- Streets to be designed principally with regard to them harbouring residential/light traffic;

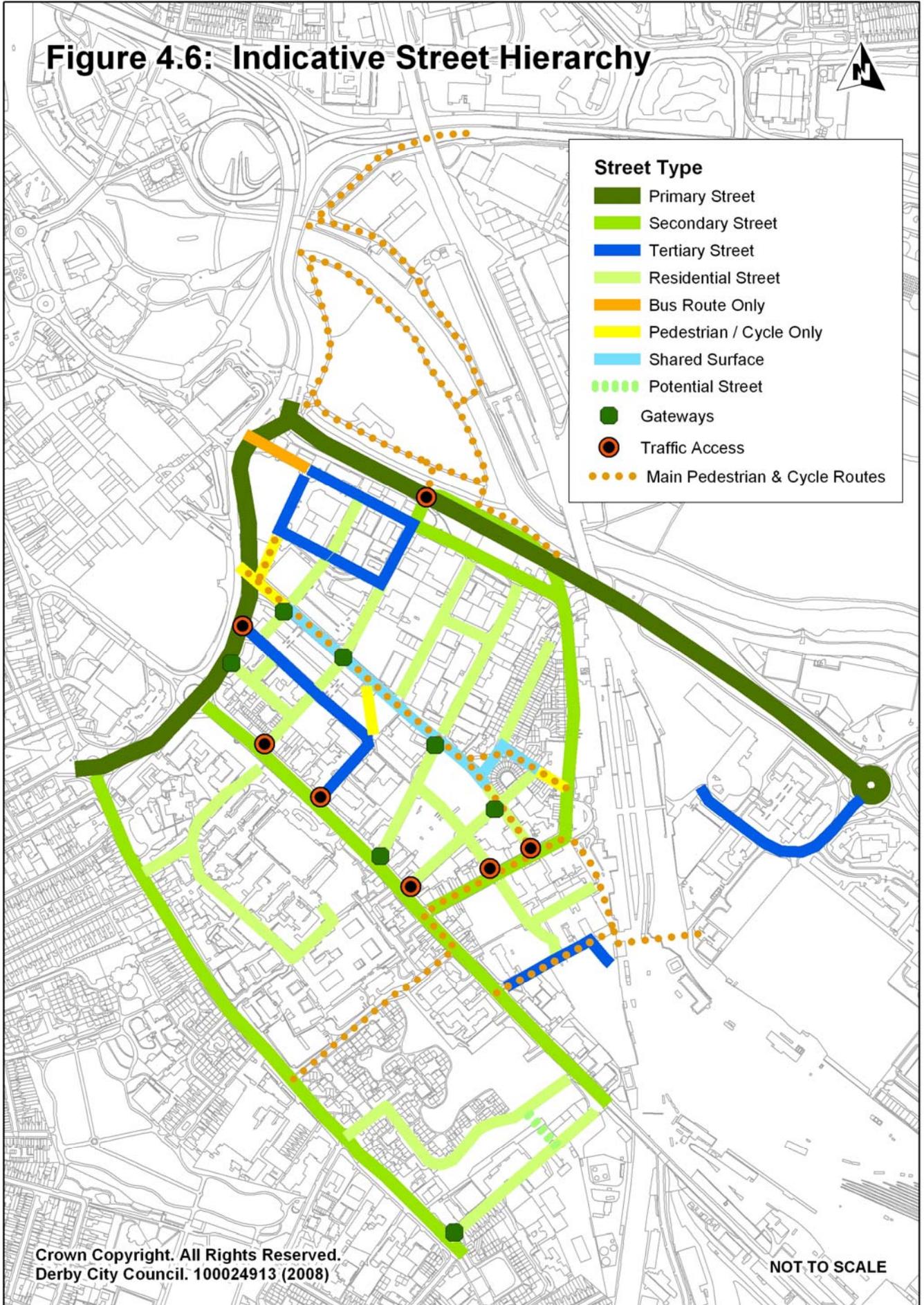
- Pedestrians and cyclists to have a high permeability across the site and a high quality route to and from the station;
- Provide a 'green route' from Bass's Recreation Ground to the Arboretum for pedestrians and cyclists;
- Public transport routes to ensure that more of the site has quick access to a bus route, and that bus routes to and from the station are enhanced;
- Three new MSCP's to be provided, with all to have efficient entry and egress so that the impact on the local network is minimal;
- Ensure that all frontages are served for servicing and loading;
- Ensure that the number of through trips and any rat running across the site is minimised;
- The boulevard needs to be the principal focus of the site;

Figure 4.6 illustrates the street hierarchy the Council would want to adopt in Castleward. Table 4.1 sets out the function that each street-type would fulfil.

Table 4.1

Functions	Urban Routes			Local Streets	
	Primary Street	Secondary Street	Tertiary Street	Residential Street	Shared Surface
Pedestrian Movement	Footways either side. Controlled crossing at defined points	Footways either side. Mix of controlled and uncontrolled crossings	Along footways. Uncontrolled crossings	Along footways	Complete freedom
Vehicular Movement	Fast moving, long distance through traffic	Medium distance traffic	Vehicle movements in and out of multi storey car parks	Vehicle movements near the beginning or end of all journeys. Other activities include servicing, walking, meeting, children playing out.	
Vehicle Speeds	Urban speed limits apply - typically 30mph or 40 mph	Typically 25mph	Layout of street should discourage speed to less than 20mph	Layout of street should discourage speed to less than 20 mph	Less than 20mph
Vehicles Peak Hour Flow (pcu)	1000 to 2000	500 to 700	300 to 400	20 to 30	10 to 20
Lane Width (m)	3.65	3.5	3	2.85	- (2.85 min)
Typical Surface	Tarmac	Tarmac	Tarmac	Paved	Quality Paved

Figure 4.6: Indicative Street Hierarchy



The street hierarchy and overall transport plan set out a number of significant site specific proposals, which have already been detailed in Section 4.6. There are, however, a number of cross-cutting themes that are outlined below;

Walking and Cycling

The Council will seek to improve the number and environmental quality of pedestrian and cycle connections across the area as a whole. The overall principles in terms of walking and cycling are to;

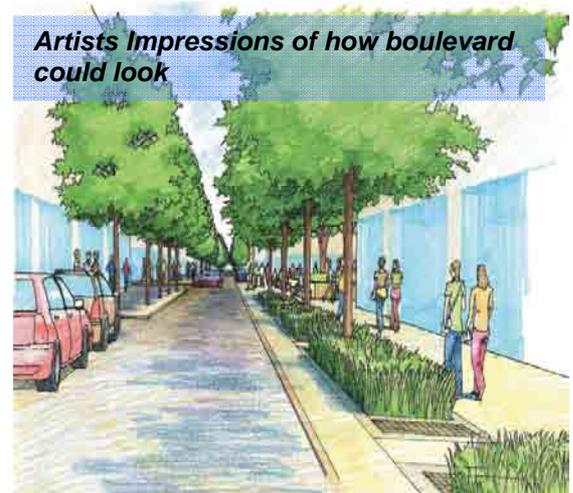
- Improve connections between the city centre and railway station, including the Castleward 'boulevard' and Midland Road / London Road links.

One of the key aims of the AAP is to improve connectivity and movement between the city centre and the railway station for pedestrians and cyclists. This will be done through the implementation of a new tree lined 'boulevard' or avenue running through the heart of Castleward.

Consultants were commissioned to produce a potential scheme design for the new link. They were instructed to take on board the recommendations from the Transport Plan and Highway Design Code produced previously.

They have recommended that the following principles are followed during further stages of development:

- Creation of a shared surface, link where the needs of the pedestrian and cyclist are put before those of the motorist.
- Provision of on street parking in designated bays;
- Creation of new interrelated spaces / squares along the route of the boulevard at Station Square, Midland Green, Carrington Square and at Castleward Gateway. The spaces will have their own character and a strong sense of place.
- Extensive tree planting to give the street a green canopy and helping to define the key spaces and route.
- SuDS techniques will be implemented where feasible along the route of the boulevard and within the key spaces provided appropriate maintenance and management can be agreed;
- Street furniture will be kept to a minimum to avoid unnecessary clutter;
- Yorkstone paving, granite setts and dressed asphalt will be used to link areas and reflect the status and functioning of spaces in a coordinated manner.
- Materials used in the Conservation Area will be sensitive to the historic area and compliment the Railway Conservation Area Appraisal.



Improving the link between the city centre and the railway station is a key objective of the Action Plan and the creation of the 'Castleward boulevard is one of the main ways in which this objective will be achieved.

At ground floor level the boulevard will contain small-scale units, providing an active frontage that will give much needed vitality and vibrancy to an area that is currently dormant. The upper levels will be a mixture of commercial office uses and residential units.

It is envisaged that the boulevard will not just contain shops, cafes and restaurants. It is also seen as an excellent location for new community facilities to locate, such as nurseries or crèches, community centres and health uses. It is hoped that the boulevard will become the focus for the existing and new community.

The creation of 'active frontages' will also contribute to the cultural economy of the City, improving the public realm and making the City more attractive to visitors and, potentially, investors. When implementing the boulevard, care will need to be taken to ensure that the built and natural environment are treated with care and sensitivity.

Other principles in terms of walking and cycling are to;

- Improve connections between areas of open space and recreation, including the creation of a 'green link' between the Arboretum and Bass's Recreation Ground.
- Create a new pedestrian and cycle at grade link across Station Approach and the Mill Fleam, including a new bridge over the Fleam.
- Improve existing pedestrian and cycle routes through the area.
- Provide new or improved crossing facilities in the following locations;
 - ⇒ Midland Road/Midland Place at rail station;
 - ⇒ Traffic Street, linking to the city centre;
 - ⇒ London Road/Trinity Street;
 - ⇒ London Road/Canal Street;
 - ⇒ Station Approach/Pride Parkway;
- Provide cycle parking spaces and storage both within the public areas, and within the developments, to facilitate and encourage cycling;

Public Transport Links

The overall public transport principles are to;

- Continue the use of the 'bus plug' at the end of Siddals Road to provide improved access to Cock Pitt roundabout and the new bus station (see proposal A1.4);
- Provide improved high quality bus stopping facilities on Siddals Road and adjacent to the railway station as part of a new railway station interchange;

Public transport routes have been allocated within the Street Hierarchy. The principle route for buses will be Midland Road, via Siddals Road for two-way operation of buses. The creation of the bus plug at the western end of Siddals Road, as part of the wider

modifications to the Cock Pitt junction, has opened up the opportunity for a bus route, which will run along the northern boundary of the Castleward area and serve the new community.

Parking

The overall parking principles are to;

- Provide new parking facilities in North Castleward, Castleward, Pride Park and the railway station's 'south car park' to consolidate existing surface parking.
- Provide short-stay on-street parking within different parts of the 'street hierarchy as set out in the Transport Plan.'
- Adopt residential parking standards lower than those set out in Appendix A of the City of Derby Local Plan Review.
- Adopt City of Derby Local Plan Review parking standards for commercial and office development.
- Provide parking for the development sites within the individual development plots either as surface, basement or under-croft parking. or within the proposed multi storey car parks

Highway Proposals

As part of the preferred Street Hierarchy to accommodate the development proposals, a number of proposed improvements have been recommended for the local highway network. Highway improvements will be required to improve access and egress at the following locations:

- Hope Street/Traffic Street - left in left out priority junction;
- Trinity Street/A6 London Road - all movements priority junction;
- Midland Road & intersections of Park Street and Carrington Street - all moves priority junctions;
- Hlland Road/A6 London Road;
- Pride Parkway Junction - new traffic signal controlled junction with pedestrian crossing facilities;
- Barlow / Bateman Street - realignment of existing highway;

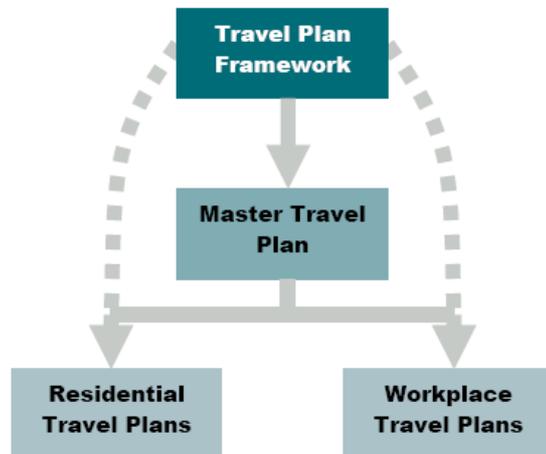
The key elements will be the new all moves junctions on Station Approach and at the Midland Road / Carrington Street intersection. The new junctions will provide access and egress from the Castleward area onto the surrounding network and also enabling access and egress to and from the Cock Pitt and Pride Park. These junctions are essential to allow the functioning of the wider network once development within Castleward has commenced.

Provision of a pedestrian crossing over Station Approach as part of the highway works will make accessing Bass' Recreation Ground easier which is a fundamental objective of the AAP. A pedestrian bridge was considered here, however, it is not considered practical from an engineering perspective to proceed with this further.

New development in this area also provides an opportunity to realign Bateman Street, to join up with Barlow Street. The existing junction at Bateman Street is problematic and this scheme will enable a safer solution to be designed.

Promoting Modal Shift

In order to achieve the target trip generation required to ensure the effective future operation of the local highway network it will be absolutely essential that Travel Plans are adopted to complement the physical measures being proposed. It is envisaged that the residential, office and retail elements of the scheme will be subject to individual travel plans that are developed in line with a Master Travel Plan framework. There will essentially be three types of Travel Plan for the proposed development as follows:



- A Master Travel Plan for the area will set out the principle aims, objectives and targets for the whole site, including measures that will apply to each organisation;
- A Residential Travel Plan;
- Workplace Travel Plans for the each non residential unit;

A Travel Plan is the term used for a package of measures tailored to meet the needs of individual sites, aimed at promoting more sustainable travel choices, and reducing reliance on the car.

The Travel Plan should have a core set of aims and objectives, which should include measures to:

- Minimise the level of single-occupancy vehicle trips;
- Maximise travel choice;
- Minimise overall vehicle mileage;
- Minimise environmental pollution;
- Reduce the need to travel overall;
- Improve safety for all road users.

Depending on the nature of any given site, it may be appropriate to address a range of these issues.

In order to ensure that Travel Plans are successfully implemented it will be essential that a Travel Plan Coordinator is appointed. The Coordinator will work alongside the future occupants of the site to assist them in the development of their own Travel Plans and to provide advice and support.

To encourage use of a range of modes of transport, it is important to ensure that buildings and facilities are tailored to the varied needs of people using modes other than the private

car. Developers will need to ensure that all future occupiers of the sites will have access to a range of the following facilities and initiatives:

- Providing cycle parking facilities is a simple and effective way to contribute to Travel Plan objectives. It involves relatively little cost and takes up little space.
- Securing safe and convenient cycle parking for residents, staff and visitors and ensuring cycle access to the site is secure and convenient is a good way to promote cycling as a means of access.
- Walking, running and cycling as a means of access to and from work can also be promoted by provision of employee shower and changing facilities on site.
- Changing the way people work. This should include the provision of high speed broadband infrastructure and WiFi technology to facilitate 'teleworking' within the development of new buildings.

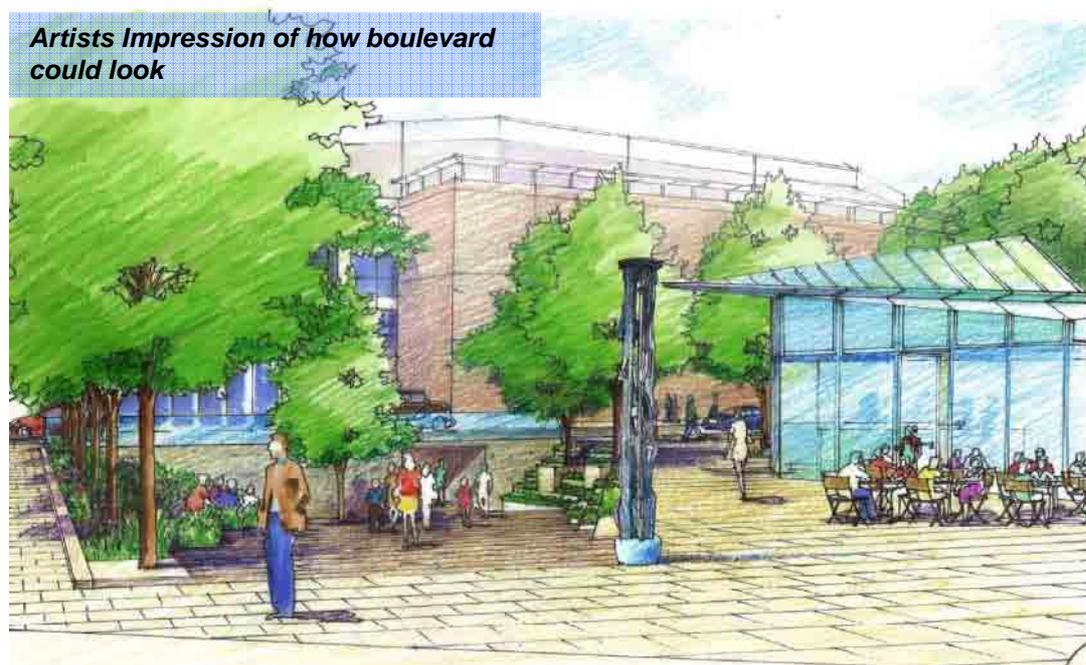
The adoption of a MfS approach with low design speeds, tighter junction radii and limited forward visibility will help contribute to creating a pedestrian friendly environment where vehicles are guests within a pedestrian dominated Urban Village.

All the principals and proposals set out in this section are required to facilitate the implementation of the land use proposals in the most sustainable manner. The principals are in line with current thinking at a national and local level, particularly the aims of promoting walking and cycling and enabling healthier lifestyles.

4.9 Sustainable Design and Layout: Character Areas

(A) North Castleward Priorities

A1.5 Gateway to Castleward - A new public space will be created at the termination point of the boulevard at Traffic Street. This will provide a high quality gateway into the new community and potentially provide a new A3 (restaurant / café) use. It should maintain the pedestrian underpass into the Westfield Shopping Centre and create an attractive gateway to the city centre shopping area.



The aim of this space is to make a statement that announces the qualities of Castleward to the rest of the city centre when viewed from Traffic Street and Westfield shopping centre. It should terminate the visual axis of the boulevard and create activity within the space. Proposals should also soften the unattractive brick elevation of the Bingo hall and use tree planting to form a definite yet permeable threshold to the new neighbourhood.

A1.6 The scheme should exhibit exemplary architectural quality and create a strong “statement of place”. This could potentially include;

- A landmark building fronting onto the Cock Pitt.
- The creation of strong frontages onto Traffic Street. A range of building heights of up to 7 storeys may be appropriate here where it would not have a negative impact on the amenity of existing areas.
- Layouts should provide safe and accessible routes through the area for pedestrians and cyclists to the wider ‘Eastern Fringes’ and the city centre.

The ‘Castleward’ Boulevard scheme is discussed in more detail as a whole in Section 4.7.

The form of development envisaged in this character area should reflect its prominent location. A tall building in this location may be appropriate and the prospect of creating a strong frontage both onto the Cock Pitt roundabout, but also on Traffic Street provide a major opportunity to contribute to the ‘step-change’ in the scale and quality of development in this area. This has already been started by the Eagle Centre extension and is set to continue with the Riverlights development in the near future.

Fitting in with the general design and layout objectives to be found throughout the Preferred Option Report, we feel that this site should be part of the wider pedestrian and cycle focus and would expect any proposals to reflect this.



(B) Castleward Priorities

B1.7 The regeneration of Castleward should exhibit exemplary architectural quality and create a strong 'statement of place'. The scheme should exhibit the following characteristics:

- Building massing and density to be greater along key routes. Residential densities in such locations will be a minimum average of 100 dwellings per hectare.
- Building massing and density away from primary routes to be lower. Residential densities in such locations will be a minimum average of 70 dwellings per hectare.
- A range of building heights of between 3 and 6 storeys will be acceptable.
- In areas adjacent to the Conservation Area, built form and architectural styles will have regard to the character and detailing of the railway related buildings, in line with the findings of the Conservation Area Appraisal. There should be a transition to more contemporary styles as progression is made to the city centre.

The area lends itself to high density development of a mixture of apartment and family housing. This will be set within an attractive environment, which includes network of private and public open spaces, linked by safe and attractive routes for pedestrians and cyclists alike.

Coupled with the locational benefits, the design objectives of the AAP will try to ensure that the housing is not only of the highest architectural quality, but also contains best practice in terms of sustainable design features and methods.

In terms of the design of the car park, it is intended to be 'wrapped' by other uses. This will incorporate the car park into the general design ethos of the area as a whole. Care will need to be taken to lessen impact upon the amenity of surrounding uses and properties.

(C) Derbyshire Royal Infirmary Priorities

C1.4 The regeneration of the Derbyshire Royal Infirmary should exhibit exemplary architectural quality and create a strong 'statement of place'. The scheme should exhibit the following characteristics:

- Creation of an attractive and cohesive frontage that takes account of the special townscape quality of London Road.
- Development will be expected to be at a high density that takes into account the existing quality of the environment and the setting of existing buildings of architectural and/or historic importance.

The DRI site offers an opportunity to create a high quality urban environment. However, it is also recognised that there are features of importance that should be protected and enhanced. Therefore, proposals will need to be balanced, sensitive and coordinated.

(E) Barlow Street / Bateman Street Priorities

E1.6 The regeneration of this area should exhibit exemplary architectural quality and create a strong 'statement of place'. The scheme should exhibit the following characteristics:

- Development should create an attractive frontage onto London Road and a high quality and prominent 'entrance' to the city centre. Building heights up to five storeys along, and to the rear, of London Road may be appropriate.
- Buildings along Barlow Street will be no higher than three storeys and should be laid out so as to minimise the impact on the existing open space.

The form of development is important here and it is envisaged that housing would be built in two distinct styles. On the land fronting onto London Road is expected to accommodate a taller, more intensive urban form that will 'frame' the gateway into the city centre.

In those areas related to Oriel Court, lower density housing will be preferred which makes the best use of the existing open spaces and which respects the existing character of the area.

4.10 Sustainable Design and Layout: General Principles

There are two aspects to design and layout. The first is the general architectural quality of the area and the second relates to the sustainability of design. Both aspects are covered below.

The design and layout principles the AAP will adopt are critically important. However, the majority of these are not dependent on what the Preferred Option is for the area. This is because they would represent good practice for all forms of development and would, in many cases, be required as part of national, regional or local policy. All proposals will adhere to the standards set out in English Partnerships' 'Quality Standards' Policy Guidance.

All development will have to adhere to the criteria set out in the other relevant parts of the Development Plan. As a pre-requisite, however, the Council will expect all designs to be of the highest quality. This is such a prominent location that it deserves to showcase the best forms of development possible.

The Council will expect proposals to;

- preserve or enhance local distinctiveness and create a stylish addition to the city centre's townscape;
- respect the urban grain of the surrounding area;
- not generate an unacceptable impact on the amenity of existing areas;
- facilitate journeys made by foot, cycle and public transport
- not have a detrimental impact upon significant views and vistas within, to and from the area;
- provide a sense of design unity, reduce light pollution, relate to the scale of a pedestrian, and create an attractive night-time ambience;
- adopt pedestrian friendly layouts, with simple and uncluttered designs that help to change driver behaviour and reduce vehicle speeds. The principles set out in the '*Manual for Streets*' should be adopted.

- provide public spaces, with streets, squares, and green areas that are well designed, joined-up and safe to use;
- create public realm that relates well to the surroundings and heritage and helps strengthen and develop the style and character of the area.
- consider the creative use of roof spaces, where appropriate. This could be used as a way of maximising private open spaces and promoting other aspects of sustainable design such as 'green roofs'.
- create an appropriate sense of enclosure and natural surveillance for streets and other public spaces and respects the scale and setting of retained buildings;
- adopt the principles of 'inclusive design' and 'secured by design', meeting Association of Chief Police Officers (ACPO) guidelines. This should help to create spaces that feel safe as well as that are safe.

At key design phases and following the implementation of phases of the development the City Council will review the development against the key principles outlined in this document. The 'Building for Life' national standard for well designed homes and neighbourhoods, led by CABI and the Home Builders Federation will also be used to inform the review process. The Council will expect proposals to adopt the principles of 'Building for Life' and will require the preparation of information to illustrate how the 20 criteria are to be addressed.

The *Derby Declaration on Climate Change* acknowledges the increasing impact that climate change will have on our community during the 21st Century and commits Derby City Council to tackling the causes and effects of a changing climate on the city. All developments will be expected to contribute towards tackling climate change and this has been taken into account in producing the proposals set out in this document.

The 'Code for Sustainable Homes' will be the standard applied to all new housing. It is expected that the performance standard for all new homes will initially be Code Level 3 (in line with English Partnerships' 'Quality Standards' Policy Guidance).

Projects which require English Partnerships' (EP) funding support may, after April 2010, need to achieve Code Level 4 and Code Level 6 (zero carbon) after April 2013. Other new homes will be expected to meet Building Regulations, as revised, which are expected to reach zero carbon (Level 6) development by 2016. Proposals for new homes which exceed these standards and accelerate the timescales proposed will also be encouraged.

The environmental performance of all non-residential buildings designed for the scheme will be assessed using the *Building Research Establishments Environment Assessment Method (BREEAM)*. This assessment can be applied to offices, industrial units, retail units and schools and a level of performance equivalent to 'very good' should be achieved. Again proposals exceeding these standards and the timescales outlined above will be encouraged.

The design and construction of all buildings will consider and address at the outset the need to reduce carbon and greenhouse gas emissions and deliver low carbon development.

The Council will expect all proposals to;

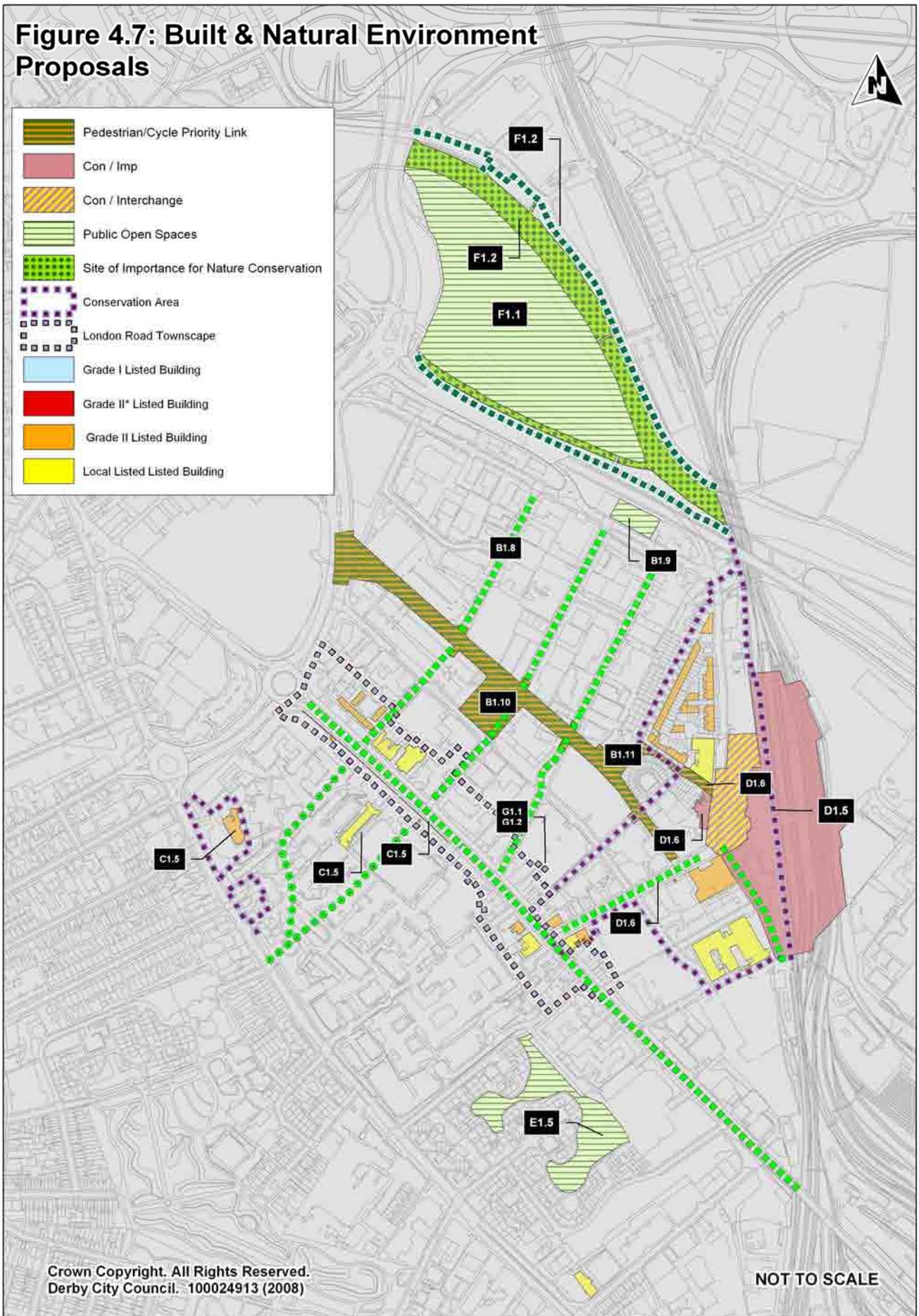
- use landform, layout, building orientation, and landscaping to minimise energy consumption;
- give careful consideration to the extent to which the proposed massing of buildings, density and mix of development helps to minimise energy consumption;

- ensure new development does not create adverse local environmental conditions for people or undermine biodiversity
- consider and take into account the potential of renewable micro-technologies and decentralised energy supply systems based on renewable and low carbon energy.
or
provide a significant proportion (minimum 10%) of the energy supply from renewable micro-technologies and decentralised energy supply systems based on renewable and low carbon energy.
- consider and take into account the future use of renewable micro-technologies;
- promote a reduction in energy usage in line with the 'energy hierarchy'
 - to reduce the need for energy
 - to use energy more efficiently
 - to use renewable energy
 - any continuing use of fossil fuels to be clean and efficient for heating and co-generation
- promote waste management in line with the hierarchical approach of
 - waste reduction
 - re-use
 - recycling and composting
 - energy recovery
 - disposal
- Provide space within developments for communal recycling facilities and adequate space should be provided to allow recycling lorries to reach them.
- Consider the environmental impact of construction materials to reduce the embodied energy of new buildings by maximising the use of materials which have a reduced impact on carbon emissions, are locally sourced and are reclaimed, recycled or reused.

The Council is preparing a Supplementary Planning Document (SPD) on Sustainable Design which will provide further guidance once published. The SPD is likely to be adopted during 2009.

Figure 4.7: Built & Natural Environment Proposals

-  Pedestrian/Cycle Priority Link
-  Con / Imp
-  Con / Interchange
-  Public Open Spaces
-  Site of Importance for Nature Conservation
-  Conservation Area
-  London Road Townscape
-  Grade I Listed Building
-  Grade II* Listed Building
-  Grade II Listed Building
-  Local Listed Listed Building



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NOT TO SCALE

4.11 Natural and Built Environment: Character Areas

(B) Castleward Priorities

- B1.8** A series of linked and usable open spaces should be created that provide an attractive setting for the development, providing safe links through the area and adding to the biodiversity interest in the area. These should be well integrated with the Castleward boulevard proposals and the creation of a 'green infrastructure link' between Bass's Recreation Ground and the Arboretum.
- B1.9** Harper Gardens will be retained and will form part of the open space provision for the new community.
- B1.10** The majority of the existing area of open space, adjacent to Liversage Street car park will be retained and enhanced to form a high quality open space at the heart of the new neighbourhood. It should also mark the intersection between the new 'boulevard' and the east to west green link.
- B1.11** The existing area of open space at the back of Wellington Crescent will be improved and enhanced to form another incidental area linked by the boulevard.

The Castleward area as a whole should comprise a series of interrelated pedestrian focused spaces each with their own character and sense of place. These will be places where residents and visitors have the opportunity to linger, relax and easily orientate themselves, making the whole neighbourhood highly liveable.

(C) Derbyshire Royal Infirmary Priorities

- C1.5** Retention, and where appropriate, sympathetic conversion of important architectural buildings and features of historic importance (in line with existing Development Plan policies) including;
- Buildings within the Hartington Street Conservation Area and their settings;
 - The listed Wilderslowe House and curtilage;
 - The listed wall, railings and statues;
 - The locally listed original infirmary buildings;

Existing 'listed buildings' and 'buildings of local importance' policies will still apply. In the case of buildings of local importance, it must be demonstrated that all reasonable alternatives to demolition have been considered and found unrealistic before demolition will be permitted.

In line with existing Development Plan policies, proposals will not be approved where they would have a detrimental effect on the special architectural or historic interest of a statutory listed building, its character or setting. Exceptions will only be made where there is a convincing case for demolition or alteration.

PPG 15 advises that there should be a general presumption in favour of the preservation of listed buildings and the City Council has a duty to pay special regard to the preservation or enhancement of the building, its setting, or any features of special architectural or historical interest which it possesses.

(D) The Railway Area Priorities

D1.5 Continued identification of the Railway Conservation Area and to implement policies that ensure its preservation and enhancement. Any development in the Conservation Area will, in line with existing policies, be expected to preserve or enhance its established character. Proposals would be expected to reflect the prevailing local architectural details and materials and also the findings of the Railway Conservation Area Appraisal. Examples of some of the important features include

The Railway Conservation Area Appraisal has set out what the main characteristics of the Conservation Area are. Because of the special nature of the conservation area the AAP will ensure that all new development will have due regard to the following characteristics;

- pitched or hipped roofs with Welsh slate
- red / orange brick construction of imperial brick sizes
- Flemish brick bond
- terracotta decoration, for example at Churnet House and the former Midland Railway Institute, with terracotta framing apertures or rooflines and moulded terracotta tiles with date of construction
- multi-paned timber vertical sliding sash windows subdivided into 6 or 8 panes of glass in each sash, or tall windows with a single pane in the bottom sash and 6 panes in the top sash
- stone window and door surrounds, string courses and parapet cornices in a early Victorian, classically inspired manner
- hooded windows and doors reflecting the late Georgian, early Victorian neo-classical style
- panelled doors
- brick dentilated eaves course and projecting course on chimneys
- cast iron rainwater goods, traditionally designed with half round gutters on rise and fall brackets, or leaded gutters hidden behind simple parapets
- granite setts and kerbs
- blue brick paving for private and public space, using dark Staffordshire blue brick in an imperial size
- copper lined roof elements

All regeneration in the railway area should exhibit exemplary architectural quality and create a strong 'statement of place'.

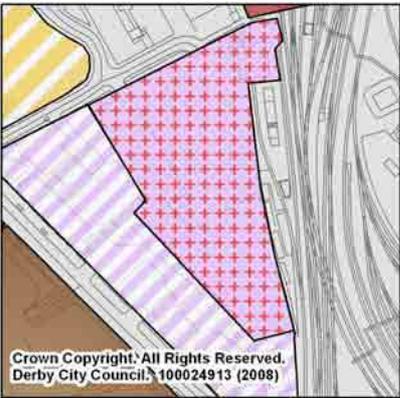
Any new development within or adjacent to the Conservation Area should also have regard to the following site specific criteria;



North Car Park (see proposals on Page 38) The trees and decorative railings fronting Railway Terrace should be retained. They create a unique frontage onto the site.

The scale of any new buildings should reflect and respect the special character of the Conservation Area and nearby buildings, in particular, the residential buildings opposite.

It should be ensured that the setting of the 1893 pediment clock from the original railway station is not adversely affected. The incorporation of this feature into any redevelopment scheme or as part of a new station frontage would be welcomed.



South Car Park (see proposals on Page 38) - It should be ensured that all development respects the height, scale and façade of Midland House and other nearby buildings.

Any redevelopment of buildings on London Road frontage to facilitate a significant improvement to the streetscene and townscape quality of this area.

A range of building heights of up to 5 storeys could be acceptable here.



Royal Mail Site (see proposals on Page 38) - It should be ensured that any redevelopment has regard to the architectural form and setting of the Conservation Area and nearby buildings, including Churnet House and Midland House.

Development proposals should ensure that there is a dramatic improvement to the Midland Road streetscene, whilst avoiding any adverse visual impact, including any potential impact relating to the two storey buildings on Midland Road.



Wellington Street (see proposals on Page 38) - Reinstatement of the strong building line along Wellington Street.



Pride Park Car Park (see proposals on Page 38) All development proposals should respect the setting of the Grade II* listed Roundhouse buildings;

D1.6 Facilitate physical and environmental improvements to the Railway Conservation Areas, particularly in relation to;

- The terrace opposite the railway station
- Midland Place, including improvements to the public realm as part of the Castleward 'boulevard' proposals.
- Midland Road, including improvements to public realm, shop fronts and signage

The preferred strategy for the Railway Area is one of continuing to protect and enhance the quality of the Conservation Area and ensuring that no new development in the area has a detrimental impact on its character and that, where appropriate, improvements to the fabric of the area are made.

Improvements envisaged for Railway Terrace would include the removal of the modern shop fronts and such features as the dormer windows that currently undermine the quality of these buildings.

The possibility of redeveloping these buildings has been discussed extensively during earlier consultation. The majority of responses received indicated that they agreed with the principle of making improvements to these buildings, but that retention and refurbishment would be preferable.

These buildings fall within the control of existing Conservation Area policies in the Development Plan, which does allow redevelopment **if** it can be demonstrated that a replacement scheme enhances the character of the Conservation Area. The Preferred Option cannot, therefore, rule out redevelopment, but does **not** actively propose or encourage it. It does, however, highlight this area as one where the Council and its partners should focus their attention.

Midland Place will be the 'entrance' to the Castleward boulevard and, as such, should be attractive and welcoming. Works will be done to improve the public realm here and make the area more legible.

Midland Road is within the Conservation Area and has some important features, including the war memorial. However, the standard of the public realm is lower than in other parts of the Conservation Area (compared to London Road and parts of Railway Terrace) and this should be enhanced. New tree planting and street furniture could be introduced, as will improvements to the shop fronts and signage. Making it a more attractive route for cyclists will also be a priority.

The Council will seek to implement a number of enhancements to the Conservation Area in order to improve on what is already an excellent urban environment.

The four specific sites identified are the properties opposite the Railway Station, Midland Place, Midland Road and the Railway Station itself. Improvements to these parts of the Conservation Area will enhance its special character and make this important gateway location more attractive, appealing and welcoming to people who live, work and travel through it.

(E) Barlow Street / Bateman Street Priorities

E1.5 Oriel Court Open Space - This area will be retained to provide incidental open space for the local community.

This open space performs an important function and thus proposals should not undermine or prejudice its functioning.

(F) Bass's Recreation Ground Priorities

F1.2 Continue to identify and protect the Wildlife Corridor and Sites of Importance for Nature Conservation associated with the River Derwent. The biodiversity value of the area should also be enhanced.

The Eastern Fringes contains only one area of major public open space in Bass's Recreation Ground, which is also the area of richest biodiversity. The proposals seek to maintain this area and maintain and enhance the biodiversity value of the area. Developer contributions will be required to help bring improvements forward.

It is also recognised that new open spaces will also be required as part of the development proposals, that will help contribute towards the biodiversity value of the area. The Council will have regard to existing LDF policies and good practice in considering new development and negotiating with developers. See next section for more information on the Wildlife Corridor.

(G) London Road Corridor Priorities

G1.1 Give greater recognition and protection to the important townscape character of this part of London Road. Development proposals will be expected to make a positive contribution to the character and quality of London Road as a whole. Particular regard would have to be given to the impacts of development on the streetscene, architecturally and historically important buildings, existing trees and landscaped areas, statues, walls and railings. Key features include;

- late Victorian, neo-Jacobean and Gothic features
- red brick
- plain cast iron railings
- stone walls
- vertical sash windows
- stone string courses and window surrounds
- clustered chimney stacks
- terracotta stacks

- terracotta dressing
- stone paving
- plane trees

G1.2 Make improvements to the public realm along London Road, where appropriate.

There are no specific proposals for the redevelopment of any sites within the 'London Road' Character Area and very few comments have been received during frontloading to suggest that redevelopment is a desirable option.

A new policy will be created to preserve and enhance the special townscape of the London Road area. At the present time a number of the buildings along the London Road corridor are listed (statutory and locally). However, the buildings are just one element that contribute towards the special townscape character. It is the overall package including the setting of the buildings, architecture, trees, public realm and monuments that create the special character.

It is important that the overriding character is protected rather than just the single constituent elements and that the public realm is further enhanced. Development proposals will also be expected to make a positive contribution to the character and quality of London Road as a whole.

London Road has a number of features of historical, architectural and townscape importance, including a number of listed buildings. The sum of these parts has created an area with a distinctive townscape that the Council feels merits additional protection. The AAP cannot designate Conservation Area status on this area, but it can provide detailed design guidance so that when planning applications are submitted, applicants know exactly what will be required of them. The Preferred Option is, therefore, to maintain the overall character of the area, without stifling development if sites come forward over time. Any subsequent policies that are drafted will need to ensure that proposals for new development have regard to the prevalent characteristics and built form.

As well as this general guidance and protection, the AAP also envisages public realm improvements along the length of London Road. These would not be intended to reduce the traffic capacity of London Road, but would add value to the existing high quality environment that exists.



4.12 Natural and Built Environment: General Principles

The Eastern Fringes exhibits a number of features of historic and natural importance that the AAP will seek to preserve or enhance. Figure 4.7 illustrates the locations of some of these features. This section outlines the main policy principles that will be used to meet the objectives of the Plan.

The majority of these principles are already part of the CDLPR policies and it is unnecessary for the AAP to repeat or make any changes to these policies.

Where value will be added to existing policies is specifically in the **Railway Conservation Area** and **London Road** areas, where the AAP will provide specific guidance on the nature of development that will be acceptable (see Section 4.11).

Public Realm Improvements

Public realm will be enhanced and improved in a number of areas. The key project will be the provision of an exemplar tree lined 'boulevard' linking the city centre with the railway station through the Castleward area. High quality materials such as Yorkstone paving and granite setts could be used whilst 'shared surface' principles could potentially be implemented.

Improvements will also be implemented on all existing streets in the core Castleward area to make them more residential in nature and to encourage walking and cycling. Materials on residential streets will include blue brick, granite setts and conservation kerb stones. Public art will be encouraged across the area as a whole as part of the wider improvements.

Materials used in and around the Railway Conservation Area will be in line with the recommendations of the Conservation Area Appraisal. Further improvements to the public realm will also be sought along the London Road corridor and also Midland Road. This may include tree planting, improvements to paving and the provision of enhanced street furniture.

Permeable surfaces should be provided where possible whilst SuDS schemes should also be utilised as part of public realm works, where technically feasible and where appropriate maintenance and management can be agreed.



Water and Flooding

A flood risk assessment (FRA) has been carried out by consultants to help inform the allocation of and uses within the Eastern Fringes area. Based on the information available to the consultants at the time, this concluded that there were significant issues with land north of the river, which has been reflected in the proposals set out in this document.

Since this work was done, the Council has been working on a city-wide Strategic FRA. This work is on-going and we are yet to determine the exact extent of the flood zone boundaries; however it is unlikely that any of the Castleward area will be in the highest area of flood risk. Discussions with the Environment Agency are ongoing to determine the exact boundaries of the flood zones and to determine what, if any, mitigation measures may be needed.

To help improve the environmental sustainability of new development, potential developers will need to consider ways of reducing the risk of flooding and improving water use efficiency. Therefore, the Council will expect all proposals to consider;

- the provision of sustainable urban drainage systems (SuDS) and the potential contribution to be gained by water harvesting from impermeable surfaces and encourage layouts that accommodate waste water recycling. SuDS will only be implemented where appropriate maintenance and management can be agreed;
- where required, the provision of surface water attenuation solutions to ensure that surface water run-off does not exceed existing levels.
- measures to minimise domestic and other water use in developments

Air Quality

Some development within the Eastern Fringes will be adjacent to Air Quality Management Areas (AQMA). The Council has adopted Supplementary Planning Guidance (SPG) on *Air Quality and New Development* (October 2003). This guidance suggests a number of mitigation measures that can be used as part of the layout and design of buildings, including;

- locating 'sensitive receptors' (e.g. housing) on parts the site where exposure to sources of pollution can be limited. This could include the vertical separation of mixed-uses located at higher levels.
- locating and designing buildings to act as barriers – protecting sensitive uses from sources of pollution;
- Use of detailed building design measures to reduce the impact of pollution, such as;
 - mechanical ventilation;
 - locating habitable rooms away from building facades affected by air pollution
 - use of non-opening windows on facades affected by air pollution.
- Use of planting and landscaping to screen or filter pollutants.

Trees

All attempts will be made to minimise the loss of trees and groups of trees that contribute to the amenity, environmental quality and biodiversity value of the area.

It may be that, to facilitate regeneration, some trees may need to be removed. However, where trees are lost, every effort will be made to replace them. See Policy E9 in the CDLPR.

Strategic Wildlife Corridor

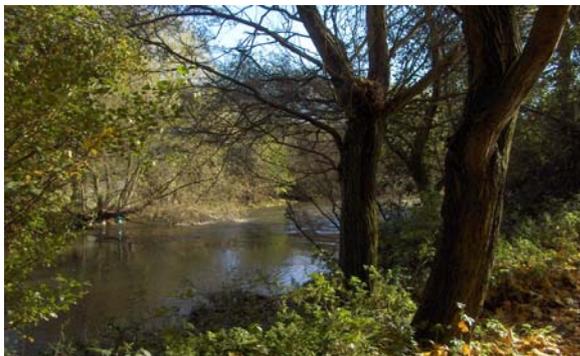
The wildlife corridor around Bass's Rec will continue to be identified and protected through policies contained in the CDLPR. Development that severs the link or severely undermines its value will not be permitted. Proposals that reduce the size of the corridor will only be permitted if compensatory features are also proposed.

A pedestrian footbridge will be necessary to cross the Mill Fleam and open up access to Bass's Rec. This may impact upon the wildlife corridor and compensatory measures will be considered in this event.

Site of Importance for Nature Conservation (SINC)

The SINC will continue to be protected along the River Derwent and its banks and the Mill Fleam, in line with existing Development Plan policies. Development will subsequently not be permitted where it would adversely impact on these areas unless appropriate mitigation measures, such as compensation, enhancement or long-term management are agreed.

White clawed crayfish are present in parts of the river and a number of clean water damselflies and dragonflies have been recorded. Kingfishers have also been recorded breeding on the river course as have sand martins. The River Derwent is a key ecological resource within the City and it is vitally important that all proposals respect this.



Green Infrastructure and Biodiversity

The AAP will seek to improve the biodiversity of the area through wildlife friendly planting as part of the public realm improvements. SuDS (Sustainable Urban Drainage System) schemes may be part of this. New planting and habitat creation will help to take forward Local Biodiversity Action Plan priorities.

The key axis links from north to south and east to west will include green elements such as trees, planting, landscaping and potential SuDS schemes to help improve the biodiversity and natural environment in these areas and creating pleasant links between the railway station and the city centre and Bass's Rec to the Arboretum. SuDS will only be implemented where appropriate maintenance and management can be agreed.

The aim is to create a new linked strategic green infrastructure corridor for both ecology and people. To complement this, linked green infrastructure networks should be created throughout the area. These should include local green areas along streets, linking to the

larger strategic corridors. This will create a fully linked multi purpose network throughout the area for people and wildlife.

Open Space

The Preferred Option is for existing Development Plan public open space policies and standards to apply. It is recognised that the CDLPR makes provision for lower open space standards where it would facilitate higher quality development and higher densities on previously developed sites, especially where these are closely related to the city centre, the railway station and public transport interchanges. The Eastern Fringes Area meets the criteria set out in the CDLPR and this will be material in negotiations over public open space.

New and existing open spaces will be of the highest quality design and easily accessible through improved routes including high quality public realm. The preferred option also seeks to maximise the value of public open spaces for people and wildlife alike.

Bass's Rec will provide the major open space for the Eastern Fringes area. However, it will be important for public open spaces to be provided within development blocks, including the provision of children's play areas where appropriate.

Listed Buildings

The AAP will continue to identify statutory listed buildings such as the Midland Hotel, the Railway Cottages and Wilderslowe House. Locally listed buildings will also continue to be identified such as Midland House and the Queens Chambers on London Road. Buildings of local importance and listed buildings will continue to be protected by policies contained within the Development Plan and the relevant listed building legislation.

Conservation Areas

The AAP will continue to identify the two Conservation Areas that impact upon the Eastern Fringes area. The Hartington Street Conservation Area overlaps minimally into the western corner of the Plan area. The Railway Conservation Area is entirely contained within the Plan area and forms one of the character areas in the Plan. Policy protection for these areas will continue to be in line with Development Plan policies with added value through proposals set out in Section 4.10 and 4.11.



4.13 Delivery and Implementation Priorities: Character Areas

This section will examine the priorities and principles the Council will wish to pursue to implement the preferred land-use options.

There will be no single approach adopted to the implementation of the AAP. Different areas will require different methods, over different timescales.

In all circumstances, if the market can bring forward the comprehensive regeneration of the area in a way consistent with the Council's objectives, and in a reasonable timescale, then there will be no reason for the Council to intervene in acquiring land. However development will still need to be acceptable in relation to the Development Plan. This would be the case, even if development were to come forward prior to the adoption of the AAP.

Land Ownership, Assembly & Phasing

North Castleward / Castleward - The preferred approach for Castleward is to appoint a 'preferred developer' who would be able to control the planned and phased comprehensive redevelopment of the area. This will allow a developer to take a longer term view of viability and will have benefits in terms of the provision of infrastructure and design quality.

The 'preferred developer' will need to be appointed relatively soon so that they can begin to negotiate with landowners, facilitate relocations and prepare the necessary detailed planning application.

Land in public ownership will be brought forward in a timely manner to assist with the implementation of the proposals. The City Council will expect the preferred developer to take the lead in site assembly but, in certain situations, the Council would be prepared to use its powers of compulsory purchase to ensure that the regeneration of the AAP area happens.

The role of Derby Cityscape will be intrinsic to the delivery of the preferred option and, working closely with their partners, they will facilitate implementation of the proposals by building developer confidence, accessing financial assistance and the like.

Clearly, there are a number of existing businesses in Castleward who will need to be relocated to appropriate alternative locations. It is not the intention of the Council or Derby Cityscape to see any businesses or jobs lost from Derby.

In connection with progressing their priority projects in pursuit of the Masterplan Vision, Derby Cityscape has prepared a Relocation Strategy to help meet the requirements of displaced businesses and it has consulted businesses within the AAP area on their requirements where relocation is likely.

Figure 4.8 provides an *indicative* idea of how Castleward & North Castleward development will be phased. This is not definitive as bringing development forward in some parts of Castleward may facilitate the bringing forward of other parts sooner than envisaged. The dates on the map indicate the amount of time it will take for development to be completed from an envisaged start date to completion.

The early phases of development are expected to be the implementation of the Castleward 'boulevard' and the bringing forward of land within existing public ownership (Phase 1). There are fewer constraints to bringing this area forward and it is hoped that the provision of the boulevard will act as a catalyst for further regeneration.

Derbyshire Royal Infirmary - The DRI is owned by a single landowner who is already committed to relocating many of its facilities in the near future. Subject to acceptable proposals coming forward it is unlikely that intervention will be required.

The Council and Derby Cityscape will want to work closely with the NHS Trust and any development partner selected for the site to develop an acceptable way forward. This consultation process will assist in this.

Figure 4.8 indicates that development could begin in 2010 and take approximately 5 years to complete. This will be dependent on a number of factors, including the timing of the release of existing facilities and the nature of development proposed.

Railway Area - The majority of proposals in the Railway Area relate to land owned by Network Rail. The Council and Derby Cityscape will wish to work closely with Network Rail and others to bring forward satisfactory proposals at the earliest opportunity.

Figure 4.8 indicates the expectation that enhancements to the public transport interchange at the front of the station will take place in advance of other proposals. This is seen as a priority by the Council, Network Rail and East Midlands Trains (the current rail operator).

Improvements are already taking place within the station, with the replacement of the condemned canopies and the construction of new lifts between the station footbridge and platforms 2, 3, 4 & 6. This work should be completed by mid-2009 and is being funded and carried out by Network Rail.



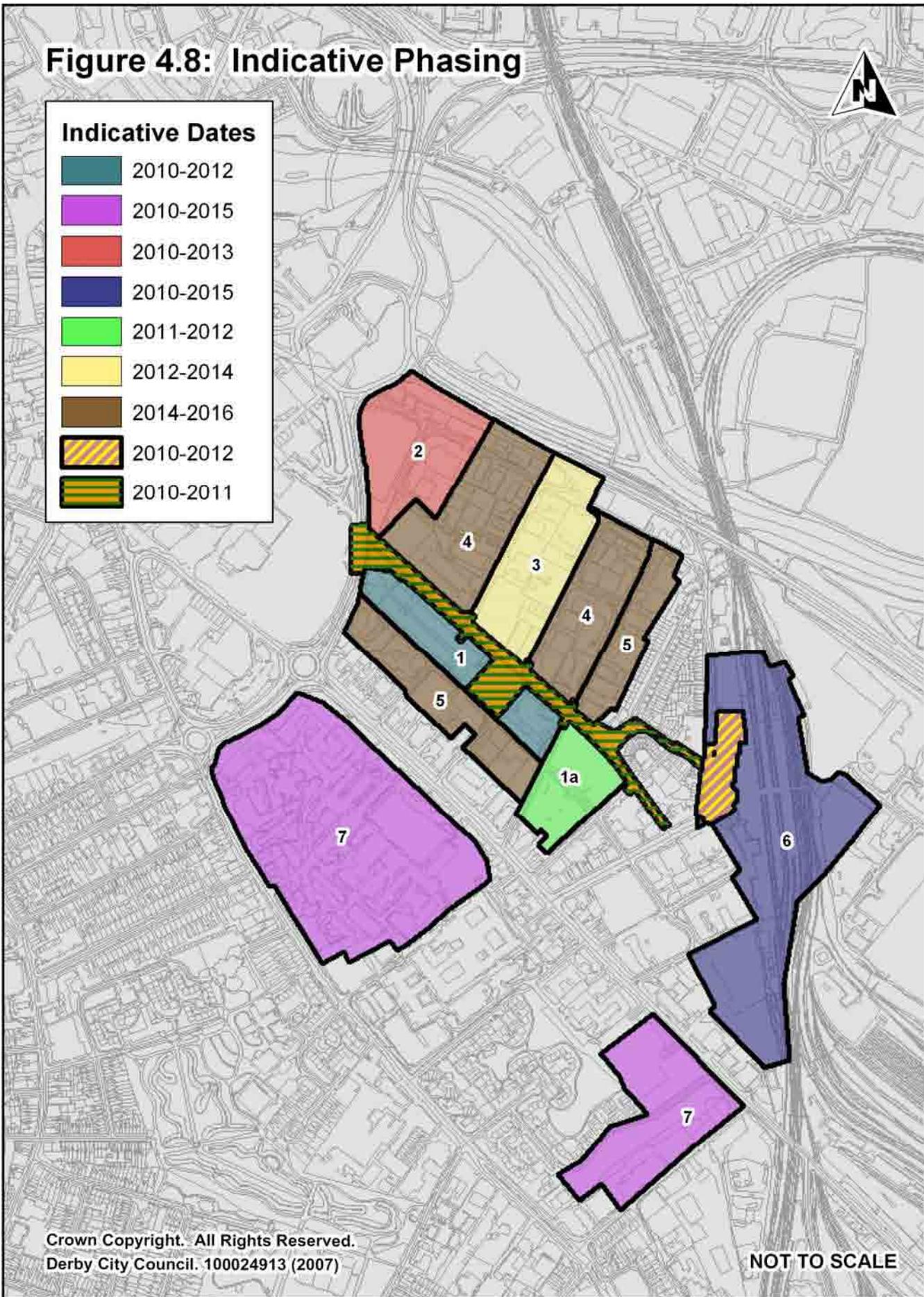
Artist's impressions of new canopies
Source: Network Rail

Bateman Street / Barlow Street – The Barlow and Bateman Street 'site' is within multiple ownerships. The existing car park fronting onto London Road is currently owned and operated by the NHS, but once the hospital has relocated, the site will come back into Council ownership. The strip of highway land to the south of Barlow Street is also within Council ownership. Existing industrial land north of Bateman Street is in private ownership.

The City Council will seek to bring forward comprehensive development proposals, preferably in partnership with the owner/developer of the existing industrial land north of Bateman Street.

Figure 4.8: Indicative Phasing

Indicative Dates	
	2010-2012
	2010-2015
	2010-2013
	2010-2015
	2011-2012
	2012-2014
	2014-2016
	2010-2012
	2010-2011



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NOT TO SCALE

4.14 Delivery & Implementation Priorities: General Principles

Compulsory Purchase

The Council will take necessary action to implement the policies and proposals contained in this document. To ensure comprehensive development the Council will use its powers of compulsory purchase where;

- all attempts at purchasing sites or premises through negotiation have been unsuccessful;
- the proposed development accords with the policies, proposals and design objectives set out in this document; and
- the funding and development costs are underwritten by the preferred developer;

Planning Obligations

The City of Derby Local Plan Review sets out policies on the implementation of major schemes and the potential requirements for S106 agreements. These policies will remain relevant to proposals in the Eastern Fringes.

In addition, the Council is preparing a Supplementary Planning Document (SPD) on Planning Obligations. This will set out in more detail how the Council will implement its planning policies for securing contributions from developers towards new development. This is due to be adopted later this year and will be relevant to all proposals being brought forward in this area.

Development will be required to contribute to the provision of;

- affordable housing & lifetime homes;
- highway & infrastructure improvements (as set out in the Transport section) – including improvements to utilities;
- public transport & traffic management improvements;
- new public open space and improved facilities and access to existing open space;
- public realm improvements;
- a new primary school;
- contributions toward secondary education facilities either in the area, or elsewhere in the City;
- health and community facilities;

Given the scale of the development being proposed, it will not be appropriate to consider the impact of proposals solely at the individual site level. Developer contributions will, therefore, be pooled in order to help bring about the comprehensive changes proposed.

In order to achieve the comprehensive regeneration of the Eastern Fringes, developer contributions will be sought from all schemes that have a proven indirect or direct impact on the area, either individually or cumulatively.

The wider context needs to be addressed. This is particularly the case with the impact on the existing highway network both within the 'Eastern Fringes' and further afield. A similar holistic approach will be followed in relation to contributions for other things that will be needed to serve the area as a whole, such as the provision of new public open spaces, improvements to the public realm, the provision of the new education facilities in the area and to the securing of new community facilities.

Planning Application Submission Requirements

In order to demonstrate the suitability of individual proposals applicants will be required to submit, where deemed appropriate by the Council, the following information with individual applications;

- Details of the type and quantity of proposed uses;
- An air quality assessment;
- Biodiversity survey;
- A flood risk assessment;
- Land contamination assessment;
- A utilities statement;
- A site waste management plan;
- Noise impact assessment:
- Detailed travel assessments and details of mitigation measures to mitigate any identified impacts, both within the vicinity of the site and within the wider context of the city centre as a whole.
- Details of access / restriction arrangements for vehicles and non-car modes including green transport plans and the parking strategy to be employed.
- A design statement that demonstrates adherence to the design principles set out in the AAP and the Saved Policies of the CDLPR.
- Details of how proposals meet the objective of conserving or enhancing the heritage value of the AAP area, particularly in relation to applications within or on the edge of the two Conservation Areas.
- A sustainability audit and energy assessment to demonstrate that sustainable principles will be applied to methods of construction, recycling, surface and waste water and renewable energy.
- Details of the number, tenure type, mix of housing types and sizes, and 'affordability' of affordable housing provision to meet the needs identified in the AAP
- Draft heads of terms outlining the approach to the delivery of key elements of infrastructure.

4.15 Sustainability Appraisal: Character Areas

Each of the proposals above has been appraised by the Sustainability Appraisal. The SA Report has identified the following key issues and conclusions about the proposals and has identified where mitigation may be necessary to avert, or minimise, any significant social, environment or economic impacts. This mitigation has been included in the proposals and principles outlined in this report.

The SA Report is available on the Council’s website (www.derby.gov.uk) and comments can be made in relation to its findings.

The key issues relating to the proposals for each ‘character area’ are shown below.

North Castleward

<p>↑ Provision of commercial mixed-use, including a landmark office will have significant beneficial economic effects including employment creation, inward investment etc.</p>
<p>↑ Safeguarding access for the dedicated public transport link and creation of safe pedestrian / cycle routes will help to encourage alternatives to private car.</p>
<p>↑ Ensuring the development is of an exemplary architectural quality will improve the quality of the built environment and enhance distinctiveness.</p>
<p>↓ The site is adjacent to Markeaton Brook and the wildlife corridor; therefore development could have an adverse effect upon these environmental resources.</p> <p>MITIGATION: In addition to having regard to Policies E4, E5, E6, E7 and L1 of the CDLPR, developers will be expected to take advice from a qualified ecologist and undertake appropriate ecological surveys prior to development.</p>
<p>↓ Development is likely to increase traffic in the area- could have an adverse effect upon air quality, particularly a concern due to the presence of the AQMA. Provision of new parking may encourage car use.</p> <p>MITIGATION: The Preferred Option proposals should ensure provision of frequent, high quality public transport services. Incorporate real time information public transport systems. Incorporate cycle storage into the office development to further encourage use of this method of transport. Ensure a green travel plan is developed for the site. Introduce measures to encourage people to use their cars less (e.g. car sharing schemes, incentives to not drive to work).</p>

Castleward

↑ Provision of high levels of residential development will have a significant beneficial effect in relation to provision of good quality housing. In addition, large scale residential development may enable provision of affordable housing and thus help disadvantaged people.

↑ Provision of residential development in this location will mean that residents will have good access to employment, services and facilities within the city centre. In addition, the provision of retail, leisure and a new primary school as part of the proposals for Castleward will ensure good access to services and facilities for those living in the area and help to encourage community cohesion.

↑ Creation of the Castleward Boulevard and improving access for cyclists and pedestrians will help to encourage alternatives to the private car and will provide a high quality link between the city centre and the railway station.

↓ The site is adjacent to Markeaton Brook and the wildlife corridor; therefore development could have an adverse effect upon these environmental resources.

MITIGATION: In addition to having regard to Policies E4, E5, E6, E7 and L1 of the CDLPR, developers will be expected to take advice from a qualified ecologist and undertake appropriate ecological surveys prior to development.

↓ Development is likely to increase traffic in the area; this could have an adverse effect upon air quality, particularly a concern due to the presence of the AQMA. Provision of new parking may encourage car use.

MITIGATION: The Preferred Option proposals should ensure provision of frequent, high quality public transport services. Incorporate real time information public transport systems. Incorporate cycle storage into the office development to further encourage use of this method of transport. Ensure a green travel plan is developed for the site. Introduce measures to encourage people to use their cars less (e.g. car sharing schemes, incentives to not drive to work).

Derbyshire Royal Infirmary

↑ Provision of high levels of residential development will have a significant beneficial effect in relation to provision of good quality housing. In addition, large scale residential development may enable provision of affordable housing and thus help disadvantaged people.

↑ Provision of a green link between Bass's Recreation Ground and the Arboretum will

help to improve the quality of the built environment, help to enhance biodiversity in the area and may encourage walking (and cycling, if provision is made for this).

↑ Making provision for new healthcare uses within the area to be retained by the NHS will enable the healthcare related uses of the site to continue.

↑ Provision of small scale convenience shopping facilities to serve the immediate community will help to ensure that new residents have access to services and may contribute towards creation of a mixed community.

↓ This DRI site includes a number of good quality buildings and incorporates part of the Hartington Street Conservation Area therefore insensitive development could have an effect upon this important historic resource.

MITIGATION: The Preferred Option includes provision for ensuring that development has regard to part of the site within a Conservation Area and that important architectural buildings and features associated with the DRI are protected.

↓ Redevelopment of the DRI may result in lower levels of traffic in the area, however, there is likely to be additional traffic associated with the new housing development. Should there be an increase in traffic this could have an adverse effect upon air quality, particularly a concern due to the presence of the AQMA.

MITIGATION: The Preferred Option proposals should ensure provision of frequent, high quality public transport services. Incorporate real time information public transport systems. Incorporate cycle storage into the office development to further encourage use of this method of transport. Ensure a green travel plan is developed for the site. Introduce measures to encourage people to use their cars less (e.g. car sharing schemes, incentives to not drive to work).

The Railway Area

↑ Provision of physical and environmental improvements to the Railway Conservation Area will help to improve the attractiveness of the area and may encourage use of the railway station and also encourage people to walk / cycle into the city centre from the railway station. Ensuring that development proposals within the Railway Conservation Area preserve / enhance its traditional established character will contribute significantly to maintaining and enhancing local distinctiveness.

↑ Provision of business / light industrial / commercial uses in the Railway Area will provide employment development and may help to attract inward investment.

↑ Provision of housing in the Railway Area will have a beneficial effect in relation to

provision of good quality housing and may enable provision of affordable housing and thus help disadvantaged people.

↓ Development is likely to increase traffic in the area could have an adverse effect upon air quality. Provision of new parking may encourage car use.

MITIGATION: The Preferred Option proposals should ensure provision of frequent, high quality public transport services. Incorporate real time information public transport systems. Incorporate cycle storage into the office development to further encourage use of this method of transport. Ensure a green travel plan is developed for the site. Introduce measures to encourage people to use their cars less (e.g. car sharing schemes, incentives to not drive to work).

Bass's Recreation Ground

↑ Improving the facilities and the physical environment of Bass's Recreation Ground will improve the quality and attractiveness of this important area of open space and may encourage increased use of the park, which will have beneficial effects upon health and wellbeing. Improving and creating new access points to the park will further encourage its use.

↑ Enhancing the biodiversity of the park and ensuring that all proposals for the area have regard to the nature conservation importance of the site will have a significant beneficial effect upon biodiversity in the AAP area.

↓ Improving access to and facilities within Bass's Recreation Ground is likely to increase the number of visitors to the park. This could have an adverse effect upon habitats and species associated with the park, particularly given the designation of the River Derwent as a wildlife site and wildlife corridor.

MITIGATION: In addition to having regard to Policies E4, E5, E6, E7 and L1 of the CDLPR, developers will be expected to take advice from a qualified ecologist and undertake appropriate ecological surveys prior to development.

London Road

↑ Improvements to the public realm on London Road, ensuring development proposals make a positive contribution to the character and quality of the area and requiring new development to be of a high quality will help to improve the quality of the built environment.

↑ Protection of the townscape of London Road and ensuring new development has regard to the prevalent architectural features, building materials and green spaces will help to maintain and enhance local distinctiveness of the area.

North of the River

↑ The Preferred Option will help to ensure that employment land is maintained in the city.

↑ There will be other effects (e.g. increased flood risk) should redevelopment occur.

4.16 Alternatives Considered

Table 4.1 outlines the strategic alternatives that were considered and not wholly pursued. Elements of these options outlined in the table have been combined to create the Preferred Option, detailed in this document.

The alternative options have been referenced A to G so that they can be cross referenced against the Sustainability Appraisal (SA), The SA full report is available in the City Council's website, www.derby.gov.uk.

Following Table 4.1 there is a breakdown of the different alternative options that were looked at for each character area. Each alternative character area option has been given a reference so that it can be cross referenced with the strategic options within Table 4.1. This helps to demonstrate how alternative options that were suggested for each character area have helped to shape the strategic options that have been tested in the SA.

Table 4.1: Strategic Alternatives

Strategy	Description	Comments
<p>OPTION A - The City of Derby Local Plan Review (Proposals, A3, B2, C2, D2, E2, H2 and G3)</p>	<p>CDLPR adopted in January 2006. Represents no change to existing policies for the area (maximum flexibility, minimum certainty). Two small residential allocations, mainly general mixed-use policies or a reflection of existing land-uses.</p> <p>Recognises the area as a ‘regeneration priority’. Identifies, and contains policies for the protection of, areas of importance for the built and natural environment.</p>	<p>Elements of the Local Plan have been carried through to the Preferred Option, including the identification of the Railway Conservation Area, the Sites of Importance for Nature Conservation, Wildlife Corridor.</p> <p>The Preferred Option also maintains the Local Plan’s aspirations for the improvement of Bass’ Rec.</p> <p>Many of the land-uses the Local Plan would allow within its mixed-use policies have been carried through to the Preferred Option. However, these policies set no requirements or provide any specific guidance on what would be expected.</p> <p>The Preferred Option for land north of the River also reflects the ‘Local Plan’ Option in that we are no longer proposing any changes to this site.</p>

Table 4.1: Strategic Alternatives

Strategy	Description	Comments
<p>OPTION B - The Original Derby Cityscape Masterplan (Proposals, A2, B3, C3, D3, E3 and H3)</p>	<p>Original Derby Cityscape Masterplan published January 2005.</p> <p>Residential-led mixed use development with significant areas of commercial activity, particularly in North Castleward and the 'Castleward Boulevard'</p> <p>Improvements to railway area.</p> <p>Improvements to access to Bass' Recreation Ground</p> <p>Redevelopment of part of Railway Terrace (opposite station)</p> <p>Provision of two new public multi-storey car parks to consolidate existing surface level parking.</p>	<p>Although the Preferred Option shares many of the principles with the Original Masterplan 'vision' for the area, there have been significant detailed changes to that original plan.</p> <p>These have been developed through the 'front-loading' consultation process.</p> <p>A number of the detailed proposals from the original Masterplan were not considered appropriate and have been amended as a result.</p>

Table 4.1: Strategic Alternatives

Strategy	Description	Comments
<p>OPTION D - 'More' Residential Development (Proposals, A6)</p>	<p>This 'option' is based on the bringing together of detailed comments during the 'front-loading' of the AAP. This is where people felt that some of the 'commercial' sites would be better suited to residential.</p> <p>This scenario would take the mixed-use elements of the Masterplan option (and/or April 2006 Option) and increase the level of residential development and reduce the level of commercial. This would be done through the allocation of those areas dedicated to employment development to housing. This would result in a wholly (or almost wholly) residential development across the whole Eastern Fringes area.</p> <p>Those areas that would be identified as residential in this option would be all, or a number of, the following sites;</p> <ul style="list-style-type: none"> ➤ North Castleward ➤ Railway Station North Car Park ➤ Railway Station South Car Park ➤ Siddals Road 	<p>The balance of development in the Eastern Fringes is geared toward housing. A greater focus on residential development would not necessarily be undesirable. It would meet many of the Council's policy objectives and would, in the main, be a sustainable option (subject to certain issues raised in the Sustainability Appraisal).</p> <p>However, a purely residential solution would ignore the valuable contribution the area can make to the City's economy. Owing to its excellent transport links and accessibility to, and from, the city centre the Eastern Fringes also provides good opportunities for business development that may not exist elsewhere.</p> <p>Furthermore, providing elements of business and commercial development increases levels of activity in the area in the day and can add some vibrancy and vitality. Indeed, it may also provide opportunities for people to live near where they work and thus promote alternative modes of the travel than the car.</p> <p>There are also some parts of the Eastern Fringes where housing may not be suitable and, as such, commercial uses are an appropriate alternative.</p>

Table 4.1: Strategic Alternatives

Strategy	Description	Comments
<p>OPTION E - 'More' Business & Industrial Development (Proposals, B7, C5 and E4)</p>	<p>This option is based on the drawing together of detailed comments recorded during the 'front-loading' on the AAP.</p> <p>This scenario would take the mixed-use elements of the Masterplan option (and/or April 2006 Option) and increase the level of business and commercial development and reduce the level of residential. This would be done through the allocation of those areas identified for housing to business / employment. This would result in a wholly (or almost wholly) commercial development across the Eastern Fringes area.</p> <p>Those areas that would be identified for commercial use would be all, or a number of, the following sites;</p> <ul style="list-style-type: none"> ➤ Castleward ➤ Surplus areas of the D.R.I ➤ Siddals Road 	<p>As noted above, the Eastern Fringes has excellent transport links and has an advantageous location in terms of its proximity to the city centre, which does make it a good location for commercial development (as is demonstrated by its present land use).</p> <p>However, it has to be recognised that the Council has competing policy interests and that, in this case, the need for, and benefits of, residential development outweigh the need for employment development at the scale this option would mean.</p> <p>The Eastern Fringes offers an important opportunity to provide Brownfield housing in a sustainable location, create more city centre living, and reduce the pressure for housing on peripheral Greenfield sites.</p> <p>Furthermore, redevelopment for employment at this scale could undermine existing allocations elsewhere in the City. Indeed, in terms of the overall demand for employment land, it is unlikely that this amount of development would be required.</p> <p>Therefore, the Preferred Option seeks to fill certain strategic niches (such as sites for major city centre office development) or seeks to provide business opportunities as part of mixed-use schemes (to promote more sustainable patterns of development) or on sites within the Eastern Fringes where residential would not be appropriate.</p> <p>The Preferred Option does contain more scope for business development than the original Cityscape Masterplan or the April 2006 Option.</p>

Table 4.1: Strategic Alternatives

Strategy	Description	Comments
<p>OPTION F - 'More' Retail & Leisure (Proposals, A4, B6 and C4).</p>	<p>This option is based on comments received during the 'front-loading' of the AAP. This includes comments relating to convenience and comparison retailing.</p> <p>This scenario would see the expansion of the city centre's shopping and leisure role into the Eastern Fringes area on a larger scale than envisaged in either the Local Plan or Original Masterplan.</p> <p>The areas that would be allocated for retail or leisure would be as follows;</p> <ul style="list-style-type: none"> ➤ North Castleward ➤ Siddals Road ➤ Parts or all of the surplus D.R.I land ➤ Parts of Castleward 	<p>There is no demonstrable need or capacity for large scale expansion of retail and leisure facilities into the Castleward or DRI areas. The Eagle Centre extension and Riverlights will provide significant levels of new retail and leisure floorspace which should cater for the city centre's needs for the foreseeable future.</p> <p>The Eastern Fringes also lies outside the traditional 'city centre shopping area' and any expansion of such facilities should be focussed into this area first before considering expansion into other adjacent areas. For example, the Becket Well Policy Area would be a better location for any new significant retail or leisure in the first instance <i>if</i> a demand was identified.</p> <p>The Preferred Option does, however, provide for retail facilities to support the new community and to provide activity along the 'Castleward Avenue'. This should not be of a scale that could impact on the city centre. Rather they should be designed to complement and support the regeneration of the area.</p>

Table 4.1: Strategic Alternatives

Strategy	Description	Comments
<p>OPTION G - Redevelopment of Bass' Recreation Ground for either employment or residential and replacement of park elsewhere in AAP area. (Proposals A5, C7, B4 and F2)</p>	<p>This option was suggested during the front-loading of the AAP. The option would involve the complete or partial redevelopment of Bass' Recreation Ground for either housing or employment uses and the replacement of the open space in Castleward or the DRI.</p>	<p>Bass' Recreation Ground represents the largest area of open space within the Eastern Fringes area. It is recognised as being an underused resource.</p> <p>It was put to the Council that a solution to this would be to redevelop the site and replace the open space elsewhere in the AAP area (therefore creating a more usable area of space elsewhere).</p> <p>This was not considered appropriate due to the following reasons;</p> <ul style="list-style-type: none"> ▪ Would result in a loss of open space and development of a valuable Greenfield resource; ▪ Site is in Flood Zone 3; ▪ Site has charitable covenant on it; ▪ Potential significant loss of large numbers of mature trees ▪ Viability and access issues.

Table 4.1: Strategic Alternatives

Strategy	Description	Comments
<p>OPTION C - April 2006 Consultation – with areas of uncertainty (Proposals, B8, C6, D5, D6 and D7).</p>	<p>Published for consultation in April 2006.</p> <p>Residential-led mixed-use development with significant areas of commercial activity in North Castleward and the ‘Castleward Boulevard’.</p> <p>Provision of two new public multi-storey car parks to consolidate existing surface level parking.</p> <p>Proposed extension of Eastern Fringes Area into Pride Park.</p> <p>Proposed additional multi-storey parking to consolidate existing parking at the station.</p> <p>Identification of areas of built and natural environmental importance and inclusion of possibility of ‘London Road Policy Area’ to acknowledge and protect special character.</p> <p>Propose dedicated bus route along Siddals Road.</p> <p>Changes proposed to residential proposals on Barlow Street / Bateman Street. Potential for changes to road configuration put forward.</p> <p>Consultation included query over a number of ‘grey areas’ where uncertainty or a range of possibilities existed. These were;</p> <ol style="list-style-type: none"> 1. Royal Mail site 2. Gala Bingo 3. Siddals Road 4. Railway Station North & South Car Parks 5. Part of DRI site <p>Possible land-uses for each of these sites were put forward for discussion.</p>	<p>This too shares the overall ‘strategic’ vision of the Preferred Option and shows a progression toward the ‘Preferred Option’.</p> <p>Even at this stage it is clear that certain aspects of the other ‘strategic’ options have been incorporated into the proposals or were included as potential ways forward – particularly with the ‘grey areas’ of uncertainty.</p> <p>The identification of ‘grey areas’ also allowed more detailed views to be given, some of which have been taken forward to the Preferred Option and some which have not.</p> <p>This consultation asked a number of questions, the answers to which have influenced the mix of uses being put forward. However, the overall mixed-use strategy has been retained.</p> <p>As a result of comments on this consultation, and as a result of further research, decisions have been made about the most appropriate way forward for the ‘grey areas’ and what the best locations might be for such things as replacement parking facilities, retail facilities etc.</p>

Table 4.1: Strategic Alternatives

Strategy	Description	Comments
<p>Relocation of railway station to alternative city centre site. (Proposal D4)</p>	<p>It was suggested that the railway station should be relocated nearer to the city centre, in a more accessible location, towards the Eastgate bridge. This option was ruled out by Network Rail who stated that it was not a viable option.</p>	<p>These options were mentioned early in the consultation, and were all ruled out on technical grounds before the second stage of issues and options. These options were therefore not assessed by the SA as it was felt that they were not viable or reasonable.</p>
<p>Provision of secondary school within Castleward. (Proposal B5)</p>	<p>This option was suggested early in the process; however it is not felt that the development in the Eastern Fringes will justify a new secondary school in its own right. The Council is currently analysing secondary provision across the city as a whole. It is not the role of the AAP to pre-empt or dictate the findings of this and thus a secondary school has not been considered as a reasonable option.</p>	
<p>Pedestrianisation of the northern end of London Road. (Proposal H4)</p>	<p>The pedestrianisation of the northern section of London Road would create a pleasant pedestrian environment for people using the new Westfield Eagle Centre. However, this option was ruled out on the basis that it would prejudice access and egress to the proposed development sites in Castleward and the DRI.</p>	

4.17 Alternatives Considered: Character Areas

North Castleward

A2 *Original Cityscape Masterplan Proposals:*

Office-led development with accompanying multi-storey car park. Gala Bingo site identified for leisure uses. Residential uses identified south of Liversage Street. The original Masterplan does not identify the Siddals Road 'bus route' or make provision for other complementary uses.

A3 *City of Derby Local Plan Review (CDLPR) Proposals:*

Equivalent to 'no proposed change'. The Local Plan Review contains a general mixed-use allocation allowing office, housing or leisure. No specific predominant end-use, vision or outputs from the area. The market would dictate the final land use.

A4 The creation of a significant extension to the city centre (linked to 'more retail and leisure' option).

A5 The creation of a large area of public open space – possibly in conjunction with the redevelopment of Bass' Recreation Ground (see alternative F2 page 91).

A6 A residential-led redevelopment of the site (linked to 'more residential' option).

Castleward

B2 *City of Derby Local Plan Review Option*

Equivalent to 'no proposed change' for the majority of the area. The Local Plan Review contains a general mixed-use allocation allowing office, housing or leisure. No specific predominant end-use, vision or outputs from the area. The market would dictate the final land use.

The only specific allocation is on the Bemrose and Sovereign Car Parks and part of Wellington Street identified for residential development.

B3 *Original Derby Cityscape Masterplan Option*

The *original* Derby Cityscape Masterplan (unamended) included;

- Residential development only on Siddals Road;
- Closed access to Station Approach;
- Different 'route' for boulevard, incorporating demolition of Florence Court;
- No specific proposal for supermarket on Boulevard;
- Preferred MCSP location as Canal Street

B4 Large park sited in Castleward (in conjunction with redevelopment of Bass's Recreation Ground – see alternative F2 page 91)

B5 Provision of Secondary School / Academy*;

- B6** Strategic extension to city centre (retail and leisure uses)*;
- B7** Business & industrial-led redevelopment.
- B8** Identify Siddals Road for a large retail and leisure development.

Derbyshire Royal Infirmary

C2 *The City of Derby Local Plan Review Option*

General mixed-use policy that allows a range of uses, including healthcare, community uses, residential uses, leisure uses or business uses.

C3 *The Original Derby Cityscape Masterplan Option*

The original Masterplan proposes an apartment-led residential development that would provide approximately 800 new dwellings.

C4 Allocation of part of the land for retail development / extension to city centre;

C5 Allocation of land for business development;

C6 Allocation of land for multi-storey car park to serve the Eagle Centre extension (as an alternative to Castleward car park);*

C7 Identification of site for public open space (in conjunction with consideration of redeveloping Bass's Recreation Ground – see page 44);*

Railway Area

D2 *City of Derby Local Plan Review Option*

Equivalent to 'no proposed change' for this area.

The CDLPR identifies the Railway Conservation Area without proposing any changes or identifying sites or areas for redevelopment or enhancement.

D3 *The Original Derby Cityscape Masterplan*

The original Masterplan contained a number of proposals for this area, including;

- An improved railway station incorporating new commercial uses.
- Identification of Railway Terrace (opposite station) and Victoria Inn for redevelopment for commercial uses.
- Development of backland sites on Wellington Street for residential uses.
- Identification of Churnet House for business uses.
- Environmental improvements to Midland Place and Midland Road.

The Original Masterplan *did not* propose;

- Changes to the Railway Station Car Parks

- Identifying the Royal Mail sorting office & sites fronting the southern section of London Road for potential development.

D4 Relocation of railway station to another part of the city centre.

D5 Suggested North Car Park Area Alternatives;

Identification for;

- Retail *or*,
- Residential* *or*
- Light industrial *or*
- Public open space.

D6 Suggested South Car Park Area Alternatives;

Identification for;

- Residential uses *or*
- National Rail Centre*;

D7 Suggested Royal Mail Sorting Office Alternatives;

Identification for

- Conference facility *or*
- Retail *or*
- Multi-storey car park;
- Identification of *Pride Park Car Park* without office space.
- Specific identification of buildings for retention or refurbishment (e.g. Churnet House, Wyvern House and Amber House).

Barlow Street / Bateman Street

E2 *City of Derby Local Plan Review Option*

The CDLPR allocates the existing hospital car park for a minimum of 60 new dwellings. Land immediately north of Bateman Street is identified as an existing business and industrial area. It does not propose any changes to the highway.

E3 *The Original Derby Cityscape Masterplan*

- Residential development on hospital car park
- Redevelopment of open space south of Barlow Street for terraced housing.
- Retail / food & drink uses on ground floor of new buildings fronting London Road;

- No proposed change to industrial development north of Bateman Street;
- No proposed change to highway;

E4 Allocate the whole area for business development;*

Bass's Recreation Ground

F2 Redevelop for housing or commercial uses (and replace open space in one of North Castleward, Castleward or DRI site);

London Road

H2 *City of Derby Local Plan Review Option*

The CDLPR options essentially reflects 'no change'. The plan offers no specific design guidance for development along the London Road corridor or identify any areas for public realm improvements.

H3 *The Original Derby Cityscape Masterplan Option*

- Identify for public realm improvements;

H4 Pedestrianisation of the northern end of London Road.

North of the River

G3 *The Original Derby Cityscape Masterplan Option / April 06 Option*

Proactive redevelopment of existing uses for up to 870 new apartments. Incorporation of new pedestrian / cycle footbridge to improve access to Bass' Rec.



Part 5
Monitoring

Part 5: Monitoring

Monitoring and review is of critical importance in assessing the performance of the proposals and their effects. The City Council is required to develop a means of monitoring the AAP that can appraise the extent to which the Plan's Vision and Spatial Objectives are being achieved and, where the Plan might be failing, explain why this might be and set out the steps to be taken to correct this.

The Council is required to publish an 'Annual Monitoring Report' (AMR). This contains information on the implementation of the LDS and the extent to which the policies of different LDDs are being achieved. Once the AAP is Adopted, the AMR will monitor the effectiveness of its policies.

The following table sets out a series of suggested indicators and targets, predominantly taken from the AMR, which could be used as a means of ensuring effective implementation and review of the proposals.

Please note that it is not possible to monitor all of the objectives as there are no relevant indicators for some of the objectives.

Suggested Indicator	Suggested Target	Potential Source
2	To provide sustainable mixed-use development that reinforces Derby City Centre’s role as a place to live and work.	
Net number of dwellings completed within the Eastern Fringes.	<p>The target will be determined on final housing levels anticipated in the Adopted AAP.</p> <p>Based on the Preferred Option, this would be a minimum of 3100 dwellings over the Plan period.</p>	Derby City Council – Housing Land Availability (HLA) System
Average density of new dwelling completions on wholly completed sites.	The target will be determined on a site by site basis. Each allocation has its own implied minimum density. Monitoring will determine whether these densities are being met.	Derby City Council – HLA System
Percentage of completed non-residential development meeting parking standards	100%	Derby City Council – Annual Monitoring Report
3	To ensure the provision and access to all the key services and facilities that are needed to support the ‘Eastern Fringes’ and that the mobility and accessibility needs of the neighbourhood are met.	
<p>Amount of new residential development within 30 minutes public transport time of a;</p> <ul style="list-style-type: none"> • GP; • Hospital 	100%	The Derby Area Transport Model (DATs) may be able to assist with collecting this information.

<ul style="list-style-type: none"> • Primary School • Secondary School • Areas of employment; • Major retail centre 		
Amount of completed retail and leisure development in the Eastern Fringes	No specific target to be set for retail or leisure.	Derby City Council – Annual Monitoring Report
4	To provide wider opportunities for City Centre living, by providing residential development of a mix of size, types and tenure.	
Affordable housing completions in the Eastern Fringes	<p>The target for allocations will be whatever the final policies require. Suggested policies for the Preferred Option would require 30% on all sites.</p> <p>The target for windfall, or unspecified sites, will be 25-30% affordable housing, in line with targets for the CDLPR as a whole.</p>	Derby City Council – HLA System
Lifetime homes completions in the Eastern Fringes	The target will be 10% in line with targets in the CDLPR as a whole.	Derby City Council – HLA System
5	To provide commercial and employment generating development that contributes to the continued economic prosperity of the City.	
Amount of floorspace developed for employment by type in Eastern Fringes	<p>The target will be determined by the final levels of office and employment floorspace in the Adopted AAP.</p> <p>Based on the Preferred Option, this would be a minimum of 18,000 sqm. Other sites are allocated but do not set</p>	Derby City Council – Employment Land Availability System

	requirements.	
Employment land available by type in the Eastern Fringes.	The amount of land identified for employment in the AAP will contribute to the wider RSS requirements for the City as a whole. The Preferred Option would see xx hectares allocated for employment uses.	Derby City Council – Employment Land Availability System
Amount of completed office development in the Eastern Fringes	Office space will be a minimum of 25,000 sqm over the Plan period (2006-2021).	Derby City Council – Employment Land Availability System
7	To ensure that the best elements of the Eastern Fringes’ existing natural and built environment are protected or enhanced.	
Changes in area and populations of biodiversity importance, including; <ul style="list-style-type: none"> Change in priority habitats and species (by type); and Change in areas designated for their intrinsic environmental value including sites of international, national, regional, sub-regional or local significance 	No target	A new biodiversity posit is being jointly funded by the County and City Council. The intention is to use the Biological Action Recording System to provide some of the data. This will depend on partners signing up to the system.
Number of listed buildings at risk	None	English Heritage

8	To ensure that new development promotes energy efficiency and prudent use of resources and minimises the impact on the environment.	
Number of planning permissions granted contrary to the advice of the Environment Agency on either flood defence grounds or water quality.	None.	
Renewable energy capacity installed by type	10% energy needs produced by onsite renewables.	BREEAM / Developer statements / S106 Agreements
Number of residential properties in the AAP area built to code Levels 3, 4, 5 and 6 of the Code for Sustainable Homes.	100%	BREEAM / Developer statements / S106 Agreements
Percentage of completed dwellings on previously developed land	95% over the AAP period (only a small part of the AAP area could be considered 'greenfield').	Derby City Council - HLA
Percentage of completed employment development on previously developed land	95% over the AAP period (only a small part of the AAP area could be considered 'greenfield').	Derby City Council – ELA
9	To improve linkages between the Eastern Fringes and the City Centre, that encourage walking, cycling and public transport use, particularly focussing on the links between the Railway and the Bus Stations.	
Number of cyclists at specific sites in AAP area	To increase cycling recorded at specific sites by 18% from 2000. A number of existing LTP monitoring points are located within, or adjacent to, the Eastern Fringes area and it should be possible to gauge whether	Derby Local Transport Plan.

		there is an increase in walking through the area.	
	Number of businesses within the AAP area adopting travel plans.	100%	
	Number of cycle parking places provided in the AAP area.		
10	To create safe, convenient and attractive routes in, out and through the Eastern Fringes which help to create a vibrant and active neighbourhood.		
	Number of casualties killed or seriously injured in road traffic accidents in AAP area	(Data from LTP – depending on coverage of monitoring) Reduce the rates of all injury accidents.	Derby Local Transport Plan.
	Number of pedestrians killed or seriously injured on all roads in AAP area	(Data from LTP – depending on coverage of monitoring) Reduce the rates of all injury accidents.	Derby Local Transport Plan.
11	To improve the design, access and usage of existing areas of open space and to ensure that the public realm is a fully and safely integrated part of the wider urban environment.		
	Amount of eligible open spaces managed to Green Flag Award	Aim will be for at least Bass's Rec. to be managed to this standard, plus any new open spaces created through development.	Derby City Council Parks Section

Appendices

Appendix 1 - Compatibility Matrices

Table A1.1 Compatibility with City of Derby Local Plan Review Key Planning Objectives and Area Action Plan Objectives

Character Area Aspirations	Key Planning Objectives of the Local Plan that will be achieved	AAP Objectives that could be achieved
<p>(A) North Castleward</p> <ul style="list-style-type: none"> ⇒ A high quality landmark commercial building providing a minimum of 18,000sqm of floorspace. ⇒ Provision for complementary uses such as additional business uses, hotels, leisure and residential. ⇒ Sufficient on site parking to meet the requirements of the development that could also be utilised by the public in an evening and at weekends ⇒ Regard for the bus link between the railway and bus stations ⇒ Creation of improved pedestrian links and the creation of a new landscaped area at the termination of the boulevard. 	<p>a), b), c), e), g), h)</p>	<p>2), 4), 5), 6), 8), 9), 10)</p>

<p>(B) Castleward</p> <ul style="list-style-type: none"> ⇒ Creation of a sustainable residential-led neighbourhood on the edge of the city centre. This will be complemented by supporting facilities including new primary school and nursery school facilities and provision of a new convenience shopping facility. ⇒ Implementation of a new 'boulevard' providing a pedestrian friendly environment, civic spaces, iconic public art and active frontages, At first floor level and above, residential and commercial uses will be encouraged. ⇒ Consolidation of existing parking facilities into a new MSCP. ⇒ Creation of improved pedestrian links ⇒ Promotion of renewable energy, recycling, water conservation and sustainable building techniques ⇒ Promotion of ICT and broadband connectivity ⇒ Promotion of high quality design ⇒ Creation of a new 'all moves' junction on Siddals Road and surface level crossing to Bass's Rec. 	<p>a), b), c), d), e), f), g), h), i), j), k)</p>	<p>1), 2), 3), 4), 5), 6), 7), 8), 9), 10), 11)</p>
<p>(C) Derbyshire Royal Infirmary</p> <ul style="list-style-type: none"> ⇒ Creation of a new residential neighbourhood on the parts of the site no longer required for healthcare, supported by small scale convenience retail facilities and areas of open space. ⇒ Retention of the domed structures facing London Road, Wilderslowe House, the wall and railings at the front of the infirmary, the Queen Victoria 	<p>a), b), c), d), e), f), h), i)</p>	<p>2), 3), 4), 6), 7), 8), 9), 10)</p>

<p>monument and the Florence Nightingale statue</p> <ul style="list-style-type: none"> ⇒ Creation of improved pedestrian links, including an east to west route, linking Castleward to the Arboretum. ⇒ Promotion of renewable energy, recycling, water conservation and sustainable building techniques ⇒ Promotion of ICT and broadband connectivity ⇒ Promotion of high quality design ⇒ Retention of healthcare facilities still required by the NHS Trust 		
<p>(D) Railway Conservation Area and its Environs</p> <ul style="list-style-type: none"> ⇒ Reorganisation of the parking and drop off areas at the railway station to facilitate a new and improved inter-modal transport interchange. ⇒ North car park – small scale commercial opportunities consistent with Conservation Area policies will be promoted on surplus land ⇒ South car park – MSCP and commercial / light industrial development ⇒ Continued identification of the Railway Conservation Area and to implement policies that ensure its preservation and enhancement. Any development in the Conservation Area will, in line with existing policies, be expected to preserve or enhance its established character. ⇒ Pride Park car park - MSCP and potential for some appropriately designed commercial development ⇒ Promotion o high quality design ⇒ Provision for the suitable redevelopment of the 	<p>a), b), c), e), g), h), i)</p>	<p>2), 5), 6), 7), 9), 10)</p>

Royal Mail site for mixed use development in the event of the current occupier wishing to relocate within the City		
(E) Barlow Street / Bateman Street ⇒ Residential development ⇒ Promotion of renewable energy, recycling, water conservation and sustainable building techniques ⇒ Promotion of ICT and broadband connectivity ⇒ Promotion of high quality design	a), b), e), f), h)	2), 4), 6), 8)
(F) Bass's Recreation Ground ⇒ Protection of existing public open space ⇒ Improvement of facilities ⇒ creation of improved pedestrian links and cycle network	c), i), k)	3), 7), 10), 11)
(G) London Road ⇒ protection of important features contributing to the unique streetscape of the area ⇒ public realm improvements	b), h), i)	7), 9), 10), 11)
(H) North of the River ⇒ No change. Development will continue to be controlled by existing Development Plan policies.	g), k)	2), 5), 8)

Key Planning Objectives of the Local Plan

- a)** Promoting sustainable patterns and mixes of land use which reduce the need to travel and exploiting opportunities to make the fullest use of alternatives to the car. New development should be well related to the urban area and not unnecessarily extend it into the countryside, green wedges or other important areas of open land.
- b)** Promoting the economic, social and environmental regeneration of the urban area. In particular, the Council will seek to promote urban living and a renaissance of the City Centre. It will also seek to protect and enhance local services and create safe, accessible and attractive environments.
- c)** Facilitating an integrated approach to transport which helps to achieve a more efficient, accessible and safe network. The Council will seek to ensure that development contributes to improving transport choice and accessibility to alternatives to the car. It will also seek to ensure that existing pedestrian or cycle routes are retained and, where possible, that additional links are provided into, through and out of development sites.
- d)** Promoting social inclusion, meeting housing needs and reducing poverty, ill health and the effects of disability. In particular, the Council will give weight to proposals that offer advantages to young people, children in families on low income, lone parents, disabled people, older people on low incomes, long term unemployed people and people from minority ethnic communities.
- e)** Making fullest use of previously used land and buildings and improving energy efficiency.
- f)** Reducing waste and pollution, in particular air and water pollution. In considering development proposals, the Council will have full regard to its objectives of improving the health and well being of Derby residents.
- g)** Assisting in creating a prosperous and economically vibrant city by encouraging inward investment, the establishment of new small and medium sized enterprises and the expansion or relocation of existing businesses.
- h)** Improving the quality and design of the urban environment, making urban living more attractive, accessible, safe and secure.
- i)** Ensuring the environmental well-being of the City, including the conservation and enhancement of its key natural and cultural resources, its heritage, local distinctiveness and community identity.
- j)** Promoting lifelong learning and encouraging development that supports the educational objectives of the University, Derby College, secondary schools, primary schools and nurseries.
- k)** Making use of best practice in land use planning for water management and flood protection.

AAP Objectives

1. To ensure that the Action Plan supports the wider aims and objectives of the Local Development Framework, the Community Strategy and the Derby Cityscape Masterplan.
2. To provide sustainable mixed use development that reinforces Derby city centre's role as a place to live and work.
3. To ensure the provision and access to all the key services and facilities that are needed to support the Eastern Fringes and that the mobility and accessibility needs of the neighbourhood are met.
4. To provide wider opportunities for city centre living by providing residential development of a mix of size, types and tenure.
5. To provide commercial and employment generating development that contributes to the continued economic prosperity of the city.
6. To ensure that development within the Eastern Fringes sets new high standards of design for the city and that a consistent approach to quality is taken in order to create a distinctive urban environment.
7. To ensure that the best elements of the Eastern Fringes' existing natural and built environment are protected or enhanced.
8. To ensure that new development promotes energy efficiency and prudent use of resources and minimises the impact on the environment.
9. To improve linkages between the Eastern Fringes and the city centre, that encourage walking, cycling and public transport use, particularly focussing on the links between the railway station and the bus stations.
10. To create safe, convenient and attractive routes in, out and through the Eastern Fringes which help to create a vibrant and active neighbourhood.
11. To improve the design, access and usage of existing areas of open space and to ensure that the public realm is a fully and safely integrated part of the wider urban environment.

Table A1.2 Compatibility with Derby City Partnership's 2020 Vision, Community Strategy 2006-2009

Derby's 2020 Vision - Derby City Partnership - Community Strategy		
Priorities 2006 - 2009	Potential Impact of Preferred Option	Comment
<p>Create a city centre which people of all ages and backgrounds will be able to enjoy at any time of day</p>		
<p>- improve city centre safety by reducing levels of crime and anti social behaviour;</p>		<p>New development in the Eastern Fringes will be designed to 'design out crime' with input from the local police force. This will hopefully have a positive impact but the exact impacts cannot be determined until new development is in place.</p>
<p>- make sure people from all parts of the city and all communities can get to and enjoy the city centre;</p>		<p>A key aspect of the AAP is to improve linkages through the area thus providing better and more legible routes to and from the city centre, railway station, Bass's Rec and the Arboretum area.</p>

<p>- celebrate the river and realise its potential;</p>		<p>The AAP will establish a new community that will be able to fully utilise Bass's Rec and the adjacent riverside area, adding vitality and vibrancy to a currently sterile area.</p>
<p>- use opportunities to develop health promotion initiatives in the city centre;</p>		<p>This is beyond the scope and detail of the AAP; however the transport and movement strategy will promote walking and cycling as the primary means of movement within the area. The strategy will also promote the use of shared space so that residents can reclaim the residential streets thus opening up opportunities for play and activity. The links between the DCP priority and the AAP are more indirect in this case and will very much rely on the implementation.</p>
<p>- support the development of people's skills to meet the needs of city centre employers;</p>		<p>It is difficult to determine the relationship between skills development and the AAP.</p>
<p>- improve the quality and range of arts, culture and sporting activity in the city centre;</p>		<p>The AAP will promote the installation of public art and will promote the conservation of the former railway village buildings within the conservation area. The city centre community will add vitality to the Bass's Rec area which will hopefully increase sporting activity in the city centre.</p>
<p>- support the growth of the local economy, focussing on retail, tourism, creative industries and manufacturing engineering;</p>		<p>The AAP aims to relocate any affected businesses in the Castleward area within the City so that there are no overall losses. The allocation of office space and retail space will help to support the local economy.</p>
<p>- deliver the right mix and balance of accommodation for city centre living;</p>		<p>The AAP will promote a significant amount of new city centre housing. The housing will provide a mix of tenures and types for people of all ages and backgrounds.</p>

Focus on Derby's deprived neighbourhoods, so that opportunities for people living there are the same as for people living in the rest of the city.		
- improve neighbourhoods safety by reducing crime and anti social behaviour;		New development in the Eastern Fringes will be designed to 'design out crime' with input from the local police force. This will hopefully have a positive impact but it cannot be determined until new development is in place.
- increase opportunities for residents to get involved in decisions about their neighbourhoods;		The AAP process has engaged and will continue to engage with the local community enabling them to shape the emerging Plan.
- make sure people in areas of high unemployment get access to job opportunities;		The AAP will promote a significant amount of new office and retail floorspace. This will create jobs for local people.
- promote learning and raise achievement to make sure people from all neighbourhoods have the best opportunities;		The AAP will promote a new primary school as well as other community uses. However, the extent to which the AAP can directly influence this priority is limited.
- improve life expectancy and reduce health inequalities between neighbourhoods;		The new neighbourhood within the Eastern Fringes area will be well related to existing health facilities such as remaining facilities at the DRI. The Plan will also promote walking and cycling which will help to promote healthier lifestyles.

- protect and enhance buildings, streets and the natural environment in neighbourhoods;		The AAP will promote the conservation of the former railway village buildings within the conservation area and other buildings of historical and architectural value.
- provide varied and attractive cultural and sporting opportunities for everyone within their neighbourhood;		The AAP will promote improved access and increased usage of Bass's Rec. This is a currently underused facility that could be used for a number of sporting and cultural events/activities.
- make sure that existing and future housing is appropriate to meet the housing needs of all parts of the community;		The AAP will promote a significant amount of new city centre housing. The housing will provide a mix of tenures and types for people of all ages and backgrounds.

	Preferred Option moving towards achievement of DCP priority
	Unknown, depends upon the implementation of the Plan
	Neutral, no relationship with DCP priority
	Preferred Option moving away from the achievement of DCP priority

Table A1.3 Compatibility with Derby City Councils' Corporate Plan 2008-2011

Derby City Councils' Corporate Priorities as detailed in the Corporate Plan		
Priorities 2007 - 2010	Potential Impact of Preferred Option	Comment
Making us proud of our neighbourhoods		
Reducing crime and anti-social behaviour		New development in the Eastern Fringes will be designed to 'design out crime' with input from the local police force. This will hopefully have a positive impact but the exact impacts cannot be determined until new development is in place.
Making Derby cleaner and greener		The AAP will introduce a network of green spaces connected by green links / corridors. The AAP also hopes to achieve high quality sustainable development, utilising the standards set out in the Code for Sustainable Homes. By introducing high quality architecture and public realm it is hoped that a sense of civic pride will be generated thus enabling much of the built environment to be managed and maintained by the community.
Providing greater opportunities for people to participate in decisions about the area they live in		The AAP process has engaged and will continue to engage with the local community enabling them to shape the emerging Plan.

Reducing inequalities between neighbourhoods by supporting the creation of job opportunities		The AAP will promote a significant amount of new office and retail floorspace. This will create new job opportunities on the doorstep of some of the most deprived neighbourhoods in the city.
Improving the standard and range of affordable housing		The AAP will seek to negotiate the provision of 30% affordable housing in the Eastern Fringes area. A range of types and tenures will also be sought.
Building strong and sustainable community relations across Derby		The implementation of the Preferred Option proposals should lead to the development of a new community at the heart of the city centre. The location of the new community should facilitate sustainable lifestyles and the provision of community facilities.
Improving facilities in our neighbourhoods.		The new development within the Eastern Fringes area will help to deliver new facilities such as a new primary school, children's play facilities, community facilities and new areas of open space.
Creating a 21st Century City Centre		
Increasing economic growth and sustainable investment		The AAP aims to relocate any affected businesses in the Castleward area within the City so that there are no overall losses of existing businesses. The allocation of significant amounts of office space and retail space will help to increase economic growth and promote sustainable investment.
Improving accessibility to the city centre		The proposed boulevard linking the railway station to the city centre and the bus station will significantly improve the accessibility of the city centre.

<p>Increasing the quality of open spaces and the range of cultural facilities in the city centre</p>		<p>The AAP proposes a new pedestrian link from the Castleward area to Bass's Rec, significantly improving access to the green area. As part of the development there will also be a network of green spaces linked by a network of green corridors/links. There will be a noticeable increase in the amount of green space compared to the current level of provision.</p>
<p>Leading Derby towards a better environment</p>		
<p>Reducing the level of carbon emissions</p>		<p>As with any high density new development, the development proposed in the AAP will increase CO2 emissions. This must be weighed up against the requirement to provide more housing.</p> <p>Alternatively the housing could be provided in greenfield areas on the periphery of the city centre. These sites are less sustainable and generate a greater need for personal car usage. Allocating housing adjacent to the city centre thus reduces the need to travel and subsequently reduces potential carbon emissions.</p>
<p>Raising awareness of climate change and local environmental issues</p>		<p>The AAP will expect all new homes to built in line with the Code for Sustainable Homes, as a minimum meeting level 3. Office development will also be expected to be built in line with BREEAM 'very good' standards.</p> <p>The AAP will continue to recognise the wildlife corridor and SINC adjacent to Bass's Rec.</p> <p>By recognising local environmental matters and by promoting sustainable design and building techniques it is hoped that awareness of climate change and local issues can be increased and brought to the fore. However, it is difficult to determine the extent of this until development takes place.</p>

Caring for Derby's heritage		The AAP will promote the conservation of the former railway village buildings within the conservation area and other buildings of historical and architectural value.
Supporting everyone in learning and achieving		
Improving educational achievement and narrowing gaps in attainment		The AAP will promote a new primary school as well as other community uses. However, the extent to which the AAP can directly influence this priority is limited.
Providing learning opportunities to raise skills levels for all		It is difficult to determine the relationship between skills development and the AAP.
Helping us to all to be healthy, active and independent		
Raising the quality of social care for vulnerable and older people		It is difficult to determine the relationship between the quality of social care and the AAP.
Improving the health and well being of our communities		The new neighbourhood within the Eastern Fringes area will be well related to existing health facilities such as remaining facilities at the DRI. The Plan will also promote walking and cycling which will help to promote healthier lifestyles.
Responding quickly and effectively to local needs of children, young people and their parents / carers		It is difficult to determine the relationship between responding quickly and effectively to young people and their parents / carers and the proposals in the AAP.

	Preferred Option moving towards achievement of corporate priority
	Unknown, depends upon the implementation of the Plan
	Neutral, no relationship with corporate priority
	Preferred Option moving away from the achievement of corporate priority

Appendix 2 - Saved and Replaced Policies

The following table lists the site specific polices in the City of Derby Local Plan Review that will be replaced by the AAP.

Table A2.1: CDLPR Policies Replaced	
Chapter	Policies Replaced.
City Centre	CC13 (Castleward); CC14 (Wellington Street); CC15h (Improvements within the Central Area)
Housing	H2b (Barlow Street)
Economic Prosperity	EP11 (Development within Existing Business and Industrial Areas – land within Eastern Fringes only)
Learning and Health	LE6 (Derbyshire Royal Infirmary).

The following table lists the *site specific* policies in the City of Derby Local Plan Review that will continue to be relevant. These are policies which will be supplemented by policies in the AAP (e.g. CDLPR Conservation Area

policy will be supplemented by Railway Conservation Area Design Guidance) and policies which will be relevant in all cases.

Table A2.2: CDLPR Policies Still Relevant	
Chapter	Policies.
City Centre	CC18 (Central Area Parking)
Environment	E4/Appendix B (Wildlife Sites – River Derwent and its banks – within Eastern Fringes area only); E6 (Wildlife Corridor – within Eastern Fringes Area only); E18 (Conservation Areas);
Leisure and Community Services	L1 (Protection of Parks and Public Open Spaces – land within Eastern Fringes only)

4. Regeneration

Introduction

- 4.1 Regeneration is a key theme of the Local Plan Review and a vital component of its sustainability agenda. National planning objectives encourage Local Authorities to contribute to an urban renaissance by making urban living more popular. Regeneration is also an important corporate objective at the local level. For instance, the Derby City Partnership Strategy 'Derby's 20:20 Vision' specifically identifies the importance of improving and redeveloping key sites, principally within the Inner City. Policies identify a number of specific regeneration opportunities and priority areas. This chapter sets out policies for mixed use regeneration opportunities (Policies R2 – R6). City Centre regeneration priorities are contained in Chapter 5 (Policies CC4, CC5, CC6, CC8, CC9, CC12 and CC13) and Employment regeneration opportunities are set out in Chapter 7 (Policies EP1, EP2, EP3, EP5, EP6 and EP7). This Chapter also gives a special status to the Normanton Road/ Peartree Road area as a Linear Centre and includes a policy to support its continued regeneration.

Regeneration Strategy

R1 Regeneration Priorities

The City Council will give priority to the implementation of the following key regeneration opportunities:

Employment:

- **Chellaston Business Park - Land South of Wilmore Road, Sinfyn (EP1)**
- **Raynesway/Acordis (EP2)**
- **Pride Park, including the Roundhouse (EP3)**
- **Bombardier (EP5)**
- **Chaddesden Sidings (EP6 & EP7)**

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continued from page 4.1

City Centre

- **Becket Well Policy Area (CC4)**
- **Castlefields Main Centre (CC5)**
- **Bus Station (Riverlights) (CC6)**
- **Riverside – Derwent Street (CC8)**
- **Northern Quarter (CC9)**
- **Full Street Police Station, Magistrates’ Courts and Cathedral Gardens (CC12)**
- **Castle Ward (CC13)**

Mixed Use Regeneration Opportunities

- **Former Friar Gate Goods Yard and Environs (R2)**
- **Land to the South of Slack Lane (R3)**
- **Former Manor/ Kingsway Hospitals (R4)**
- **Baseball Ground (R5)**
- **Darley Abbey Mills (R6)**

Learning and Health

- **The Derbyshire Royal Infirmary (LE6)**

The Council will also give weight to development proposals that offer regeneration opportunities within the Council’s Neighbourhood Priority Areas, the Derwent Community Partnership Area (New Deal) and the City Centre.

- 4.2 Successful urban regeneration is vital to the sustainable development agenda. This means revitalising existing urban areas by bringing derelict and redundant land and buildings back into beneficial use. It also means supporting the Council’s wider anti-poverty and social inclusion objectives. Specific priority is given to the Council’s Priority Neighbourhoods, the New Deal Area, the City Centre and a number of key priority regeneration sites throughout the City. The key regeneration opportunity sites reflect the priorities of the Derby City Partnership. The City Centre Eastern Fringes Area

Action Plan DPD will provide a detailed planning framework for a major regeneration opportunity to the east of the City Centre, including the Castle Ward and DRI areas. Once adopted, this will supersede relevant policies set out in the Local Plan.

- 4.3 In order to help bring some of these sites forward, Derby Cityscape Ltd, Derby's Urban Regeneration Company, have published the Derby Cityscape Masterplan (2005). This provides important supplementary planning guidance and will complement other schemes such as 'Connecting Derby'.

Mixed Use Regeneration Opportunities

R2 Friar Gate Station and Environs

10 hectares is identified as a major mixed use regeneration opportunity on land around the former Friar Gate Railway Station.

Redevelopment of the site should meet the following objectives:

- 1. The construction of a minimum of 500 dwellings, of which 300 are expected to be completed within the plan period. The City Council will seek to negotiate the provision of a minimum of 150 affordable dwellings and appropriate supporting facilities;**
- 2. The retention, restoration and future maintenance of the Grade 2 Listed Buildings and their settings;**
- 3. Safeguarding a route for the proposed Mickleover/Mackworth Express Busway;**
- 4. A cycleway/walkway between Granville Street and the City Centre (east/west);**
- 5. A cycleway/walkway between Uttoxeter New Road and St. Alkmund's Way (north/south);**
- 6. A survey and mitigation strategy, to the satisfaction of the City Council of features of natural history importance;**
- 7. A survey of ground conditions within the site and the preparation of a mitigation strategy to demonstrate how any contamination will be alleviated.**

continued over page

within the Derwent Valley Mills Management Plan. The City Council is also preparing additional urban design and development advice for the site to assist in securing a quality development.

Areas on the fringe of the City Centre

CC13 Castle Ward

Within the Castle Ward Area, planning permission will be granted for new development, refurbishment and extensions for the following uses:

- a. **Business uses (B1);**
- b. **Residential and related uses (C1, C2, C3 and hostels);**
- c. **Food and drink uses (A3), provided these relate closely to the footway/cycleway route. Conditions will be attached to such permissions to prevent their subsequent change of use to retail (A1) and financial and professional service uses (A2); and**
- d. **Leisure uses (D2).**

Planning permission will only be granted for development provided it does not impair, and where appropriate enhances, the attractiveness of the footway/cycleway route linking Pride Park and the Railway Station with the City Centre.

- 5.22 This area occupies a strategic position between the City Centre Shopping Area and the railway and bus stations. It has a wide range of uses including housing, offices, industry, car showrooms, and storage and distribution. The Derby Cityscape Masterplan identifies this area as a key opportunity for change and, as such, it has been identified as a key regeneration opportunity under Policy R1. Given its key location and the good access it enjoys from both road and rail, the area provides good opportunities for business / office development. These features also create the potential for further residential development. The Council would particularly like to encourage residential schemes that consolidate existing housing at the railway station end. Where appropriate, development should help to improve pedestrian and other links between the City Centre, the Railway Station and Pride Park.

CC14 Wellington Street

1.32 hectares of land off Wellington Street is identified for residential development to accommodate a minimum of 96 dwellings. It is expected that at least 64 dwellings will be completed within the Plan period. The City Council will seek to negotiate the provision of affordable housing based on a target of 30% of the overall housing provision on the site. Planning permission will also be granted for a small element of business (B1) development.

- 5.23 This site has been carried forward from the 1998 CDLP. It lies on both sides of Carrington Street and is currently used for car parking. As a result of its important strategic location between the railway station and the City Centre, it is particularly suitable for residential development. This could help consolidate the existing housing in this area, including the historically important Railway Cottages, into a high quality City Centre neighbourhood. The anticipated number of dwellings is based on the current average density for the area, but there may be scope to achieve a higher density in this location. Developers will be strongly encouraged to explore opportunities for a higher density design with the Council. The Council also considers that a small element of business uses can be satisfactorily integrated into a mainly residential scheme in a manner that creates a quality living environment.

If City Centre sites are not available then sites on the edge of the City Centre with good access by a choice of means of transport will be acceptable. If suitable sites in these areas are not available, then out-of-centre locations, which are accessible by public transport, pedestrians and cyclists are an acceptable alternative. In these circumstances, allocated employment sites are preferable to new isolated out-of-centre locations.

EP11 Development in Existing Business and Industrial Areas

Within the established business and industrial areas, planning permission will be granted for business, industrial and storage and distribution uses (B1, B2 and B8).

Where B2 or B8 uses would be likely to adversely affect the amenity of nearby residents, planning permission will be restricted to development within the B1 Use Class.

Planning permission will only be granted for the redevelopment of existing business or industrial sites or premises for alternative uses, provided that the following criteria are met

- a. In the case of sites near to residential areas, redevelopment would lead to an improved environment for residents;**
- b. It would not lead to a qualitative or quantitative deficiency in the supply of employment land;**
- c. The proposal would not be incompatible with established employment activity;**
- d. The proposal would not decrease the development potential of nearby land identified for business and industrial use.**

In considering alternative residential proposals (C3) a satisfactory living environment must be created and adequate supporting community facilities provided.

In considering alternative non- residential proposals, regard will be had to the employment generating potential of the alternative use.

- 7.37 Existing industrial and business areas are largely built-up. There may, however, be scope for additional development or redevelopment, especially

for the expansion of existing uses. Allowing development in such areas will prevent the accumulation of redundant land and protect job opportunities.

- 7.38 Some existing industrial and business areas are either located within mainly residential areas or are close to residential properties. Further economic development within these areas should ensure the protection of residential amenity. Where impact on amenity is a concern, business uses within the B1 Use Class are more able to complement a residential environment.
- 7.39 In some cases, the redevelopment of land used for business and industrial uses could alleviate conflicts between these and surrounding uses. This can bring benefits for the area as a whole, particularly where there is conflict between residential properties and business use. Residential redevelopment and associated community uses may help to improve the local environment and provide the opportunity to create more open space in inner-city areas. Residential redevelopment in these areas may also improve the mix of complementary land uses and help meet brownfield housing targets. It is, however, a requirement of the Structure Plan that an adequate business and industrial land supply is maintained and so proposals for development of existing business and industrial land should not override the employment objectives of the Plan.

EP12 Alternative Uses of Proposed Business and Industrial Areas

Planning permission will be granted for alternative uses provided that;

- a. The proposal would not lead to a qualitative or quantitative deficiency in the supply of employment land;**
- b. The proposal would not be incompatible with established employment activity;**
- c. The proposal would not decrease the development potential of nearby land identified for business and industrial use.**

In assessing such proposals, regard will be had to the employment generating potential of the alternative use.

- 7.40 It is important that sufficient land is allocated and available for business and industrial use to meet the economic needs of Derby and the Structure Plan requirements. However, in some circumstances it may be appropriate to

consider alternative uses to those specified in the policies, particularly for uses where specific sites have not been allocated. A key factor in any application for an alternative use will be the site's value to the employment land supply. This is not only in terms of the overall amount of land in the City but also the prevalence, range and quality of sites in the vicinity of the proposal. In addition, the Council will carefully consider whether new 'alternative' development can reasonably co-exist with existing business and industrial operations and try to ensure that development does not prohibit industrial or business activity on land allocated for that use. The Council also recognises that in a modern economy not all employment opportunities fall strictly within the B1, B2 or B8 use classes. Therefore, the job creation potential of any alternative proposal will be taken into account. In considering proposals, the Council will give full weight to other policies of this Plan.

EP13 Business and Industrial Development in Other Areas

In order to maximise employment opportunities, the City Council will grant planning permission for business and industrial uses outside allocated sites, provided that it would not conflict with other policies of the Local Plan and:

- a. It would not lead to a gross over-supply of business and industrial land in relation to the Structure Plan requirement;**
- b. Where B2 or B8 uses would be likely to adversely affect the amenity of nearby residents, planning permission is restricted to development within the B1 Use Class.**
- c. The proposal is well integrated with the existing pattern of development and avoids prominent intrusion into the countryside.**

7.41 There will be occasions where proposals are made to use unallocated sites or buildings for business use. Such development can often be beneficial to the economy of the City and to specific local areas. Such proposals may offer sustainable development advantages such as improving the mix of land uses in an area. National advice in PPG4 specifically advocates provision for small businesses in residential areas.

7.42 It would, however, be counter-productive to allow very high levels of development on unallocated sites resulting in an oversupply of land. This



Ministry of Housing,
Communities &
Local Government

National Planning Policy Framework



National Planning Policy Framework

Presented to Parliament
by the Secretary of State for Housing, Communities and Local Government
by Command of Her Majesty

February 2019



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Ministry of Housing, Communities and Local Government,
Fry Building, 2 Marsham Street, London, SW1P 4DF

or complete the form at <http://forms.communities.gov.uk/>

ISBN 978-1-5286-1033-9

CCS0219561600 02/19

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by the APS Group on behalf of the Controller of Her Majesty's Stationery Office

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1. Introduction

1. The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied¹. It provides a framework within which locally-prepared plans for housing and other development can be produced.
2. Planning law requires that applications for planning permission be determined in accordance with the development plan², unless material considerations indicate otherwise³. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
3. The Framework should be read as a whole (including its footnotes and annexes). General references to planning policies in the Framework should be applied in a way that is appropriate to the type of plan being produced, taking into account policy on plan-making in chapter 3.
4. The Framework should be read in conjunction with the Government's planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant.
5. The Framework does not contain specific policies for nationally significant infrastructure projects. These are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications.
6. Other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission.

¹ This document replaces the first National Planning Policy Framework published in March 2012, and includes minor clarifications to the revised version published in July 2018.

² This includes local and neighbourhood plans that have been brought into force and any spatial development strategies produced by combined authorities or elected Mayors (see glossary).

³ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

2. Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs⁴.
8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
 - a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11).

⁴ Resolution 42/187 of the United Nations General Assembly.

The presumption in favour of sustainable development

11. Plans and decisions should apply a presumption in favour of sustainable development.

For **plan-making** this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁵, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁶; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

⁵ As established through statements of common ground (see paragraph 27).

⁶ The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

⁷ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.

12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
13. The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.
14. In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply⁸:
 - a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
 - c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
 - d) the local planning authority's housing delivery was at least 45% of that required⁹ over the previous three years.

⁸ Transitional arrangements are set out in Annex 1.

⁹ Assessed against the Housing Delivery Test, from November 2018 onwards.

3. Plan-making

15. The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
16. Plans should:
 - a) be prepared with the objective of contributing to the achievement of sustainable development¹⁰;
 - b) be prepared positively, in a way that is aspirational but deliverable;
 - c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
 - d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
 - e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
 - f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

The plan-making framework

17. The development plan must include strategic policies to address each local planning authority's priorities for the development and use of land in its area¹¹. These strategic policies can be produced in different ways, depending on the issues and opportunities facing each area. They can be contained in:
 - a) joint or individual local plans, produced by authorities working together or independently (and which may also contain non-strategic policies); and/or
 - b) a spatial development strategy produced by an elected Mayor or combined authority, where plan-making powers have been conferred.
18. Policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies.
19. The development plan for an area comprises the combination of strategic and non-strategic policies which are in force at a particular time.

¹⁰ This is a legal requirement of local planning authorities exercising their plan-making functions (section 39(2) of the Planning and Compulsory Purchase Act 2004).

¹¹ Section 19(1B-1E) of the Planning and Compulsory Purchase Act 2004.

Strategic policies

20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision¹² for:
 - a) housing (including affordable housing), employment, retail, leisure and other commercial development;
 - b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - c) community facilities (such as health, education and cultural infrastructure); and
 - d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.
21. Plans should make explicit which policies are strategic policies¹³. These should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any non-strategic policies that are needed. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies.
22. Strategic policies should look ahead over a minimum 15 year period from adoption¹⁴, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.
23. Broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be demonstrated to be met more appropriately through other mechanisms, such as brownfield registers or non-strategic policies)¹⁵.

¹² In line with the presumption in favour of sustainable development.

¹³ Where a single local plan is prepared the non-strategic policies should be clearly distinguished from the strategic policies.

¹⁴ Except in relation to town centre development, as set out in chapter 7.

¹⁵ For spatial development strategies, allocations, land use designations and a policies map are needed only where the power to make allocations has been conferred.

Maintaining effective cooperation

24. Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.
25. Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. They should also engage with their local communities and relevant bodies including Local Enterprise Partnerships, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected Mayors and combined authorities (in cases where Mayors or combined authorities do not have plan-making powers).
26. Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.
27. In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.

Non-strategic policies

28. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.
29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies¹⁶.
30. Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

¹⁶ Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.

Preparing and reviewing plans

31. The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.
32. Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements¹⁷. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).
33. Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary¹⁸. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.

Development contributions

34. Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

Examining plans

35. Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:

¹⁷ The reference to relevant legal requirements refers to Strategic Environmental Assessment. Neighbourhood plans may require Strategic Environmental Assessment, but only where there are potentially significant environmental effects.

¹⁸ Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.
36. These tests of soundness will be applied to non-strategic policies²⁰ in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies for the area.
37. Neighbourhood plans must meet certain ‘basic conditions’ and other legal requirements²¹ before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.

¹⁹ Where this relates to housing, such needs should be assessed using a clear and justified method, as set out in paragraph 60 of this Framework.

²⁰ Where these are contained in a local plan.

²¹ As set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

4. Decision-making

38. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Pre-application engagement and front-loading

39. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.
40. Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.
41. The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.
42. The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage. Wherever possible, parallel processing of other consents should be encouraged to help speed up the process and resolve any issues as early as possible.
43. The right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible.
44. Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two

years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.

45. Local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them.
46. Applicants and local planning authorities should consider the potential for voluntary planning performance agreements, where this might achieve a faster and more effective application process. Planning performance agreements are likely to be needed for applications that are particularly large or complex to determine.

Determining applications

47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.
48. Local planning authorities may give weight to relevant policies in emerging plans according to:
 - a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)²².
49. However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
 - a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

²² During the transitional period for emerging plans submitted for examination (set out in paragraph 214), consistency should be tested against the previous Framework published in March 2012.

50. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

Tailoring planning controls to local circumstances

51. Local planning authorities are encouraged to use Local Development Orders to set the planning framework for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.
52. Communities can use Neighbourhood Development Orders and Community Right to Build Orders to grant planning permission. These require the support of the local community through a referendum. Local planning authorities should take a proactive and positive approach to such proposals, working collaboratively with community organisations to resolve any issues before draft orders are submitted for examination.
53. The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities). Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.

Planning conditions and obligations

54. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
55. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification²³.
56. Planning obligations must only be sought where they meet all of the following tests²⁴:

²³ When in force, sections 100ZA(4-6) of the Town and Country Planning Act 1990 will require the applicant's written agreement to the terms of a pre-commencement condition, unless prescribed circumstances apply.

²⁴ Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
57. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Enforcement

58. Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.

5. Delivering a sufficient supply of homes

59. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
60. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.
61. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers²⁵, people who rent their homes and people wishing to commission or build their own homes²⁶).
62. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required²⁷, and expect it to be met on-site unless:
 - a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
 - b) the agreed approach contributes to the objective of creating mixed and balanced communities.
63. Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount²⁸.
64. Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for

²⁵ Planning Policy for Traveller Sites sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document.

²⁶ Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.

²⁷ Applying the definition in Annex 2 to this Framework.

²⁸ Equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.

affordable home ownership²⁹, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) provides solely for Build to Rent homes;
 - b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
 - c) is proposed to be developed by people who wish to build or commission their own homes; or
 - d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.
65. Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations³⁰. Once the strategic policies have been adopted, these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement.
66. Where it is not possible to provide a requirement figure for a neighbourhood area³¹, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

Identifying land for homes

67. Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:
- a) specific, deliverable sites for years one to five of the plan period³²; and

²⁹ As part of the overall affordable housing contribution from the site.

³⁰ Except where a Mayoral, combined authority or high-level joint plan is being prepared as a framework for strategic policies at the individual local authority level; in which case it may be most appropriate for the local authority plans to provide the requirement figure.

³¹ Because a neighbourhood area is designated at a late stage in the strategic policy-making process, or after strategic policies have been adopted; or in instances where strategic policies for housing are out of date.

³² With an appropriate buffer, as set out in paragraph 73. See glossary for definitions of deliverable and developable.

- b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.
68. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:
- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;
 - b) use tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward;
 - c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and
 - d) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.
69. Neighbourhood planning groups should also consider the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 68a) suitable for housing in their area.
70. Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
71. Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should:
- a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and
 - b) be adjacent to existing settlements, proportionate in size to them³³, not compromise the protection given to areas or assets of particular importance in this Framework³⁴, and comply with any local design policies and standards.

³³ Entry-level exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement.

³⁴ i.e. the areas referred to in footnote 6. Entry-level exception sites should not be permitted in National Parks (or within the Broads Authority), Areas of Outstanding Natural Beauty or land designated as Green Belt.

72. The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities. Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:
- a) consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains;
 - b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;
 - c) set clear expectations for the quality of the development and how this can be maintained (such as by following Garden City principles), and ensure that a variety of homes to meet the needs of different groups in the community will be provided;
 - d) make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites, and identify opportunities for supporting rapid implementation (such as through joint ventures or locally-led development corporations)³⁵; and
 - e) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size.

Maintaining supply and delivery

73. Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies³⁶, or against their local housing need where the strategic policies are more than five years old³⁷. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

³⁵ The delivery of large scale developments may need to extend beyond an individual plan period, and the associated infrastructure requirements may not be capable of being identified fully at the outset. Anticipated rates of delivery and infrastructure requirements should, therefore, be kept under review and reflected as policies are updated.

³⁶ For the avoidance of doubt, a five year supply of deliverable sites for travellers – as defined in Annex 1 to Planning Policy for Traveller Sites – should be assessed separately, in line with the policy in that document.

³⁷ Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.

- a) 5% to ensure choice and competition in the market for land; or
 - b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan³⁸, to account for any fluctuations in the market during that year; or
 - c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply³⁹.
74. A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:
- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and
 - b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.
75. To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.
76. To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability. For major development involving the provision of housing, local planning authorities should also assess why any earlier grant of planning permission for a similar development on the same site did not start.

Rural housing

77. In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.
78. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this

³⁸ For the purposes of paragraphs 73b and 74 a plan adopted between 1 May and 31 October will be considered 'recently adopted' until 31 October of the following year; and a plan adopted between 1 November and 30 April will be considered recently adopted until 31 October in the same year.

³⁹ From November 2018, this will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement.

will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

79. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential dwelling; or
 - e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

6. Building a strong, competitive economy

80. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation⁴⁰, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.
81. Planning policies should:
- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;
 - b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
 - c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
 - d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.
82. Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.

Supporting a prosperous rural economy

83. Planning policies and decisions should enable:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - b) the development and diversification of agricultural and other land-based rural businesses;
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

⁴⁰ The Government's Industrial Strategy sets out a vision to drive productivity improvements across the UK, identifies a number of Grand Challenges facing all nations, and sets out a delivery programme to make the UK a leader in four of these: artificial intelligence and big data; clean growth; future mobility; and catering for an ageing society. HM Government (2017) *Industrial Strategy: Building a Britain fit for the future*.

- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
84. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

7. Ensuring the vitality of town centres

85. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:
- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
 - b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;
 - c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;
 - d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;
 - e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and
 - f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
86. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
87. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
88. This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.

89. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:
- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
90. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.

8. Promoting healthy and safe communities

91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:
- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
 - b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and
 - c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
92. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
 - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
 - d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
 - e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
93. Planning policies and decisions should consider the social, economic and environmental benefits of estate regeneration. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard.
94. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
 - b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.
95. Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:
- a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate⁴¹. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and
 - b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

Open space and recreation

96. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.
97. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
98. Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

⁴¹ This includes transport hubs, night-time economy venues, cinemas and theatres, sports stadia and arenas, shopping centres, health and education establishments, places of worship, hotels and restaurants, visitor attractions and commercial centres.

99. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.
100. The Local Green Space designation should only be used where the green space is:
- a) in reasonably close proximity to the community it serves;
 - b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
 - c) local in character and is not an extensive tract of land.
101. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.

9. Promoting sustainable transport

102. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
- a) the potential impacts of development on transport networks can be addressed;
 - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
 - c) opportunities to promote walking, cycling and public transport use are identified and pursued;
 - d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
 - e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
103. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
104. Planning policies should:
- a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;
 - b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;
 - c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;
 - d) provide for high quality walking and cycling networks and supporting facilities such as cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);

- e) provide for any large scale transport facilities that need to be located in the area⁴², and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements; and
 - f) recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government’s General Aviation Strategy⁴³.
105. If setting local parking standards for residential and non-residential development, policies should take into account:
- a) the accessibility of the development;
 - b) the type, mix and use of development;
 - c) the availability of and opportunities for public transport;
 - d) local car ownership levels; and
 - e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
106. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.
107. Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use.

Considering development proposals

108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

⁴² Policies for large scale facilities should, where necessary, be developed through collaboration between strategic policy-making authorities and other relevant bodies. Examples of such facilities include ports, airports, interchanges for rail freight, public transport projects and roadside services. The primary function of roadside services should be to support the safety and welfare of the road user (and most such proposals are unlikely to be nationally significant infrastructure projects).

⁴³ Department for Transport (2015) *General Aviation Strategy*.

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
110. Within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
111. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

10. Supporting high quality communications

112. Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).
113. The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.
114. Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:
 - a) they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
 - b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.
115. Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:
 - a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
 - b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or
 - c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure

and a statement that self-certifies that, when operational, International Commission guidelines will be met.

116. Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

11. Making effective use of land

117. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land⁴⁴.
118. Planning policies and decisions should:
- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
 - b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
 - c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
 - d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)⁴⁵; and
 - e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.
119. Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.

⁴⁴ Except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity.

⁴⁵ As part of this approach, plans and decisions should support efforts to identify and bring back into residential use empty homes and other buildings, supported by the use of compulsory purchase powers where appropriate.

120. Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:
- a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
 - b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.
121. Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:
- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
 - b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

Achieving appropriate densities

122. Planning policies and decisions should support development that makes efficient use of land, taking into account:
- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
 - b) local market conditions and viability;
 - c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
 - d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
 - e) the importance of securing well-designed, attractive and healthy places.
123. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:

- a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;
- b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and
- c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

12. Achieving well-designed places

124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
125. Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.
126. To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality standard of design. However their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified.
127. Planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
128. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
129. Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for Life⁴⁷. These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.
130. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).
131. In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
132. The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

⁴⁶ Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.

⁴⁷ Birkbeck D and Kruczkowski S (2015) *Building for Life 12: The sign of a good place to live*.

13. Protecting Green Belt land

133. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
134. Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
135. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. Any proposals for new Green Belts should be set out in strategic policies, which should:
- a) demonstrate why normal planning and development management policies would not be adequate;
 - b) set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;
 - c) show what the consequences of the proposal would be for sustainable development;
 - d) demonstrate the necessity for the Green Belt and its consistency with strategic policies for adjoining areas; and
 - e) show how the Green Belt would meet the other objectives of the Framework.
136. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.

137. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:
- a) makes as much use as possible of suitable brownfield sites and underutilised land;
 - b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
 - c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.
138. When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.
139. When defining Green Belt boundaries, plans should:
- a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
 - b) not include land which it is unnecessary to keep permanently open;
 - c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
 - d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;
 - e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and
 - f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

140. If it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.
141. Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
142. The National Forest and Community Forests offer valuable opportunities for improving the environment around towns and cities, by upgrading the landscape and providing for recreation and wildlife. The National Forest Strategy and an approved Community Forest Plan may be a material consideration in preparing development plans and in deciding planning applications. Any development proposals within the National Forest and Community Forests in the Green Belt should be subject to the normal policies for controlling development in Green Belts.

Proposals affecting the Green Belt

143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
145. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
 - a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
146. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a) mineral extraction;
 - b) engineering operations;
 - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.
147. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

14. Meeting the challenge of climate change, flooding and coastal change

148. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Planning for climate change

149. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures⁴⁸. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.
150. New development should be planned for in ways that:
- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
 - b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.
151. To help increase the use and supply of renewable and low carbon energy and heat, plans should:
- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);
 - b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
 - c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

⁴⁸ In line with the objectives and provisions of the Climate Change Act 2008.

152. Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.
153. In determining planning applications, local planning authorities should expect new development to:
- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
 - b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
154. When determining planning applications for renewable and low carbon development, local planning authorities should:
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - b) approve the application if its impacts are (or can be made) acceptable⁴⁹. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

Planning and flood risk

155. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
156. Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.
157. All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change

⁴⁹ Except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.

– so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

- a) applying the sequential test and then, if necessary, the exception test as set out below;
- b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
- c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and
- d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.

158. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

159. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.

160. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

161. Both elements of the exception test should be satisfied for development to be allocated or permitted.

162. Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account.

163. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment⁵⁰. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
164. Applications for some minor development and changes of use⁵¹ should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 50.
165. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.

Coastal change

166. In coastal areas, planning policies and decisions should take account of the UK Marine Policy Statement and marine plans. Integrated Coastal Zone Management should be pursued across local authority and land/sea boundaries, to ensure effective alignment of the terrestrial and marine planning regimes.

⁵⁰ A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

⁵¹ This includes householder development, small non-residential extensions (with a footprint of less than 250m²) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate.

167. Plans should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast. They should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast, and:
- a) be clear as to what development will be appropriate in such areas and in what circumstances; and
 - b) make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas.
168. Development in a Coastal Change Management Area will be appropriate only where it is demonstrated that:
- a) it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;
 - b) the character of the coast including designations is not compromised;
 - c) the development provides wider sustainability benefits; and
 - d) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast⁵².
169. Local planning authorities should limit the planned lifetime of development in a Coastal Change Management Area through temporary permission and restoration conditions, where this is necessary to reduce a potentially unacceptable level of future risk to people and the development.

⁵² As required by the Marine and Coastal Access Act 2009.

15. Conserving and enhancing the natural environment

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
 - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
171. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework⁵³; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.
172. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks

⁵³ Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

and the Broads⁵⁴. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development⁵⁵ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

173. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 172), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

Habitats and biodiversity

174. To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁵⁶; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation⁵⁷; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

175. When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts),

⁵⁴ *English National Parks and the Broads: UK Government Vision and Circular 2010* provides further guidance and information about their statutory purposes, management and other matters.

⁵⁵ For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

⁵⁶ Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.

⁵⁷ Where areas that are part of the Nature Recovery Network are identified in plans, it may be appropriate to specify the types of development that may be suitable within them.

adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

176. The following should be given the same protection as habitats sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;
- b) listed or proposed Ramsar sites⁵⁹; and
- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

177. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Ground conditions and pollution

178. Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any

⁵⁸ For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

⁵⁹ Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site.

proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
 - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.
179. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁶⁰;
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
 - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
181. Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
182. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent

⁶⁰ See Explanatory Note to the *Noise Policy Statement for England* (Department for Environment, Food & Rural Affairs, 2010).

of change') should be required to provide suitable mitigation before the development has been completed.

183. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

16. Conserving and enhancing the historic environment

184. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value⁶¹. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations⁶².
185. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:
- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
 - b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - c) the desirability of new development making a positive contribution to local character and distinctiveness; and
 - d) opportunities to draw on the contribution made by the historic environment to the character of a place.
186. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.
187. Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to:
- a) assess the significance of heritage assets and the contribution they make to their environment; and
 - b) predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.

⁶¹ Some World Heritage Sites are inscribed by UNESCO to be of natural significance rather than cultural significance; and in some cases they are inscribed for both their natural and cultural significance.

⁶² The policies set out in this chapter relate, as applicable, to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-making.

188. Local planning authorities should make information about the historic environment, gathered as part of policy-making or development management, publicly accessible.

Proposals affecting heritage assets

189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
191. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.
192. In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.

Considering potential impacts

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional⁶³.
195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
198. Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
199. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible⁶⁴. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

⁶³ Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

⁶⁴ Copies of evidence should be deposited with the relevant historic environment record, and any archives with a local museum or other public depository.

200. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
201. Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.
202. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

17. Facilitating the sustainable use of minerals

203. It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.
204. Planning policies should:
- a) provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction;
 - b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;
 - c) safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);
 - d) set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;
 - e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;
 - f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;
 - g) when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction; and
 - h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place.

205. When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy⁶⁵. In considering proposals for mineral extraction, minerals planning authorities should:
- a) as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas;
 - b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
 - c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source⁶⁶, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
 - d) not grant planning permission for peat extraction from new or extended sites;
 - e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
 - f) consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and
 - g) recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.
206. Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.

Maintaining supply

207. Minerals planning authorities should plan for a steady and adequate supply of aggregates by:
- a) preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years' sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);

⁶⁵ Except in relation to the extraction of coal, where the policy at paragraph 211 of this Framework applies.

⁶⁶ National planning guidance on minerals sets out how these policies should be implemented.

- b) participating in the operation of an Aggregate Working Party and taking the advice of that party into account when preparing their Local Aggregate Assessment;
- c) making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans, taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;
- d) taking account of any published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;
- e) using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
- f) maintaining landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised⁶⁷;
- g) ensuring that large landbanks bound up in very few sites do not stifle competition; and
- h) calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

208. Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:

- a) co-operating with neighbouring and more distant authorities to ensure an adequate provision of industrial minerals to support their likely use in industrial and manufacturing processes;
- b) encouraging safeguarding or stockpiling so that important minerals remain available for use;
- c) maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment⁶⁸; and
- d) taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.

⁶⁷ Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites.

⁶⁸ These reserves should be at least 10 years for individual silica sand sites; at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant, and for silica sand sites where significant new capital is required; and at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln.

Oil, gas and coal exploration and extraction

209. Minerals planning authorities should*:
- b) when planning for on-shore oil and gas development, clearly distinguish between, and plan positively for, the three phases of development (exploration, appraisal and production), whilst ensuring appropriate monitoring and site restoration is provided for;
 - c) encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility;
 - d) indicate any areas where coal extraction and the disposal of colliery spoil may be acceptable;
 - e) encourage the capture and use of methane from coal mines in active and abandoned coalfield areas; and
 - f) provide for coal producers to extract separately, and if necessary stockpile, fireclay so that it remains available for use.
210. When determining planning applications, minerals planning authorities should ensure that the integrity and safety of underground storage facilities are appropriate, taking into account the maintenance of gas pressure, prevention of leakage of gas and the avoidance of pollution.
211. Planning permission should not be granted for the extraction of coal unless:
- a) the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or
 - b) if it is not environmentally acceptable, then it provides national, local or community benefits which clearly outweigh its likely impacts (taking all relevant matters into account, including any residual environmental impacts).

* Paragraph 209a has been removed following the decision in *R (on the application of Stephenson) v Secretary of State for Housing, Communities and Local Government* [2019] EWHC 519 (Admin).

Annex 1: Implementation

212. The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.
213. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
214. The policies in the previous Framework published in March 2012 will apply for the purpose of examining plans, where those plans were submitted⁶⁹ on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.
215. The Housing Delivery Test will apply from the day following the publication of the Housing Delivery Test results in November 2018. For the purpose of footnote 7 in this Framework, delivery of housing which was substantially below the housing requirement means where the Housing Delivery Test results published in:
- a) November 2018 indicate that delivery was below 25% of housing required over the previous three years;
 - b) November 2019 indicate that delivery was below 45% of housing required over the previous three years;
 - c) November 2020 and in subsequent years indicate that delivery was below 75% of housing required over the previous three years.
216. For the purpose of paragraph 14:
- a) up to and including 11 December 2018, paragraph 14a also includes neighbourhood plans that became part of the development plan more than two years before the date on which the decision is made; and
 - b) from November 2018 to November 2019, housing delivery should be at least 25% of that required over the previous three years, as measured by the Housing Delivery Test.

⁶⁹ For spatial development strategies, 'submission' in this context means the point at which the Mayor sends to the Panel copies of all representations made in accordance with regulation 8(1) of the Town and Country Planning (London Spatial Development Strategy) Regulations 2000, or equivalent. For neighbourhood plans, 'submission' in this context means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

217. The Government will continue to explore with individual areas the potential for planning freedoms and flexibilities, for example where this would facilitate an increase in the amount of housing that can be delivered.

Annex 2: Glossary

Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

- a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
- b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.
- c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
- d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

Air quality management areas: Areas designated by local authorities because they are not likely to achieve national air quality objectives by the relevant deadlines.

Ancient or veteran tree: A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.

Ancient woodland: An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS).

Annual position statement: A document setting out the 5 year housing land supply position on 1st April each year, prepared by the local planning authority in consultation with developers and others who have an impact on delivery.

Archaeological interest: There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.

Best and most versatile agricultural land: Land in grades 1, 2 and 3a of the Agricultural Land Classification.

Brownfield land: See previously developed land.

Brownfield land registers: Registers of previously developed land that local planning authorities consider to be appropriate for residential development, having regard to criteria in the Town and Country Planning (Brownfield Land Registers) Regulations 2017. Local planning authorities will be able to trigger a grant of permission in principle for residential development on suitable sites in their registers where they follow the required procedures.

Build to Rent: Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.

Climate change adaptation: Adjustments made to natural or human systems in response to the actual or anticipated impacts of climate change, to mitigate harm or exploit beneficial opportunities.

Climate change mitigation: Action to reduce the impact of human activity on the climate system, primarily through reducing greenhouse gas emissions.

Coastal change management area: An area identified in plans as likely to be affected by physical change to the shoreline through erosion, coastal landslip, permanent inundation or coastal accretion.

Community forest: An area identified through the England Community Forest Programme to revitalise countryside and green space in and around major conurbations.

Community Right to Build Order: An Order made by the local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a site-specific development proposal or classes of development.

Competent person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.

Conservation (for heritage policy): The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

Decentralised energy: Local renewable and local low-carbon energy sources.

Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

Design code: A set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The graphic and written components of the code should build upon a design vision, such as a masterplan or other design and development framework for a site or area.

Designated heritage asset: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

Designated rural areas: National Parks, Areas of Outstanding Natural Beauty and areas designated as 'rural' under Section 157 of the Housing Act 1985.

Developable: To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.

Development plan: Is defined in section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force. Neighbourhood plans that have been approved at referendum are also part of the development plan, unless the local planning authority decides that the neighbourhood plan should not be made.

Edge of centre: For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.

Entry-level exception site: A site that provides entry-level homes suitable for first time buyers (or equivalent, for those looking to rent), in line with paragraph 71 of this Framework.

Environmental impact assessment: A procedure to be followed for certain types of project to ensure that decisions are made in full knowledge of any likely significant effects

on the environment.

Essential local workers: Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

General aviation airfields: Licenced or unlicenced aerodromes with hard or grass runways, often with extensive areas of open land related to aviation activity.

Geodiversity: The range of rocks, minerals, fossils, soils and landforms.

Green infrastructure: A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

Habitats site: Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites.

Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

Heritage coast: Areas of undeveloped coastline which are managed to conserve their natural beauty and, where appropriate, to improve accessibility for visitors.

Historic environment: All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.

Historic environment record: Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.

Housing Delivery Test: Measures net additional dwellings provided in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the Housing Delivery Test results for each local authority in England every November.

International, national and locally designated sites of importance for biodiversity: All international sites (Special Areas of Conservation, Special Protection Areas, and Ramsar sites), national sites (Sites of Special Scientific Interest) and locally designated sites including Local Wildlife Sites.

Irreplaceable habitat: Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and

veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.

Local Development Order: An Order made by a local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a specific development proposal or classes of development.

Local Enterprise Partnership: A body, designated by the Secretary of State for Housing, Communities and Local Government, established for the purpose of creating or improving the conditions for economic growth in an area.

Local housing need: The number of homes identified as being needed through the application of the standard method set out in national planning guidance (or, in the context of preparing strategic policies only, this may be calculated using a justified alternative approach as provided for in paragraph 60 of this Framework).

Local Nature Partnership: A body, designated by the Secretary of State for Environment, Food and Rural Affairs, established for the purpose of protecting and improving the natural environment in an area and the benefits derived from it.

Local planning authority: The public authority whose duty it is to carry out specific planning functions for a particular area. All references to local planning authority include the district council, London borough council, county council, Broads Authority, National Park Authority, the Mayor of London and a development corporation, to the extent appropriate to their responsibilities.

Local plan: A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. A local plan can consist of either strategic or non-strategic policies, or a combination of the two.

Main town centre uses: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

Major development⁷⁰: For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Major hazard sites, installations and pipelines: Sites and infrastructure, including licensed explosive sites and nuclear installations, around which Health and Safety Executive (and Office for Nuclear Regulation) consultation distances to mitigate the consequences to public safety of major accidents may apply.

⁷⁰ Other than for the specific purposes of paragraphs 172 and 173 in this Framework.

Minerals resources of local and national importance: Minerals which are necessary to meet society's needs, including aggregates, brickclay (especially Etruria Marl and fireclay), silica sand (including high grade silica sands), cement raw materials, gypsum, salt, fluorspar, shallow and deep-mined coal, oil and gas (including conventional and unconventional hydrocarbons), tungsten, kaolin, ball clay, potash, polyhalite and local minerals of importance to heritage assets and local distinctiveness.

Mineral Safeguarding Area: An area designated by minerals planning authorities which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development.

National trails: Long distance routes for walking, cycling and horse riding.

Natural Flood Management: managing flood and coastal erosion risk by protecting, restoring and emulating the natural 'regulating' function of catchments, rivers, floodplains and coasts.

Nature Recovery Network: An expanding, increasingly connected, network of wildlife-rich habitats supporting species recovery, alongside wider benefits such as carbon capture, water quality improvements, natural flood risk management and recreation. It includes the existing network of protected sites and other wildlife rich habitats as well as and landscape or catchment scale recovery areas where there is coordinated action for species and habitats.

Neighbourhood Development Order: An Order made by a local planning authority (under the Town and Country Planning Act 1990) through which parish councils and neighbourhood forums can grant planning permission for a specific development proposal or classes of development.

Neighbourhood plan: A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004.

Non-strategic policies: Policies contained in a neighbourhood plan, or those policies in a local plan that are not strategic policies.

Older people: People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.

Open space: All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

Original building: A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

Out of centre: A location which is not in or on the edge of a centre but not necessarily outside the urban area.

Out of town: A location out of centre that is outside the existing urban area.

Outstanding universal value: Cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations. An individual Statement of Outstanding Universal Value is agreed and adopted by the UNESCO World Heritage Committee for each World Heritage Site.

People with disabilities: People have a disability if they have a physical or mental impairment, and that impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. These persons include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs.

Permission in principle: A form of planning consent which establishes that a site is suitable for a specified amount of housing-led development in principle. Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed.

Planning condition: A condition imposed on a grant of planning permission (in accordance with the Town and Country Planning Act 1990) or a condition included in a Local Development Order or Neighbourhood Development Order.

Planning obligation: A legal agreement entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.

Playing field: The whole of a site which encompasses at least one playing pitch as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

Primary shopping area: Defined area where retail development is concentrated.

Priority habitats and species: Species and Habitats of Principal Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.

Ramsar sites: Wetlands of international importance, designated under the 1971 Ramsar Convention.

Renewable and low carbon energy: Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally

and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

Safeguarding zone: An area defined in Circular 01/03: *Safeguarding aerodromes, technical sites and military explosives storage areas*, to which specific safeguarding provisions apply.

Self-build and custom-build housing: Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.

Setting of a heritage asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Significance (for heritage policy): The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance.

Special Areas of Conservation: Areas defined by regulation 3 of the Conservation of Habitats and Species Regulations 2017 which have been given special protection as important conservation sites.

Special Protection Areas: Areas classified under regulation 15 of the Conservation of Habitats and Species Regulations 2017 which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds.

Site investigation information: Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175 Investigation of Potentially Contaminated Sites – Code of Practice).

Site of Special Scientific Interest: Sites designated by Natural England under the Wildlife and Countryside Act 1981.

Spatial development strategy: A plan containing strategic policies prepared by a Mayor or a combined authority. It includes the London Plan (prepared under provisions in the Greater London Authority Act 1999) and plans prepared by combined authorities that have been given equivalent plan-making functions by an order made under the Local Democracy, Economic Development and Construction Act 2009 (as amended).

Stepping stones: Pockets of habitat that, while not necessarily connected, facilitate the movement of species across otherwise inhospitable landscapes.

Strategic environmental assessment: A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

Strategic policies: Policies and site allocations which address strategic priorities in line with the requirements of Section 19 (1B-E) of the Planning and Compulsory Purchase Act 2004.

Strategic policy-making authorities: Those authorities responsible for producing strategic policies (local planning authorities, and elected Mayors or combined authorities, where this power has been conferred). This definition applies whether the authority is in the process of producing strategic policies or not.

Supplementary planning documents: Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

Sustainable transport modes: Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra low emission vehicles, car sharing and public transport.

Town centre: Area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres.

Transport assessment: A comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies measures required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport, and measures that will be needed deal with the anticipated transport impacts of the development.

Transport statement: A simplified version of a transport assessment where it is agreed the transport issues arising from development proposals are limited and a full transport assessment is not required.

Travel plan: A long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives and is regularly reviewed.

Wildlife corridor: Areas of habitat connecting wildlife populations.

Windfall sites: Sites not specifically identified in the development plan.

CORRECTION SLIP

Title: National Planning Policy Framework

Session: 2017/2019

CP 48

ISBN: 978-1-5286-1033-9

Laid before Parliament on 19 February 2019

Correction:

On 23 May 2019 the Secretary of State for Housing, Communities and Local Government issued a Written Ministerial Statement to remove paragraph 209a from the revised National Planning Policy Framework following a legal judgment.

In the light of this the following text should not appear: ‘recognise the benefits of on-shore oil and gas development, including unconventional hydrocarbons, for the security of energy supplies and supporting the transition to a low-carbon economy; and put in place policies to facilitate their exploration and extraction;’

The remainder of paragraph 209 is unaffected.

Dd June 2019



Ministry of Housing,
Communities &
Local Government

Guidance on Compulsory purchase process and The Crichel Down Rules

This compulsory purchase guidance updates the previous version published in February 2018. It applies only to England.

(The guidance contains internal hyperlinks to navigate within the document. You may need to install command icons on your toolbar to allow you to do this. This can be done by downloading the document then opening it as a PDF. Go to View, then Page Navigation and select Previous view/Next view. Once you click on a hyperlink, you can use the Previous arrow to take you back to your original place in the document.)



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Ministry of Housing, Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF
Telephone: 030 3444 0000

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July 2019

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Compulsory purchase guidance

Tier 1: compulsory purchase overview

Guidance relevant to all compulsory purchase orders

This tier contains guidance on:

- [General overview](#)
- The [compulsory purchase process](#):
 - [Stage 1: choosing the right compulsory purchase power](#)
 - [Stage 2: justifying a compulsory purchase order](#)
 - [Stage 3: preparing and making a compulsory purchase order](#)
 - [Stage 4: consideration of the compulsory purchase order](#)
 - [Stage 5: implementing a compulsory purchase order](#)
 - [Stage 6: compensation](#)

General overview

1. What are compulsory purchase powers?

These are powers which enable ('enabling powers') public bodies on which they are conferred to acquire land compulsorily. Compulsory purchase of land requires the approval of a confirming minister.

Compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life.

2. When should compulsory purchase powers be used?

Acquiring authorities should use compulsory purchase powers where it is expedient to do so. However, a compulsory purchase order should only be made where there is a compelling case in the public interest.

The confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the Order by agreement. Where acquiring authorities decide to/arrange to acquire land by agreement, they will pay compensation as if it had been compulsorily purchased, unless the land was already on offer on the open market.

Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. However, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Therefore, depending on when the land is required, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the acquiring authority to:

- plan a compulsory purchase timetable as a contingency measure; and
- initiate formal procedures

This will also help to make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.

When making and confirming an order, acquiring authorities and authorising authorities should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. The officers' report seeking authorisation for the compulsory purchase order should address human rights issues. Further guidance on human rights issues can be found on the [Equality and Human Rights Commission's website](#).

3. What should acquiring authorities consider when offering financial compensation in advance of a compulsory purchase order?

When offering financial compensation for land in advance of a compulsory purchase order, public sector organisations should, as is the norm, consider value for money in terms of the Exchequer as a whole in order to avoid any repercussive cost impacts or pressures on both the scheme in question and other publicly-funded schemes.

Acquiring authorities can consider all of the costs involved in the compulsory purchase process when assessing the appropriate payments for purchase of land in advance of compulsory purchase. For instance, the early acquisition may avoid some of the following costs being incurred:

- legal fees (both for the order making process as a whole and for dealing with individual objectors within a wider order, including compensation claims)
- wider compulsory purchase order process costs (for example, staff resources)
- the overall cost of project delay (for example, caused by delay in gaining entry to the land)
- any other reasonable linked costs (for example, potential for objectors to create further costs through satellite litigation on planning permissions and other orders)

In order to reach early settlements, public sector organisations should make reasonable initial offers, and be prepared to engage constructively with claimants about relocation issues and mitigation and accommodation works where relevant.

4. Who has compulsory purchase powers?

Many public bodies with statutory powers have compulsory purchase powers, including:

- local authorities (which include for some purposes national park authorities)
- statutory undertakers
- some executive agencies, including Homes England¹
- health service bodies

Government ministers also have compulsory purchase powers, but departments that use them will have their own internal guidance on how to proceed.

5. How is a compulsory purchase order made?

Detailed guidance on the compulsory purchase process is provided in the section on [the compulsory purchase order process](#).

¹ Homes England is the trading name for the Homes and Communities Agency (HCA) and operates under the powers given to the HCA in the Housing and Regeneration Act 2008.

6. How should the Public Sector Equality Duty be taken into account in the compulsory purchase regime?

All public sector acquiring authorities are bound by the Public Sector Equality Duty as set out in [section 149 of the Equality Act 2010](#). Throughout the compulsory purchase process acquiring authorities must have due regard to the need to: (a) eliminate unlawful discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. In performing their public functions, acquiring authorities must have due regard to the need to meet these three aims of the Equality Act 2010.

For example, an important use of compulsory purchase powers is to help regenerate run-down areas. Although low income is not a protected characteristic, it is not uncommon for people from ethnic minorities, the elderly or people with a disability to be over-represented in low income groups. As part of the Public Sector Equality Duty, acquiring authorities must have due regard to the need to promote equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This might mean that the acquiring authority devises a process which promotes equality of opportunity by addressing particular problems that people with certain protected characteristics might have (eg making sure that documents are accessible for people with sight problems or learning difficulties and that people have access to advocates or advice).

7. Can anyone else initiate compulsory purchase?

In certain circumstances an owner may also initiate a compulsory purchase process. An owner may initiate the process by serving:

- a [purchase notice](#) under section 137 of the Town and Country Planning Act 1990 and section 32 Planning (Listed Buildings and Conservation Areas) Act 1990 - served by landowners following an adverse planning or listed building consent decision where, in specified circumstances, they consider that the land has become incapable of reasonable beneficial use in its existing state; or
- a blight notice under [section 150 of the Town and Country Planning 1990 Act](#) - served by landowners where they have made reasonable endeavours to sell their land but, because of blight caused by planning proposals affecting the land, they have not been able to do so, except at a substantially lower price than might reasonably have been expected. Blight notices can only be served in the circumstances listed in schedule 13 to the Town and Country Planning Act 1990

8. Are there any other ways to compulsorily acquire land?

Other powers of compulsory purchase include:

- a Transport and Works Act order under the Transport and Works Act 1992 - guidance on Transport and Works Act orders is available from the [Department for Transport](#)
- a development consent order under the Planning Act 2008 for a Nationally

Significant Infrastructure Project - guidance is available [here](#)

- a hybrid act of Parliament, such as the Crossrail Act 2008, which is one promoted by the government but in relation to specified land rather than the UK as a whole
- a harbour revision order and a harbour empowerment order under the Harbours Act 1964 – guidance is available [here](#)

This guidance relates to the use of compulsory purchase powers to make a compulsory purchase order that is provided by a specific act of Parliament and requires the approval of a confirming minister.

The compulsory purchase order process

9. What is the process for making a compulsory purchase order?

There are six key stages in the process:

- [Stage 1: choosing the right compulsory purchase power](#)
- [Stage 2: justifying a compulsory purchase order](#)
- [Stage 3: preparing and making a compulsory purchase order](#)
- [Stage 4: consideration of the compulsory purchase order](#)
- [Stage 5: implementing a compulsory purchase order](#)
- [Stage 6: compensation](#)

Stage 1: choosing the right compulsory purchase power

10. When can an acquiring authority use its compulsory purchase powers?

There are a large number of enabling powers, each of which specifies the bodies that are acquiring authorities for the purposes of the power and the purposes for which the land can be acquired. The purpose for which an acquiring authority seeks to acquire land will determine the statutory power under which compulsory purchase is sought. This in turn will influence the factors which the confirming minister will want to take into account in deciding whether to [confirm a compulsory purchase order](#).

Most acts containing enabling powers specify that the procedures in the [Acquisition of Land Act 1981](#) apply to orders made under those powers. Where this is the case, an acquiring authority must follow those procedures.

11. Which power should an acquiring authority use to make a compulsory purchase order?

Acquiring authorities should look to use the most specific power available for the purpose in mind, and only use a general power when a specific power is not available. The authority should have regard to any guidance relating to the use of the power and adhere to any legislative requirements relating to its use.

Specific guidance is available for:

- [local authorities for planning purposes](#)
- [local authorities in conjunction with other powers or where land is required for more than one function](#)
- [Homes England](#)
- [urban development corporations](#)
- [new town development corporations](#)
- [local housing authorities for housing purposes](#)
- [to improve the appearance or condition of land](#)
- [for educational purposes](#)
- [for public libraries and museums](#)
- [for airport Public Safety Zones](#)
- [for listed buildings in need of repair](#)

Stage 2: justifying a compulsory purchase order

12. How does an acquiring authority justify a compulsory purchase order?

It is the acquiring authority that must decide how best to justify its proposal to compulsorily acquire land under a particular act. The acquiring authority will need to be ready to defend the proposal at any inquiry or through written representations and, if necessary, in the courts.

There are certain fundamental principles that a confirming minister should consider when deciding whether or not to confirm a compulsory purchase order (see [How will the Confirming minister consider the acquiring authority's justification for a compulsory purchase order?](#)). Acquiring authorities may find it useful to take account of these in preparing their justification.

A compulsory purchase order should only be made where there is a compelling case in the public interest.

An acquiring authority should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the [European Convention on Human Rights](#) and, in the case of a dwelling, Article 8 of the Convention.

13. How will the confirming minister consider the acquiring authority's justification for a compulsory purchase order?

The minister confirming the order has to be able to take a balanced view between the intentions of the acquiring authority and the concerns of those with an interest in the land that it is proposing to acquire compulsorily and the wider public interest. The more comprehensive the justification which the acquiring authority can present, the stronger its case is likely to be.

However, the confirming minister will consider each case on its own merits and this guidance is not intended to imply that the confirming minister will require any particular degree of justification for any specific order. It is not essential to show that land is required immediately to secure the purpose for which it is to be acquired, but a confirming minister will need to understand, and the acquiring authority must be able to demonstrate, that there are sufficiently compelling reasons for the powers to be sought at this time.

If an acquiring authority does not:

- have a clear idea of how it intends to use the land which it is proposing to acquire;
and
- cannot show that all the necessary resources are likely to be available to achieve that end within a reasonable time-scale

it will be difficult to show conclusively that the compulsory acquisition of the land included in the order is justified in the public interest, at any rate at the time of its making.

See also [Section 1: advice on section 226 of the Town and Country Planning Act 1990](#) for further information in relation to orders under that power.

14. What information about the resource implications of the proposed scheme does an acquiring authority need to provide?

In preparing its justification, the acquiring authority should address:

- a) **sources of funding** - the acquiring authority should provide substantive information as to the sources of funding available for both acquiring the land and implementing the scheme for which the land is required. If the scheme is not intended to be independently financially viable, or that the details cannot be finalised until there is certainty that the necessary land will be required, the acquiring authority should provide an indication of how any potential shortfalls are intended to be met. This should include:
 - the degree to which other bodies (including the private sector) have agreed to make financial contributions or underwrite the scheme; and
 - the basis on which the contributions or underwriting is to be made
- b) **timing of that funding** - funding should generally be available now or early in the process. Failing that, the confirming minister would expect funding to be available to complete the compulsory acquisition within the statutory period (see section 4 of the Compulsory Purchase Act 1965) following the [operative date](#), and only in exceptional circumstances would it be reasonable to acquire land with little prospect of the scheme being implemented for a number of years.

Evidence should also be provided to show that sufficient funding could be made available immediately to cope with any acquisition resulting from a [blight notice](#).

15. How does the acquiring authority address whether there are any other impediments to the scheme going ahead?

The acquiring authority will also need to be able to show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation. These include:

- the programming of any infrastructure accommodation works or remedial work which may be required; and
- any need for planning permission or other consent or licence

Where planning permission will be required for the scheme, and permission has yet to be granted, the acquiring authority should demonstrate to the confirming minister that there are no obvious reasons why it might be withheld. Irrespective of the legislative powers under which the actual acquisition is being proposed, if planning permission is

required for the scheme, then, under section 38(6) of the Planning and Compulsory Purchase Act 2004, the planning application will be determined in accordance with the development plan for the area, unless material considerations indicate otherwise. Such material considerations might include, for example, a local authority's supplementary planning documents and national planning policy, including the [National Planning Policy Framework](#).

Stage 3: preparing and making a compulsory purchase order

16. Can acquiring authorities enter land before deciding whether to include it in a compulsory purchase order?

In most cases, acquiring authorities have the right to enter and survey or value land in connection with a proposal to acquire an interest in or a right over land under powers in [sections 172-179 of, and Schedule 14 to, the Housing and Planning Act 2016](#).

A minimum of 14 days' notice of entry must be given to owners and occupiers of the land concerned and compensation is payable by acquiring authorities for any damage arising as a result of the exercise of the power. Acquiring authorities may apply to a justice of the peace for a warrant to exercise the power if necessary. A justice of the peace may only issue a warrant authorising a person to use force if satisfied that another person has prevented or is likely to prevent entry, and that it is reasonable to use force.

17. What are the benefits of undertaking negotiations in parallel with preparing and making a compulsory purchase order?

Undertaking negotiations in parallel with preparing and making a compulsory purchase order can help to build a good working relationship with those whose interests are affected by showing that the authority is willing to be open and to treat their concerns with respect. This includes statutory undertakers and similar bodies as well as private individuals and businesses. Such negotiations can then help to save time at the formal objection stage by minimising the fear that can arise from misunderstandings.

Talking to landowners will also assist the acquiring authority to understand more about the land it seeks to acquire and any physical or legal impediments to development that may exist. It may also help in identifying what measures can be taken to mitigate the effects of the scheme on landowners and neighbours, thereby reducing the cost of a scheme. Acquiring authorities are expected to provide evidence that meaningful attempts at negotiation have been pursued or at least genuinely attempted, save for lands where land ownership is unknown or in question.

18. Can alternative dispute resolution techniques be used to address concerns about a compulsory purchase order?

In the interests of speed and fostering good will, acquiring authorities are urged to consider offering those with concerns about a compulsory purchase order full access to alternative dispute resolution techniques. These should involve a suitably qualified independent third party and should be available wherever appropriate throughout the whole of the compulsory purchase process, from the planning and preparation stage to agreeing the compensation payable for the acquired properties.

The use of alternative dispute resolution techniques can save time and money for both parties, while its relative speed and informality may also help to reduce the stress which the process inevitably places on those whose properties are affected. For example, mediation might help to clarify concerns relating to the principle of compulsorily acquiring the land, while other techniques such as early neutral evaluation might help to relieve worries at an early stage about the potential level of compensation eventually payable if

the order were to be confirmed.

19. What other steps should be considered to help those affected by a compulsory purchase order?

Compulsory purchase proposals will inevitably lead to a period of uncertainty and anxiety for the owners and occupiers of the affected land. Acquiring authorities should therefore consider:

- providing full information from the outset about what the compulsory purchase process involves, the rights and duties of those affected and an indicative timetable of events; information should be in a format accessible to all those affected
- appointing a specified case manager during the preparatory stage to whom those with concerns about the proposed acquisition can have easy and direct access
- keeping any delay to a minimum by completing the statutory process as quickly as possible and taking every care to ensure that the compulsory purchase order is made correctly and under the terms of the most appropriate enabling power
- offering to alleviate concerns about future compensation entitlement by entering into agreements about the minimum level of compensation which would be payable if the acquisition goes ahead (not excluding the claimant's future right to refer the matter to the Upper Tribunal (Lands Chamber))
- offering advice and assistance to affected occupiers in respect of their relocation and providing details of available relocation properties where appropriate
- providing a 'not before' date, confirming that acquisition will not take place before a certain time
- where appropriate, give consideration to funding landowners' reasonable costs of negotiation or other costs and expenses likely to be incurred in advance of the process of acquisition

20. Why is it important to make sure that a compulsory purchase order is made correctly?

The confirming minister has to be satisfied that the statutory procedures have been followed correctly, whether the compulsory purchase order is opposed or not. This means that the confirming department has to check that no one has been or will be substantially prejudiced as a result of:

- a defect in the compulsory purchase order; or
- by a failure to follow the correct procedures, such as the service of additional or amended personal notices

Where the procedures set out in the Acquisition of Land Act 1981 apply, acquiring authorities must prepare compulsory purchase orders in conformity with the [Compulsory Purchase of Land \(Prescribed Forms\) \(Ministers\) Regulations 2004](#) and are urged to take every possible care in doing so, including recording the names and addresses of those with

an interest in the land to be acquired. (See also [Can acquiring authorities seek advice from the confirming department?](#))

Advice on how to complete the forms of orders to which the Compulsory Purchase of Land (Prescribed Forms) Regulations 2004 apply is available [here](#).

21. Are there any other important matters that may require consideration when making a compulsory purchase order?

Where relevant, acquiring authorities should also have regard to advice available on:

- the [need to justify the extent of the scheme to be disregarded at the outset](#)
- [the protection afforded to special kinds of land](#)
- [compulsory purchase of new rights and other interests](#) - for example, in the compulsory creation of a right of access
- [restrictions on the compulsory purchase of Crown land](#)

22. Which parties should be notified of a compulsory purchase order?

The parties who must be notified of a compulsory purchase order are referred to as qualifying persons. A qualifying person includes:

- an owner
- an occupier
- a tenant (whatever the period of the tenancy)
- a person to whom the acquiring authority would be required to give notice to treat if it was proceeding under [section 5\(1\) of the Compulsory Purchase Act 1965](#)
- a person the acquiring authority thinks is likely to be entitled to make a claim for compensation under [section 10 of the 1965 act](#) (compensation for injurious affection) if the order is confirmed and the compulsory purchase takes place, so far as he is known to the acquiring authority after making diligent inquiry; this relates mainly, but not exclusively, to easements and restrictive covenants

When serving notice of an order on qualifying persons, the acquiring authority is also expected to send to each one a copy of the authority's [statement of reasons](#) for making the order. A copy of this statement should also be sent, where appropriate, to any applicant for planning permission in respect of the land. This statement of reasons, although non-statutory, should be as comprehensive as possible.

The general public will also be notified through newspaper notices and site notices.

23. Can objections be made to a compulsory purchase order?

There are statutory requirements for compulsory purchase orders that are about to be submitted to be advertised in newspapers and through site notices. These invite the

submission of objections to the relevant government minister. Objections can be made by [owners, other qualifying persons](#) and third parties, including members of the public. Objections must arrive with the minister within the period specified in the notice. This must be a minimum of 21 days. See [here](#) for further information on the requirements for grounds of objection and objectors' statements of case in relation to an inquiry. It is important to make objections as relevant as possible to the matters which fall for consideration, in order for the objection to have an effect.

Under [rule 14 of the Compulsory Purchase \(Inquiries Procedure\) Rules 2007](#), third parties have no right to be heard at an inquiry, although the inspector may permit them to appear at his discretion (although permission is not to be unreasonably withheld).

Objections should be sent to the confirming department at the [address provided](#).

24. Can acquiring authorities seek advice from the confirming department?

Acquiring authorities are expected to seek their own legal and professional advice when preparing and making compulsory purchase orders. Where an authority has taken advice but still retains doubts about particular technical points concerning the form of a proposed compulsory purchase order, it may seek informal written comments from the confirming department by submitting a draft for technical examination.

Experience suggests that technical examination by the confirming department can assist significantly in avoiding delays caused by drafting defects in orders submitted for confirmation. The role of the confirming department at this stage is confined to giving the draft compulsory purchase order a technical examination to check that it complies with the requirements on form and content in the statutes and the [Compulsory Purchase of Land \(Prescribed Forms\) Regulations 2004](#), without prejudice to the consideration of its merits or demerits.

25. What documents should accompany a compulsory purchase order which is submitted for confirmation?

Below is a checklist of the documents to be submitted to the confirming minister with a compulsory purchase order:

- one copy of the sealed [compulsory purchase order](#) and two copies of the sealed map
- two copies each of the unsealed compulsory purchase order and unsealed map - follow the link for further guidance on [order maps](#)
- one copy of the [general certificate](#) in support of order submission including (where appropriate) confirmation that the proper notices have been correctly served in relation to: (a) an order made on behalf of a parish council; (b) Church of England property; or (c) a listed building in need of repair
- one copy of the [protected assets certificate](#) giving a nil return or a positive statement for each category of assets protection referred to in [What information needs to be included in a positive statement?](#) in section 16 (except for orders under section 47 of the Planning (Listed Buildings and Conservation Areas) Act 1990)

- two copies of the [statement of reasons](#) and, wherever practicable, any other documents referred to therein. A statement of reasons must include a statement concerning the planning permission (see [How does the acquiring authority address whether there are any other impediments to the scheme going ahead?](#)).

Compulsory purchase orders for listed buildings in need of repair will also require:

- one copy of the repairs notice served in accordance with section 48, where the order is made under section 47 of the Planning (Listed Buildings and Conservation Areas) Act 1990) - follow the link for further information on [Compulsory purchase orders for listed buildings in need of repair](#)

Additional guidance on the preparation, drafting and submission of compulsory purchase orders for highway schemes and car parks is set out in Department for Transport *Local Authority Circular 2/97: Notes on the preparation, drafting and submission of compulsory purchase orders for highway schemes and car parks for which the Secretary of State is the confirming authority*.

Stage 4: consideration of the compulsory purchase order

26. Who will take the decision to confirm or not a compulsory purchase order?

The 'confirming authority' under the Acquisition of Land Act 1981 is the minister having the power to authorise the acquiring authority to purchase the land compulsorily.

However, under new [section 14D of the Acquisition of Land Act 1981](#)² a 'confirming authority' can appoint an inspector to act instead of it in relation to the confirmation of a compulsory purchase order to which section 13A of the Acquisition of Land Act 1981 applies (ie a non-ministerial order where there is a remaining objection).

Where the Secretary of State for Housing, Communities and Local Government is the confirming authority for such an order, he will carefully consider the suitability of 'delegating' the confirmation decision to an inspector in line with the criteria set out in this guidance. The Secretary of State for Housing, Communities and Local Government will assess the suitability of each compulsory purchase order for delegation on its individual merits.

27. What criteria will the Secretary of State for Housing, Communities and Local Government consider in deciding whether to delegate a decision on a compulsory purchase order?

The Secretary of State for Housing, Communities and Local Government will carefully consider the suitability of all compulsory purchase orders to be delegated to an inspector but will generally delegate the decision on confirmation of a compulsory purchase order where, in his opinion, it appears unlikely to:

- conflict with national policies on important matters
- raise novel issues
- give rise to significant controversy
- have impacts which extend beyond the local area

However, the Secretary of State for Housing, Communities and Local Government will assess the suitability of each compulsory purchase order for delegation on its individual merits.

28. If a compulsory purchase order is delegated to an inspector and new issues/evidence emerge, can the Secretary of State revisit his decision to appoint an inspector to take the confirmation decision?

[Section 14D of the Acquisition of Land Act 1981](#) enables a confirming authority to cancel the appointment of an inspector acting instead of him in relation to the confirmation of a

² The power to delegate a decision on a compulsory purchase order to an inspector was inserted by section 181 of the Housing and Planning Act 2016 and applies to compulsory purchase orders submitted to a confirming authority for confirmation on or after 6 April 2018.

compulsory purchase order. The appointment may be cancelled at any time before the inspector has made the confirmation decision.

While each compulsory purchase order will be considered on its individual merits, if, at any time until a decision is made by the appointed inspector, the Secretary of State for Housing, Communities and Local Government considers, in his opinion, that the compulsory purchase order now raises issues which should be considered by him, he may decide that the appointment of the inspector should be cancelled. In this instance, the inspector will be asked to submit a report and recommendation to the Secretary of State for Housing, Communities and Local Government who will make the confirmation decision.

If a confirming authority decides to cancel the appointment of an inspector (and does not appoint another inspector to take the decision instead), it must give its reasons for doing so to the inspector, acquiring authority and every person who has made a remaining objection (see [section 14D\(7\) of the Acquisition of Land Act 1981](#)).

29. What happens if no objections are made?

If no objections are made to a compulsory purchase order and the confirming minister is satisfied that the proper procedure for serving and publishing notices has been observed, he will consider the case on its merits. The minister can then confirm, modify or reject the compulsory purchase order without the need for any form of hearing. If the order can be confirmed without modification and does not include statutory undertakers' land or [special kinds of land](#), the Secretary of State may remit the case back to the acquiring authority for confirmation. Go to [Can the confirming minister modify an order?](#) for more information.

30. What happens if there are objections and these are not withdrawn?

If objections are received and not withdrawn, the confirming minister will either arrange for a public local inquiry to be held or – where all the remaining objectors and the acquiring authority agree to it – arrange for the objections to be considered through the written representations procedure.

31. What are the different types of objection?

A 'relevant objection' is one made by a person who is an owner, lessee, tenant or occupier of the land or a person to whom the acquiring authority would be required to give a notice to treat.

It may also be an objection made by a person who might be able to make a claim for injurious affection under [section 10 of the Compulsory Purchase Act 1965](#), but only if the acquiring authority think that he is likely to be entitled to make such a claim if the order is confirmed and the compulsory purchase takes place, so far as that person is known to the acquiring authority after making diligent inquiry.

A 'remaining objection' is a relevant objection that has not been withdrawn or disregarded (for example because it relates solely to compensation).

Other objections can be made by persons who are not a relevant objector, for example, by a third party, community group or special interest organisation.

32. Does an objection need to be in writing?

[Section 13\(3\) of the Acquisition of Land Act 1981](#) enables the confirming minister to require every person who makes a relevant objection to state the grounds of objection in writing.

33. When might an objector's statement of case be required?

A confirming authority can also require remaining objectors, and others who intend to appear at inquiry, to provide a statement of case. This is a useful device for minimising the need to adjourn inquiries as a result of new information. This is most likely where commercial concerns are objecting to large or complex schemes. Under [Rule 7\(5\) of the Compulsory Purchase \(Inquiries Procedure\) Rules 2007](#), a person may be required to provide further information about matters contained in any such statement of case.

Objectors may wish to prepare a statement of case even when not asked to do so because it may be helpful for themselves and the inquiry.

34. How are objections considered?

Although all remaining objectors have a right to be heard at an inquiry, acquiring authorities are encouraged to continue to negotiate with both remaining and other objectors after submitting an order for confirmation, with a view to securing the withdrawal of objections. In line with the advice on [alternative dispute resolution](#), this should include employing such alternative dispute resolution techniques as may be agreed between the parties.

[The Compulsory Purchase of Land \(Written Representations Procedure\) \(Ministers\) Regulations 2004](#) prescribe a procedure by which objections to an order can be considered in writing if all the remaining objectors agree and the confirming minister deems it appropriate, as an alternative to holding an inquiry. (In summary, these regulations provide that, once the confirming minister has indicated that the written representations procedure will be followed, the acquiring authority have 15 working days to make additional representations in support of the case it has already made for the order in its statement of reasons. Once these representations have been copied to the objectors, they will also have 15 working days to make representations to the confirming minister. These in turn are copied to the acquiring authority who then has a final opportunity to comment on the objectors' representations but cannot raise new issues.)

The Secretary of State for Housing, Communities and Local Government's practice is to offer the written representations procedure to objectors except where it is clear from the outset that the scale or complexity of the order makes it unlikely that the procedure would be acceptable or appropriate. In such cases an inquiry will be called in the normal way. The practice of other Secretaries of State may vary.

35. What procedures are followed for inquiries into compulsory purchase orders under Acquisition of Land Act 1981?

The [Compulsory Purchase \(Inquiries Procedure\) Rules 2007](#)³ ('2007 Rules') apply to:

³ The Compulsory Purchase (Inquiries Procedure) Rules 2007 were amended by the [Compulsory Purchase \(Inquiries Procedure\) \(Miscellaneous Amendments and Electronic Communications\) Rules 2018](#) with effect from 6 April 2018

- all inquiries into compulsory purchase orders made under the Acquisition of Land Act 1981, both ministerial and non-ministerial, and to compulsory rights orders (see rule 2 of the Rules and section 29 of, and paragraph 11 of schedule 4 to, the 1981 act)
- rule 2A provides that where a person is appointed under section 14D of the Acquisition of Land Act 1981 the 2007 Rules shall have effect subject to certain modifications as set out in the schedule
- rule 3 provides for written notice from the authorising authority of its intention to cause an inquiry to be held which commences the procedure
- rules 4 to 6 deal with pre-inquiry meetings
- rule 7 deals with statements of case
- rules 8 to 14 deal with the inquiry timetable, appointment of assessor, the date and public notification of the inquiry and appearances at the inquiry including the representation of a minister or government department at inquiry
- rule 15 deals with the handling of evidence at inquiry
- rules 16 to 19 deal with procedure at the inquiry, site inspections and post-inquiry procedures (including notice of decisions) – in particular rule 18(A1) imposes a requirement on the authorising authority to inform certain persons of the expected date of its decision as to whether to confirm the compulsory purchase order.
- rule 19A sets out the procedure to be followed where a decision notified under rule 19(1) is quashed in proceedings before any court
- rule 20 deals with the power to extend time
- rule 21 deals with sending notices or documents by post or by using electronic communications
- rule 21A provides for how a person may withdraw their consent to use of electronic communications

36. What information should an authority's statement of case contain?

It should be possible for the acquiring authority to use the non-statutory [statement of reasons](#) as the basis for the statement of case which is required to be served under [rule 7 of the Compulsory Purchase \(Inquiries Procedure\) Rules 2007](#) where an inquiry is to be held. The acquiring authority's statement of case should set out a detailed response to the objections made to the compulsory purchase order.

37. What supplementary information may be required?

When considering the acquiring authority's order submission, the confirming department may, if necessary, request clarification of particular points. These may arise both before

the inquiry has been held or after the inquiry.

Such clarification will often relate to statutory procedural matters, such as confirmation that the authority has complied with the requirements relating to the [service of notices](#). This information may be needed before the inquiry can be arranged. But it may also relate to matters raised by objectors, such as the ability of the authority or a developer to meet development costs.

Where further information is needed, the confirming minister's department will write to the acquiring authority setting out the points of difficulty and the further information or statutory action required. The department will copy its side of any such correspondence to remaining objectors, and requests that the acquiring authority should do the same.

38. Should a programme officer be appointed?

Acquiring authorities may wish to consider appointing a programme officer to assist the inspector in organising administrative arrangements for larger compulsory purchase order inquiries. A programme officer might undertake tasks such as assisting with preparing and running of any pre-inquiry meetings, preparing a draft programme for the inquiry, managing the public inquiry document library and, if requested by the inspector, arranging accompanied site inspections. A programme officer would also be able to respond to enquiries about the running of the inquiry during its course.

39. When will an inquiry be held?

Practice may vary between departments but, once the need for an inquiry has been established, it will normally be arranged by the Planning Inspectorate in consultation with the acquiring authority for the earliest date on which an appropriate inspector is available. Having regard to the minimum time required to check the orders and arrange the inquiry, this will typically be held around six months after submission. It is important to ensure that adequate notification is given to objectors of the inquiry dates, so that they have sufficient time to prepare evidence for the inquiry. This will also assist in the efficient conduct of the inquiry.

Once the date of the inquiry has been fixed it will be changed only for exceptional reasons. A confirming department will not normally agree to cancel an inquiry unless all statutory objectors withdraw their objections or the acquiring authority indicates formally that it no longer wishes to pursue the order, in sufficient time for notice of cancellation of the inquiry to be published. As a general rule, the inquiry date will not be changed because the authority or an objector needs more time to prepare its evidence. The authority should have prepared its case sufficiently rigorously before making the order to make such a postponement unnecessary. Nor would the inquiry date normally be changed because a particular advocate is unavailable on the specified date.

40. What scope is there for joint or concurrent inquiries?

It is important to identify at the earliest possible stage any application or appeal associated with, or related to, the order which may require approval or decision by the same, or a different, minister. This is to allow the appropriateness of arranging a joint inquiry or concurrent inquiries to be considered. Such actions might include, for example, an application for an order stopping up a public highway (when it is to be determined by a minister) or an appeal against the refusal of planning permission.

Any such arrangements cannot be settled until the full range of proposals and the objections or grounds of appeal are known. The acquiring authority should ensure that any relevant statutory procedures for which it is responsible (including actually making the relevant compulsory purchase order) are carried out at the right time to enable any related applications or appeals to be processed in step.

41. What advice is available about costs awards?

Advice on the inquiry costs for statutory objectors is given in [Award of costs incurred in planning and other proceedings](#). The principles of this advice also apply to written representations procedure costs.

When notifying successful objectors of the decision on the order under the [Compulsory Purchase \(Inquiries Procedure\) Rules 2007](#) or the [Compulsory Purchase of Land \(Written Representations Procedure\)\(Ministers\) Regulations 2004](#), the Secretary of State for Housing, Communities and Local Government will tell them that they may be entitled to claim inquiry or written representations procedure costs and invite them to submit an application for an award of costs. The practice of other ministers may vary.

42. Are acquiring authorities normally required to meet the costs associated with an inquiry or written representations?

Acquiring authorities will be required to meet the administrative costs of an inquiry and the expenses incurred by the inspector in holding it. Likewise, the acquiring authority will be required to meet the inspector's costs associated with the consideration of written representations. Other administrative costs associated with the written representations procedure are, however, likely to be minor, and a confirming minister will decide on a case by case basis whether or not to recoup them from the acquiring authority under [section 13B of the Acquisition of Land Act 1981](#). The daily amount of costs which may be recovered where an inquiry is held to which [section 250\(4\) of the Local Government Act 1972](#) applies, or where the written representations procedure is used, is £630 per day as prescribed in [The Fees for Inquiries \(Standard Daily Amount\) \(England\) Regulations 2000](#).

Further information on the award of costs is available in planning guidance: [Award of costs incurred in planning and other proceedings](#).

43. What happens if there are legal difficulties with an order?

Whilst only the courts can rule on the validity of a compulsory purchase order, the confirming minister would not think it right to confirm an order if it appeared to be invalid, even if there had been no objections to it. Where this is the case, the relevant minister will issue a formal, reasoned decision refusing to confirm the order. The decision letter will be copied to all those who were entitled to be served with notice of the making and effect of the order and to any other person who made a representation.

44. Can the confirming minister modify an order?

The confirming minister may confirm a compulsory purchase order with or without modifications. [Section 14 of the Acquisition of Land Act 1981](#) imposes limitations on the minister's power to modify the order. This provides that an order can only be

modified to include any additional land if all the people who are affected give their consent.

There is no scope for the confirming minister to add to, or substitute, the statutory purpose (or purposes) for which the order was made. The power of modification is used sparingly and not to rewrite orders extensively. While some minor slips can be corrected, there is no need to modify an order solely to show a change of ownership where the acquiring authority has acquired a relevant interest or interests after submitting the order.

If it becomes apparent to an acquiring authority that it may wish the confirming minister to substantially amend the order by modification at the time of any confirmation, the authority should write as soon as possible, setting out the proposed modification. This letter should be copied to each remaining objector, any other person who may be entitled to appear at the inquiry (such as any person required by the confirming authority to provide a statement of case) and to any other interested persons who seem to be directly affected by the matters that might be subject to modification. Where such potential modifications have been identified before the inquiry is held, the inspector will normally wish to provide an opportunity for them to be debated.

45. Can a compulsory purchase order be confirmed in stages?

In cases where the Acquisition of Land Act 1981 applies to a compulsory purchase order, [section 13C of that act](#) provides a general power for the order to be confirmed in stages, at the discretion of the confirming minister. This power is intended to make it possible for part of a scheme to be able to proceed earlier than might otherwise be the case, although its practical application is likely to be limited. It is not a device to enable the land required for more than one project or scheme to be included in a single order.

The decision to confirm in part must be accompanied by a direction postponing consideration of the remaining part until a specified date. The notices of confirmation of the confirmed part of the order must include a statement indicating the effect of that direction and be published, displayed and served in accordance with [section 15 of the Acquisition of Land Act 1981](#).

46. When might an order be confirmed in stages?

The power to confirm an order in stages may be used when the minister is satisfied that an order should be confirmed for part of the land covered by the order but is not yet able to decide whether the order should be confirmed in relation to other parts of the order land. This could be, for example, because further investigations are required to establish the extent, if any, of alleged contaminated land. Where an order is confirmed in part under this power, the remaining undecided part is then treated as if it were a separate order.

To confirm in part, the confirming minister will need to be satisfied that:

- the proposed scheme or schemes underlying the need for the order can be independently implemented over that part of the order land to be confirmed, regardless of whether the remainder of the order is ever confirmed
- the statutory requirements for the service and publication of notices have been followed; and

- there are no remaining objections relating to the part to be confirmed (if the minister wishes to confirm part of an order prior to holding a public inquiry or following the written representations procedure)

If the confirming minister were to be satisfied on the basis of the evidence already available to him that a part of the order land should be excluded, he may exercise his discretion to refuse to confirm the order or, in confirming the order, he may modify it to exclude the areas of uncertainty.

47. When can a compulsory purchase order be confirmed by the acquiring authority?

[Section 14A of the Acquisition of Land Act 1981](#) provides a discretionary power for a confirming authority to give the acquiring authority responsibility for deciding an order which has been submitted for confirmation if certain specified conditions are met. The confirming minister must be satisfied that:

- there are no outstanding objections to the order
- all the statutory requirements as to the service and publication of notices have been complied with; and
- the order is capable of being confirmed without modification

The power of the confirming minister to issue such notice is excluded in cases where:

- the land to be acquired includes land acquired by a statutory undertaker for the purposes of its undertaking, that statutory undertaker has made representations to the minister responsible for sponsoring its business and he is satisfied that the land to be taken is used for the purposes of the undertaking; or
- the land to be acquired forms part of a common, open space, or fuel or field garden allotment

as confirmation of an order in these circumstances is contingent on other ministerial decisions.

The acquiring authority's power to confirm a compulsory purchase order does not extend to being able to modify the order or to confirm the order in stages. If the acquiring authority considers that there is a need for a modification, for example, to rectify drafting errors, it will have to ask the confirming minister to revoke the notice given under these provisions.

48. What should the confirming authority do if it decides to give an acquiring authority the power to confirm an order?

To exercise its discretionary power under [section 14A of the Acquisition of Land Act 1981](#), the confirming authority serves a notice on the acquiring authority giving it the power to confirm the compulsory purchase order. The sealed order and one sealed map (or sets of sealed maps) will be returned with the notice. The notice should:

- indicate that if the acquiring authority decides to confirm the order, it should be endorsed as confirmed with the endorsement authenticated by a person

having authority to do so

- suggest a form of words for the endorsement
- refer to the statutory requirement to serve notice of confirmation under [section 15 of the 1981 act](#) as amended by [section 34 of the Neighbourhood Planning Act 2017](#); and
- require that the relevant Secretary of State should be informed of the decision on the order as soon as possible with (where applicable) a copy of the endorsed order

49. What should the acquiring authority do if it decides to confirm its own order?

If the acquiring authority decides to confirm its own order, it should return the notice of confirmation to the confirming authority. The form of the notice of confirmation is set out in [Forms 9A and 11 in the Schedule to the Compulsory Purchase of Land \(Prescribed Forms\) \(Ministers\) Regulations 2004](#) as amended [The Compulsory Purchase of Land \(Prescribed Forms\) \(Ministers\) \(Amendment\) Regulations 2017](#).

An acquiring authority exercising the power to confirm must notify the confirming authority as soon as reasonably practicable of its decision. Until such notification is received, the confirming minister can revoke the acquiring authority's power to confirm. This might be necessary, for example, if the confirming minister received a late objection which raised important issues, or if the acquiring authority were to fail to decide whether to confirm within a reasonable timescale.

Acquiring authorities are asked to ensure that in all cases the confirming department is notified without delay of the date when notice of confirmation of the order is first published in the press in accordance with the provisions of the [Acquisition of Land Act 1981](#). This is important as the six weeks' period allowed by virtue of section 23 of the 1981 act for an application to the High Court to be made begins on this date. Similarly, and for the same reason, where the Secretary of State has given a certificate under section 19 of, or paragraph 6 of schedule 3 to, the 1981 act, the department giving the certificate should be notified straight away of the date when notice is first published.

50. Are there timetables for confirmation of compulsory purchase orders?

[Section 14B of the Acquisition of Land Act 1981](#)⁴ requires the Secretary of State to publish one or more timetables for confirmation of compulsory purchase orders. The timescales are set out in this guidance. The target timescales will apply to all confirming authorities other than the Welsh Ministers (who have the power to publish their own timetables under [section 14C of the Acquisition of Land Act 1981](#) in relation to compulsory purchase orders to be confirmed by them).

51. How long will it take to get a decision on a compulsory purchase order which is

⁴ The requirement for the Secretary of State to publish one or more timetables setting out the steps to be taken by confirming authorities in confirming a compulsory purchase order was inserted by section 180 of the Housing and Planning Act 2016 and applies to orders which are submitted to a confirming authority for confirmation on or after 6 April 2018.

delegated to an inspector and subject to the written representation process?

Where a compulsory purchase order is delegated to an inspector and subject to the written representation procedure, there is a statutory requirement for a site visit, where necessary, to be conducted within 15 weeks of the starting date letter (see regulation 8(1) of the Compulsory Purchase of Land (Written Representations Procedure) (Ministers) Regulations 2004 as amended by the [Compulsory Purchase of Land \(Written Representations Procedure\) \(Ministers\) \(Miscellaneous Amendments and Electronic Communications\) Regulations 2018](#)).

A decision should be issued within 4 weeks of the site visit date in 80% of cases delegated by the Secretary of State for Housing, Communities and Local Government; with 100% of cases being decided within 8 weeks of the site visit date.

In cases where there has not been a site visit, the timescales for decision will be taken from the final exchange of representations under Regulation 5 of the Compulsory Purchase of Land (Written Representations Procedure) (Ministers) Regulations 2004.

52. How long will it take to get a decision on a compulsory purchase order which is delegated to an inspector and subject to the public inquiry procedure?

Where a compulsory purchase order is delegated to an inspector and subject to the public inquiry procedure, the parties will be notified within 10 working days beginning with the day after the inquiry closes of the expected date on which a decision will be issued (see the modified version of rule 18 in Schedule 1 to the Compulsory Purchase (Inquiries Procedure) Rules 2007 as amended by the [Compulsory Purchase \(Inquiries Procedure\) \(Miscellaneous Amendments and Electronic Communications\) Rules 2018](#)).

A decision on the compulsory purchase order should be issued by the inspector within 8 weeks of the close of the Inquiry in 80% of cases delegated by the Secretary of State for Housing, Communities and Local Government; with 100% of cases being decided within 12 weeks.

53. How long will it take to get a decision on a compulsory purchase order which is decided by a Secretary of State and subject to the written representation process?

Where a compulsory purchase order is subject to the written representation procedure, there is a statutory requirement for a site visit, where necessary, to be conducted within 15 weeks of the starting date letter (see regulation 8(1) of the Compulsory Purchase of Land (Written Representations Procedure) (Ministers) Regulations 2004 as amended by the [Compulsory Purchase of Land \(Written Representations Procedure\) \(Ministers\) \(Miscellaneous Amendments and Electronic Communications\) Regulations 2018](#)).

The relevant Secretary of State should issue 80% of compulsory purchase decisions on written representation cases within 8 weeks of the site visit. The remaining 20% of cases should be decided within 12 weeks of the site visit.

In cases where there has not been a site visit, the timescales for decision will be taken from the final exchange of representations under Regulation 5 of the [Compulsory Purchase of Land \(Written Representations Procedure\) \(Ministers\) Regulations 2004](#).

54. How long will it take to get a decision on a compulsory purchase order which is decided by a Secretary of State and subject to the public inquiry process?

Where a compulsory purchase order is to be decided by the Secretary of State and subject to the public inquiry procedure, the parties will be notified within 10 working days beginning with the day after the inquiry closes of the expected date of the Secretary of State's decision (see rule 18(A1) of the Compulsory Purchase (Inquiries Procedure) Rules 2007 as amended by the [Compulsory Purchase \(Inquiries Procedure\) \(Miscellaneous Amendments and Electronic Communications\) Rules 2018](#)).

In addition, there is a target that 80% of cases should be decided by the relevant Secretary of State within 20 weeks of the close of the public inquiry – with the remaining cases decided within 24 weeks.

55. What happens if the Secretary of State or an inspector fails to issue a decision in accordance with the published timescales?

The Secretary of State must issue an annual report to Parliament showing the extent to which confirming authorities have complied with the published timescales.

The validity of a compulsory purchase order is not, however, affected by any failure to comply with a timetable (see [section 14B\(4\) of the Acquisition of Land Act 1981](#)).

56. Can a compulsory purchase order be challenged through the courts after it has been confirmed?

Any person aggrieved who wishes to dispute the validity of a compulsory purchase order, or any of its provisions, can challenge the order through an application to the High Court under [section 23 of the Acquisition of Land Act 1981](#) ('the 1981 act') on the grounds that:

- the authorisation of the order is not empowered to be granted under the 1981 act or an enactment mentioned in section 1(1) of that act; or
- a 'relevant requirement' has not been complied with

A 'relevant requirement' is any requirement under the 1981 act, of any regulations made under it, or the Tribunals and Inquiries Act 1992 or of regulations made under that act.

Any such application must be made within 6 weeks of the date specified in section 23(4) of the 1981 act.

57. What powers does the court have on an application under section 23 of the Acquisition of Land Act 1981?

Section 24 of the 1981 act sets out the powers of the court on an application under section 23 of the 1981 act. First, the court has the discretionary power to grant interim relief suspending the operation of the order or certificate pending the final determination of the court proceedings (section 24(1)). Second, where a challenge under section 23 of the 1981 act is successful, the court has the discretionary power to quash:

- the decision to confirm the compulsory purchase order ([section 24\(3\)](#)) (NB: this does not apply in relation to an application under section 23 which was made before 13 July 2016); or
- the whole or any part of an order ([section 24\(2\)](#))

58. Is the time period for implementing a compulsory purchase order extended where it is the subject of a legal challenge?

Under [section 4A of the Compulsory Purchase Act 1965](#) (for notice to treat process) and [section 5B of the Compulsory Purchase \(Vesting Declarations\) Act 1981](#) (for general vesting declaration process) the normal three year period for implementing a compulsory purchase order is extended for:

- a period equivalent to the period from the date an application challenging the order is made until it is withdrawn or finally determined; or
- one year

whichever is the shorter. NB: The extended time period does not apply to an application made in respect of a compulsory purchase order which became operative before 13 July 2016.

An application to challenge an order is finally determined after the normal time for submitting an appeal has elapsed or, where an appeal has been submitted, it is either withdrawn or finally determined.

59. Can a decision not to confirm a compulsory purchase order be challenged through the courts?

A decision not to confirm a compulsory purchase order can be challenged through the courts by means of an application for judicial review under [Part 54 of the Civil Procedure Rules 1998](#).

Stage 5: implementing a compulsory purchase order

60. When does an order become operative?

Unless it is subject to special parliamentary procedure (for example, in the case of certain [special kinds of land](#), a compulsory purchase order which has been confirmed becomes operative on the date on which the notice of its confirmation is first published.

The method of publication and the information which must be included in a notice is set out in section 15 of the Acquisition of Land Act 1981. Confirmation notices must also contain:

- a prescribed statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981; and
- invite any person who would be entitled to claim compensation if a declaration were executed under section 4 of that act to give the acquiring authority information about the person's name, address and interest in land, using a prescribed form

Acquiring authorities must issue the confirmation notices within 6 weeks of the date of the order being confirmed or such longer period as may be agreed between the acquiring authority and the confirming authority ([section 15\(3A\) of the Acquisition of Land Act 1981](#)). Where an acquiring authority fails to do so, the confirming authority may take the necessary steps itself and recover its reasonable costs of doing so from the acquiring authority.

The acquiring authority may then exercise the compulsory purchase power (unless the operation of the compulsory purchase order is suspended by the High Court). The actual acquisition process will proceed by one of two routes - either by the acquiring authority serving a notice to treat or by executing a general vesting declaration.

61. How do I register a confirmation notice as a local land charge?

Section [15\(6\) of the Acquisition of Land Act 1981](#) provides that a confirmation notice should be sent by the acquiring authority to the Chief Land Register and that it shall be a local land charge. Where land in the order is situated in an area for which the local authority remains the registering authority for local land charges (ie where the changes made by Parts 1 and 3 of Schedule 5 to the [Infrastructure Act 2015](#) have not yet taken effect in that local authority area), the acquiring authority should comply with the steps required by [section 5 of the Local Land Charges Act 1975](#) (prior to it being amended by the Infrastructure Act 2015) to ensure that the charge is registered by the local authority as the registering authority.

62. What is a notice to treat?

There is no prescribed form for a notice to treat but the document must:

- describe the land to which it relates
- demand particulars of the interest in the land

- demand particulars of the compensation claim of the recipient and
- state that the acquiring authority is willing to treat for the purchase of the land and for compensation for any damage caused by the execution of the works

Possession cannot normally be taken until the acquiring authority has served a notice of entry and the minimum period specified in that notice has expired.

Title to the land is subsequently transferred by a normal conveyance.

63. When should a notice to treat be served?

A notice to treat may not be served after the end of the period of three years beginning with the date on which the compulsory purchase order becomes operative, under [section 4 of the Compulsory Purchase Act 1965](#). The notice to treat then remains effective for a further three years, under [section 5\(2A\) of that act](#).

It can be very stressful for those directly affected to know that a compulsory purchase order has been confirmed on their property. The prospect of a period of up to six years before the acquiring authority actually takes possession can be daunting. Acquiring authorities are therefore urged to keep such people fully informed about the various processes involved and of their likely timing, as well as keeping open the possibility of earlier acquisition where requested by an owner.

64. What period of notice should be given before taking possession under the notice to treat process?

Once the crucial stage of actually taking possession is reached, the acquiring authority is required by [section 11 of the Compulsory Purchase Act 1965](#) to serve a notice of its intention to gain entry. In respect of a compulsory purchase order which is confirmed on or after 3 February 2017, the notice period will be not less than 3 months beginning with the date of service of the notice, except in either of the following circumstances:

- where it is a notice to which section 11A(4) of the 1965 act applies (ie where it is being served on a 'newly identified person' under section 11A(1)(b) and that person is not an occupier, or the acquiring authority was unaware of the person because they received misleading information in response to their inquiries under section 5(1) of the 1965 act. In these circumstances, section 11A(4) provides for a shorter minimum notice period
- where it is a notice to which paragraph 13 of Schedule 2A to the 1965 act applies (ie where under the material detriment provisions in that schedule, an acquiring authority is permitted to serve a further notice of entry, after the initial notice of entry ceased to have effect under paragraph 6, in respect of the land proposed to be acquired)

Although it is necessary for a notice to treat to have been served, this can be done at the same time as serving the notice of entry.

A notice of entry cannot be served after a notice to treat has ceased to be effective. A notice to treat can only be withdrawn in limited circumstances.

Acquiring authorities are encouraged to negotiate a mutually convenient date of entry with the claimant. It is good practice for the acquiring authority to:

- give owners an indication of the approximate date when possession will be taken when serving the notice to treat
- consider the steps which those being dispossessed will need to take to vacate their properties before deciding on the timing of actually taking possession

Authorities should also be aware that:

- agricultural landowners or tenants may need to know the date for the notice of entry earlier than others because of crop cycles and the need to find alternative premises
- short notice often results in higher compensation claims
- until there is an actual or deemed notice to treat an occupier is at risk that any costs they incur in anticipation of receiving such a notice may not be claimable; acquiring authorities would be advised to analyse how long it will take most occupiers to relocate and if the notice of entry is inadequate then they should consider giving an earlier commitment to pay certain costs such as their reasonable costs in identifying suitable alternative accommodation

It is usually important to make an accurate record of the physical condition of the land at the valuation date.

65. What happens if the acquiring authority does not take possession at the time specified in the notice of entry?

Where a compulsory purchase of land has been authorised on or after 3 February 2017 (ie where the order was confirmed on or after that date), [section 11B of the Compulsory Purchase Act 1965](#) allows occupiers with an interest in the land to serve a counter-notice on an acquiring authority to require entry on a specified date which must not be earlier than the date specified in the notice of entry. The occupier must give at least 28 days notice of the date they want entry to be taken.

66. What is a general vesting declaration?

A general vesting declaration can be used as an alternative to the notice to treat procedure. It replaces the notice to treat, notice of entry and the conveyance with one procedure which automatically vests title in the land with the acquiring authority on a certain date.

General vesting declarations are made under the [Compulsory Purchase \(Vesting Declarations\) Act 1981](#) and in accordance with the [Compulsory Purchase of Land \(Vesting Declarations\) \(England\) Regulations 2017](#).

67. When might a general vesting declaration be used?

An acquiring authority may prefer to proceed by general vesting declaration as this

enables the authority to obtain title to the land without having first to be satisfied as to the vendor's title or to settle the amount of compensation (subject to any special procedures such as in relation to purchase of commoners' rights: see Compulsory Purchase Act 1965, [section 21](#) and [schedule 4](#)). It can therefore be particularly useful where:

- some of the owners are unknown; or
- the authority wishes to obtain title with minimum delay (for example, to dispose of the land to developers)

A general vesting declaration may be made for any part or all of the land included in the compulsory purchase order except where an acquiring authority has already served (and not withdrawn) a notice to treat in respect of that land.

[Section 4\(1B\) of the Compulsory Purchase \(Vesting Declarations\) Act 1981](#) makes clear that the above exception does not apply to deemed notices to treat that may, for example, arise from a blight notice or purchase notice.

For minor tenancies and long tenancies which are about to expire, a general vesting declaration will also not be effective. However, there is a special procedure set out in [section 9 of the Compulsory Purchase \(Vesting Declarations\) Act 1981](#) for dealing with them.

Where unregistered land is acquired by general vesting declaration, acquiring authorities are recommended to voluntarily apply for first registration under [section 3 of the Land Registration Act 2002](#).

68. When should a general vesting declaration be served?

For compulsory purchase orders which become operative on or after 13 July 2016, section 5A of the Compulsory Purchase (Vesting Declarations) Act 1981 makes clear that a general vesting declaration may not be executed after the end of the period of 3 years beginning with the day on which the compulsory purchase order becomes operative.

69. What period of notice should be given before taking possession under the general vesting declaration process?

For a compulsory purchase of land authorised on or after 3 February 2017, the acquiring authority must give at least three months' notice before taking possession (as this is the minimum vesting period which must be given in a general vesting declaration under section 4(1) of the Compulsory Purchase (Vesting Declarations) Act 1981). Acquiring authorities should consider how long it will take occupiers to reasonably relocate and if 3 months is considered insufficient, consider increasing the vesting period (and therefore the notice period).

70. How does the acquiring authority make a general vesting declaration if the owner, lessee or occupier is unknown?

If it is not possible (after reasonable enquiry) to ascertain the name or address of an owner, lessee or occupier of land, the acquiring authority should comply with section

329(2) of the Town and Country Planning Act 1990 to serve notice after execution of the declaration (required under [section 6 of the Compulsory Purchase \(Vesting Declarations\) Act 1981](#)).

71. How can Charity Trustees convey land to a public authority?

If acquiring land from a charity, acquiring authorities should be aware of the provisions in [Part 7 of the Charities Act 2011](#) and may need to consult the Charity Commission.

Stage 6: compensation

72. What is the basis of compensation?

Compensation payable for the compulsory acquisition of an interest in land is based on the principle that the owner should be paid neither less nor more than their loss. This is known as the 'equivalence principle'.

73. What are the elements of compensation where land is taken?

While the compensation payable is a single global figure, in practice, the assessment of compensation will involve various elements.

Broadly, the elements of compensation where land is taken are:

- the [market value of the interest in the land taken](#)
- ['disturbance' payments](#) for losses caused by reason of losing possession of the land and other losses not directly based on the value of land
- [loss payments](#) for the distress and inconvenience of being required to sell and/or relocate from your property at a time not of your choosing
- ['severance/injurious affection'](#) payments for the loss of value caused to retained land by reason of it being severed from the land taken, or caused as a result of the use to which the land is put

74. What are the elements of compensation where no land is taken?

Broadly, the elements of compensation where no land is taken are:

- [injurious affection](#)
- [Part 1 Land Compensation Act 1973 claims](#)

75. What is the market value of the interest in the land taken?

Compensation payable for the compulsory acquisition of an interest in land is based on the 'equivalence principle' (ie that the owner should be paid neither less nor more than their loss). The value of land taken is the amount which it might be expected to realise if sold on the open market by a willing seller ([Land Compensation Act 1961, section 5, rule 2](#)), disregarding any effect on value of the scheme of the acquiring authority (known as the 'no scheme' principle); [Certificates of Appropriate Alternative Development](#) may be used to indicate the planning permissions that could have been obtained, which will affect any development value of the land.

Alternatively, where the property is used for a purpose for which there is no general demand or market (eg a church) and the owner intends to reinstate elsewhere, he may be awarded compensation on the basis of the reasonable cost of equivalent reinstatement

(see [Land Compensation Act 1961, section 5, rule 5](#)).

76. How should the value of the land be assessed in light of the ‘no scheme principle’?

Sections 6A to 6E of the Land Compensation Act 1961, inserted by [section 32 of the Neighbourhood Planning Act 2017](#)⁵, set out how the value of the land should be assessed applying the ‘no scheme principle’.

Section 6A sets out the ‘no scheme principle’ that any increases or decreases in value caused by the scheme or the prospect of the scheme must be disregarded and then lists the 5 ‘no scheme rules’ to be followed when applying the ‘no-scheme principle’.

Section 6B provides that any increases in the value of the claimant’s other land, which is contiguous or adjacent to the land taken, is deducted from the compensation payable. This is known as ‘betterment’.

Section 6C provides that where a claimant is compensated for injurious affection for other land when land is taken for a scheme, and then that other land is subsequently subject to compulsory purchase for the purposes of the scheme, the compensation for the acquisition of the other land is to be reduced by the amount received for injurious affection.

Section 6D defines the ‘scheme’ for the purposes of establishing the no-scheme world. The default case, set out in subsection (1), is that the ‘scheme’ to be disregarded is the scheme of development underlying the compulsory acquisition. Subsection (2) makes special provision for new towns, urban development corporations and mayoral development corporations. Where land is acquired in connection with these areas, the ‘scheme’ is the development of any land for the purposes for which the area is or was designated.

Section 6D(3) and (4) also makes special provision. It provides that where land is acquired for regeneration or redevelopment which is facilitated or made possible by a ‘relevant transport project’ (defined in section 6D(4)(a)) ‘the scheme’ includes the relevant transport project.

77. Why is special provision made for relevant transport projects?

New transport projects often raise land values in the vicinity of stations or hubs, which can facilitate regeneration and redevelopment schemes. Where land is acquired for regeneration or redevelopment which is facilitated or made possible by a relevant transport project, the effect of Section 6D(3) is that the scheme to be disregarded includes the relevant transport project - subject to the qualifying conditions and safeguards in section 6E. The intention of this special provision is to ensure that an acquiring authority should not pay for land it is acquiring at values that are inflated by its own or others’ public investment in the relevant transport project. Where it applies, the land in question will be valued as if the transport project as well as the regeneration scheme had been cancelled on the relevant valuation date (defined in section 5A). The qualifying conditions and safeguards in section 6E(2) are, in summary that:

⁵ The amendments made by section 32 of the Neighbourhood Planning Act 2017 apply to a compulsory purchase of land which is authorised on or after 22 September 2017.

- regeneration or redevelopment was part of the published justification for the relevant transport project
- the instrument authorising the compulsory purchase of the land acquired for regeneration or redevelopment was made or prepared in draft on or after 22 September 2017
- the regeneration or redevelopment land must be in the vicinity of land comprised in the relevant transport project
- the works comprised in the relevant transport project are first opened for use no earlier than 22 September 2022
- the compulsory purchase of the land acquired for regeneration or redevelopment must be authorised within 5 years of the works comprised in the relevant transport project first opening for use; and
- if the owner acquired the land after plans for the relevant transport project were announced but before 8 September 2016 ‘the scheme’ will not be treated as if it included the relevant transport project

78. What is the specific safeguard in section 6E(3)?

Section 6E(3) provides a specific safeguard for persons who acquired land in the vicinity of a relevant transport project after plans for the relevant transport project were announced, but before 8 September 2016 (the day after the Neighbourhood Planning Bill was printed). The specific safeguard is intended to provide protection in circumstances where land was purchased:

- on the basis of a public announcement whose effect was to provide a reasonable degree of certainty about the delivery of a relevant transport project at a particular location
- before the Government introduced legislation that made special provision for relevant transport projects

Where the specific safeguard applies, the ‘scheme’ will not be treated as if it included the relevant transport project in assessing the compensation payable in respect of the compulsory acquisition of that land. In such circumstances, any increase or decrease in the value of the owner’s land caused by the relevant transport project does not have to be disregarded.

79. When is a relevant transport project announced for the purposes of the specific safeguard in section 6E(3)?

Whether and/or when such a project is ‘announced’ is a question of fact in each case to be determined by the Upper Tribunal (Lands Chamber) in the event of disagreement. The evidence put before the Upper Tribunal (Lands Chamber) could include, among other things, the following matters:

- the inclusion of the relevant transport project, at or near a particular location, in an approved or adopted development plan document
- the inclusion of the relevant transport project in an application for a development consent order or in a compulsory purchase order
- the inclusion of the relevant transport project in a proposal contained in an application for, or in a draft, Transport and Works Act Order for the purposes of the Transport and Works Act 1992
- the inclusion of the relevant transport project in any Bill put before Parliament
- a decision announced by a Minister of, or of approval for, a relevant transport project at a particular location

80. What if the definition of the ‘scheme’ is disputed?

Section 6D(5) provides that if there is disagreement between parties as to the definition of the ‘scheme’ to be disregarded that this can be determined by the Upper Tribunal as a question of fact subject as follows. First, the ‘scheme’ is to be taken by the Upper Tribunal to be the underlying scheme provided for by the act, or other authorising instrument unless it is shown that the ‘scheme’ is a scheme larger than, but including, the scheme provided for by that authorising instrument. Second, except by agreement or in special circumstances, the Upper Tribunal may only permit the acquiring authority to advance evidence of a larger scheme if that larger scheme was identified in the authorising instrument and any documents made available with it read together.

81. What is the relevant valuation date?

[Section 5A of the Land Compensation Act 1961](#) establishes the date at which land compulsorily acquired is to be valued for compensation purposes (the ‘relevant valuation date’). It also establishes that such a valuation is to be based on the market values prevailing at the valuation date and on the condition of the relevant land and any structures on it on that date.

The relevant valuation date is:

- the date of entry and taking possession if the acquiring authority have served a [notice to treat](#) and [notice of entry](#); or
- the vesting date if the acquiring authority has executed a [general vesting declaration](#); or
- the date on which the Upper Tribunal (Lands Chamber) has determined compensation if earlier

A claimant can agree compensation with the acquiring authority at any time in accordance with the provisions of [section 3 of the Compulsory Purchase Act 1965](#).

The relevant valuation date for the whole of the land included in any single notice of entry is the date on which the acquiring authority first takes possession of any part of that area

of land (under section 5A(5) of the Land Compensation Act 1961). This means that compensation becomes payable to the claimant for the whole site covered by that notice of entry from that date. The claimant also has the right to receive interest on the compensation due to him in respect of the value of the whole site covered by that notice of entry from that date until full payment is actually made (under section 5A(6) of the 1961 act).

Under the terms of [section 11 of the Compulsory Purchase Act 1965](#), simple interest is payable at the [prescribed rate](#) from the date on which the authority enters and takes possession until the outstanding compensation is paid. Interest is not compounded as, neither section 32 nor regulations made under it, confer any power to pay interest on interest, and neither refers to frequency of calculation nor provides for periodic rests, which would be essential to any calculation of interest on a compound basis. It is therefore important that the date of entry is properly recorded by the acquiring authority.

82. Is an advance payment of compensation available?

If requested, and subject to sufficient information being made available by the claimant, the acquiring authority must make an advance payment on account of any compensation which is due for the acquisition of any interest in land, under [section 52 of the Land Compensation Act 1973](#) as amended by sections 194 and 195 of the [Housing and Planning Act 2016](#) and [section 38 of the Neighbourhood Planning Act 2017](#)⁶. Advance payments must be registered as local land charges to ensure that payments are not duplicated.

The amount payable in advance is:

- 90% of the agreed sum for the compensation; or
- 90% of the acquiring authority's estimate of the compensation due, if the acquiring authority takes possession before compensation has been agreed

83. Is an advance payment available for a mortgage?

In certain circumstances, a claimant can require the acquiring authority to make advance payments of compensation direct to his mortgage lender. Advance payments relating to the amount owing to the mortgage lender can be made:

- direct to the mortgage lender only with their consent
- to more than one mortgage lender, if the interest of any other mortgage lender whose interest has priority has been released

[Section 52ZA of the Land Compensation Act 1973](#) as amended by [section 195 of the Housing and Planning Act 2016](#) enables an acquiring authority to make an advance payment to a claimant's mortgage lender where the total amount outstanding under the mortgage does not exceed 90% of the estimated total compensation due to the claimant. Alternatively, [section 52ZB](#) as amended by [section 195 of the Housing and Planning Act](#)

⁶ The amendments made by section 194(1) to (3) and section 195 of the Housing and Planning Act 2016 and section 38 of the Neighbourhood Planning Act 2017 apply to a compulsory purchase of land which is authorised on or after 6 April 2018

[2016](#) applies where the total amount exceeds 90% of the total estimated compensation due to the claimant.

The conditions relating to both types of payments are complex and, in order to protect the interests of all parties, it will be advisable for an acquiring authority to work closely with both the claimant and his mortgage lender(s) in determining the amount of the advance payment payable.

84. What information should a claimant provide when requesting an advance payment of compensation?

As the amount payable is 90% of the acquiring authority's estimate of the compensation due, it is in the interests of claimants to provide early and full information to the authority to ensure that the estimate is as robust as possible.

Acquiring authorities should encourage claimants to seek professional advice in relation to their compensation claim. They should also provide claimants with information as to the kinds of evidence they may be expected to provide in support of their compensation claim including, for example:

- detailed records of losses sustained and costs incurred in connection with the acquisition of their property
- all relevant supporting documentary evidence such as receipts, invoices and fee quotes
- business accounts for at least 3 years prior to the acquisition and continuing to the date of the claim
- a record of the amount of time they have spent on matters relating to the compulsory purchase of their property

Sections 52(2) and (2A) and 52ZC(2) of the Land Compensation Act 1973 as amended by section 194 of the Housing and Planning Act 2016 set out what information the claimant must provide and give the acquiring authority 28 days to request further information. The Secretary of State has published a [model claim form](#) which claimants are strongly encouraged to use when making a claim for an advance payment.

85. Is there a deadline for making and paying an advance payment?⁷

Section 52(1) of the Land Compensation Act 1973 as amended by [section 195 of the Housing and Planning Act 2016](#) allows a claim for an advance payment to be made and paid at any time after the compulsory acquisition has been authorised. However, an acquiring authority must make an advance payment within 2 months of receipt of the claim or any further information requested under subsection 52(2A)(b) or 52ZC(2), or the date the notice of entry was issued or general vesting declaration was executed, whichever is the later.

⁷ The amendments made by section 195 of the Housing and Planning Act 2016 and section 38 of the Neighbourhood Planning Act 2017 apply to a compulsory purchase of land which is authorised on or after 6 April 2018

There is special provision, under subsections (1A) and (4) of section 52 of the 1973 act, where the compulsory acquisition is one to which the Lands Clauses Consolidation Act 1845 applies. In these cases, the acquiring authority may not make an advance payment if they have not taken possession of the land, but must do so if they have. The payment must be made before the end of the day on which possession is taken, or, if later, before the end of the period of two months beginning with the day on which the authority received the request for the payment or any further information required under section 52(2A)(b).

Acquiring authorities should make prompt and adequate advance payments as this can:

- reduce the amount of the interest ultimately payable by the authority on any outstanding compensation; and
- help claimants to have sufficient liquidity to be able to make satisfactory arrangements for their relocation

Acquiring authorities are urged to adopt a sympathetic approach and take advantage of the flexibility offered by section 52(1) of the 1973 act where possible.

86. What happens if an advance payment is made but the compulsory purchase does not go ahead?⁸

Section 52AZA of the Land Compensation Act 1973 as amended by [section 197 of the Housing and Planning Act 2016](#) requires a claimant to repay any advance payment if the notice to treat is withdrawn or ceases to have effect after the advance payment is made. If another person has since acquired the whole of the claimant's interest in the land, the successor will be required to repay the advance payment (provided it was registered as a local land charge in accordance with section 52(8A) of the 1973 act).

Section 52ZE of the Land Compensation Act 1973 as amended by [section 198 of the Housing and Planning Act 2016](#) provides for the recovery of an advance payment to a mortgage lender if the notice to treat has been withdrawn or ceases to have effect. In these circumstances, the claimant must repay the advance payment unless someone else has acquired the claimant's interest in the land. In this case, the successor to the claimant must make the repayment.

87. What is compensation for disturbance?

One element of compensation payable to a claimant is in respect of losses caused as a result of being disturbed from possession of the land taken and other losses caused by the compulsory purchase. This is known as 'disturbance' compensation. The right to compensation for disturbance is set out in the [Land Compensation Act 1961, section 5, rule 6](#). Disturbance payments may include, for example, the costs and expenses of vacating the property and moving to a replacement property such as legal costs, other fees and losses, conveyancing costs and other professional fees.

There are also specific provisions for disturbance payments relating to different interests in land as follows:

⁸ The amendments made by section 197 and section 198 of the Housing and Planning Act 2016 apply to a compulsory purchase of land which is authorised on or after 6 April 2018.

- [section 20 of the Compulsory Purchase Act 1965](#) - disturbance for persons who have no greater interest in the land than as tenant for a year or from year to year
- [section 46 of the Land Compensation Act 1973](#) - disturbance where a business is carried on by a person over sixty
- [section 47 of the Land Compensation Act 1973](#) - disturbance where land is the subject of a business tenancy
- [section 37 of the Land Compensation Act 1973](#) - disturbance for persons without compensatable interests in the land acquired

88. Does the ‘*Bishopsgate* principle’ still apply to compensation for disturbance?

Prior to measures in the Neighbourhood Planning Act 2017, case law (*Bishopsgate Space Management v London Underground* [2004] 2 EGLR 175) held that for disturbance compensation purposes where the interest in the land to be acquired was a minor tenancy (a tenancy with less than a year left to run, or a tenancy from year to year) or an unprotected tenancy (a tenancy without the protection of Part 2 of the Landlord and Tenant Act 1954), the acquiring authority should assume that the landlord terminates the tenant’s interest at the first available opportunity following notice to treat, whether that would happen in reality or not.

This was to be contrasted with the position for compensation for disturbance for occupiers of business premises with no interest in the land (payable under [section 37 of the Land Compensation Act 1973](#)) which was not subject to this artificial assumption.

[Section 35 of the Neighbourhood Planning Act 2017](#)⁹ inserts a new section 47 into the Land Compensation Act 1973 bringing the assessment of compensation for disturbance for minor and unprotected tenancies into line with that for licensees and protected tenancies (a tenancy with the protection of Part 2 of the Landlord and Tenant Act 1954). Regard should be had to the likelihood of either continuation or renewal of the tenancy, the total period for which the tenancy might reasonably have been expected to continue, and the likely terms and conditions on which any continuation or renewal would be granted. For protected tenancies, the right of a tenant to apply for a new tenancy is also to be taken into account.

89. What are loss payments?

Loss payments are intended to compensate for the claimant’s distress and inconvenience of being required to sell and/or relocate from their property at a time not of their choosing (see [sections 29-36 of the Land Compensation Act 1973](#)). There are three main types of loss payment:

- home loss payments – see sections 29-33 of the Land Compensation Act 1973

⁹ The amendments made by section 35 of the Neighbourhood Planning Act 2017 apply to a compulsory purchase of land which is authorised on or after 22 September 2017

- basic loss payment – see 33A of the Land Compensation Act 1973
- occupier's loss payment - sections 33B and 33C of the Land Compensation Act 1973

90. What are severance and injurious affection?

Severance occurs when the land acquired contributes to the value of the land which is retained, so that when severed from it, the retained land loses value. For example, if a new road is built across a field it may no longer be possible to have access by vehicle to part of the field, rendering it less valuable.

Injurious affection is the depreciation in value of the retained land as a result of the proposed construction on, and use of, the land acquired by the acquiring authority for the scheme. For example, even though only a small part of a farm holding may be acquired for a new road, the impact of the use of the road may reduce the value of the farm.

The principle of compensation for severance is set out in [section 7 of the Compulsory Purchase Act 1965](#).

91. What is injurious affection where no land is taken?

Injurious affection where no land is taken refers to the right to compensation in certain circumstances where the value of an interest in land has been reduced as a result of the execution of works authorised by statute.

The principle of compensation for injurious affection where no land is taken is set out in [section 10 of the Compulsory Purchase Act 1965](#).

92. What are Part 1 claims?

In certain circumstances compensation is payable to landowners in respect of depreciation of the value of their land by certain physical factors (noise, vibration, smell, fumes, smoke, artificial lighting, discharge on the land of a liquid or solid substance) caused by the use of a new or altered highway, aerodrome or other public works (see [Part 1 of the Land Compensation Act 1973](#)).

Tier 2: enabling powers

It is likely that only one of the following enabling powers will be relevant in an individual case

93. Where can further information on the powers of acquisition be found?

Further information can be found here:

- [Section 1: advice on section 226 of the Town and Country Planning Act 1990](#)
- [Section 2: advice on section 121 of the Local Government Act 1972](#)
- [Section 3: Homes England](#)
- [Section 4: urban development corporations](#)
- [Section 5: New Town Development Corporations](#)
- [Section 6: local housing authorities for housing purposes and listed buildings in slum clearance](#)
- [Section 7: to improve the appearance or condition of land](#)
- [Section 8: for educational purposes](#)
- [Section 9: for public libraries and museums](#)
- [Section 10: for airport Public Safety Zones](#)
- [Section 11: for listed buildings in need of repair](#)

Section 1: advice on section 226 of the Town and Country Planning Act 1990

94. Can local authorities compulsorily acquire land for development and other planning purposes?

Under [section 226 of the Town and Country Planning Act 1990](#) the following bodies (which are local authorities for the purposes of that section):

- county, district or London borough councils (section 226(8))
- joint planning boards (section 244(1)); or
- national park authorities (section 244A)

can acquire land compulsorily for development and other planning purposes as defined in section 246(1).

95. What is the purpose of this power?

This power is intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan or where strong planning justifications for the use of the power exist. It is expressed in wide terms and can therefore be used to assemble land for regeneration and other schemes where the range of activities or purposes proposed mean that no other single specific compulsory purchase power would be appropriate.

96. Can this power be used in place of other more appropriate enabling powers?

This power should not be used in place of other more appropriate enabling powers. The statement of reasons accompanying the order should make clear the justification for the use of this specific power. In particular, the Secretary of State may refuse to confirm an order if he considers that this general power is or is to be used in a way intended to frustrate or overturn the intention of Parliament by attempting to acquire land for a purpose which had been explicitly excluded from a specific power.

97. What can the power be used for?

The power can be used as follows:

- section 226(1)(a) enables acquiring authorities with planning powers to acquire land if they think that it will facilitate the carrying out of development (as defined in [section 55 of Town and Country Planning Act 1990](#)), redevelopment or improvement on, or in relation to, the land being acquired and it is not certain that they will be able to acquire it by agreement - further guidance on use of the power under section 226(1)(a) can be found [here](#)
- section 226(1)(b) allows an authority, if authorised, to acquire land in their area which is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated. The potential scope of

this power is broad. It is intended to be used primarily to acquire land which is not required for development, redevelopment or improvement, or as part of such a scheme

- section 226(3) provides that an order made under either section 226(1)(a) or (b) may also provide for the compulsory purchase of:
 - a) any adjoining land which is required for the purpose of executing works for facilitating the development or use of the primary land; or
 - b) land to give in exchange for any of the primary land which forms part of a common or open space or fuel or field garden allotment

An authority intending to acquire land for either of these purposes in connection with the acquisition of land under subsection (1) must therefore specify *in the same order*, the appropriate subsection (3) acquisition power and purpose.

98. Does an order have to specify which paragraph of section 226(1) it is made under?

The Secretary of State takes the view that an order made under section 226(1) should be expressed in terms of either paragraph (a) or paragraph (b) of that subsection. As these are expressed as alternatives in the legislation, the order should clearly indicate which is being exercised, quoting the wording of paragraph (a) or (b) as appropriate as part of the description of what is proposed.

99. Can the powers in section 226(1) or 226(3)(a) be used only if the purpose or activity specified in the order is to be taken forward by the authority itself?

Section 226(4) provides that it is immaterial by whom the authority propose that any activity or purpose mentioned in section 226(1) or 226(3)(a) should be undertaken or achieved. In particular, the authority does not need to undertake an activity or achieve a purpose themselves.

100. In deciding whether to confirm orders made under section 226, does the Secretary of State need to take into account all objections?

Section 245(1) of the Town and Country Planning Act 1990 provides the Secretary of State with the right to disregard objections to orders made under section 226 which, in his opinion, amount to an objection to the provisions of the Local Plan.

101. Can Crown land be compulsorily purchased?

Sections 293 and 226(2A) of the Town and Country Planning Act 1990 apply where an acquiring authority with planning powers proposes to acquire land compulsorily under section 226 in which the Crown has an interest. The Crown's interest cannot be acquired compulsorily under section 226, but an interest in land held otherwise than by or on behalf of the Crown may be acquired with the agreement of the appropriate body. This might arise, for example, where a government department which holds the freehold interest in certain land may agree that a lesser interest, perhaps a lease or a right of way may be acquired compulsorily and that that interest may, therefore, be included in the order. Further advice about the purchase of interests in Crown land is [here](#).

Section 226(1)(a)

102. Does the development, redevelopment or improvement scheme need to be taking place on the land to be acquired?

The scheme of development, redevelopment or improvement for which the land needs to be acquired does not necessarily have to be taking place on that land so long as its acquisition can be shown to be essential to the successful implementation of the scheme. This could be relevant, for example, in an area of low housing demand where property might be being removed to facilitate replacement housing elsewhere within the same neighbourhood.

103. Are there any limitations on the use of this power?

The wide power in section 226(1)(a) is subject to the restriction under section 226(1A). This provides that the acquiring authority must not exercise the power unless they think that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area for which the acquiring authority has administrative responsibility.

The benefit to be derived from exercising the power is not restricted to the area subject to the compulsory purchase order, as the concept is applied to the wellbeing of the whole (or any part) of the acquiring authority's area.

104. What justification is needed to support an order to acquire land compulsorily under section 226(1)(a)?

Any programme of land assembly needs to be set within a clear strategic framework, and this will be particularly important when demonstrating the justification for acquiring land compulsorily under section 226(1)(a). Such a framework will need to be founded on an appropriate evidence base, and to have been subjected to consultation processes, including those whose property is directly affected.

The planning framework providing the justification for an order should be as detailed as possible in order to demonstrate that there are no planning or other impediments to the implementation of the scheme. Where the justification for a scheme is linked to proposals identified in a development plan document which has been through the consultation processes but has either not yet been examined or is awaiting the recommendations of the inspector, this will be given due weight.

Where the Local Plan is out of date, it may well be appropriate to take account of more detailed proposals being prepared on a non-statutory basis with the intention that they will be incorporated into the Local Plan at the appropriate time. Where such proposals are being used to provide additional justification and support for a particular order, there should be clear evidence that all those who might have objections to the underlying proposals in the supporting non-statutory plan have had an opportunity to have them taken into account by the body promoting that plan, whether or not that is the authority making the order. In addition, the National Planning Policy Framework is a material consideration in all planning decisions and should be taken into account.

105. Do full details of a scheme need to be worked up before an acquiring authority can proceed with an order?

It may not always be feasible or sensible to wait until the full details of the scheme have been worked up, and planning permission obtained, before proceeding with the order. Furthermore, in cases where the proposed acquisitions form part of a longer-term strategy which needs to be able to cope with changing circumstances, it may not always be possible to demonstrate with absolute clarity or certainty the precise nature of the end use proposed. In all such cases the responsibility will lie with the acquiring authority to put forward a compelling case for acquisition in advance of resolving all the uncertainties.

106. What factors will the Secretary of State take into account in deciding whether to confirm an order under section 226(1)(a)?

Any decision about whether to confirm an order made under section 226(1)(a) will be made on its own merits, but the factors which the Secretary of State can be expected to consider include:

- whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the [National Planning Policy Framework](#)
- the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area
- whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired
- the potential financial viability of the scheme for which the land is being acquired. A general indication of funding intentions, and of any commitment from third parties, will usually suffice to reassure the Secretary of State that there is a reasonable prospect that the scheme will proceed. The greater the uncertainty about the financial viability of the scheme, however, the more compelling the other grounds for undertaking the compulsory purchase will need to be. The timing of any available funding may also be important. For example, a strict time limit on the availability of the necessary funding may be an argument put forward by the acquiring authority to justify proceeding with the order before finalising the details of the replacement scheme and/or the statutory planning position

Section 2: advice on Section 121 of Local Government Act 1972

107. What can the general compulsory purchase powers for local authorities be used for?

The general power of compulsory purchase at [section 121 of the Local Government Act 1972](#) can (subject to certain constraints) be used by local authorities in conjunction with other enabling powers to acquire land compulsorily for the stated purpose. It may also be used where land is required for more than one function and no precise boundaries between uses are defined.

Section 121 can also be used to achieve compulsory purchase in conjunction with section 120 of the Local Government Act 1972. Section 120 provides a general power for a principal council ie a county, district or London borough council to acquire land by agreement for a statutory function in respect of which there is no specific land acquisition power or where land is intended to be used for more than one function.

Some of the enabling powers in legislation (in the enabling act) for local authorities to acquire land by agreement for a specific purpose do not include an accompanying power of compulsory purchase, for example:

- public walks and pleasure grounds - [section 164, Public Health Act 1875](#)
- public conveniences – [section 87, Public Health Act 1936](#)
- cemeteries and crematoria – [section 214, Local Government Act 1972](#)
- recreational facilities – [section 19, Local Government \(Miscellaneous Provisions\) Act 1976](#)
- refuse disposal sites – [section 51, Environmental Protection Act 1990](#); and
- land drainage – [section 62\(2\), Land Drainage Act 1991](#)

In addition, section 125 contains a general power for a district council to acquire land compulsorily (subject to [certain restrictions](#)) on behalf of a parish council which is unable to purchase by agreement land needed for the purpose of a statutory function.

108. What considerations apply in relation to making and submitting an order under Part 7 of the Local Government Act 1972?

The normal considerations in relation to making and submission of a compulsory purchase order, as described in [Section 13: preparing and serving the order and its notices](#), would apply to orders relying upon section 121 or section 125. These include the requirement that compulsory purchase should only be used where there is a compelling case in the public interest.

109. Who is the confirming authority for orders under Part 7 of the Local Government Act 1972?

The confirming authority for orders under Part 7 of the 1972 act is the Secretary of State for Housing, Communities and Local Government.

110. What information should be included in orders under sections 121 or 125 about the acquisition power?

Paragraph 1 of the order should cite the relevant acquisition power (section 121 or 125) and state the purpose of the order, by reference to the enabling act under which the purpose may be achieved.

Where practicable, the words of the relevant section(s) of the enabling act(s) should be inserted into the prescribed form of the order (see Note (f) to Forms 1 to 3 in the [Schedule to the Compulsory Purchase of Land \(Prescribed Forms\) Regulations 2004](#)). For example:

‘.... the acquiring authority is under section 121 [125] of the Local Government Act 1972 hereby authorised to purchase compulsorily [on behalf of the parish council of] the land described in paragraph 2 for the purpose of providing premises for use as a recreation/community centre under section 19 of the Local Government (Miscellaneous Provisions) Act 1976.’

111. What restrictions are there to the use of the powers under sections 121 and 125?

Section 121(2) sets out certain purposes for which principal councils may not purchase land compulsorily under section 121 as follows:

- a) for the purposes specified in section 120(1)(b), ie the benefit, improvement or development of their area. Councils may consider using their acquisition powers under the [Town and Country Planning Act 1990](#) for these purposes
- b) for the purposes of their functions under the [Local Authorities \(Land\) Act 1963](#); or
- c) for any purpose for which their power of acquisition is expressly limited to acquisition by agreement only, eg [section 9\(a\) of the Open Spaces Act 1906](#)

There are similar limitations in section 125(1) for orders made by district councils on behalf of parish councils.

112. What should a district council consider in deciding whether to make an order on behalf of a parish council?

The district council should have regard to the representations made to them by the parish council in seeking to get them to make such an order and to all the other matters set out in section 125.

113. What restrictions are there on a district council's power to make an order on behalf of a parish council?

A district council may not acquire land compulsorily on behalf of a parish council for a purpose for which a parish council is not, or may not be, authorised to acquire land, eg section 226 of the Town and Country Planning Act 1990 (see subsections (1) and (8)).

Section 125 also does not apply where the purpose of the order is to provide allotments under the Smallholdings and Allotments Act 1908. In such a case, by virtue of section 39(7) of the 1908 act, the district council should purchase the land compulsorily, on behalf of the parish council, under section 25 of that act.

114. What happens if a district council refuses to make an order on behalf of a parish council or does not make one within required time period?

If a district council refuses to make an order under section 125, or does not make one within 8 weeks of the parish council's representations or within such an extended period as may be agreed between the two councils, the parish council may petition the Secretary of State, who may make the order.

Where an order is made by the Secretary of State in such circumstances, section 125 and the Acquisition of Land Act 1981 apply as if the order had been made by the district council and confirmed by the Secretary of State.

115. Can a single order be made by more than one authority and covering mixed purposes, and if so, how is it confirmed?

A single order may be made under section 121 of the Local Government Act 1972 by more than one council and for more than one purpose.

Where this would involve more than one confirming authority, the order may be submitted to one Secretary of State but it has to be processed through all the relevant government departments, involving concerted action by them.

Where an inquiry is required or is considered to be appropriate, the inspector's report will be submitted to each of the departments simultaneously and the decision will be given by the relevant ministers acting together.

116. Can a district council make an order on behalf of more than one parish council?

A district council may also make an order on behalf of more than one parish council. Such an order might, for example, be made under section 125, for the purposes of section 214, on behalf of several parish councils which form a joint burial committee in the area of the district council.

117. What does a parish council need to consider before asking a district council to make an order on its behalf?

A parish council should consider very carefully whether it has the necessary resources to carry out a compulsory purchase of land. A district council which makes an order on behalf of a parish council may (and, in the case of an order made under the Allotments Act 1908, shall) recover from the parish council the expenses which it has incurred. This includes:

- the administrative expenses and costs of the inquiry

- the inquiry costs awarded to successful statutory objectors, should the [order not be confirmed, or confirmed in part](#)
- statutory compensation including, where appropriate, any additional disturbance, home loss, or other loss payments, to which the dispossessed owners may be entitled; or
- any compensation for injurious affection payable to adjoining owners who may be entitled to claim

When considering whether to confirm or make an order, the Secretary of State will have regard to questions concerning the ability of the parish council to meet the costs of purchasing the land at market value and to carry forward the scheme for which the order has been or would be made.

Section 3: Homes England

118. What compulsory purchase powers does Homes England have?

[Homes England](#) has compulsory purchase powers to acquire land and new rights over land under subsections (2) and (3) of [section 9 of the Housing and Regeneration Act 2008](#).

119. When can Homes England use its compulsory purchase powers?

Homes England can use its compulsory purchase powers to make a compulsory purchase order to facilitate the achievement of its objects set out in [section 2 of the Housing and Regeneration Act 2008 \(as amended\)](#). These are:

- to improve the supply and quality of housing in England
- to secure the regeneration or development of land or infrastructure in England
- to support in other ways the creation, regeneration or development of communities in England or their continued wellbeing
- and to contribute to the achievement of sustainable development and good design in England

with a view to meeting the needs of people living in England.

The made order would then be submitted to the Secretary of State for confirmation in the way set out in [Tier 3](#) of this guidance.

The Localism Act 2011 amended the Greater London Authority Act 1999 so that Homes England's activities in London are now the responsibility of the Mayor to undertake.

120. Why does Homes England have compulsory purchase powers?

Homes England is tasked with supporting private and public sector bodies to deliver housing and regeneration priorities throughout England by providing land, funding and expertise. Powers to compulsorily acquire land can, subject to the normal strong safeguards, ensure that development and regeneration can take place in the right place at the right time.

121. How does Homes England justify the use of its compulsory purchase powers?

Homes England must demonstrate that the proposed acquisition is:

- for the purposes (or 'objects') set out in [section 2 of the Housing and Regeneration Act 2008](#)), in addition to any other valid reasons
- in the public interest
- and consistent with the policies in the [National Planning Policy Framework](#) and the relevant Local Plan

The justification should be included in the [statement of reasons](#) for the compulsory purchase order and preferably be backed up by a more detailed development framework.

122. What is Homes England expected to do when using its compulsory purchase powers?

Before making the compulsory purchase order, Homes England is normally expected to:

- have resolved any major planning difficulties (where practicable); or
- demonstrate that there are no planning or other impediments to the proposed scheme

If, for example, rapid action is essential, it may not always be feasible or sensible (particularly for schemes of strategic or national importance) to wait for planning permission for the replacement scheme or complete all statutory procedures before making the order.

Where the land is required for a defined end use or to provide essential infrastructure (such as roads and sewers) to facilitate regeneration or economic development, Homes England will also normally be expected to have:

- reasonably firm proposals; or
- a long-term strategic need for the land in place

When preparing and making a compulsory purchase order, Homes England should have regard to the general advice available [here](#).

Homes England should submit orders for confirmation to the [Planning Casework Unit, Birmingham](#).

123. Can Homes England compulsorily acquire land even if it has no specific development proposals in place?

It may sometimes be appropriate for Homes England to compulsorily acquire land which is in need of development or regeneration even though there are no specific detailed development proposals in place. Homes England does not usually undertake extensive building development itself. Instead, it often provides assistance for a scheme by stimulating as much private sector investment as possible. Therefore in some circumstances, it may be counterproductive for Homes England to predetermine what private sector development should take place once the land has been assembled. Land will often be suitable for a variety of developments and the market may change rapidly as implementation proceeds.

Nevertheless, when using its compulsory purchase powers, Homes England will still need to provide adequate justification and show that the compulsory acquisition is:

- supported by reasonably firm proposals or a long-term strategic need for the land
- for a clearly defined and deliverable objective; and
- in the public interest

124. How does the Secretary of State decide whether to confirm Homes England's compulsory purchase order?

To reach a decision about whether to confirm a compulsory purchase order made under [section 9 of the Housing and Regeneration Act 2008](#), the Secretary of State will keep the following in mind:

- the statutory purposes (objects) of Homes England
- the general considerations identified in [the process of confirming a compulsory purchase order](#)
- any guidance and directions which may be given under section 46 and/or section 47 of the 2008 act or otherwise issued by the Secretary of State
- whether the compulsory purchase of the land supports the activities described in Homes England's statement of reasons
- whether Homes England has demonstrated (where appropriate) that the land is in need of housing development and/or regeneration

The Secretary of State will also take other factors into consideration, depending on whether Homes England has specific proposals for the development or regeneration of the land or it wishes to acquire the land to stimulate private sector investment:

a) if Homes England has specific proposals for the land

If Homes England has proposals for the development or regeneration of the land that it wishes to acquire through compulsory purchase, the Secretary of State will also consider:

- any alternative proposals that may have been put forward by the owners of the land or by other persons for the use or reuse of the land and:
 - whether they are likely to be, or are capable of being, implemented (including consideration of the experience and capability of the landowner or developer and any previous track record of delivery) what planning applications have been submitted and/or determined and the extent to which the proposals advocated by the other parties may conflict with Homes England's proposals (ie the timing and nature of any housing development and/or regeneration of the wider area concerned)
- whether the proposal is, on balance, more likely to be achieved if the land is acquired by Homes England, including the effect on the surrounding area that the purchase of the land by Homes England will have in terms of stimulating and/or maintaining the regeneration of the area
- and if Homes England intends to carry out direct development, whether this would displace or disadvantage private sector development or investment without proper justification and that the objects of Homes England cannot be achieved by any other means

- the quality of both Homes England's proposals for the land and any alternative proposals and the timetable for completing each

b) if Homes England does not have specific proposals for the land

If Homes England proposes to acquire the land for the purpose of stimulating private sector investment, the Secretary of State will also have regard to the fact that it will not always be possible or desirable to have specific proposals for the land concerned (beyond any broad indications in its Corporate Plan, or any justification given in Homes England's statement of reasons). However, the Secretary of State will still want to be reassured that:

- there is a realistic prospect of the land being brought into beneficial use within a reasonable timeframe; and
- Home England can show that the use of its compulsory purchase powers is clearly in the public interest.

Section 4: urban development corporations

125. What is the purpose of an urban development corporation?

An urban development corporation is set up under [section 135 of the Local Government, Planning and Land Act 1980](#) ('the act') with the object, as set out in [section 136\(1\)](#), of securing the regeneration of the relevant urban development area. Under section 134(1), an area of land may be designated as an urban development area if the Secretary of State is satisfied that it is expedient in the national interest to do so. An urban development area is likely to have been designated because it contains significant areas of land not in effective use, suffered extensive dereliction and be unattractive to existing or potential developers, investors and residents. The acquisition of land and buildings by compulsory purchase is one of the main ways in which an urban development corporation can take effective steps to secure its statutory objectives.

126. How can regeneration be achieved?

[Section 136\(2\) of the act](#) indicates that regeneration can be achieved particularly by

- bringing land and buildings into effective use
- encouraging the development of existing and new industry and commerce
- creating an attractive environment; and
- ensuring that housing and social facilities are available to encourage people to live and work in the area

127. What powers does an urban development corporation have under the 1980 act?

Subject to any limitations imposed under section 137 or 138, section 136(3) of [the act](#) an urban development corporation can acquire, hold, manage, reclaim and dispose of land, and carry out a variety of incidental activities. The compulsory purchase powers are set out in section 142. They cover both land and 'new rights' over land (as defined in section 142(4)) and, in the circumstances described in section 142(1)(b) and (c), their exercise may extend outside the urban development corporation's area.

128. What compulsory purchase powers are available to urban development corporations?

It is for an urban development corporation to decide how best to use its land acquisition powers, having regard to this guidance. The compulsory purchase powers available to urban development corporations to assist with urban regeneration are expressed in broad terms. While an urban development corporation should acquire land by agreement wherever possible, it is recognised that this may not always be practicable and it may sometimes be necessary to use its compulsory purchase power to make an order at the same time as attempting to purchase by agreement.

129. Do urban development corporations have to predetermine what development will take place on land before it is acquired?

To achieve its objectives, it may sometimes be necessary for an urban development corporation to assemble land for which it has no specific development proposals. Urban development corporations are expected to achieve their objectives largely by stimulating and attracting greater private sector investment and do not usually carry out extensive building development themselves, as it may be counterproductive to decide what private sector development should take place. Land may be suitable for a variety of development and the market can change rapidly as regeneration proceeds. Urban development corporation ownership of land can stimulate confidence that regeneration will take place, and help to secure investment. Urban development corporations can often bring about regeneration by assembling land and providing infrastructure over a wide area to secure or encourage its development by others.

130. What is the urban development corporation expected to do where an existing user is affected by an urban development corporation compulsory purchase order?

Where existing users are affected by a compulsory purchase order relating to their premises, the urban development corporation will be expected to indicate how it proposes to assist these users to relocate to a site either within or outside the urban development area. [Section 146\(2\) of the act](#) encourages urban development corporations, where possible, to assist persons or businesses whose property has been acquired, to relocate to land owned by the urban development corporation.

131. What happens where an urban development corporation generates receipts in excess of the total cost of assembled land?

When assembling land for redevelopment, an urban development corporation may need to compulsorily acquire a site as part of a project to realise the development potential of a larger area. The Secretary of State recognises that the eventual sale of the assembled site will in many cases generate receipts in excess of the cost of the land to the urban development corporation. In such cases, the receipts generated can make an important contribution to reclamation costs incurred by the urban development corporation.

132. What does the Secretary of State need to consider when reaching a decision on whether to confirm a section 142 order to acquisition land?

In reaching a decision on whether to confirm a [section 142 order](#), the Secretary of State will take into account the statutory objectives of the urban development corporation set out in paragraph 119 above and consider:

- i. whether the urban development corporation has demonstrated that the land is in need of regeneration
- ii. what alternative proposals (if any) have been put forward by the owners of the land or other persons for regeneration
- iii. whether regeneration is on balance more likely to be achieved if the land is acquired by the urban development corporation
- iv. the recent history and state of the land
- v. whether the land is in an area for which the urban development corporation has a

comprehensive regeneration scheme; and the quality and timescale of both the urban development corporation's regeneration proposals and any alternative proposals

133. What level of detail do urban development corporations need to provide when seeking an order?

The Secretary of State recognises that given their specific duty to regenerate their areas, it will not always be possible or desirable for urban development corporations to have specific proposals for the land concerned beyond their general framework for the regeneration of the area, and detailed land use planning and other factors will not necessarily have been resolved before making an order. In cases where there is a defined end use, or provision of strategic infrastructure to facilitate regeneration, an urban development corporation will normally have reasonably firm proposals, and will have resolved as far as practicable any major planning impediments, before submitting the order for confirmation. Depending on the circumstances however, the Secretary of State accepts that it will not always be feasible for such developments to have received full planning permission, nor for all other statutory procedures necessarily to have been completed at the time of submission of the order.

134. Where detailed proposals are not provided what information is an urban development corporation expected to provide?

Where an urban development corporation does not provide detailed proposals for redevelopment, it will still be expected to demonstrate the case for acquisition in the context of its development strategy. The urban development corporation needs to be able to show that using compulsory purchase powers is in the public interest and that there is a real prospect of the land being brought into beneficial use within a reasonable timeframe. The Secretary of State will expect the statement of reasons accompanying the submission of the order to include a summary of the framework for the regeneration of the urban development area, and that the urban development corporation will be in a position to present evidence at the public inquiry to support its case for compulsory acquisition.

135. What does the Secretary of State have to consider where there are other proposals for the use of land contained within an order?

Where the owners of land or other parties have their own proposals for the use or development of land contained within an order, it will be necessary for the Secretary of State to consider whether these are capable of being or likely to be, implemented, taking into account the planning position, how long the land has been unused, and how the alternative proposals may conflict with those of the urban development corporation.

Section 5: new town development corporations

136. What is the purpose of a new town development corporation?

A new town development corporation can be established under [section 3 of the New Towns Act 1981](#) ('the 1981 act') for the purposes of developing a new town. The objects of a new town development corporation, as set out in [section 4\(1\)](#) of the 1981 act, are to secure the laying out and development of the new town in accordance with proposals approved under the 1981 act. In pursuing those objects, new town development corporations must aim to contribute to the achievement of sustainable development, having particular regard to the desirability of good design (see sections 4(1A) and (1B) of the 1981 act).

An area can be designated as the site of a proposed new town under [section 1](#) of the 1981 act where the Secretary of State is satisfied, after consulting with any local authorities who appear to him to be concerned, that it is expedient in the national interest for that area to be developed as a new town by a new town development corporation.

The development of new towns has traditionally been overseen by the Secretary of State. However, under [section 1A](#) of the 1981 act the Secretary of State may appoint one or more local authorities (an 'oversight authority') to oversee the development of the area as a 'locally-led' new town. Where an oversight authority is appointed a number of functions that would otherwise be exercisable by the Secretary of State are instead exercisable by the oversight authority – as provided for by the [New Towns Act 1981 \(Local Authority Oversight\) Regulations 2018](#).

The Government has published [separate guidance](#) on the process for designating a new town and establishing locally-led new town development corporations.

137. What powers does a new town development corporation have under the 1981 act?

Subject to any restrictions imposed under [section 5](#) of the 1981 act, [section 4\(2\)](#) gives new town development corporations the power, among other things, to acquire, hold, manage and dispose of land and other property, and generally to do anything necessary or expedient for the purposes or incidental purposes of the new town.

138. What powers does a new town development corporation have to acquire land?

The powers of new town development corporations to acquire land are set out in [section 10](#) of the 1981 act. They provide for a new town development corporation to acquire (whether by agreement or by compulsion):

- any land within the area of the new town, whether or not it is proposed to develop that land
- any land adjacent to that area which they require for purposes connected with the development of the new town
- any land, whether adjacent to that area or not, which they require for the provision of services for the purposes of the new town

The compulsory purchase powers provided for by section 10 of the 1981 act apply to all new town development corporations – including in the case of locally-led new towns. Compulsory

purchase orders made by new town development corporations (regardless of whether the new town is nationally or locally-led) are subject to confirmation by the Secretary of State.

For nationally-led new towns the new town development corporation must obtain consent from the Secretary of State to acquire land by agreement. For locally-led new towns the new town development corporation must obtain consent to acquire land by agreement from the oversight authority, as provided by the New Towns Act 1981 (Local Authority Oversight) Regulations 2018.

139. What is the procedure for a new town development corporation acquiring land compulsorily by a compulsory purchase order?

The procedure for making a compulsory purchase order under the 1981 act is set out in [schedule 4](#) to that Act.

140. In what circumstances can new town development corporations use their compulsory purchase powers?

It is for new town development corporations to decide how best to use their land acquisition powers, having regard to this guidance. The compulsory purchase powers available to a new town development corporation in [section 10](#) of the 1981 act are expressed in broad terms, and are intended to assist with land assembly that is necessary to carry out its statutory objects of securing the laying out and development of a new town.

The Secretary of State will expect new town development corporations to demonstrate that they have taken reasonable steps to acquire the land included in a compulsory purchase order by agreement. Depending on when the land is required, it may be necessary for new town development corporations to initiate the compulsory purchase process in parallel with negotiations to acquire the land by agreement.

New town development corporation ownership of land early in the development process may assist with the proper planning for, infrastructure provision in and sustainable development of, a new town – in pursuit of its statutory objects under [sections 4\(1\), \(1A\) and \(1B\)](#) of the 1981 act. Specifically, it may help to ensure that developments brought forward using these powers are planned, designed and delivered in a sustainable and holistic way, in which the provision of infrastructure and community facilities are coordinated with the provision of new homes. New town development corporation ownership of land may also provide greater certainty of delivery: helping to stimulate confidence that the new town will proceed, helping to secure infrastructure investment, and thereby helping to promote development.

141. Can new town development corporations acquire land even if they have no specific development proposals in place?

[Section 10\(1\)](#) of the 1981 act enables new town development corporations to acquire land (compulsorily or by agreement) within the area of the new town whether or not it is proposed to be developed. The Secretary of State recognises that to achieve its statutory objects, it may be justified for a new town development corporation to acquire land for which it has no specific development proposals in place.

142. What level of detail do new town development corporations need to provide when seeking an order?

Given their scale, new towns are likely to be developed over an extended period of time, during which market conditions may change. In this context, the Secretary of State recognises that it will not always be possible or desirable for new town development

corporations to have fully worked up, and secured approval for, detailed development proposals prior to proceeding with a compulsory purchase order. While the Secretary of State will need to be reassured that there is a reasonable prospect of the scheme being funded and the development proceeding, it is also recognised that funding and delivery details will not necessarily have been fully worked up at that stage.

Where a new town development corporation does not have detailed proposals for the order lands, it will still be expected to demonstrate a compelling case for acquisition in the context of the planning framework that will guide development of the new town. The new town development corporation needs to be able to show that using compulsory purchase powers is necessary in the public interest and that the acquisition will support investment in and development of the new town.

The Secretary of State will expect the statement of reasons accompanying the submission of the compulsory purchase order to include a summary of the planning framework for the development of the new town and the justification for the timing of the acquisition, and that the new town development corporation will be in a position to present evidence at inquiry to support its case for compulsory acquisition.

While confirmation of a compulsory purchase order is a separate and distinct process from that of [designating a new town](#), the Secretary of State acknowledges that evidence used to support the case for designation in the national interest may also be relevant to justifying the use of compulsory purchase powers in the public interest under section 10 of the 1981 act.

143. What factors will the Secretary of State take into account in deciding whether to confirm a compulsory purchase order under section 10 of the 1981 act?

Any decision about whether or not to confirm a compulsory purchase order will be made on its individual merits, but the factors which the Secretary of State can be expected to consider include:

- the statutory objects of the new town development corporation
- whether the purpose(s) for which the order lands are being acquired by the new town development corporation fits in with the planning framework for the new town area
- whether the new town development corporation has satisfactorily demonstrated that the order lands are needed to support the overall development of the new town
- the appropriateness of alternative proposals (if any) put forward by the owners of the land or other persons

144. What does the Secretary of State have to consider where there are other proposals for the use of land contained within a compulsory purchase order?

Where objectors put forward alternative proposals for the use or development of land contained within a compulsory purchase order, factors that the Secretary of State can be expected to consider include:

- whether these alternative proposals are likely to be implemented, taking into account the planning position and their promoter's track record of delivering large-scale housing development
- how the alternative proposals may conflict with those of the new town development corporation
- how the alternative proposals may, if implemented, affect:
 - the delivery of a new town on land designated for that purpose; and

- the new town development corporation's ability to fulfil its statutory objects (including in relation to achieving sustainable development and good design), and/or the purposes for which it was established.

145. How can new town development corporations dispose of the acquired land?

New town development corporations may dispose of land in such a manner as they deem expedient for securing the development of the new town or for purposes connected with the development of the new town (see [section 17 of the New Towns Act 1981](#)).

[Section 18 of the 1981 act](#) sets out certain requirements in respect of persons who were previously living or carrying on a business on land acquired by the new town development corporation. If such persons wish to obtain accommodation on land belonging to the new town development corporation and are willing to comply with any requirements of the corporation as to its development and use, section 18 requires the corporation, 'so far as practicable, to give them the opportunity to do so.

Section 6: powers of local housing authorities for housing purposes and listed buildings in slum clearances

Housing Act 1985: Part 2, Provision of housing accommodation

146. What can the power under Part 2 of the Housing Act 1985 be used for?

[Section 17 of the Housing Act 1985](#) empowers local housing authorities to acquire land, houses or other properties by compulsion for the provision of housing accommodation. Acquisition must achieve a quantitative or qualitative housing gain.

The main uses of this power have been to assemble land for housing and ancillary development, including the provision of access roads; to bring empty properties into housing use; and to improve substandard or defective properties. Current practice is for authorities acquiring land or property compulsorily to dispose of it to the private sector, housing associations or owner-occupiers.

147. What information should be included with applications for confirmation of orders under section 17?

When applying for the confirmation of a compulsory purchase order made under Part 2 of the Housing Act 1985 the authority should include in its statement of reasons information regarding needs for the provision of further housing accommodation in its area. This information should normally include:

- the total number of dwellings in the district
- the total number of substandard dwellings (ie the quantity of housing with Category 1 hazards as defined in [section 2 of the Housing Act 2004](#))
- the total number of households and the number for which, in the authority's view, provision needs to be made
- details of the authority's housing stock by type, particularly where the case for compulsory purchase turns on need to provide housing of particular type
- where a compulsory purchase order is made with a view to meeting special housing needs, eg, of the elderly, specific information about those needs
- where the authority proposes to dispose of the land or property concerned, details of the prospective purchaser, their proposals for the provision of housing accommodation and when this will materialise, and details of any other statutory consents required
- where it is not possible to identify a prospective purchaser at the time a compulsory purchase order is made, details of the authority's proposals to dispose of the land or property, its grounds for considering that this will achieve the provision of housing accommodation and when the provision will materialise

- where the authority has alternative proposals, it will need to demonstrate that each alternative is preferable to any proposals advanced by the existing owner

148. When does development on land to be acquired for housing development under section 17 need to be completed?

[Section 17\(4\) of the Housing Act 1985](#) provides that the Secretary of State may not confirm a compulsory purchase order unless he is satisfied that the land is likely to be required within 10 years of the date the order is confirmed.

149. Will the Secretary of State refuse to confirm an order made under housing powers if it could have been made under planning powers instead?

Where an authority has a choice between the use of [housing or planning compulsory purchase powers](#) the Secretary of State will not refuse to confirm a compulsory purchase order solely on the grounds that it could have been made under another power.

Where land is being assembled under planning powers for housing development, the Secretary of State will have regard to the policies set out in this section.

150. When is the acquisition of empty properties for housing use justified?

Compulsory purchase of empty properties may be justified as a last resort in situations where there appears to be no other prospect of a suitable property being brought back into residential use. Authorities will first wish to encourage the owner to restore the property to full occupation. However, cases may arise where the owner cannot be traced and therefore use of compulsory purchase powers may be the only way forward.

When considering whether to confirm such an order the Secretary of State will normally wish to know:

- how long the property has been vacant
- what steps the authority has taken to encourage the owner to bring it into acceptable use and the outcome; and
- what works have been carried out by the owner towards its reuse for housing purposes

151. When is the acquisition of substandard properties justified?

Compulsory purchase of substandard properties may be justified as a last resort in cases where:

- a clear housing gain will be obtained
- the owner of the property has failed to maintain it or bring it to an acceptable standard; and
- other statutory measures, such as the service of statutory notices, have not achieved the authority's objective of securing the provision of acceptable housing accommodation

However, the Secretary of State would not expect an owner-occupied house, other than a house in multiple occupation, to be included in a compulsory purchase order unless the defects in the property adversely affected other housing accommodation.

In considering whether to confirm such a compulsory purchase order the Secretary of State will wish to know:

- what the alleged defects in the order property are
- what other steps the authority has taken to remedy matters and the outcome
- the extent and nature of any works carried out by the owner to secure the improvement and repair of the property.
- the Secretary of State will also wish to know the authority's proposals regarding any existing tenants of the property

152. Are there any limitations on the use of the power under Part 2 of the Housing Act 1985 to acquire property for the purpose of providing housing accommodation?

The powers do not extend to the acquisition of property for the purpose of improving the management of housing accommodation. A qualitative or quantitative housing gain must be achieved.

Following the judgment in the case of *R v Secretary of State for the Environment ex parte Royal Borough of Kensington and Chelsea* (1987) it may, however, be possible for authorities to resort to compulsory purchase under Part 2 where harassment or other grave conduct of a landlord has been such that proper housing accommodation could not be said to exist at the time when the authority resolved to make the compulsory purchase order. Such an order could be justified as achieving a housing gain.

153. Is consent required for the onward disposal of tenanted properties?

Consent may be required for the onward disposal of tenanted properties which have been compulsorily purchased. Before a local authority can dispose of housing occupied by secure tenants to a private landlord it must consult the tenants in accordance with section 106A of the Housing Act 1985.

The Secretary of State cannot give consent for the disposal if it appears to him that a majority of the tenants are opposed. An authority contemplating onward sale should, therefore, ensure in advance that it has the tenants' support.

154. Can the Secretary of State confirm an order where an acquiring authority has given an undertaking that it will not implement the order if the owner subsequently agrees to improve the property?

Such undertakings are a matter between the acquiring authority and owner, and the Secretary of State has no involvement. A compulsory purchase order which is the subject of such an agreement will be considered by the Secretary of State on its individual merits. The Secretary of State has no powers to confirm an order subject to conditions.

Housing Act 1985: Part 9, Slum clearance

155. What information needs to be submitted with an application for confirmation of a clearance area compulsory purchase order?

In addition to the [general requirements](#), an authority submitting an order under section 290 of Part 9 of the Housing Act 1985 should only do so after considering all possible options for the area and will be expected to deal with the following matters in their statement of reasons:

- the declaration of the clearance area and its justification including a statement that all other possible options to maintain the clearance area have been considered
- the standard of buildings in the clearance area: incorporating a statement of the authority's principal grounds for being satisfied that the buildings are substandard the justification for acquiring any added lands included in the order
- proposals for rehousing and for relocating commercial and industrial premises affected by clearance
- the proposed after use of the cleared site
- where it is not practicable to table evidence of planning permission, the authority should demonstrate that their proposals are acceptable in planning terms and that there appear to be no grounds for thinking that planning permission will not materialise
- how they have fully considered the economic aspect of clearance and that they have responded to any submissions made by objectors regarding that

General guidance on clearance areas can be found in [Housing health and safety rating system enforcement guidance](#).

Further information on listed buildings and unlisted buildings in conservation areas which are included in [clearance compulsory purchase orders](#).

Local Government and Housing Act 1989: Part 7, Renewal Areas

156. What can the powers under Part 7 of the Local Government and Housing Act 1989 be used for?

[Section 93\(2\) of the Local Government and Housing Act 1989](#) can be used by authorities:

- to acquire by agreement or compulsorily premises consisting of, or including, housing accommodation to achieve or secure their improvement or repair
- for their proper and effective management and use; or

- for the wellbeing of residents in the area

They may provide housing accommodation on land so acquired.

Authorities acquiring properties compulsorily should consider subsequently disposing of them to owner occupiers, housing associations or other private sector interests in line with their strategy for the Renewal Area. Where property in need of renovation is acquired, work should be completed as quickly as possible in order not to blight the area and undermine public confidence in the overall Renewal Area strategy. In exercising their powers of acquisition authorities will need to bear in mind the financial and other (eg manpower) resources available to them and to other bodies concerned.

Section 93(4) of the Local Government and Housing Act 1989 can be used by authorities to acquire by agreement or compulsorily land and buildings for the purpose of improving the amenities in a Renewal Area. This power also extends to acquisition where other persons will carry out the scheme. Examples might include the provision of public open space or community centres either by the authority or by a housing association or other development partner. Demolition of properties should be considered as a last resort only after all other possible options have been considered. In these exceptional cases regard should be had to any adverse effects on industrial or commercial concerns.

The powers in sections 93(2) and 93(4) of the Local Government and Housing Act 1989 are additional powers and are without prejudice to other powers available to local housing authorities to acquire land which might also be used in Renewal Areas.

The extent to which acquisitions will form part of an authority's programme will depend on the particular area. In some cases strategic acquisitions of land for amenity purposes will form an important element of the programme. However, as a general principle, the Secretary of State would not expect to see authorities acquiring compulsorily in order to secure improvement except where this cannot be achieved in any other way. Where acquisition is considered to be essential by an authority, they should first attempt to do so by agreement.

Where an authority submit a compulsory purchase order under section 93(2) or 93(4) of the Local Government and Housing Act 1989, their statement of reasons for making the order should demonstrate compulsory purchase is considered necessary in order to secure the objectives of the Renewal Area. It should also set out the relationship of the proposals for which the order is required to their overall strategy for the Renewal Area; their intentions regarding disposal of the property; and their financial ability, or that of the purchaser, to carry out the proposals for which the order has been made.

Other housing powers

157. Are there any other housing powers under which local authorities can make compulsory purchase orders?

Compulsory purchase orders can also be made by local authorities under sections 29 and 300 of the Housing Act 1985 and section 34 of the Housing Associations Act 1985. These orders will be considered on their merits in the light of the general requirement that there should be a compelling case for compulsory purchase in the public interest. The Secretary of State will also have regard to the policies set out in this section where applicable.

Listed buildings in slum clearance

158. If a building including in a clearance compulsory purchase order under section 290 of the Housing Act 1985 is subsequently listed will the clearance go ahead?

This is a matter for the local planning authority concerned. It will need to decide urgently whether the building should be retained because of its special interest, or whether it should proceed with the clearance proposals.

If the authority favours clearance, it must apply to the Secretary of State for listed building consent within three months of the date of listing (section 305 of the Housing Act 1985).

159. What happens if the building is listed after the order has been submitted to the Secretary of State for confirmation but before a decision is reached?

If a building in a clearance compulsory purchase order is listed after the order has been submitted to the Secretary of State for confirmation, but before he has reached a decision on it, the authority should inform the Secretary of State urgently how it wishes to proceed in the light of listing.

If it favours retaining the building, the authority should request that the building be withdrawn from the order.

If the authority applies for listed building consent to demolish, the Secretary of State will normally hold a joint local public inquiry at which the compulsory purchase order and the application for listed building consent will be considered together.

160. What happens if the building is listed after the order has been confirmed by the Secretary of State?

If listed building consent is applied for and granted, acquisition, if not completed, can proceed and demolition can follow.

If listed building consent is refused, or if no application is made within the three month period, subsequent action depends on whether or not notice to treat has been served and, if it has, whether the building is vested in the authority:

- if notice to treat has not been served, section 305(2) of the Housing Act 1985 prohibits the authority from serving it unless and until the Secretary of State gives listed building consent. Refusal of listed building consent or failure to apply for it within the specified period will effectively release the building from the compulsory purchase order and, where applicable, from the clearance area. In the latter event, the authority must then consider other appropriate action for dealing with unfitness under the housing acts
- if notice to treat has been served before the listing, but acquisition has not been completed before listed building consent is refused or the expiry of the three month period, compulsory acquisition may continue, but this will be under the powers contained in Part 2 of the Housing Act 1985 for residential buildings or Part 9 of the

Town and Country Planning Act 1990 for other buildings

- if the building is already vested in the authority, it will be appropriated to Part 2 of the 1985 act or Part 9 of the Town and Country Planning Act 1990 as the case may be

Local authorities are reminded that [Housing health and safety rating system enforcement guidance](#) advises that listed buildings and buildings subject to a building preservation notice should only be included in clearance areas in exceptional circumstances and only where listed building consent has been given.

161. What happens if the building was purchase by agreement under Part 9 of the Housing Act 1985, or under some other power and now held under Part 9 and is subsequently listed?

Under section 306 of the Housing Act 1985 the authority may apply for listed building consent if it still favours demolition. If consent is refused or not applied for within the specified period of three months from the date of listing, the authority is no longer subject to the duty to demolish the building imposed by Part 9 of the Housing Act 1985 and must appropriate it to Part 2 of the Housing Act 1985 or Part 9 of the Town and Country Planning Act 1990 as the case may be.

162. Is planning permission required to demolish an unlisted building in a conservation area where the building is included in a clearance compulsory purchase order?

In these circumstances demolition is permitted development (subject to article 4 directions and any Environmental Impact Assessment requirements) so an application for planning permission is not required – see ‘What permissions/prior approvals are required for demolition in a conservation area?’ in [planning guidance](#) for further information.

Where a submitted clearance compulsory purchase order includes buildings within a conservation area, the Secretary of State will wish to have regard to the conservation area aspect in reaching his decision on the order.

Section 7: to improve the appearance or condition of land

163. Can a local authority compulsorily acquire land to improve its appearance or condition?

In some circumstances a local authority can compulsorily acquire land to improve its appearance or condition. For instance, a local authority can use their compulsory purchase powers under [section 89\(5\) of the National Parks and Access to the Countryside Act 1949](#) specifically for this purpose.

If the local authority is unsure whether to use these specific powers or if various uses are proposed for the land, the authority may consider using the powers granted by [section 226 of the Town and Country Planning Act 1990](#) instead.

There are also various [other compulsory purchase powers](#) that local authorities may use to acquire and develop land that is derelict, neglected or unsightly for particular purposes such as housing or public open space.

164. When can a local authority use their powers under section 89 of the National Parks and Access to the Countryside 1949 Act to compulsorily purchase land?

A local authority can use their powers under [section 89\(5\) of the National Parks and Access to the Countryside Act 1949](#) to compulsorily purchase land to plant trees to preserve or enhance the natural beauty of the land. The local authority can also use this power to carry out works to reclaim, improve or bring back into use land in their area that the authority believes to be:

- [derelict, neglected or unsightly](#); or
- likely to become derelict, neglected or unsightly because the authority anticipate that the surface may collapse as a result of underground mining operations (other than coal mining)

165. Can a local authority still consider land to be ‘derelict, neglected or unsightly’ even if it is in use?

A local authority may still consider land to be ‘derelict’ or ‘neglected’ even if it is being put to some slight use when its condition is compared to the potential use of the land. However, it is not the purpose of these powers to enable a local authority to carry out works or acquire land solely because they believe that they can provide a better use than the present one.

166. Who decides whether to confirm an order to compulsorily purchase land under section 89 of the National Parks and Access to the Countryside Act 1949?

The Secretary of State for Environment, Food and Rural Affairs decides whether to confirm an order under [section 89\(5\) of the National Parks and Access to the Countryside Act 1949](#).

167. What does the phrase ‘derelict, neglected or unsightly’ mean in connection with these compulsory purchase powers?

There are no statutory definitions so the natural, common sense meaning of the words should be taken. If possible, it is also preferable to consider the three words taken together as there is considerable overlap between each. For instance, the untidy or 'unsightly' appearance of the land may also be relevant in considering whether it is 'derelict' or 'neglected', or land might be considered 'neglected' but not 'derelict' if no building works, dumping or excavation have taken place.

The authority may wish to obtain the views of the Secretary of State for Environment, Food and Rural Affairs on the meaning of these words when considering whether to make a [section 89\(5\) order](#).

Section 8: for educational purposes

168. What powers does a local authority have to make a compulsory purchase order for educational purposes?

A local authority can make a compulsory purchase order for educational purposes using its powers under [section 530 of the Education Act 1996](#), as amended, with the confirmation of the Secretary of State for Education. These powers can be used to acquire land which is required for the purposes of its educational functions, including the purposes of:

- any local authority maintained or assisted school or institution; or
- an academy (whether established or to be established)

169. How does a local authority make a compulsory purchase order for educational purposes?

When making an order a compulsory purchase order under [section 530 of the Education Act 1996](#), the authority should have due regard to statutory requirements from the Department for Education. The local authority may also seek guidance, if necessary, from that department on the form of draft orders where there is doubt about a particular point.

The local authority submits the order and other [required documents](#) for confirmation to the Secretary of State for Education at the following address:

Education Funding
Agency Schools
Assets Team
Mowden Hall,
Staindrop
Road,
Darlington,
Co. Durham DL3 9BG

If the compulsory purchase order is for a voluntary aided school, the local authority will need to submit certain additional documents with the order, as well as the standard documents required.

170. What additional documents are required to make a compulsory purchase order for voluntary aided schools?

In addition to the standard list of documents required to make a compulsory purchase order, an order for a voluntary aided school will require the following documents:

- a) completed copy of the Site Acquisition form (form SB1), available from the [Department for Education](#); and
- b) a qualified valuer's report

These additional documents should accompany, or be submitted as soon as possible after, the order.

171. Can a local authority make a compulsory purchase order in connection with a proposal for changes in school provision?

A local authority may make a compulsory purchase order (under section 530 of the Education Act 1996) in connection with certain proposals for changes in school provision. A proposal could involve:

- the establishment of a new school for children of compulsory school age (under [Part 2 of the Education and Inspections Act 2006](#)); or
- a prescribed alteration to an existing maintained school (under Part 2 of the Education and Inspections Act 2006)

172. How does the Secretary of State consider a compulsory purchase order for educational purposes if it is accompanied by a statutory proposal?

The Secretary of State considers a compulsory purchase order made under [section 530 of the Education Act 1996](#) separately to any accompanying statutory proposal for changes in school provision (made under Part 2 of the Education and Inspections Act 2006).

173. When can the Secretary of State for Education compulsorily purchase land that is required by an academy?

The Secretary of State for Education can compulsorily purchase land that is required by an academy using the powers granted by Paragraphs 5 and 7 of [schedule 1 to the Academies Act 2010](#). The Secretary of State can use these powers if a local authority has either:

- disposed of land; or
- made an appropriation of land (that they hold a freehold or leasehold interest in) under [section 122 of the Local Government Act 1972](#)

without the consent of the Secretary of State, and if the land in question has been used wholly or mainly for the purposes of a school or a 16 to 19 academy at any time in the period of eight years ending with the day on which this disposal or appropriation was made.

174. What happens once the Secretary of State has completed the compulsory purchase of the land?

Once the Secretary of State has completed the compulsory purchase, the land must be transferred to a person concerned with the running of the academy. The Secretary of State is entitled to recover from the local authority any compensation awarded (and any interest) in relation to the compulsory purchase, together with costs and expenses incurred in connection with the making of the compulsory purchase order.

Arrangements for publishing/seeking proposals for a change in school provision that requires a compulsory purchase order

175. What can a local authority do, if it wishes to compulsorily purchase land to establish a new school for children of compulsory school age?

When a local authority decides that it needs a new school in its area for children of compulsory school age, it is required by [section 6A of the Education and Inspections Act 2006](#) to seek proposals to establish an academy. If the local authority requires land to be compulsorily acquired for this purpose, it should publish the notice seeking proposals before making a compulsory purchase order.

The local authority is also expected to notify the Department for Education of their plan to seek proposals as soon as the need for a new school has been decided upon.

A local authority can only publish its own proposals in the limited circumstances set out in Part 2 of that act, for example if the new school is to replace one or more maintained schools. Further information is available from the [Department for Education](#).

176. What can a local authority do, if it wishes to compulsorily purchase land to make a prescribed alteration to a school?

If a local authority wishes to make a prescribed alteration under [Part 2 of the Education and Inspections Act 2006](#), the local authority should publish their proposals before making a compulsory purchase order.

177. What can an appropriate authority do if their proposal to restructure school sixth form education requires the compulsory purchase of land?

The appropriate authority (the Skills Funding Agency or the Education Funding Agency) should publish their proposal to restructure school sixth form education before the relevant local authority makes a compulsory purchase order.

[Section 72 of the Education Act 2002](#) sets out arrangements for the publication of proposals to restructure sixth form education.

Deciding an application for approval for a change in school provision that accompanies a compulsory purchase order

178. How is a proposal for a change in school provision considered, if it relies on the approval of a compulsory purchase order?

Depending on the nature of the proposal, an application for approval is considered as follows:

a) Proposals to establish a new academy

The Secretary of State for Education makes the final decision on whether to approve a proposal to establish a new academy.

When considering the proposal, the Secretary of State takes into account the need for a compulsory purchase order and any decision to approve the proposal is then conditional on the local authority acquiring the site. The local authority is then informed of the decision on the proposal so that it may make and submit the compulsory purchase order.

b) Proposals to make a prescribed alteration to an existing maintained school

The relevant local authority or schools adjudicator decides whether to approve a proposal to make a prescribed alteration to an existing maintained school.

The relevant local authority or schools adjudicator considers the application for approval of a proposal for a prescribed alteration. Consideration is given on the merits of the proposal and independently from the Secretary of State's consideration of the compulsory purchase order.

Approval can only be given on the condition that the relevant site is acquired under [regulation 16\(2\)\(b\) of the School Organisation \(Establishment and Discontinuance of Schools\) Regulations 2013](#). The local authority will then be informed of the decision so that it may make and submit the compulsory purchase order.

179. What happens if the proposal for a change in school provision is rejected?

If the decision is to reject the proposal for a change in school provision, the local authority is advised not make the order since, in these circumstances it would be inappropriate for the Secretary of State to confirm it.

180. What happens once the Secretary of State has decided whether or not to confirm the compulsory purchase order?

If the Secretary of State decides to confirm the compulsory purchase order the order will be sealed and returned to the local authority. When the local authority has purchased the site, the condition of the approval is met and the approval of the proposal becomes final with no further action required.

If the Secretary of State decides not to confirm the order, the proposal falls as the condition is not met.

Section 9: for public libraries and museums

181. Who has compulsory purchase powers to acquire land for public libraries and museums?

A local authority can compulsorily acquire land for public libraries and museums under [section 121 of the Local Government Act 1972](#), using an appropriate enabling power (such as section 7 or 12 of the [Public Libraries and Museums Act 1964](#)).

182. How does a local authority make a compulsory purchase order for public libraries and museums?

When making a compulsory purchase order for public libraries and museums the local authority should have due regard to statutory requirements.

The order should be accompanied by each of the following additional documents:

- a completed copy of form CP/AL1 (obtainable from the Department for Digital, Culture, Media & Sport, Libraries Division)
- a qualified valuer's report

The order and accompanying documents are submitted to the Secretary of State for Digital, Culture, Media & Sport for confirmation at the address below:

Department for Digital, Culture, Media & Sport
100 Parliament Street
London
SW1A 2BQ

Section 10: for airport Public Safety Zones

183. Can an airport operator compulsorily purchase property that is located near an airport?

An airport operator can compulsorily purchase whole or part of a property if it is located within the 1 in 10,000 individual risk contour of an airport and if the property, or the relevant part of it, is:

- an occupied residential property
- a commercial or industrial property that is occupied as an all-day workplace

However, a compulsory purchase order should only be made as a last resort, if the airport authority is unable to purchase the property by agreement.

184. What should the airport operator do if a property falls into the categories described above?

If a property falls into the categories described above, the airport operator is expected to offer to purchase the property by agreement, with compensation being payable under the Compensation Code.

If purchase by agreement is not possible, the Secretary of State will be prepared to consider applications for compulsory purchase by airport operators with powers under [section 59 of the Airports Act 1986](#).

To make a compulsory purchase order, the airport operator will need to demonstrate that the property falls within the categories described and that it has not been possible to purchase the property by agreement. The compulsory purchase order should be sent to the Secretary of State for Transport at:

Airports Policy Division
Zone 1/26, Great Minster House
33 Horseferry Road
London
SW1P 4DR

Once the property has been acquired, the airport operator will be expected to demolish any buildings and to clear the land.

185. What is the '1 in 10,000 individual risk contour' of an airport and why is property within this area significant?

The '1 in 10,000 individual risk contour' is an area of land within the Public Safety Zone of an airport where individual third party risk of being killed as a result of an aircraft accident is greater than 1 in 10,000 per year.

The level of risk in the '1 in 10,000 individual risk contour' is much higher than in other areas of the Public Safety Zone and at some airports, this contour extends beyond the airport boundary. As a result, it is the Secretary of State for Transport's policy that

there should be no occupied residential properties or all day workplaces within this area.

Further information can be found on the Department for Transport website (see [circular 1/10](#)).

Section 11: for listed buildings in need of repair

186. Who has compulsory purchase powers for listed buildings in need of repair?

[Section 47 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) gives an appropriate authority compulsory purchase powers to acquire a listed building in need of repair with the authorisation of the Secretary of State. The appropriate authority may be:

- the relevant local planning authority
- Historic England, if the listed building is located in Greater London
- the Secretary of State for Digital, Culture, Media & Sport

It is the Secretary of State's policy to only use this power in exceptional circumstances.

187. How does an appropriate authority make a compulsory purchase order for a listed building in need of repair?

To make a compulsory purchase order for a listed building in need of repair under [section 47 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#), the appropriate authority is required to:

- serve a repairs notice under [section 48 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) on the owner (see [section 31\(2\) of Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)/ [section 336 of the Town and Country Planning Act 1990](#)) of the listed building at least two months before making the compulsory purchase order
- prepare and serve the compulsory purchase order and its associated notices, if the repairs notice has not been complied with within two months of service
- submit the compulsory purchase order, a copy of the [repairs notice](#) and all [supporting documents](#) to the [Secretary of State for Digital, Culture, Media & Sport](#)

188. What if the owner has deliberately allowed the listed building to fall into disrepair to justify its demolition?

If there is clear evidence that the owner of a listed building has deliberately allowed the building to fall into disrepair to justify its demolition and the development of the site (or an adjoining site), the acquiring authority can include a direction for minimum compensation within the compulsory purchase order. Provisions for minimum compensation are given in [section 50 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#).

The terms for a minimum compensation direction are set out in optional paragraph 4 of [Form 1 in the schedule to the Compulsory Purchase of Land \(Prescribed Forms\) \(Ministers\) Regulations 2004](#).

Follow the link for advice on [how to include a direction for minimum compensation](#) within a compulsory purchase order.

189. What should a local authority do if an application is made to a magistrates' court to contest a direction for minimum compensation?

As soon as a local authority becomes aware of any application to a magistrates' court:

- to stay further proceedings on the compulsory purchase order, under [section 47\(4\) of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#); or
- for an order that a direction for minimum compensation is not included in the compulsory purchase order, under [section 50\(6\) of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)

they should notify the Secretary of State for Digital, Culture, Media & Sport immediately. Depending on the circumstances, it may be necessary to hold the order in abeyance (ie suspend the order) until the court has considered the application.

Repairs notices

190. When might an appropriate authority serve a repairs notice?

An appropriate authority may consider issuing a repairs notice (under [section 48 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)) if a listed building is at risk because its owner has failed to keep the building in reasonable repair for an extended period of time. A repairs notice is not the same as a notice for [urgent works](#) and can be served whether the listed building is occupied or not.

Further information on repairs notices and notices for urgent works are available from the [Historic England website](#).

191. What information should the repairs notice include?

The repairs notice must:

- specify the works which the authority considers reasonably necessary for the proper preservation of the building; and
- explain the effect of [sections 47-50 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)

192. What works might be specified in the repairs notice?

The works specified in the repairs notice will always relate to the circumstances of the individual case and will involve judgments about what is considered reasonable to preserve (rather than restore) the listed building.

Other considerations may be used as a basis for determining the scope of works required. For example, the condition of the building when it was listed may be taken into account if the building has suffered damage or disrepair since being listed. In this case, the repairs

notice may include works to secure the building's preservation as at the date of listing, but should not be used to restore other features.

Alternatively, the notice may specify works that are necessary to preserve the rest of the building, such as repairs to a defective roof, whether or not the particular defect was present at the time of listing.

The form of the compulsory purchase order and its associated notices

193. How are the compulsory purchase order and associated notices prepared?

General guidance on the format of compulsory purchase orders is available [here](#).

For compulsory purchase orders for listed buildings in need of repair, there are additional provisions set out in [regulation 4 of the Compulsory Purchase of Land \(Prescribed Forms\) \(Ministers\) Regulations 2004](#). These require additional paragraphs from the schedule to the regulations to be inserted into the relevant forms, as described below.

When preparing any personal notices:

- include additional paragraphs 3 and 5 of [Form 8](#); and
- if a [direction for minimum compensation](#) is included within the order insert additional paragraph 4 of Form 8; and
- include an explanation of the meaning of the direction, as required by [section 50\(3\) of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#). This should normally include the text of subsections (4) and (5) of section 50 of that act

When preparing the compulsory purchase order:

- if a direction for minimum compensation is included within the order, include optional paragraph 4 of Form 1 in orders drafted using Form 1

Tier 3: procedural issues

194. Where can guidance on common procedural issues be found?

Guidance can be found here:

- [Section 12: preparing statement of reasons](#)
- [Section 13: general certificate](#)
- [Section 14: preparing and serving the order and notices](#)
- [Section 15: order maps](#)
- [Section 16: addresses](#)

195. Where can further information on other procedural issues which will only apply in certain cases be found?

Further information can be found here:

- [Section 17: for community assets \(at the request of the community\)](#)
- [Section 18: special kinds of land](#)
- [Section 19: compulsory purchase of new rights and other interests](#)
- [Section 20: compulsory purchase of Crown land](#)
- [Section 21: certificates of appropriate alternative development \(under the Land Compensation Act 1961\)](#)
- [Section 22: protected assets certificate](#)
- [Section 23: objection to division of land \(material detriment\)](#)
- [Section 24: overriding easements and other rights](#)

Common procedural issues

Section 12: preparing statement of reasons

196. What information should be included in the statement of reasons?

The statement of reasons should include the following information:

- (i) a brief description of the order land and its location, topographical features and present use
- (ii) an explanation of the use of the particular [enabling power](#)
- (iii) an outline of the authority's purpose in seeking to acquire the land
- (iv) a statement of the authority's [justification for compulsory purchase](#), with regard to Article 1 of the First Protocol to the European Convention on Human Rights, and Article 8 if appropriate
- (v) a statement justifying the extent of the scheme to be disregarded for the purposes of assessing compensation in the 'no-scheme world'
- (vi) a description of the proposals for the use or development of the land
- (vii) a statement about the [planning position of the order site](#). See also [Section 1: advice on section 226 of the Town and Country Planning Act 1990](#) for planning orders.
- (viii) information required in the light of government policy statements where orders are made in certain circumstances eg as stated in [Section 5: local housing authorities for housing purposes](#) where orders are made under the Housing Acts (including a statement as to unfitness where unfit buildings are being acquired under Part 9 of the Housing Act 1985)
- (ix) any special considerations affecting the order site eg ancient monument, listed building, conservation area, special category land, consecrated land, renewal area, etc
- (x) if the mining code has been included, reasons for doing so
- (xi) details of how the acquiring authority seeks to overcome any obstacle or prior consent needed before the order scheme can be implemented eg need for a waste management licence
- (xii) details of any views which may have been expressed by a government department about the proposed development of the order site
- (xiii) what steps the authority has taken to negotiate for the acquisition of the land by agreement

- (xiv) any other information which would be of interest to persons affected by the order eg proposals for rehousing displaced residents or for relocation of businesses
- (xv) details of any related order, application or appeal which may require a co-ordinated decision by the confirming minister eg an order made under other powers, a planning appeal/application, road closure, listed building; and
- (xvi) if, in the event of an inquiry, the authority would intend to refer to or put in evidence any documents, including maps and plans, it would be helpful if the authority could provide a list of such documents, or at least a notice to explain that documents may be inspected at a stated time and place

Section 13: general certificate

197. What is the purpose of a general certificate in support of an order submission?

A general certificate has no statutory status, but is intended to provide reassurance to the confirming authority that the acquiring authority has followed the proper statutory procedures.

198. What form should a general certificate in support of an order submission take?

The certificate should be submitted in the following form:

THE COMPULSORY PURCHASE ORDER 20...

I hereby certify that:

1. A notice in the Form numbered.....in the [Compulsory Purchase of Land \(Prescribed Forms\)\(Ministers\) Regulations 2004 \(SI 2004 No. 2595\)](#) was published in two issues of the dated 20.... and 20....(being one or more local newspapers circulating in the locality). The time allowed for objections was not less than 21 days from the date of the first publication of the notice and the last date for them is/was..... 20.... A notice in the same Form addressed to persons occupying or having an interest in the land was affixed to a conspicuous object or objects on or near the land comprised in the order on 20.... and from that date remained in place for a period of at least 21 days which was the period allowed for objections, the last date being 20....
2. Notices in the Form numbered in the said Regulations were duly served on
 - (i) every owner, lessee, tenant and occupier of all land to which the order relates;
 - (ii) every person to whom the acquiring authority would, if proceeding under section 5(1) of the Compulsory Purchase Act 1965, be required to give a notice to treat; and
 - (iii) every person the acquiring authority thinks is likely to be entitled to make a claim for compensation under section 10 of the 1965 Act if the order is confirmed and the compulsory purchase takes place, so far as such a person is known to the acquiring authority after making diligent inquiry. (NB: For an order made under section 47 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the notice must include additional paragraphs in accordance with regulation 4 of the 2004 Prescribed Forms Regulations.)

The time allowed for objections in each of the notices was not less than 21 days and the last date for them is/was 20.... The notices were served by one or more of the methods described in section 6(1) of the 1981 Act.

3. [*Where the order includes land in unknown ownership*] Notices in the Form

numbered in the said Regulations were duly served by one or more of the methods described in section 6(4) of the 1981 Act. The time allowed for objections in each of the notices was not less than 21 days and the last date is/was 20.... .

4. A copy of the order and of the map were deposited at on 20.... and will remain/remained available for inspection until

5. (1) A copy of the authority's statement of reasons for making the order has been sent to:

(a) all persons referred to in paragraph 2(i), (ii) and (iii) above (see [Which parties should be notified of a compulsory purchase order?](#))

(b) as far as is practicable, other persons resident on the order lands, and any applicant for planning permission in respect of the land

(2) Two copies of the statement of reasons are herewith forwarded to the Secretary of State.

6. [*Where the order includes ecclesiastical property*] Notice of the effect of the order has been served on the Church Commissioners (section 12(3) of the 1981 Act).]

NB. [The Town and Country Planning \(Churches, Places of Religious Worship and Burial Grounds\) Regulations 1950 \(SI 1950 No. 792\)](#) apply where it is proposed to use for other purposes consecrated land and burial grounds which here acquired compulsorily under any enactment, or acquired by agreement under the Town and Country Planning Acts, or which were appropriated to planning purposes. Subject to sections 238 to 240 of the 1990 Act, permission (a 'faculty') is required for material alteration to consecrated land. (See [Faculty Jurisdiction Measure 1964](#); [Care of Churches and Ecclesiastical Jurisdiction Measure 1991](#).)

Section 14: preparing and serving the order and notices

199. What format should an order adopt?

The order and associated schedule should comply with the relevant form as prescribed by regulation 3 of, and the schedule to, the [Compulsory Purchase of Land \(Prescribed Forms\) \(Ministers\) Regulations 2004 \(SI 2004 No. 2595\)](#).

In accordance with the notes to the prescribed forms, the title and year of the act authorising compulsory purchase must be inserted. Each acquisition power must be cited and its purpose clearly stated in paragraph 1 of the order. For orders made under section 17 of the Housing Act 1985, the purpose of the order may be described as ‘the provision of housing accommodation’. Where there are separate compulsory acquisition and enabling powers, each should be identified and its purpose stated. In some cases, a collective title may be sufficient to identify two or more acts. (See [Section 1: advice on section 226 of the Town and Country Planning Act 1990](#) and [Section 18: compulsory purchase of new rights and other interests](#) for examples of how orders made under certain powers may be set out. [Section 2: advice on section 121 of the Local Government Act 1972](#) contains guidance on orders where the acquisition power is section 121 or section 125 of the Local Government Act 1972 and on orders for mixed purposes.)

200. Where should the order maps be deposited?

A certified copy of the order map should be deposited for inspection at an appropriate place within the locality eg the local authority offices. It should be within reasonably easy reach of persons living in the area affected. The two sealed order maps should be forwarded to the offices of the confirming authority.

201. Can the ‘the mining code’ be incorporated into an order?

Parts 2 and 3 of [schedule 2 to the Acquisition of Land Act 1981](#), relating to mines (‘the mining code’), may be incorporated in a compulsory purchase order made under powers to which the act applies. The incorporation of both parts does not, of itself, prevent the working of minerals within a specified distance of the surface of the land acquired under the order; but it does enable the acquiring authority, if the order becomes operative, to serve a counter-notice stopping the working of minerals, subject to the payment of compensation. Since this may result in the sterilisation of minerals (including coal reserves), the mining code should not be incorporated automatically or indiscriminately.

Therefore, authorities are asked to consider the matter carefully before including the code, and to omit it where existing statutory rights to compensation or repair of damage might be expected to provide an adequate remedy in the event of damage to land, buildings or works occasioned by mining subsidence.

The advice of the Valuation Office Agency’s regional mineral valuers is available to authorities when considering the incorporation of the code.

202. Who should authorities notify if they make an order incorporating the mining code?

In areas of coal working notified to the local planning authority by the [Coal Authority](#) under article 16 of, and paragraph (o), schedule 4 to, the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#), authorities are asked to notify the Coal Authority and relevant licensed coal mine operator if they make an order which incorporates the mining code.

203. What information about the land to be acquired should be included in an order?

The prescribed order formats set out in the [Compulsory Purchase of Land \(Prescribed Forms\) \(Ministers\) Regulations 2004](#) require, subject to the flexibility to adapt them permitted by Regulation 2, that the extent of the land should be stated. Therefore, the area of each plot, eg in square metres, should normally be shown. This information will be particularly important where any potential exists for dispute about the boundary of the land included in the order, because [section 14 of the Acquisition of Land Act 1981](#) prohibits the modification of an order on confirmation to include land which would not otherwise have been covered. It may not always be necessary for a measurement of the plot to be quoted, if the extent and boundaries can be readily ascertained without dispute. For instance, the giving of a postal address for a flat may be sufficient.

Each plot should be described in terms readily understood by a layman, and it is particularly important that local people can identify the land described. The Regulations require that the details about the extent, description and situation of the land should be sufficient to tell the reader approximately where the land is situated without reference to the map (see notes to prescribed Forms 1 to 6 in the regulations).

Simple descriptions in ordinary language are to be preferred. For example, where the land is agricultural it should be described as 'pasture land' or 'arable land'; agricultural and non-agricultural afforested areas may be described as 'woodland' etc; and, if necessary, be related to some well known local landmark, eg 'situated to the north of School Lane about 1 km west of George's Copse'.

Where the description includes a reference to Ordnance Survey field numbers the description should also state or refer to the sheet numbers of the Ordnance Survey maps on which these field numbers appear. The Ordnance Survey map reference should quote the edition of the map.

Property, especially in urban areas, should be described by name or number in relation to the road or locality and where part of a property has a separate postal address this should be given. Particular care is necessary where the street numbers do not follow a regular sequence, or where individual properties are known by more than one name or number. The description should be amplified as necessary in such cases to avoid any possibility of mistaken identity. If the order when read with the order map fails to clearly identify the extent of the land to be acquired, the confirming authority may refuse to confirm the order even though it is unopposed.

204. What information should be included in the order where the authority already owns an interest in the land to be acquired?

Except for orders made under highway land acquisition powers in Part 12 of the Highways Act 1980, to which section 260 of that act applies, where the acquiring authority already own an interest or interests in land but wish to acquire the remaining interest or interests in the same land, usually to ensure full legal title, they should include a description of the land in column 2 of the Schedule in the usual way but qualify the description as follows; ‘all interests in [describe the land] except those owned by the acquiring authority’. The remaining columns should be completed as described in [What information should be included in the order schedule?](#) This principle should be extended to other interests in the land which the acquiring authority does not wish to acquire, eg Homes England might decide it wishes to exclude its own interests and local authority interests from an order.

Compulsory purchase should not be used merely to resolve conveyancing difficulties. It is accepted, however, that it may only be possible to achieve satisfactory title to certain interests by the use of compulsory powers, perhaps followed by a general vesting declaration (see [Stage 5: implementing a compulsory purchase order](#)). Accordingly, acquiring authorities will be expected to explain and justify the inclusion of such interests. The explanation may be either in their preliminary statement of reasons or in subsequent correspondence, which may have to be copied to the parties. If no explanation is given or if the reasons are unsatisfactory, the confirming minister may modify an order to exclude interests which the acquiring authority already own, on the basis that compulsory powers are unnecessary.

A similar form of words to that described above may be appropriate where the acquiring authority wish to include in the order schedule an interest in Crown land which is held otherwise than by or on behalf of the Crown. (In most cases, the Crown’s own interests cannot be acquired compulsorily.) Further guidance on this subject is given in [Section 19: compulsory purchase of Crown land](#).

205. Who is the acquiring authority required to serve notice of the making of the order?

The schedule to the order should include the names and addresses of every qualifying person as defined in [section 12\(2\), 12\(2A\) and 12\(2B\) of the Acquisition of Land Act 1981](#) and upon whom the acquiring authority is required to serve notice of the making of the order. A qualifying person is:

- (i) every owner, lessee, tenant, and occupier (section 12(2)(a) of the act)
- (ii) every person to whom the acquiring authority would, if proceeding under [section 5\(1\) of the Compulsory Purchase Act 1965](#), be required to give a notice to treat (section 12(2A) of the act); and
- (iii) every person the acquiring authority thinks is likely to be entitled to make a claim for compensation under section 10 of the Compulsory Purchase Act 1965 if the order is confirmed and compulsory purchase takes place, so far as such a person is known to the acquiring authority after making [diligent inquiry](#) under section 12(2B) of the act

206. Should the order schedule include persons who may have a valid claim to be owners or lessees?

The schedule should include persons who may have a valid claim to be owners or lessees for the purposes of the Acquisition of Land Act 1981, eg persons who have entered into a contract to purchase a freehold or lease.

207. How should partnerships be dealt with?

The acquiring authority should ask the partnership to nominate a person for service. This avoids having to include the names of all partners in a partnership in the schedule and ensuring all partners are personally served. Notice served upon the partner who habitually acts in the partnership business is probably valid (see [section 16 of the Partnership Act 1890](#)), especially if that partner has control and management of the partnership premises, but the position is not certain.

208. How should corporate bodies be dealt with?

Service should be effected on the secretary or clerk at the registered or principal office of a corporate body, which should be shown in the appropriate column, ie as owner, lessee etc. ([section 6\(2\) and \(3\) of the Acquisition of Land Act 1981](#)). NB: under Company Law requirements, notices served on a company should be addressed to the secretary of the company at its principal or registered office. It is good practice to send copies to the actual contact who has been dealing with negotiations.

209. How should Trusts be dealt with?

Individual trustees should be named and served.

210. How should unincorporated bodies be dealt with?

In the case of unincorporated bodies, such as clubs, chapels and charities, the names of the individual trustees should be shown and each trustee should be served as well as the secretary. NB: The land may be vested in the trustees and not the secretary, but the trustees may be somewhat remote from the running of the club etc; and since communications should normally be addressed to its secretary, it is considered to be reasonable that the secretary should also be served. However, service solely on the secretary of such a body is not sufficient unless it can be shown that the secretary has been authorised by the trustees, or has power under the trust instrument, to accept order notices on behalf of the trustees.

211. How should charitable trusts be dealt with?

In the case of land owned by a charitable trust it is advisable for notice of the making of the order to be served on the Charity Commissioners at their headquarters address as well as on the trustees. See [Part 7 of the Charities Act 2011](#).

212. How should land which is ecclesiastical property be dealt with?

Where land is ecclesiastical property, ie owned by the Church of England, notice of the making of the order must be served on the Church Commissioners as well as on the owners etc of the property (see [section 12\(3\) of the Acquisition of Land Act 1981](#)).

213. How should ancient monuments be dealt with?

Where it appears that land is or may be an ancient monument, or forms the site of an ancient monument or other object of archaeological interest, authorities should, at an early stage and with sufficient details to identify the site, contact the Historic Buildings and Monuments Commission for England (otherwise known as Historic England), or the County Archaeologist, according to the circumstances shown below:

- in respect of a *scheduled* ancient monument – [Historic England](#); or
- in respect of an unscheduled ancient monument or other object of archaeological interest – the County Archaeologist

This approach need not delay other action on the order or its submission for confirmation, but the authority should refer to it in the letter covering their submission.

214. How should land in a national park be dealt with?

Where orders include land in a national park, acquiring authorities are asked to notify the National Park Authority. Similarly, where land falls within a designated Area of Outstanding Natural Beauty or a Site of Special Scientific Interest, they should notify [Natural England](#).

215. How should land which is being used for sport or physical recreation be dealt with?

When an order relates to land being used for the purposes of sport or physical recreation, [Sport England](#) should be notified of the making of the order.

216. Can notice be served at a person's accommodation address?

Notice can be served at an accommodation address, or where service is effected on solicitors etc, provided the acquiring authority has made sure that the person to be served has furnished this address or has authorised service in this way; where known, the served person's home or current address should also be shown.

217. What information should be included in the order schedule?

- **about the owner or reputed owner** - where known, the name and address of the owner or reputed owner of the property should be shown. If there is doubt whether someone is an owner, he or she should be named in the column and a notice served on him/her. Likewise, if there is doubt as to which of two (or more) persons is the owner, both (or all) persons should be named in the sub-column and a notice served on each. Questions of title can be resolved later. If the owner of a property cannot be traced the word 'unknown' should be entered in the column. An order should include those covenants or restrictions which amount to interests in land that the authority wish to acquire or extinguish. Where land owned by the authority is subject to such an encumbrance (for example, an easement, such as a private right of way), they may wish to make an order to discharge the land from it. In any such circumstances, the owner or occupier of the land and the person benefiting from the right should appear in the relevant table of the schedule. The statement of reasons should explain that authority is being sought to acquire or extinguish the relevant interest

Where the encumbrance affects land in which the acquiring authority have a legal interest, the description in the schedule should refer to the right etc and be qualified by the words 'all interests in, on, over or under [*the land*] except those already owned by the acquiring authority'. This should avoid giving the impression that the authority has no interest to acquire.

- **about lessees, tenants, or reputed lessees or tenants** - where there are no lessees, tenants or reputed lessees or tenants a dash should be inserted, otherwise names and addresses should be shown
- **about occupiers** - where a named owner, lessee, or tenant is the occupier, the word 'owner', 'lessee' or 'tenant' should be inserted or the relevant name given. Where the property is unoccupied the column should be endorsed accordingly

218. What information about qualifying persons under sections 12(2A) and 12(2B) found by diligent enquiries should be included in the order schedule?

Although most qualifying persons will be owners, lessees, tenants or occupiers, the possibility of there being [anyone falling within one of the categories in sections 12\(2A\) and \(2B\)](#) should not be ignored. The name and address of a person who is a qualifying person under section 12(2A) who is not included in column (3) of the order schedule should be inserted in column (5) together with a short description of the interest to be acquired. An example of a person who might fall within this category is the owner of land adjoining the order land who has the benefit of a private right of way across the order land, which the acquiring authority have under their enabling power a right to acquire which they are seeking to exercise. (An example of this is section 18(1) of the National Parks and Access to the Countryside Act 1949 which empowers the Natural England to acquire an 'interest in land' compulsorily which is defined in section 114(1) to include any right over land.)

Similarly the name and address of a person who is a qualifying person under section 12(2B) who is not included in columns (3) and (5) of the order schedule should be inserted in column (6), together with a description of the land in respect of which a compensation claim is likely to be made and a summary of the reasons for the claim. An example of such a potential claim might be where there could be interference with a private right of access across the land included in the order as a result of implementing the acquiring authority's proposals.

219. What is meant by 'diligent enquiries'?

In determining the extent to which it should make 'diligent' enquiries, an authority will wish to have regard to the fact that case law has established that, for the purposes of section 5(1) of the Compulsory Purchase Act 1965, 'after making diligent inquiry' requires some degree of diligence, but does not involve a very great inquiry (see *Popplewell J. in R v Secretary of State for Transport ex parte Blakett* [1992] JPL 1041).

Acquiring authorities are encouraged to serve formal notices seeking information on all interests they have identified to find out if there any additional interests they are not aware of if a landowner has been served with a notice and fails to respond.

An acquiring authority does not have any statutory power under section 5A of the Acquisition of Land Act 1981 act to requisition information about land other than that which

it is actually proposing to acquire. However, the site notice procedure in section 11(3) and (4) of the 1981 act provides an additional means of alerting people who might feel that they have grounds for inclusion in column (6) and who can then identify themselves.

220. How should special category land be recorded in the order?

Special category land ie land to which sections 17, 18 and 19 of the Acquisition of Land Act 1981 apply, (or paragraphs 4, 5 and 6 of schedule 3 to the act in the case of acquisition of a new right over such land) should be shown both in the order schedule and in the list at the end of the schedule, in accordance with the relevant notes. But in the case of section 17 of the act (or, for new rights, schedule 3, paragraph 4) it is only necessary to show land twice if the acquiring authority is not mentioned in section 17(3) or paragraph 4(3) of schedule 3 (see also [Section 17: Special kinds of land](#)). If an order erroneously fails to state in accordance with the prescribed form that land to be acquired is special category, then the confirming minister may need to consider whether confirmation should be refused as a result.

221. What information should be recorded in the order schedule where the land is common, open space etc?

An order may provide for special category land to which section 19 of the Acquisition of Land Act 1981 applies ('order land') to be discharged from rights, trusts and incidents to which it was previously subject; and for vesting in the owners of the order land, other land which the acquiring authority propose to give in exchange ('exchange land'). Such orders must be made in accordance with the appropriate prescribed form (Forms 2, 3, 5 or 6) adapted, in compliance with the notes, to suit the particular circumstances.

The order land and, where it is being acquired compulsorily, the exchange land, should be delineated and shown as stated in paragraph 1 of the order. Therefore, exchange land which is being acquired compulsorily and is to be vested in the owner(s) of the order land, should be delineated and shown (eg in green) on the order map and described in schedule 2 to the order. If the exchange land is not being acquired compulsorily it should be described in schedule 3.

When an authority make an order in accordance with Form 2, if the exchange land is also acquired compulsorily, the order should include paragraph 2(ii), adapted as necessary, and cite the relevant acquisition power, if different from the power cited in respect of the order land. Paragraph 2(ii) of the Form also provides for the acquisition of land for the purpose of giving it in part exchange, eg where the acquiring authority already own some of the exchange land.

In Form 2, there are different versions of paragraphs 5 and 6(2) (see Note (s)). Paragraph 5 of Form 2 defines the order land by reference to Schedule 1 and either:

- a) where the order land is only part of the land being acquired, the specific, 'numbered' plots; or
- b) where the order land is all the land being acquired, the land which is 'described'

But if the acquiring authority seek a certificate under paragraph 6(1)(b) of schedule 3 to the 1981 act, because they propose to provide additional land in respect of new rights being acquired (over 'rights land'), the order should include paragraph 6(1) and the appropriate

paragraph 6(2) of the Form (see Note (s)). Paragraph 6 becomes paragraph 5 if only new rights are to be acquired compulsorily. (See [Section 18: compulsory purchase of new rights and other interests](#)) in relation to additional land being given in exchange for a new right.)

Where Form 2 is used, the order land, including rights land, must always be described in Schedule 1 to the order. Exchange and additional land should be described in Schedule 2 to the order where it is being acquired compulsorily; in Schedule 3 to the order where the acquiring authority do not need to acquire it compulsorily; or both schedules may apply, eg the authority may only own part of the exchange and/or additional land. Schedule 3 becomes Schedule 2 if no exchange or additional land is being acquired compulsorily. Exchange or additional land which is not being acquired compulsorily should be delineated and shown on the map so as to clearly distinguish it from land which is being acquired compulsorily.

Paragraph 5 of Form 3 should identify the order land, by referring to either:

- a) paragraph 2, where the order land is all the land being acquired; or
- b) specific numbered plots in the schedule, where the order land is only part of the land being acquired

This form may also be used if new rights are to be acquired but additional land is not being provided. An order in this form will discharge the order land, or land over which new rights are acquired, from the rights, trusts and incidents to which it was previously subject (in the case of land over which new rights are acquired, only so far as the continuance of those rights, trusts and incidents would be inconsistent with the exercise of the new rights).

An order may not discharge land from rights etc if the acquiring authority seek a certificate in terms of section 19(1)(aa) of or paragraph 6(1)(aa) of schedule 3 to the 1981 act. (See also [In what circumstances might an application for a certificate under section 19\(1\)\(aa\) of the Acquisition of Land Act 1981 be appropriate?](#) and [In which circumstances may a certificate be given?](#).) Note that the extinguishment of rights of common over land acquired compulsorily may require consent under [section 22 of the Commons Act 1899](#).

222. What is the procedure for sealing, signing and dating orders?

All orders should be made under seal, duly authenticated and dated at the end (after the schedule). They should never be dated before they are sealed and signed, and should be sealed, signed and dated on the same day. The order map(s) should similarly be sealed, signed and dated on the same day as the order. Some authorities may wish to consider whether they ought to amend their standing orders or delegations to ensure that this is achieved.

Section 15: order maps

223. What information should order maps provide?

Order maps should provide details of the land proposed to be acquired, land over which a new right would subsist and exchange land in accordance with the requirements set out in the [notes to the forms](#) eg paragraph (g) of the notes that accompany both forms 1 and 2.

The heading of the map (or maps) should agree in all respects with the description of the map headings stated in the body of the order. The words 'map referred to in [*order title*]' should be included in the actual heading or title of the map(s).

Land may be identified on order maps by colouring or any other method (see Note (g) to Forms 1, 2 and 3 and, in relation to exchange land, Note (q) to Form 5 in the 2004 Prescribed Forms Regulations) at the discretion of the acquiring authority. Where it is decided to use colouring, the longstanding convention (without statutory basis) is that land proposed to be acquired is shown pink, land over which a new right would subsist is shown blue, and exchange land is shown green. Where black-and-white copies are used they must still provide clear identification of the order or exchange land.

The use of a sufficiently large scale, Ordnance Survey based map is most important and it should not generally be less than 1/1250 (1/2500 in rural areas). Where the map includes land in a densely populated urban area, experience suggests that the scale should be at least 1/500, and preferably larger. Where the order involves the acquisition of a considerable number of small plots, the use of insets on a larger scale is often helpful. If more than one map is required, the maps should be bound together and a key or master 'location plan' should indicate how the various sheets are interrelated.

Care should be taken to ensure that where it is necessary to have more than one order map, there are appropriate references in the text of the order to all of them, so that there is no doubt that they are all order maps. If it is necessary to include a location plan, then it should be purely for the purpose of enabling a speedy identification of the whereabouts of the area to which the order relates. It should be the order map and *not* the location plan which identifies the boundaries of the land to be acquired. Therefore whilst the order map would be marked 'Map referred to in... 'in accordance with the prescribed form' (as in Form 1), a location map might be marked 'Location plan for the Map referred to in...' Such a location plan would not form part of the order and order map, but be merely a supporting document.

It is also important that the order map should show such details as are necessary to relate it to the description of each parcel of land in the order schedule or schedules. This may involve marking on the map the names of roads and places or local landmarks not otherwise shown.

The boundaries between plots should be clearly delineated and each plot separately numbered to correspond with the order schedule(s). (For orders which include new rights, see section on [Schedule and map](#).) Land which is delineated on the map, but which is not being acquired compulsorily should be clearly distinguishable from land which is being acquired compulsorily.

There should be no discrepancy between the order schedule(s) and the map or maps, and

no room for doubt on anyone's part as to the precise areas of land which are included in the order. Where there is a minor discrepancy between the order and map confirming, the authority may be prepared to proceed on the basis that the boundaries to the relevant plot or plots are correctly delineated on the map. Where uncertainty over the true extent of the land to be acquired causes or may cause difficulties, the confirming authority may refuse to confirm all or part of the order.

Section 16: addresses

224. Where should orders, applications and objections be sent?

Department	Type of order or application	Address
Ministry of Housing, Communities and Local Government	<p>Most orders for which the Secretary of State for Housing, Communities and Local Government is confirming authority</p> <p>Applications for certificates relating to open space under section 19 of, or paragraph 6 of Schedule 3 to, the Acquisition of Land Act 1981</p>	<p>Secretary of State for Housing, Communities and Local Government Planning Casework Unit 5 St Philip's Place Colmore Row Birmingham B3 2PW</p> <p>Email: pcu@communities.gsi.gov.uk</p>
Ministry of Housing, Communities and Local Government	<p>Applications for certificates relating to fuel or field garden allotments under section 19 of, or paragraph 6 of Schedule 3 to, the Acquisition of Land Act 1981</p>	<p>Secretary of State for Housing, Communities and Local Government Planning Casework Unit 5 St Philip's Place Colmore Row Birmingham B3 2PW</p> <p>Email: pcu@communities.gsi.gov.uk</p>
Department for Environment, Food and Rural Affairs	<p>Applications for certificates relating to common land, town or village greens under section 19 of, or paragraph 6 of Schedule 3 to, the Acquisition of Land Act 1981</p>	<p>Common Land Casework The Planning Inspectorate 3F Hawk Wing Temple Quay House The Planning Inspectorate 2 The Square Bristol BS1 6PN Email: Common Land Tel: 0303 444 5408</p>

Department for Environment, Food and Rural Affairs	Orders for <i>waste disposal</i> purposes	Secretary of State for Environment, Food and Rural Affairs Waste Strategy & Management Nobel House 17 Smith Square London SW1P 3JR
Department for Environment, Food and Rural Affairs	Orders made by <i>water or sewerage</i> undertakers	Secretary of State for Environment, Food and Rural Affairs Water Programme Nobel House 17 Smith Square London SW1P 3JR
Department for Environment, Food and Rural Affairs	Orders made under section 62(2) of the Land Drainage Act 1991, relating to sewerage or flood defence (land drainage) functions by a local authority, and orders made by internal drainage boards under section 62(1)(b) of that Act	Secretary of State for Environment, Food and Rural Affairs Water and Flood Risk Management Nobel House 17 Smith Square London SW1P 3JR
Department for Environment, Food and Rural Affairs	Orders made by the Environment Agency in relation to its flood defence functions, or by local authorities under Part I of the Coast Protection Act 1949 relating to coast protection work	Secretary of State for Environment, Food and Rural Affairs Water and Flood Risk Management Nobel House 17 Smith Square London SW1P 3JR
Department for Transport	Orders made under the Highways Act 1980 or the Road Traffic Regulation Act 1984	Secretary of State for Transport National Transport Casework Team Department for Transport Tyneside House Skinnerburn Road Newcastle upon Tyne NE4 7AR

Department for Transport	Airports, and airport Public Safety Zones orders	Secretary of State for Transport Aviation Policy & Reform Zone 1/25, Great Minster House 33 Horseferry Road London SW1P 4DR
Department for Transport	Civil aviation orders under the Civil Aviation Act 2012 and the Airports Act 1986	Secretary of State for Transport Aviation Policy & Security Reform, Department for Transport Zone 1/25, Great Minster House 33 Horseferry Road London SW1P 4DR
OTHER CONFIRMING AUTHORITIES - for other confirming authorities the correspondence should be addressed to the appropriate Secretary of State. The following addresses may be helpful.		
Department for Education		Real Estate Team Education and Skills Funding Agency Bishopsgate House Darlington DL1 5QE
Department of Health	For NHS and civil estate occupied by DH	Richmond House 79 Whitehall London SW1A 2NS
Home Office		2 Marsham Street London SW1P 4DF
Department for Digital, Culture, Media & Sport	Orders relating to listed buildings	100 Parliament Street London SW1A 2BQ
Department for Work and Pensions	for Benefits Agency	BA Estates 1 Trevelyan Square Boar Lane Leeds LS1 6AB
Department for Business, Energy and Industrial Strategy	Electricity and gas undertakings Onshore Electricity Development Consents	Licensing and Consents Unit 3 Whitehall Place London SW1A 2AW

Procedural issues applying to some compulsory purchase orders

Section 17: for community assets (at the request of the community or a local body)

225. What requests can be made to a local authority?

Authorities can receive requests from the community or local bodies to use their compulsory purchase powers to acquire community assets, which may have been designated as [Assets of Community Value](#), that are in danger of being lost where the owner of the asset is unwilling to sell or vacant commercial properties that are detracting from the vitality of an area.

226. What considerations need to be made when receiving a request?

Local authorities should consider all requests from third parties, but particularly voluntary and community organisations, and commercial groupings like Business Improvement District bodies, which put forward a scheme for a particular asset which would require compulsory purchase to take forward, and provide a formal response.

Local authorities must be able to finance the cost of the scheme (including the compensation to the owner) and the compulsory purchase order process either from their own resources, or with a partial or full contribution from those making the request.

Local authorities should, for example, ascertain the value of the asset to the community, or the effect of bringing it back into use; the perceived threat to the asset; the future use of the asset and who would manage it (including a business plan where appropriate); any planning issues; and how the acquisition would be financed.

Section 18: special kinds of land

227. What are 'special kinds of land'?

Certain special kinds of land are afforded some protection against compulsory acquisition (including compulsory acquisition of new rights across them) by providing that the confirmation of a compulsory purchase order including such land may be subject to [special parliamentary procedure](#). The 'special kinds of land' are set out in Part 3 of, and schedule 3 to, the [Acquisition of Land Act 1981](#) and are:

- a) land acquired by a statutory undertaker for the purposes of their undertaking (section 16 and schedule 3, paragraph 3) (see [What protection is given by section 16 of the Acquisition of Land Act 1981?](#))
- b) local authority owned land; or land acquired by any body except a local authority who are, or are deemed to be, statutory undertakers for the purposes of their undertaking (section 17 and schedule 3, paragraph 4) (see [What protection is given by section 17 of the Acquisition of Land Act 1981?](#))
- c) land held by the National Trust inalienably (section 18 and schedule 3, paragraph 5) (see [What protection is given by section 18 of the Acquisition of Land Act 1981?](#)); and
- d) land forming part of a common, open space, or fuel or field garden allotment (section 19 and schedule 3, paragraph 6) (see [What protection is given by section 19 of the Acquisition of Land Act 1981?](#))

228. Which bodies are defined as statutory undertakers under the Acquisition of Land Act 1981?

[Section 8\(1\) of the Acquisition of Land Act 1981](#) defines 'statutory undertakers' for the *general* purposes of the act. These include:

- transport undertakings (rail, road, water transport)
- docks, harbours, lighthouses
- Civil Aviation Authority and National Air Traffic Services
- Universal postal service providers

British Telecom is not a statutory undertaker for the purposes of the act. Private bus operators, other road transport operators, taxi and car hire firms which are authorised by licence are not statutory undertakers for the purposes of the act. Where their operations are carried out under the specific authority of an act, however, such operators will fall within the definition in section 8(1) of the act.

In addition, other bodies may be defined as, or deemed to be, statutory undertakers for the purposes of section 16 of the act (various health service bodies) or section 17 of the act (eg Homes England) ([see What protection is given by section 17 of the Acquisition of Land Act 1981?](#)).

229. What protection is there for statutory undertakers' land?

[Sections 16](#) and [17](#) of the Acquisition of Land Act 1981 provide protection for statutory undertakers' land.

In both cases, the land must have been acquired for the purposes of the undertaking. The provisions do not apply if the land was acquired for other purposes which are not directly connected to the undertakers' statutory functions. Before making a representation to the appropriate minister under section 16, or an objection in respect of land to which they think section 17 applies, undertakers should take particular care over the status of the land which the acquiring authority propose to acquire, have regard to the provisions of the relevant act, and seek their own legal advice as may be necessary. For example, whilst a gas transporter qualifies as a statutory undertaker, the protection under sections 16 and 17 would not apply in relation to non-operational land held by one, eg their administrative offices. In the circumstances, the land is not held for the purpose of the statutory provision: namely, the conveyance of gas through pipes to any premises or to a pipeline system operated by a gas transporter.

230. What protection is given by section 16 of the Acquisition of Land Act 1981?

Under [section 16 of the Acquisition of Land Act 1981](#), statutory undertakers who wish to object to the inclusion in a compulsory purchase order of land which they have acquired for the purposes of their undertaking, may make representations to 'the appropriate minister'. This is the minister operationally responsible for the undertaker, eg in the case of a gas transporter or electricity licence holder, the Secretary of State for Business, Energy and Industrial Strategy. Such representations must be made within the period stated in the public and personal notices, ie not less than twenty-one days, as specified in the act.

A representation made by statutory undertakers under section 16 is quite separate from an objection made within the same period to the confirming authority ('the usual minister'). Where the appropriate minister is also the confirming authority the intention of the statutory undertakers should be clearly stated, particularly where it is intended that a single letter should constitute both a section 16 representation and an objection. The appropriate minister would also be the confirming authority where, for example, an airport operator under Part 5 of the Airports Act 1986 makes a section 16 representation to the Secretary of State for Transport about an order made under section 239 of the Highways Act 1980.

231. Can an order be confirmed where a representation under section 16 of the Acquisition of Land Act 1981 is not withdrawn?

Generally, where a representation under [section 16 of the Acquisition of Land Act 1981](#) is not withdrawn, the order to which it relates may not be confirmed (or made, where the acquiring authority is a minister) so as to include the interest owned by the statutory undertakers unless the appropriate minister gives a certificate in the terms stated in section 16(2). These are either that:

- the land can be taken without serious detriment to the carrying on of the undertaking (section 16(2)(a)); or
- if taken it can be replaced by other land without serious detriment to the undertaking

(section 16(2)(b))

However, by virtue of [section 31\(2\) of the act](#), an order made under any of the powers referred to in section 31(1) may still be confirmed where:

- a representation has been made under section 16(1) without an application for a section 16(2) certificate, or where such an application is refused; and
- the confirmation is undertaken jointly by the appropriate minister and the usual minister

232. What protection is given by section 17 of the Acquisition of Land Act 1981?

[Section 17\(2\) of the Acquisition of Land Act 1981](#) provides that for an order acquiring land owned by a local authority or statutory undertaker, if that authority or undertaker objects, any confirmation would be subject to [special parliamentary procedure](#).

However, section 17(3) excludes the application of section 17(2) if the acquiring authority is one of the bodies referred to in section 17(3) which include a local authority and statutory undertaker as defined in section 17(4). The application of section 17(2) will therefore, be very limited.

The Secretary of State may by order under section 17(4)(b) of the act extend the definition of statutory undertaker for the purposes of section 17(3) to include any other authority, body or undertaker. Also, some authorities have been defined as statutory undertakers for the purposes of section 17(3) by primary legislation. Examples of such provisions are:

- a) a housing action trust – Housing Act 1988, section 78 and schedule 10, paragraph 3; and
- b) Homes England – Housing and Regeneration Act 2008, section 9(6) and schedule 2, paragraph 1(2)

233. What protection is given by section 18 of the Acquisition of Land Act 1981?

Where an order seeks to authorise the compulsory purchase of land belonging to and held inalienably by the National Trust (as defined in section [18\(3\) of the Acquisition of Land Act 1981](#)), it will be subject to [special parliamentary procedure](#) if the Trust has made, and not withdrawn, an objection in respect of the land so held.

234. What protection is given by section 19 of the Acquisition of Land Act 1981?

Compulsory purchase orders may sometimes include land or rights over land which is, or forms part of, a common, open space, or fuel or field garden allotment. Under the Acquisition of Land Act 1981:

- ‘common’ includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green; the definition therefore includes, but may go wider than, land registered under the Commons Registration Act 1965
- ‘open space’ means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground; and

- ‘fuel or field garden allotment’ means any allotment set out as a fuel allotment, or field garden allotment, under an Inclosure Act

An order which authorises purchase of any such land will be subject to [special parliamentary procedure](#) unless the relevant Secretary of State (see [Who should an acquiring authority apply to for a certificate under section 19 of the Acquisition of Land Act 1981?](#)) gives a certificate under section 19 of the Acquisition of Land Act 1981 indicating his satisfaction that either:

- exchange land is being given which is no less in area and equally advantageous as the land taken (section 19(1)(a)); or
- that the land is being purchased to ensure its preservation or improve its management (section 19(1)(aa)); or
- that the land is 250 sq. yards (209 square metres) or less in area or is for the widening and/or drainage of an existing highway **and** that the giving of exchange land is unnecessary (section 19(1)(b))

Likewise, an order which authorises the purchase of new rights over such land will be subject to special parliamentary procedure unless the relevant Secretary of State gives a certificate under schedule 3, paragraph 6 (see also section of guidance on [Compulsory purchase of new rights and other interests](#)).

235. Who should an acquiring authority apply to for a certificate under section 19 of and/or schedule 3 to the Acquisition of Land Act 1981?

An acquiring authority requiring a certificate from the relevant Secretary of State under section 19 and/or schedule 3, paragraph 6 of the [Acquisition of Land Act 1981](#), should apply as follows:

- common land – the Secretary of State for Environment, Food and Rural Affairs
- open space – Secretary of State for Housing, Communities and Local Government
- fuel or field garden allotments – Secretary of State for Housing, Communities and Local Government

Contact details can be found in [Section 15: addresses](#).

236. When should acquiring authority apply for a certificate under section 19 of and/or schedule 3 to the Acquisition of Land Act 1981?

Applications for certificates should be made when the order is submitted for confirmation or, in the case of an order prepared in draft by a minister, when notice is published and served in accordance with paragraphs 2 and 3 of [schedule 1 to the act](#).

237. What information should be provided when applying for a certificate under section 19 of and/or Schedule 3 to the Acquisition of Land Act 1981?

The land, including any new rights, should be described in detail, by reference to the

compulsory purchase order, and all the land clearly identified on an accompanying map.

This should show the common/open space/fuel or field garden allotment plots to be acquired in the context of the common/open space/fuel or field garden allotment space as a whole, and in relation to any proposed exchange land.

The acquiring authority should also provide copies of the order, including the schedules, and order map. For a particularly large order, they may provide:

- a) copies of the order and relevant parts or sheets of the map; and
- b) a copy, or copies, of the relevant extract or extracts from the order schedule or schedules, which include the following:
 - (i) the plot(s) of common, open space etc which they propose to acquire or over which they propose to acquire a new right ('the order land'); and
 - (ii) any land which they propose to give in exchange ('the exchange land')

(Where schedule 3, paragraph 6(1)(b) applies and additional land is being given in exchange for a new right, substitute 'the rights land' and 'the additional land' for the definitions given in (i) and (ii) above, respectively.)

When drafting an order, careful attention should be given to the discharging and vesting provisions of section 19(3) of the 1981 act or of paragraph 6(4) of schedule 3 to that act.

It must be specified under which subsection(s) an application for a certificate is made eg section 19(1)(a), (aa) or (b), and/or paragraph 6(1)(a), (aa), (b) or (c). Where an application is under more than one subsection, this should be stated, specifying those plots that each part of the application is intended to cover. Where an application is under section 19(1)(b), it should be stated whether it is made on the basis that the land does not exceed 209 square metres (250 square yards) or under the highway widening or drainage criterion.

In writing, careful attention should be given to the particular criteria in section 19 and/or paragraph 6 that the Secretary of State will be considering. The information provided should include:

- the name of the common or green involved (including CL/VG number)
- the plots numbers and their areas, in square metres
- details of any rights of common registered, or rights of public access, and the extent to which they are exercised
- the purpose of the acquisition
- details of any special provisions or restrictions affecting any of the land in the application; and
- any further information which supports the case for a certificate

238. How will the Secretary of State decide whether to grant a certificate under section 19 of and/or schedule 3 to the Acquisition of Land Act 1981?

In most cases, arrangements will be made for the order/rights land to be inspected and, if applicable, for a preliminary appraisal of the merits of any proposed exchange/additional land. If, at this stage, the relevant Secretary of State is satisfied that a certificate could, in principle, be given, he will direct the acquiring authority to publish notice of his *intention* to give a certificate, with details of the address to which any representations and objections may be submitted. In most cases where there are objections, the matter will be considered by the inspector at the inquiry into the compulsory purchase order.

Where an inquiry has been held into the application for a certificate (including, where applicable, the merits of any proposed exchange/additional land), the inspector will summarise the evidence in his or her report and make a recommendation. The relevant Secretary of State's consideration of and response to the inspector's recommendation are subject to the statutory inquiry procedure rules which apply to the compulsory purchase order. Where there is no inquiry, the relevant Secretary of State's decision on the certificate will be made having regard to an appraisal by an inspector or a professionally qualified planner, and after taking into account the written representations from any objectors and from the acquiring authority.

239. When must a certificate under section 19 of and/or schedule 3 to the Acquisition of Land Act 1981 be declined by the Secretary of State?

The Secretary of State must decline to give a certificate if he is not satisfied that the requirements of the section have been complied with. Where exchange land is to be provided for land used by the public for recreation, the relevant Secretary of State will have regard (in particular) to the case of *LB Greenwich and others v Secretary of State for the Environment, and Secretary of State for Transport (East London River Crossing: Oxleas Wood)* ([1994] J.P.L. 607).

240. What matters does the Secretary of State take into account when considering a certificate for 'exchange land' under section 19(1)(a) of the Acquisition of Land Act 1981?

Where a certificate would be in terms of [section 19\(1\)\(a\) of the Acquisition of Land Act 1981](#), the exchange land must be:

- **no less** in area than the order land; and
- equally advantageous to any persons entitled to rights of common or to other rights, and to the public

Depending on the particular facts and circumstances, the relevant Secretary of State may have regard to such matters as relative size and proximity of the exchange land when compared with the order land. The date upon which equality of advantage is to be assessed is the date of exchange. (See paragraphs 5 and 6 of [Form 2 in the schedule to the Compulsory Purchase of Land \(Prescribed Forms\) \(Ministers\) Regulations 2004](#).) But the relevant Secretary of State may have regard to any prospects of improvement to the exchange land which exists at that date.

Other issues may arise about the respective merits of an order and exchange land. The latter may not possess the same character and features as the order land, and it may not offer the **same** advantages, yet the advantages offered may be sufficient to provide an overall equality of advantage. But land which is already subject to rights of common or to other rights, or used by the public, even informally, for recreation, cannot usually be given as exchange land, since this would reduce the amount of such land, which would be disadvantageous to the persons concerned. There may be some cases, where a current use of proposed exchange land is temporary, eg ending development. In such circumstances it may be reasonable to give the land in exchange, since its current use can thereby be safeguarded for the future. The relevant Secretary of State will examine any such case with particular care.

241. What is the definition of ‘the public’ in regard to exchange land?

With regard to exchange land included in an order, the Secretary of State takes the view that ‘the public’ means principally the section of the public which has hitherto benefited from the order land and, more generally, the public at large. But circumstances differ. For example, in the case of open space, a relatively small recreation ground may be used predominantly by local people, perhaps from a particular housing estate. In such circumstances, the Secretary of State would normally expect exchange land to be equally accessible to residents of that estate. On the other hand, open space which may be used as a local recreational facility by some people living close to it, but which is also used by a wider cross-section of the public may not need to be replaced by exchange land in the immediate area. One example of such a case might be land forming part of a regional park.

242. In what circumstances might an application for a certificate under section 19(1)(aa) of the Acquisition of Land Act 1981 be appropriate?

In some cases, the acquiring authority may wish to acquire land to which section 19 applies, eg open space, but do not propose to provide exchange land because, after it is vested in them, the land will continue to be used as open space. Typical examples might be where open space which is privately owned may be subject to development proposals resulting in a loss to the public of the open space; or where the local authority wish to acquire part or all of a privately owned common in order to secure its proper management.

Such a purpose might be ‘improvement’ within the sense of section 226(1)(a) of the Town and Country Planning Act 1990, or a purpose necessary in the interests of proper planning (section 226(1)(b)). The land might be neglected or unsightly (see [Section 6: to improve the appearance or condition of land](#)), perhaps because the owner is unknown, and the authority may wish to provide, or to enable provision of, proper facilities. Therefore, the acquisition or enabling powers and the specific purposes may vary. In such circumstances, ie where the reason for making the order is to secure preservation or improve management of land to which section 19 applies, a certificate may be given in the terms of section 19(1)(aa).

NB: Where the acquiring authority seek a certificate in terms of section 19(1)(aa), section 19(3)(b) cannot apply and the order may not discharge the land purchased from all rights, trusts and incidents to which it was previously subject. See also [Section 13: preparing and serving the order and notices](#).

243. What factors does the Secretary of State have to consider when giving a certificate under section 19(1)(b) of the Acquisition of Land Act 1981?

A certificate can only be given in terms of [section 19\(1\)\(b\) of the Acquisition of Land Act](#) where the Secretary of State concerned is persuaded that the land is 250 square yards (209 square metres) or less in area or is for the widening and/or drainage of an existing highway **and** that the giving of exchange land is unnecessary. He will have regard to the overall extent of common land, open space land or fuel or field garden allotment land being acquired compulsorily. Where all or a large part of such land would be lost, he may be reluctant to certify in terms of section 19(1)(b). Should he refuse such a certificate, it would remain open to the acquiring authority to consider providing exchange land and seeking a certificate in terms of section 19(1)(a).

244. What is special parliamentary procedure?

If an order includes land whose acquisition is subject to special parliamentary procedure, any confirmation of the order by the confirming authority would be made subject to that procedure. This means that if the order is being confirmed so as to include the special category land, the acquiring authority will not be able to publish and serve notice of confirmation in the usual way. The order will, instead, be governed by the procedures set out in [the Statutory Orders \(Special Procedure\) Acts 1945](#) and [1965](#) as amended by the [Growth and Infrastructure Act 2013](#). The confirming authority will give full instructions at the appropriate time.

In brief, the special parliamentary procedure is:

- following the confirming authority's decision to confirm, after giving 3 days' notice in the London Gazette, the order is laid before Parliament
- if a petition against the special authorisation is lodged within a 21 day period, it will be referred to a Joint Committee of both Houses to consider and report to Parliament as to whether to approve
- if no petition is lodged, the confirmation is usually approved without such referral

Section 19: compulsory purchase of new rights and other interests

245. Is it possible to compulsorily acquire rights and other interests over land, without acquiring full land ownership?

There are powers available which provide for the compulsory acquisition of new rights over land where full land ownership is not required eg the compulsory creation of a right of access.

246. How can compulsory acquisition of rights over land be achieved?

The creation of new rights can only be achieved using a specific statutory power, known as an 'enabling power'. Powers include (with the bodies by whom they may be exercised) the following:

- (i) Local Government (Miscellaneous Provisions) Act 1976, section 13 (local authorities)
- (ii) Highways Act 1980, section 250 (all highway authorities) - guidance on the use of these powers is given in Department of Transport Local Authority Circular 2/97
- (iii) Water Industry Act 1991, section 155(2) (water and sewerage undertakers)
- (iv) Water Resources Act 1991, section 154(2) and Environment Act 1995, section 2(1)(a)(iv) (Environment Agency)
- (v) Housing and Regeneration Act 2008, section 9(2) (Homes England)
- (vi) Electricity Act 1989, schedule 3 (electricity undertakings); and
- (vii) Gas Act 1986, schedule 3 (gas transporter undertakings)

The acquiring authority should take into account any special requirements which may apply to the use of any particular power.

Orders solely for new rights (no other interests in land to be purchased outright)

247. What should the order describe?

The order heading should mention the appropriate enabling power, together with the Acquisition of Land Act 1981.

Paragraph 1 of the order should describe the purpose for which the rights are required, eg 'for the purpose of providing an access to a community centre which the council are authorised to provide under section 19 of the Local Government (Miscellaneous Provisions) Act 1976.

Orders for new rights and other interests

248. What should an order describe where it relates to the purchase of new rights and of other interests in land under different powers?

The order heading should refer to the appropriate enabling act, any other act(s), and the Acquisition of Land Act 1981, as required by the regulations. See Note (b) to Forms 1, 2 and 3 in the [schedule to the Compulsory Purchase of Land \(Prescribed Forms\) \(Ministers\) Regulations 2004](#).

Paragraph 1 of the prescribed form of the order should describe all the relevant powers and purposes.

249. What if the purpose is the same for both new rights and other interests?

This should be relatively straightforward. The order should mention, eg:

‘ the acquiring authority is hereby authorised to compulsorily purchase

(a) under section 121 of the Local Government Act 1972 the land described in paragraph 2(1) below for the purpose of providing a community centre under section 19 of the Local Government (Miscellaneous Provisions) Act 1976; and

(b) under section 13 of the said act of 1976, the new rights which are described in paragraph 2(2) below for the same purpose

[etc, as in Form 1 of the [schedule to the regulations](#).]

250. What if the purpose is not the same for the new rights and other interests?

Paragraph 1 of the prescribed form of the order should describe all of the relevant powers under, and purposes for which, the order has been made, eg:

‘ the acquiring authority is hereby authorised to compulsorily purchase

(a) under section 89 of the National Parks and Access to the Countryside Act 1949 the derelict, neglected or unsightly land which is described in paragraph 2(1) below for the purpose of carrying out such works on the land as appear to them expedient for enabling it to be brought into use; and

(b) under section 13 of the Local Government (Miscellaneous Provisions) Act 1976, the new rights which are described in paragraph 2(2) below for the purpose of providing an access to the abovementioned land for *[the authority]* and persons using the land, being a purpose which it is necessary to achieve in the interests of the proper planning of an area, in accordance with section 226(1)(b) of the Town and Country Planning Act 1990.’

251. What should the acquiring authority's statements of reasons and case explain?

They should explain the need for the new rights, give details of their nature and extent, and provide any further relevant information. Where an order includes new rights, the acquiring authority is also asked to bring that fact to the attention of the confirming authority in the letter covering their submission.

Schedule and map

252. What should the order schedule show?

The land over which each new right is sought needs to be shown as a separate plot in the order schedule.

253. What level of detail does this require?

The nature and extent of each new right should be described and where new rights are being taken for the benefit of a plot or plots, that fact should be stated in the description of the rights plots. It would be helpful if new rights could be described immediately before or after any plot to which they relate; or, if this is not practicable, eg where there are a number of new rights, they could be shown together in the schedule with appropriate cross-referencing between the related plots.

254. What does the order map need to show?

The order map should clearly distinguish between land over which new rights would subsist and land in which it is proposed to acquire other interests. (See [note \(g\) to Forms 1, 2 and 3](#) or [Note \(d\) to Forms 4, 5 and 6](#).)

Special kinds of land (commons, open space and fuel or field garden allotment) (see also [Section 17: Special kinds of land](#) and [Section 13: Preparing and serving the order and notices](#))

255. Which part of the Acquisition of Land Act 1981 applies where a new right over special kind of land is being acquired compulsorily?

Paragraph 6 of [schedule 3 to the Acquisition of Land Act 1981](#) applies (in the same way that section 19 applies to the compulsory purchase of [any land forming part of a common, open space etc](#)). The order will be subject to [special parliamentary procedure](#) unless the relevant Secretary of State gives a certificate, in the relevant terms, under paragraph 6(1) and (2).

256. In which circumstances may a certificate be given?

A certificate may be given by the Secretary of State in the following circumstances:

- the land burdened with the right will be no less advantageous than before to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public (paragraph 6(1)(a) of schedule 3 to the Acquisition of Land Act 1981); or

- paragraph 6(1)(aa) – the right is being acquired in order to secure the preservation or improve the management of the land. Where an acquiring authority propose to apply for a certificate in terms of paragraph 6(1)(aa), they should note that the order cannot, in that case, discharge the land over which the right is to be acquired from all rights, trusts and incidents to which it has previously been subject. See also [Section 13: preparing and serving the order and notices](#) and [Section 17: special kinds of land](#); or
- paragraph 6(1)(b) – additional land will be given in exchange for the right which will be adequate to compensate the persons mentioned in relation to paragraph 6(1)(a) above for the disadvantages resulting from the acquisition of the right and will be vested in accordance with the act. Where an authority seek a certificate in terms of paragraph 6(1)(b) because they propose to give land ('the additional land') in exchange for the right, the order should include paragraph 4(1) and the appropriate paragraph 4(2) of Form 2 in the [schedule to the 2004 Prescribed Forms Regulations \(see Note \(s\)\)](#). The land over which the right is being acquired ('the rights land') and, where it is being acquired compulsorily, the additional land, should be delineated and shown as stated in paragraph 2 of the order. Paragraph 2 (ii) should be adapted as necessary. (See also [Section 13: preparing and serving the order and notices](#) and [Section 17: special kinds of land](#)); or
- paragraph 6(1)(c)
 - (i) the land affected by the right to be acquired does not exceed 209 square metres (250 square yards); or
 - (ii) in the case of an order made under the Highways Act 1980, the right is required in connection with the widening or drainage, or partly with the widening and partly with the drainage, of an existing highway

and it is unnecessary, in the interests of persons, if any, entitled to rights of common or other rights or in the interests of the public, to give other land in exchange

The same order may authorise the purchase of land forming part of a common, open space etc and the acquisition of a new right over a different area of such land, and a certificate may be given in respect of each. The acquiring authority must always specify the type of certificate for which they are applying.

257. What other details needs to be shown where additional land, which is not being acquired compulsorily, is to be vested in the owners of the rights land?

The additional land should be delineated and shown on the order map (so as to clearly distinguish it from any land being acquired compulsorily) and described in schedule 3 to the order. Schedule 3 becomes schedule 2 if no other additional or exchange land is being acquired compulsorily.

258. What information has to be provided where and order, which does not provide for the vesting of additional land, but provides for discharging the rights land from all rights, trusts and incidents to which it has previously been subject (so far as their continuance would be inconsistent with the exercise of the right(s) to be acquired)?

The order needs to comply with Form 3 and should include the reference in [paragraph 4\(3\) of that Form](#) (or, if appropriate, [as adapted for paragraph 4\(2\) of Form 6](#)) to land over which the new right is acquired. (See also [In which circumstances may a certificate be given?](#))

Section 20: compulsory purchase of Crown land

259. What is Crown land?

Crown land is defined in [section 293\(1\) of the Town and Country Planning Act 1990](#), [section 82C of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) and [section 31 of the Planning \(Hazardous Substances\) Act 1990](#) (as amended), as any land in which the Crown (including the Duchies of Lancaster and Cornwall) has a legal interest is 'Crown land'.

260. Who is the 'appropriate authority'?

As appropriate, the government department having management of the land, the Crown Estate Commissioners, the Chancellor of the Duchy of Lancaster, or a person appointed by the Duke of Cornwall or by the possessor, for the time being, of the Duchy.

261. Can Crown land be compulsorily purchased?

As a general rule, Crown land cannot be compulsorily acquired, as legislation does not bind the Crown unless it states to the contrary.

262. Are there any exceptions to this?

Specific compulsory purchase enabling powers can make provision for their application to Crown land, for example:

- [section 327 of the Highways Act 1980](#) provides for a highway authority and the appropriate Crown authority to specify in an agreement that certain provisions of the 1980 act – including the compulsory purchase powers – shall apply to the Crown
- [section 32 of the Coast Protection Act 1949](#) enables the compulsory purchase powers under Part I of that act to apply to Crown land with the consent of the 'appropriate authority'

The enactments listed below (which is not an exhaustive list) also provide that interests in Crown land **which are not held by or on behalf of the Crown** may be acquired compulsorily if the appropriate authority agrees:

- [section 226\(2A\) of the Town and Country Planning Act 1990](#)
- [section 47\(6A\) of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)
- [section 25 of the Transport and Works Act 1992](#); and
- [section 221 of the Housing Act 1996](#) (applicable to the Housing Act 1985, the Housing Associations Act 1985, Part 3 of the Housing Act 1988 and Part 7 of the Local Government and Housing Act 1989)

Issues for consideration

263. What issues should be considered?

Where the order is made under a power to which the provisions mentioned in [Are there any exceptions to this?](#) relate, or under any other enactment which provides for compulsory acquisition of interests in Crown land, Crown land should only be included where the acquiring authority has obtained (or is, at least, seeking) agreement from the appropriate authority. The confirming authority will have no power to authorise compulsory acquisition of the relevant interest or interests without such agreement.

Where an order is made under powers other than the Highways Act 1980, however, the acquiring authority should identify the relevant Crown body in the appropriate column of the order schedule and describe the interest(s) to be acquired. If the acquiring authority wish to acquire all interests other than those of the Crown, column two of the order schedule should specify that 'all interests' in [*describe the land*] except those held by or on behalf of the Crown' are being acquired. (See also [Section 13: preparing and serving the order and notices](#)).

Section 21: certificates of appropriate alternative development

264. What are the planning assumptions?

[Part 2 of the Land Compensation Act 1961](#) as amended by Part 9 of the Localism Act 2011 provides that compensation for the compulsory purchase of land is on a market value basis. In addition to existing planning permissions, section 14 of the 1961 act provides for certain assumptions as to what planning permissions might be granted to be taken into account in determining market value.

Section 14 is about assessing compensation for compulsory purchase in accordance with rule (2) of section 5 of the 1961 act (open market value). The planning assumptions are as follows:

- subsection (2): account may be taken of (a) any planning permission in force for the development of the relevant land or other land at the relevant valuation date; and (b) the prospect (on the assumptions in subsection (5)) in the circumstances known to the market on the relevant valuation date of planning permission being granted, other than for development for which planning permission is already in force or appropriate alternative development
- subsection (3): it may also be assumed that planning permission for appropriate alternative development (as described in subsection (4)) is either in force at the relevant valuation date or it is certain that planning permission would have been granted at a later date
- subsection (4): defines appropriate alternative development as development, other than that for which planning permission is in force, that would, on the assumptions in subsection (5) but otherwise in the circumstances known to the market at the relevant valuation date, reasonably have been expected to receive planning permission on that date or a later date. Appropriate alternative development may be on the relevant land alone or on the relevant land together with other land.
- subsection (5): contains the basic assumptions that (a) the scheme underlying the acquisition had been cancelled on the launch date; (b) that no action has been taken by the acquiring authority for the purposes of the scheme; (c) that there is no prospect of the same or similar scheme being taken forward by the exercise of a statutory power or by compulsory purchase; and (d) that if the scheme is for a highway, no other highway would be constructed to meet the same need as the scheme
- subsection (6): defines the 'launch date' as (a) for a compulsory purchase order, the publication date of the notice required under [section 11](#) of or paragraph 2 of [schedule 1](#) to the Acquisition of Land Act 1981; (b) for any other order (such as under the [Transport and Works Act 1992](#) or a development consent order under the [Planning Act 2008](#)) the date of first publication or service of the relevant notice; or (c) for a special enactment, the date of first publication of the first notice required in connection with the acquisition under section 15, planning permission is also to be

assumed for the acquiring authority's proposals

265. On what date are the planning assumptions assessed?

The main feature of the arrangements is that the planning assumptions are assessed on the relevant valuation date (as defined in [section 5A of the Land Compensation Act 1961](#)) rather than the launch date (even though the scheme is still assumed to have been cancelled on the launch date). This will avoid the need to reconstruct the planning regime that existed on the launch date, including old development plans, national planning policy and guidance. Also that the planning assumptions are based on 'the circumstances known to the market at the relevant valuation date', which would include the provisions of the development plan. This removes the need for the specific references to the development plan which were contained in the previous section 16 that had become out of date.

266. What is a certificate of appropriate alternative development?

Where existing permissions and assumptions are not sufficient to indicate properly the development value which would have existed were it not for the scheme underlying the compulsory purchase, [Part 3 of the Land Compensation Act 1961 as amended by Part 9 of the Localism Act](#) provides a mechanism for indicating the descriptions of development (if any) for which planning permission can be assumed by means of a 'certificate of appropriate alternative development'. The permissions indicated in a certificate can briefly be described as those with which an owner might reasonably have expected to sell his land in the open market if it had not been publicly acquired.

267. Who can apply for a certificate of appropriate alternative development?

[Section 17\(1\) of the Land Compensation Act 1961](#) provides that either the owner of the interest to be acquired or the acquiring authority may apply to the local planning authority for a certificate. Where an application is made for development of the relevant land together with other land it is important that the certificate sought relates only to the land in which the applicant is a directly interested party. The description(s) of development specified in the application (and where appropriate the certificate issued in response) should clearly identify where other land is included and the location and extent of such other land.

268. In what circumstances might a certificate be helpful?

Circumstances in which certificates may be helpful include where:

- a) there is no adopted development plan covering the land to be acquired
- b) the adopted development plan indicates a 'green belt' or leaves the site without specific allocation; and
- c) the site is allocated in the adopted development plan specifically for some public purpose, eg a new school or open space
- d) the amount of development which would be allowed is uncertain
- e) the extent and nature of planning obligations and conditions is uncertain

269. When does the right to apply for a certificate arise?

The right to apply for a certificate arises at the date when the interest in land is proposed to be acquired by the acquiring authority. [Section 22\(2\) of the Land Compensation Act 1961](#) describes the circumstances where this is the position. These include the launch date as defined in section 14(6) for acquisitions by compulsory purchase order, other orders or by private or hybrid Bill. For acquisition by blight notice or a purchase notice it will be the date on which 'notice to treat' is deemed to have been served; or for acquisition by agreement it will be the date of the written offer by the acquiring authority to negotiate for the purchase of the land.

Once a compulsory purchase order comes into operation the acquiring authority should be prepared to indicate the date of entry so that a certificate can sensibly be applied for.

Thereafter application may be made at any time, except that after a notice to treat has been served or agreement has been reached for the sale of the interest and a case has been referred to the Upper Tribunal, an application may not be made unless both parties agree in writing, or the Tribunal gives leave. It will assist compensation negotiations if an application is made as soon as possible.

Acquiring authorities should ensure, when serving notice to treat in cases where a certificate could be applied for, that owners are made aware of their rights in the matter. In some cases, acquiring authorities may find it convenient themselves to apply for a certificate as soon as they make a compulsory purchase order or make an offer to negotiate so that the position is clarified quickly.

It may sometimes happen that, when proceedings are begun for acquisition of the land, the owner has already applied for planning permission for some development. If the local planning authority refuse planning permission or grant it subject to restrictive conditions and are aware of the proposal for acquisition, they should draw the attention of the owner to his right to apply for a certificate, as a refusal or restrictive conditions in response to an actual application (ie in the 'scheme world') do not prevent a positive certificate being granted (which would relate to the 'no scheme world').

270. How should applications for a certificate be made and dealt with?

The manner in which applications for a certificate are to be made and dealt with has been prescribed in articles 3, 4, 5 and 6 of [the Land Compensation Development \(England\) Order 2012](#).

Article 3(3) of the order requires that if a certificate is issued otherwise than for the development applied for, or contrary to representations made by the party directly concerned, it must include a statement of the authority's reasons and of the right of appeal under section 18 of the 1961 act. From 6 April 2012, this has been to the [Upper Tribunal](#). Article 4 requires the local planning authority (unless a unitary authority) to send a copy of any certificate to the county planning authority concerned if it specifies development related to a county matter or, if the case is one which has been referred to the county planning authority, to the relevant district planning authority. Where the certificate is issued by a London borough or the Common Council of the City of London, they must send a copy of the certificate to the Mayor of London if a planning application for such development would have to be referred to him.

Article 4 should be read with paragraph 55 of [schedule 16 to the Local Government Act 1972](#), which provides that all applications for certificates must be made to the district planning authority in the first instance: if the application is for development that is a county matter, then the district must send it to the county for determination. This paragraph also deals with consultation between district and county authorities where the application contains some elements relating to matters normally dealt with by the other authority. Where this occurs, the authority issuing the certificate must notify the other of the terms of the certificate.

Article 5 of the order requires the local planning authority, if requested to do so by the owner of an interest in the land, to inform him whether an application for a certificate has been made, and if so by whom, and to supply a copy of any certificate that has been issued. Article 6 provides for applications and requests for information to be made electronically.

271. What information should be contained in an application for a certificate?

In an application under section 17, the applicant may seek a certificate to the effect that there either is any development that is appropriate alternative development for the purposes of section 14 (a positive certificate) or that there is no such development (a nil certificate).

If the application is for a positive certificate the applicant must specify each description of development that he considers that permission would have been granted for and his reasons for holding that opinion. The onus is therefore on the applicant to substantiate the reasons why he considers that there is development that is appropriate alternative development.

Acquiring authorities applying for a 'nil' certificate must set out the full reasons why they consider that there is no appropriate alternative development in respect of the subject land or property.

The phrase 'description of development' is intended to include the type and form of development. Section 17(3)(b) requires the descriptions of development to be 'specified', which requires a degree of precision in the description of development.

The purpose of a certificate is to assist in the assessment of the open market value of the land. Applicants should therefore consider carefully for what descriptions of development they wish to apply for certificates. There is no practical benefit to be gained from making applications in respect of descriptions of development which do not maximise the value of the land. Applicants should focus on the description or descriptions of development which will most assist in determining the open market value of the land.

An application under section 17 is not a planning application and applicants do not need to provide the kind of detailed information which would normally be submitted with a planning application. However, it is in applicants' interests to give as specific a description of development as possible in the circumstances, in order to ensure that any certificate granted is of practical assistance in the valuation exercise.

Applicants should normally set out a clear explanation of the type and scale of development that is sought in the certificate and a clear justification for this. This could be set out in a form of planning statement which might usefully cover the following matters:

- confirmation of the valuation date at which the prospects of securing planning permission need to be assessed
- the type or range of uses that it considers should be included in the certificate including uses to be included in any mixed use development which is envisaged as being included in the certificate
- where appropriate, an indication of the quantum and/or density of development envisaged with each category of land
- where appropriate an indication of the extent of built envelope of the development which would be required to accommodate the quantum of development envisaged
- a description of the main constraints on development which could be influenced by a planning permission and affect the value of the land, including matters on site such as ecological resources or contamination, and matters off site such as the existing character of the surrounding area and development
- an indication of what planning conditions or planning obligations the applicant considers would have been attached to any planning permission granted for such a development had a planning application been made at the valuation date
- a clear justification for its view that such a permission would have been forthcoming having regard to the planning policies and guidance in place at the relevant date; the location, setting and character of the site or property concerned; the planning history of the site and any other matters it considers relevant

Detailed plans are not required in connection with a section 17 application but drawings or other illustrative material may be of assistance in indicating assumed access arrangements and site layout and in indicating the scale and massing of the assumed built envelope. An indication of building heights and assumed method of construction may also assist the local planning authority in considering whether planning permission would have been granted at the relevant date.

272. Is there a fee for submitting an application for a certificate of appropriate development?

A fee is payable for an application for a certificate of appropriate alternative development. Details are set out in [Regulation 18 of the The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) Regulations 2012](#) (as amended).

273. What should a certificate contain?

The local planning authority is required to respond to an application by issuing a certificate of appropriate alternative development, saying what planning permissions would have been granted if the land were not to be compulsorily acquired. [Section 17\(1\)](#) requires the certificate to state either that:

- a) there is appropriate alternative development for the purposes of section 14 (a

'positive' certificate); or

- b) there is no development that is appropriate alternative development for the purposes of section 14 (a 'nil' or 'negative' certificate)

Section 17(4) of the Land Compensation Act 1961 requires the local planning authority to issue a certificate, but not before the end of 22 days from the date that the applicant has, or has stated that he or she will, serve a copy of his or her application on the other party directly concerned (unless otherwise agreed).

Section 17(5) requires (a) that a positive certificate must specify all the development that (in the local planning authority's opinion) is appropriate alternative development, even if it is not specified in the application and (b) give a general indication of any reasonable conditions; when permission would reasonably have been granted (if after the relevant valuation date); and any reasonable pre-condition, such as a planning obligation, that could reasonably have been expected.

Section 17(6) provides that for positive certificates, only that development specified in the certificate can be assumed to be appropriate alternative development for the purposes of section 14 and that the conditions etc apply to the planning permission assumed to be in force under section 14(3).

Local planning authorities should note that an application made under s17 is not a planning application. The authority should seek to come to a view, based on its assessment of the information contained within the application and of the policy context applicable at the relevant valuation date, the character of the site and its surroundings, as to whether such a development would have been acceptable to the Authority. As the development included in the certificate is not intended to be built the local planning authority does not need to concern itself with whether or not the granting of a certificate would create any precedent for the determination of future planning applications.

If giving a positive certificate, the local planning authority must give a general indication of the conditions and obligations to which planning permission would have been subject. As such the general indication of conditions and obligations to which the planning permission could reasonably be expected to be granted should focus on those matters which affect the value of the land. Conditions relating to detailed matters such approval of external materials or landscaping would not normally need to be indicated. However, clear indications should be given for matters which do affect the value of the land, wherever the authority is able to do so.

Such matters would include, for example, the proportion and type of affordable housing required within a development, limitations on height or density of development, requirements for the remediation of contamination or compensation for ecological impacts, and significant restrictions on use, as well as financial contributions and site-related works such as the construction of accesses and the provision of community facilities. The clearer the indication of such conditions and obligations can be, the more helpful the certificate will be in the valuation process.

274. Should a certificate be taken into account in assessing compensation?

A certificate once issued must be taken into account in assessing compensation for the

compulsory acquisition of an interest in land, even though it may have been issued on the application of the owner of a different interest in the land. But it cannot be applied for by a person (other than the acquiring authority) who has no interest in the land.

275. Should informal advice be given on open market value?

Applicants seeking a section 17 certificate should seek their own planning advice if this is felt to be required in framing their application.

In order that the valuers acting on either side may be able to assess the open market value of the land to be acquired they will often need information from the local planning authority about such matters as existing permissions; the development plan and proposals to alter or review the plan. The provision of factual information when requested should present no problems to the authority or their officers. But sometimes officers will in addition be asked for informal opinions by one side or the other to the negotiations. It is for authorities to decide how far informal expressions of opinion should be permitted with a view to assisting the parties to an acquisition to reach agreement. Where they do give it, the Secretary of State suggests that the authority should:

- a) give any such advice to both parties to the negotiation
- b) make clear that the advice is informal and does not commit them if a formal certificate or planning permission is sought

It is important that authorities do not do anything which prejudices their subsequent consideration of an application.

276. How are appeals against certificates made?

The right of appeal against a certificate under [section 18 of the Land Compensation Act 1961](#), exercisable by both the acquiring authority and the person having an interest in the land who has applied for the certificate, is to the Upper Tribunal (Lands Chamber). It may confirm, vary or cancel it and issue a different certificate in its place, as it considers appropriate.

[Rule 28\(7\) of the Upper Tribunal Rules, as amended](#), requires that written notice of an appeal (in the form of a reference to the Upper Tribunal) must be given within one month of receipt of the certificate by the planning authority. If the local planning authority fail to issue a certificate, notice of appeal must be given within one month of the date when the authority should have issued it (that date is either two months from receipt of the application by the planning authority, or two months from the expiry of any extended period agreed between the parties to the transaction and the authority) and the appeal proceeds on the assumption that a 'nil' or 'negative' certificate had been issued.

The reference to the Tribunal must include (in particular) a copy of the application to the planning authority, a copy of the certificate issued (if any) and a summary of the reasons for seeking the determination of the Tribunal and whether he or she wants the reference to be determined without a hearing. The Upper Tribunal does have the power to extend this period (under [Rule 5](#)), even if it receives the request to do so after it expires. Appeals against the Upper Tribunal's decision on a point of law may be made to the Court of Appeal in the normal way.

More information on how to make an appeal can be found on [the Upper Tribunal's website](#). Also available on the website is a form you will need to make an appeal and information on the fees payable. If you do not have access to the internet you can request a copy of the information leaflets and a form by telephoning 020 7612 9710 or by writing to:

Upper Tribunal (Lands Chamber)
5th floor, Rolls Building
7 Rolls Buildings
Fetter Lane
London
EC4A 1NL

Section 22: protected assets certificate

277. What are protected assets and protected assets certificates?

For the purposes of compulsory purchase protected assets are those set out below in [What information needs to be included in a positive statement?](#) Listing them in a certificate allows the confirming authority to know which assets will be affected by the scheme and will therefore inform the decision as to whether to confirm the compulsory purchase order.

278. What information do authorities need to ensure is included in or accompanies the order?

Confirming authorities need to ensure that the circumstances of any protection applying to buildings and certain other assets on order lands are included in its consideration of the order.

Every order submitted for confirmation (except [orders made under section 47 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)) should therefore be accompanied by a protected assets certificate.

A protected asset certificate should include, for each category of building or asset protected, either a [positive statement](#) with [specific additional information](#) or a nil return.

279. What information needs to be included in a positive statement?

a) listed buildings

The proposals in the order will involve the demolition/alteration/extension* of the following building(s) which has/have been* listed under [section 1 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#).

b) buildings subject to building preservation notices

The proposals in the order will involve the demolition/alteration/extension* of the following building(s) which is/are* the subject(s)* of (a) building preservation notice(s) made by the..... [*insert name of authority*]on.....[*insert date(s) of notice(s)*].

c) other buildings which may be of a quality to be listed

The proposals in the order will involve the demolition/alteration/extension* of the following building(s) which may qualify for inclusion in the statutory list under the criteria in [The Principles of Selection for Listing Buildings \(March 2010\)](#).

d) buildings within a conservation area

The proposals in the order will involve the demolition of the following building(s) which is/are* included in a conservation area designated under [section 69 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) (or, as the case may be, [section 70](#)) and which require [planning permission for demolition](#).

e) scheduled monuments

The proposals in the order will involve the demolition/alteration/extension* of the following monument(s) which are scheduled under [section 1 of the Ancient Monuments and Archaeological Areas Act 1979](#). An application for scheduled monument consent has been/will be* submitted to Historic England.

f) registered parks/gardens/historic battlefields

The proposal in the order will involve the demolition/alteration/extension* of the following park(s)/garden(s)/historic battlefield(s)* which is/are* registered under [section 8C of the Historic Buildings and Ancient Monuments Act 1953](#).

280. What additional information must accompany a positive statement?

The following additional information is required to accompany a positive statement:

- particulars of the asset or assets
- any action already taken, or action which the acquiring authority proposes to take, in connection with the category of protection, eg consent which has been, or will be, sought; and
- a copy of any consent or application for consent, or an undertaking to forward such a copy as soon as the consent or application is available

281. What happens if a submitted order entails demolition of a building which is subsequently included in conservation area?

Where a submitted order entails demolition of any building which is subsequently included in a conservation area the confirming authority should be notified as soon as possible.

Section 23: objection to division of land (material detriment)

282. What happens where an owner objects to the division of land because it would cause material detriment to their retained land?

Where an acquiring authority proposes to acquire only part of a house (or park or garden belonging to a house), building or factory, the owner can serve a counter-notice on the acquiring authority requesting that it purchases the entire property.

On receipt of a counter-notice, the acquiring authority can either withdraw, decide to take all the land or refer the matter to the Upper Tribunal (Lands Chamber) for determination.

The Upper Tribunal will determine whether the severance of the land proposed to be acquired would in the case of a house, building or factory, cause material detriment to the house, building or factory (ie cause it to be less useful or less valuable to some significant degree), or in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.

283. What is the procedure for serving a counter-notice?

In respect of a compulsory purchase order which is confirmed on or after 3 February 2017, the procedure for serving a counter-notice is set out in [Schedule 2A to the Compulsory Purchase Act 1965](#) (where the notice to treat process is followed) and [Schedule A1 to the Compulsory Purchase \(Vesting Declarations\) Act 1981](#) ('the CP(VD)A 1981') (where the general vesting declaration process is followed). The procedure is broadly the same in both cases.

284. What is the effect of a counter-notice on a notice of entry which has already been served on the owner?

Under Part 1 of Schedule 2A to the 1965 act, if the owner serves a counter-notice, any notice of entry under section 11(1) of the 1965 act that has already been served on the owner in respect of the land proposed to be acquired ceases to have effect (see paragraph 6 of Schedule 2A). The acquiring authority may not serve a further notice of entry on the owner under section 11(1) in respect of that land unless they are permitted to do so by paragraph 11 or 12 of Schedule 2A to the 1965 act.

285. Under the general vesting declaration procedure, what is the effect of a counter-notice on the vesting date of the owner's land specified in the declaration?

If a counter-notice is served under paragraph 2 of Schedule A1 to the CP(VD)A 1981 within the vesting period specified in the declaration in accordance with section 4(1) of the CP(VD)A 1981, the 'vesting date' for the land proposed to be acquired from the owner (i.e. the land actually specified in the declaration) will be the day determined as the vesting date for that land in accordance with Schedule A1 (see section 4(3)(b) of the CP(VD)A 1981).

286. Can an acquiring authority enter the land it proposed to acquire from the owner where a counter-notice has been referred to the Upper Tribunal (Lands Chamber)?

Under Schedule 2A to the 1965 act and Schedule A1 to the CP(VD)A 1981, an acquiring authority is permitted to enter the land it proposed to acquire from the owner (ie the land included in its notice to treat / general vesting declaration) where a counter-notice has been referred to the Upper Tribunal.

Paragraph 12 of Schedule 2A to the 1965 act provides that, where a counter-notice has been referred to the Upper Tribunal, an acquiring authority may serve a notice of entry on the owner in respect of the land proposed to be acquired. If the authority had already served a notice of entry in respect of the land (ie a notice which ceased to have effect under paragraph 6(a) of Schedule 2A), the normal minimum three month notice period will not apply to the new notice in respect of that land (see section 11(1B) of the 1965 act). The period specified in any new notice must be a period that ends no earlier than the end of the period in the last notice of entry (see paragraph 13 of Schedule 2A).

Similarly, under the general vesting declaration procedure, if an acquiring authority refers a counter-notice (served before the original vesting date) to the Upper Tribunal, the authority may serve a notice on the owner specifying a new vesting date for the land proposed to be acquired (see paragraph 12 of Schedule A1 to the CP(VD)A 1981). This is intended to allow for the vesting of this land before the Upper Tribunal has determined the material detriment dispute.

However, if an acquiring authority enters, or vests in itself, the land it proposed to acquire **in advance** of the Upper Tribunal's determination and the Tribunal subsequently finds in favour of the owner (ie the Tribunal requires the authority to take additional land from the owner):

- a) the authority will **not** have the option of withdrawing its notice to treat under paragraph 29 of Schedule 2A to the 1965 act or paragraph 17 of Schedule A1 to the CP(VD)A 1981, and so will be compelled to take the additional land; and
- b) the Tribunal will be able to award the owner compensation for any losses caused by the temporary severance of the land proposed to be acquired from the additional land which is required to be taken (see [paragraph 28\(5\) of schedule 2A to the 1965 Act](#) and [paragraph 16\(4\) of Schedule A1 to the CP\(VD\)A 1981](#)).

287. Do the material detriment provisions in Schedule 2A to the 1965 act and Schedule A1 to the CP(VD)A 1981 apply in all cases?

An acquiring authority may, in a compulsory purchase order, disapply the material detriment provisions for specified land which is nine metres or more below the surface (see [section 2A of the Acquisition of Land Act 1981](#)). This is intended to prevent spurious claims for material detriment from owners of land above tunnels where the works will have no discernible effect on their land.

288. Are the material detriment provisions the same where a blight notice is served?

The material detriment provisions in relation to blight notices are set out in [the Town and Country Planning Act 1990](#) (see, in particular, sections 151(4)(c), 153(4A) to (7) and 154(4) to (6)).

Section 24: overriding easements and other rights

289. Do acquiring authorities have power to override easements and other rights affecting the acquired land?

Prior to July 2016, only some acquiring authorities had the power to override easements and other rights on land they had acquired. However, provisions in [section 203 of the Housing and Planning Act 2016](#) extended this power to all bodies with compulsory purchase powers and in [section 37 of the Neighbourhood Planning Act 2017](#) to a company or body through which the Greater London Authority exercises functions in relation to housing or regeneration or to a company or body through which Transport for London exercises any of its functions.

290. Are there any restrictions on the use of the power to override easements and other rights?

There are several conditions/limitations on the use of the power to override easements and other rights. These are that:

- there must be planning consent for the building or maintenance work/use of the land
- the acquiring authority must have the necessary enabling powers in legislation to acquire the land compulsorily for the purpose of the building or maintenance work / the purpose of erecting or constructing any building, or carrying out any works, for the use
- the development must be related to the purposes for which the land was acquired or appropriated
- the land must have become vested in or acquired by an acquiring authority or been appropriated for planning purposes by a local authority on or after 13 July 2016 or be 'other qualifying land' (as defined in section 205(1))
- the power is not available in respect of a 'protected right' (as defined in section 205(1))
- the National Trust is subject to the protections in section 203(10)

291. Are owners of overridden easements and other rights entitled to compensation?

Under [section 204 of the Housing and Planning Act 2016](#), owners of easements or other rights which are overridden are entitled to compensation calculated on the same basis as for injurious affection under [sections 7 and 10 of the Compulsory Purchase Act 1965](#). Any dispute about compensation may be referred to the Upper Tribunal (Lands Chamber) for determination.

Separate but related guidance

292. What about related procedures?

See separate guidance on:

- [Purchase notices](#)
- [The Crichel Down Rules](#)

Purchase notices

293. What are the statutory provisions for the service of a purchase notice?

A purchase notice may be based upon:

- a refusal or conditional grant of planning permission or listed building consent
- a revocation or modification order
- a discontinuance, alteration or removal order

The statutory provisions enabling the service of a purchase notice are in [section 137 of the Town and Country Planning Act 1990](#) and [section 32 Planning \(Listed Buildings and Conservation Areas\) Act 1990](#).

The service of a purchase notice may *not* be based upon:

- a failure of the local planning authority to give notice of their decision on an application for planning permission (or listed building consent) within the requisite period
- a refusal of an application for approval of details or of reserved matters
- a refusal of an application for express consent for an advertisement display

294. What is the time for service of a purchase notice?

The time for service of a purchase notice is 12 months from the date of:

- the relevant decision for notices served under [section 137 of the Town and Country Planning Act 1990](#) and [section 32 Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)
- the Secretary of State's confirmation of the relevant order under section 137 Town and Country Planning Act 1990

The date is provided by [regulation 12 of the Town and Country Planning General Regulations 1992](#) and [regulation 9 of the Planning \(Listed Buildings and Conservation](#)

[Areas\) Regulations 1990.](#)

The Secretary of State has power to extend this time limit and is normally prepared to do so where the service of a notice is delayed for good reasons. Councils have no power to extend the period for the service of a purchase notice.

295. Who should a purchase notice be served on?

A purchase notice must be served on the council of the district or London borough in which the land is situated. It cannot be served on a county council or government department.

296. What form should a purchase notice take?

There is no official form required for a purchase notice. A letter addressed to the council is enough if it:

- states that the relevant conditions in section 137 Town and Country Planning Act 1990 are fulfilled
- requires the council to purchase the interest(s) in the land, giving the names of the owners
- refers to the relevant planning application and decision
- identifies accurately the land concerned by reference to a plan
- provides the name and address of the owners

It should, if possible, be signed by the owners and state that it is a purchase notice.

297. Is there a right to amend a purchase notice once served?

It has been established that there is no right to amend a purchase notice once served, although an owner can serve more than one notice.

298. What happens where a purchase is accepted by the council or confirmed by the Secretary of State?

Where a purchase is accepted by the council or confirmed by the Secretary of State the council is deemed to have compulsory purchase powers and to have served notice to treat, so the price to be paid for the land is determined as if it were being compulsorily acquired.

299. What land can be included in a purchase notice?

Except in the case of a listed building purchase notice (see below), the land to which a purchase notice relates must be the *identical* area of land which was the subject of the relevant decision or order. If the notice relates to more land, it is invalid.

300. Who can serve a purchase notice?

A purchase notice may be served only by an 'owner' of the land, as defined in [section](#)

[336\(1\) of the Town and Country Planning Act 1990](#). That means a person, at the time of service of the purchase notice, other than a mortgagee not in possession, who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the land or, where the land is not let at a rack rent, would be so entitled if it were so let.

The only exception is under section 137(2)(b) Town and Country Planning Act 1990 where in relation to a discontinuance notice under [section 102 of the Town and Country Planning Act 1990](#) any person entitled to an interest in land in respect of which the order is made can serve a purchase notice.

301. Can a purchase notice be served in relation to Crown land?

Land owned by the Crown is covered by separate provisions in [section 137A of the Town and Country Planning Act 1990](#) and [section 32A of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#). A purchase notice may only be served in relation to Crown land in limited circumstances.

302. Can a purchase notice cover parcels of land in different ownership?

Where land comprises parcels in different ownerships, the owners of those parcels may combine to serve a purchase notice relating to their separate interests, provided that the notice relates to the whole of the land covered by the planning decision or the order.

Where there is more than one site, each the subject of a separate planning decision or order, a separate purchase notice should be served for each individual site.

For listed buildings, [section 32\(1\) Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) applies to the building and any land comprising the building, or contiguous or adjacent to it, and owned with it, where the use of the land is substantially inseparable from that of the building, such that it ought to be treated, together with the building, as a single holding. The relevant application site and the listed building purchase notice site need not necessarily be identical.

303. Is the land 'incapable of reasonably beneficial use'?

The question to be considered in every case is whether the land in its existing state, taking into account operations and uses for which planning permission (or listed building consent) is not required, is 'incapable of reasonably beneficial use'. The onus is on the person serving the notice to show this.

The potential of the land is to be taken into account rather than just its existing state, including if it is necessary to undertake work to realise that potential. No account is taken of any prospective use which would involve the carrying out of development other than any development specified in paragraph 1 or 2 of [schedule 3 Town and Country Planning Act 1990](#) (development not constituting new development) or, in the case of a purchase notice served in consequence of a refusal or conditional grant of planning permission, if it would contravene the condition set out in [schedule 10 to the Town and Country Planning Act 1990](#) (amount of gross floor space).

In the case of a listed building purchase notice, no account is taken of any prospective use of the land which would involve the carrying out of new development or of any works which require listed building consent, other than works for which the local planning authority or the

Secretary of State have undertaken to grant such consent.

In considering what capacity for use the land has, relevant factors include the physical state of the land, its size, shape and surroundings, and the general pattern of land uses in the area. A use of relatively low value may be regarded as reasonably beneficial if such a use is common for similar land in the vicinity.

It may sometimes be possible for an area of land to be rendered capable of reasonably beneficial use by being used in conjunction with neighbouring or adjoining land, provided that a sufficient interest in that land is held by the person serving the notice, or by a prospective owner of the purchase notice land. Whether it is or not would depend on the circumstances of the case. Use by a prospective owner cannot be taken into account unless there is a reasonably firm indication that there is in fact a prospective owner of the purchase notice site.

Profit may be a useful comparison in certain circumstances, but the absence of profit (however calculated) is not necessarily material. The concept of reasonably beneficial use is not synonymous with profit.

Where the use of land would mean it had some marketable value the land would be capable of reasonably beneficial use. Any reasonably beneficial use would suffice.

In determining whether the land has become incapable of reasonably beneficial use in its existing state, it may be relevant, where appropriate, to consider the difference (if any) between the annual value of the land in its existing state and the annual value of the land if development of a class specified in [schedule 3 to the Town and Country Planning Act 1990](#) were carried out on the land. Development of any such class must not be taken into account.

The remedy by way of a purchase notice is not intended to be available where the owner shows merely that he is unable to realise the full development value of his land.

For the purposes of section 137(3)(c) Town and Country Planning Act 1990 or section 32(2)(c) Planning (Listed Buildings and Conservation Areas) Act 1990, any permission (or consent) granted, or deemed to be granted, and undertakings given up to the date of the Secretary of State's determination of the purchase notice, may be taken into account. To be capable of being taken into account, an undertaking should be in unequivocal language, and so worded as to be binding on the local planning authority. The Secretary of State would not regard a promise 'to give favourable consideration' to an application for permission to develop, as a binding undertaking. If no undertaking has been given, and the council consider that development of a kind not included in the original application ought to be permitted, and that the carrying out of such development would render the land capable of reasonably beneficial use, their proper course is to suggest that the Secretary of State should issue a direction under [section 141\(3\) of the Town and Country Planning Act 1990](#) or [section 35\(5\) of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#).

304. How will the Secretary of State satisfy himself that the land is 'incapable of reasonably beneficial use'?

The Secretary of State considers that, in seeking to satisfy himself whether conditions (a) to (c) in [section 137\(3\) of the Town and Country Planning Act 1990](#) have been fulfilled, he may take into account, among other things, whether there is a reasonable prospect of the

server selling or letting the land for any purpose, were its availability to be made known locally. He would normally expect to see some evidence to show that the person serving the notice has attempted to dispose of his interest in the land before he could be satisfied that the land had become incapable of reasonably beneficial use. This evidence is helpful to assist in demonstrating that there is no reasonably beneficial use for the land. Attempts to dispose of the interest should be reasonable and proportionate.

Where an owner of land claims that his land has become incapable of reasonably beneficial use, he is regarded as making that claim in respect of *the whole of the land* in question. Therefore, if a part of the land is found to be capable of reasonably beneficial use, the condition in section 137(3)(a) will not be fulfilled in respect of the whole of the land.

In section 137(3)(a) Town and Country Planning Act 1990 the phrase 'has become' is taken to mean 'is' in the context of purchase notices. The Secretary of State is only required to consider whether the land is incapable of reasonably beneficial use in its existing state. He is not required to compare the present state of the land with its state at some earlier time, since there is no period for comparison laid down within the provisions of the act. The only circumstances in which the Secretary of State would be concerned with what brought about the existing state of the land are where that state is due to activities having been carried out on it in breach of planning or listed building control.

When considering whether a listed building has reasonably beneficial use, a relevant factor to be taken into account may be the estimated cost of any renovations believed to be necessary. It is therefore helpful (but not conclusive) if estimated figures for such renovations, and an indication of the likely return on the relevant expenditure, can be provided. If no reasonable person would undertake the works because the benefits would not outweigh the costs then the building would not have a reasonably beneficial use.

305. What is the effect of a purchase notice?

A purchase notice does not require the council to purchase the land, unless (a) they state a willingness to comply with it, (b) it is confirmed by the Secretary of State or (c) it is deemed to have been confirmed under [section 143 Town and Country Planning Act 1990](#). It is also possible that the council will find another authority or body willing to comply with the purchase notice in their place, or that the Secretary of State will confirm the notice on an alternative authority.

306. What should the council on whom notice is served do?

The council should first consider the validity of the notice. An invalid notice should not be sent to the Secretary of State. Instead, the council should inform the person serving the notice that in their view, for reasons stated, the purchase notice is invalid and they do not propose to take any further action on it.

If the purchase notice appears valid, the council should consider whether the conditions in [section 137\(3\) Town and Country Planning Act 1990](#) or [section 32\(3\) Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) are satisfied. If the council regard the purchase notice as valid they must serve a counter-notice within three months from the date of service of the purchase notice ([section 139\(2\) Town and Country Planning Act 1990](#) or [section 33\(2\) Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)).

307. What should the council do if they conclude the land has become incapable of reasonably beneficial use?

If the council conclude that the land has become incapable of reasonably beneficial use in its existing state, they may properly accept the purchase notice. If so, the council must serve, on the owner by whom the purchase notice was served, a response notice stating that they are willing to comply with the purchase notice ([section 139\(1\)\(a\) of the Town and Country Planning Act 1990](#) or [section 33\(1\)\(a\) Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)).

If the council intend to seek a contribution from government under [section 305 of the Town and Country Planning Act 1990](#) it is advisable to consult the relevant department at once and in any case before a response notice is served.

308. Can another local authority or a statutory undertaker comply with the notice instead?

Another local authority or a statutory undertaker may be willing to comply with the notice in place of the council on which it is served, for example because permission to develop the land was refused because it was required for their purposes. If so, the council should serve a notice to that effect on the owner by whom the purchase notice was served, giving the name of the other authority or body concerned ([section 139\(1\)\(a\) of the Town and Country Planning Act 1990](#) or [section 33\(1\)\(a\) Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)). That other authority or body will then be deemed to have served notice to treat on the owner concerned.

The advice given in [What should the council do if they conclude the land has become incapable of reasonably beneficial use?](#) in relation to seeking a contribution under section 305 of the Town and Country Planning Act 1990 applies to a local authority specified in a response notice as it does to the council on which the purchase notice was served.

309. What happens if neither the council nor another local authority or statutory undertaker are willing to comply with a notice?

If neither the council on which the purchase notice was served nor another local authority or statutory undertaker are willing to comply with the purchase notice, the council are required to serve on the owner by whom the purchase notice was served, a response notice to that effect. The response notice must specify the council's reasons for not being willing to comply and state that they have sent a copy to the Secretary of State.

The specified reasons should be one or more of the following:

- that the requirements of [section 137\(3\)\(a\) to \(c\) of the Town and Country Planning Act 1990](#) (or [section 32\(2\)\(a\) to \(c\) of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)) are not fulfilled, in which case the council should specify the use to which, in their view, the land in its existing state could be put
- that, notwithstanding that the council are satisfied that the land has become incapable of reasonably beneficial use, it appears to them that the land ought, in accordance with a previous planning permission, to remain undeveloped, or be preserved or laid out as amenity land in relation to the larger area for which that planning permission was granted

- that another local authority or statutory undertaker which has not expressed willingness to comply with the notice should be submitted as acquiring authority for all or part of the land
- that, instead of confirming the notice, the Secretary of State should:
 - grant the planning permission or listed building consent sought by the application which gave rise to the purchase notice or revoke or amend specified conditions that were imposed; or
 - direct the grant of planning permission, or listed building consent, in relation to all or part of the land for some other form of development or works which would render the land capable of reasonably beneficial use within a reasonable time; or
 - in the case of a purchase notice served under section 137(1)(b) or (c), cancel or revoke the order or amend it so far as is necessary to render the land capable of reasonably beneficial use

310. What should a council's statement of reasons for not complying with the purchase notice include?

It is not sufficient for a council just to state that the site has a reasonably beneficial use. A council's statement of reasons should be full and clear. The reasons should explain fully, for example, why the land is capable of reasonably beneficial use, or why they regard the grant of planning permission (or listed building consent) or the cancellation, revocation or modification of the order (as the case may be) as desirable, or specify the likely ultimate use of the land which would justify the substitution of another local authority or statutory undertaker.

311. What information should be sent with the purchase notice to Secretary of State?

It is important that a council who have decided to send a purchase notice to the Secretary of State should quickly send him the information and documents he requires to deal with the notice. He cannot begin consideration of a notice without copies of the purchase notice, any accompanying plan, the response notice, the planning application with plans, and the decision on which the purchase notice was based. Other documents may also be necessary in particular cases. The documents should, if possible, accompany the notice but sending the notice should not be delayed because all the information cannot be provided at the same time. Any information not immediately available should be sent as soon as possible afterwards.

Failure to supply all the relevant information within a reasonable time could lead to deemed confirmation of the notice if, as a result of delay, the Secretary of State is unable to complete his action within the statutory time limit.

Additional particulars and documents are also required as follows:

- copies of any planning permissions relevant to [section 142 of the Town and Country Planning Act 1990](#) and accompanying plans

- copies of any orders made under [section 97](#), [section 100](#) or [section 102](#) of the Town and Country Planning Act 1990 or [section 23 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) and accompanying plans
- details of the location and condition of the land to which the notice relates and the nature of the surrounding land
- particulars of any permission or undertaking relevant to [section 137\(3\)\(c\) of the Town and Country Planning Act 1990](#) or [section 32\(2\)\(c\) of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)
- copies of relevant policies and allocations from the statutory development plan
- statements whether the land, or any part of it, falls within an area which is the subject of a compulsory purchase order or the subject of a direction which restricts permitted development or restricts the grant of planning permission
- the nature of the local planning authority's intentions for the land and the probable timing of any development involved

Copies of the documents submitted to the Secretary of State should be sent to both the person serving the notice and any county council. The Secretary of State should be told that this has been done.

312. What action should the Secretary of State take on receiving a purchase notice?

Under [section 140 of the Town and Country Planning Act 1990](#) the Secretary of State must give notice of his proposed action on the purchase notice, and to specify a period (not less than 28 days) within which the parties may ask for an opportunity of being heard by a person (normally a planning inspector) appointed by the Secretary of State before any final determination is made. The period cannot be extended once it has been specified in the formal notification.

It is important to note that, where a hearing has been held, the Secretary of State may depart from his previously stated proposal and reach a different decision on the notice. An Inspector conducting a hearing will therefore be prepared to hear, and report, representations made by the parties on any alternative course of action open to the Secretary of State. If there is no request by either party to be heard, the Secretary of State must issue his formal decision in accordance with the proposed course of action previously notified.

The Secretary of State must consider whether to confirm the notice or to take other action under [section 141 Town and Country Planning Act 1990](#). If, on the evidence before him, the Secretary of State is not satisfied that the relevant statutory conditions are fulfilled, he will not confirm the purchase notice. If he is satisfied that those conditions are fulfilled, he will either confirm the notice or, dependent upon the evidence before him, take such other action as may be appropriate under section 141.

Under [section 142 of the Town and Country Planning Act 1990](#) the Secretary of State is not required to confirm a purchase notice if it appears to him that, even though the land

has become incapable of reasonably beneficial use in its existing state, it ought, in accordance with a previous planning permission, to remain undeveloped or be preserved or laid out as amenity land in relation to the remainder of the larger area for which that planning permission was granted. This provision is considered to have effect *only* when the whole of the purchase notice site is comprised in the area required to be left undeveloped in the previous planning permission.

313. Are the Secretary of State's powers in regard to listed building purchase notices different?

The Secretary of State's powers in regard to listed building purchase notices are in [section 35 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#). In contrast to the powers available to him in respect of purchase notices served under the Town and Country Planning Act, the Secretary of State:

- is required to confirm a listed building purchase notice only in respect of part of the land to which it relates, if he is satisfied that the relevant conditions are fulfilled only in regard to that part of the land; and
- may not confirm a listed building purchase notice unless he is satisfied that the land covered by the notice comprises such land as is required for preserving the building or its amenities, or for affording access to it, or for its proper control or management

If it falls to be considered whether another local authority or a statutory undertaker should acquire the land, in place of the council on whom the purchase notice was served, the Secretary of State must have regard to the 'probable ultimate use' of the land or building or site of the building (as the case may be). He will accordingly exercise his power of substitution only where it is shown that the land or building is to be used in the reasonably near future for purposes related to the exercise of the functions of the other authority or body, eg where the land is needed for the building of a school, he will require the county council to acquire the land.

The Secretary of State will not (as he is sometimes asked to do) require another local planning authority to acquire land solely on the grounds that they refused permission for development in the normal exercise of their planning powers. There is no provision for confirmation of a purchase notice on a government department.

314. Is a hearing or local inquiry always held?

It is usual to hold a local inquiry or a hearing which interested members of the public may attend in light of the alternatives open to the Secretary of State under [section 141 Town and Country Planning Act 1990](#). If a request to be heard is made, the department will follow the relevant procedural rules for an inquiry or a hearing as far as practicable although they do not formally apply. The parties will also be expected to observe the spirit of the rules. Because of the statutory time limits for determining purchase notices it will not normally be possible to adhere to the timescales set out for normal planning appeals. Statements of case should be provided by the parties as soon as possible.

315. Can an owner lodge an appeal against refusal of planning permission and serve a purchase notice?

There is nothing to prevent an owner from lodging an appeal against a refusal of planning

permission as well as serving a purchase notice. It is, however, sensible to leave serving a purchase notice until the result of the appeal is known, if this is practicable, because, by virtue of [section 336\(5\) of the Town and Country Planning Act 1990](#), any decision by the Secretary of State to grant planning permission for the development which is the subject of the appeal dates from the time when the original planning decision was taken by the local planning authority. Since the granting of planning permission would normally be regarded as rendering the land capable of reasonably beneficial use, it is unlikely that the landowner could substantiate a claim that the conditions set out in [section 137\(3\) of the Town and Country Planning Act 1990](#) are fulfilled. In considering whether to appeal as well as to serve a purchase notice, an aggrieved applicant for planning permission should bear in mind the advice given above on the timing of the service of purchase notices. The Secretary of State's attention should be drawn to any appeal which has been made to him, or any other matter which is before him for determination, relating to the purchase notice site or any part of it.

316. Is there a right of appeal against the Secretary of State's decision on a purchase notice?

Once the Secretary of State has issued his decision on the purchase notice, he has no further jurisdiction in the matter. Appeal against his decision is to the High Court under [section 288 of the Town and Country Planning Act 1990](#). If the purchase notice has been confirmed, he has no power to compel either of the parties to conclude the transfer of the land. Matters related to the transfer of the land are for the parties themselves to settle.

317. How is compensation calculated?

When a purchase notice takes effect a notice to treat is deemed to have been served and the parties proceed to negotiate for the acquisition of the land as if the land had been the subject of compulsory purchase. If the parties are unable to agree the amount of compensation then either party may refer the matter to the Upper Tribunal (Lands Chamber) for determination. Where land is acknowledged to be incapable of reasonably beneficial use in its existing state, it will in most cases have little value and the landowner may simply wish to sell land which may be a liability for him. A person on whom a purchase notice is served may wish to take advice on the value of the land so that it does not spend a disproportionate amount of time disputing a notice about land which has no value.

For the purposes of calculating the compensation payable the valuation date is now fixed by [section 5A of the Land Compensation Act 1961](#) being the earlier of (i) the date the authority enters on and takes possession of the land or (ii) the date when the assessment is made, either by agreement or by the Tribunal.

The nature of the interest to be valued is the interest which existed on the date the notice to treat is deemed to have been served. The normal rules of compensation which apply in compulsory purchase cases will apply in the case of purchase notices except in some cases there will be no scheme of the authority which has to be disregarded.

A purchase notice is normally used in two circumstances. First: where the physical characteristics of the land make it impossible to derive any beneficial use. In such circumstances the land is likely to have no value. Second, however, land may not be capable of a beneficial use in its existing state but may be rendered capable of a beneficial

use if developed, but for reasons of blight, planning permission will not be granted. In these circumstances it is possible to consider what planning permission may have been obtained absent the constraint and compensation will be payable on this basis. In this respect, these provisions complement the blight notice provisions in so far as they provide recompense to a landowner who is unable to secure any return from his land due to the blighting nature of public sector proposals.

The Crichel Down Rules

Rules and procedures

1. This section sets out the revised non statutory arrangements ('Crichel Down Rules') under which surplus government land which was acquired by, or under a threat of, compulsion (see paragraph 7 and the annex to this section below) should be offered back to former owners, their successors, or to sitting tenants (see paragraphs 13, 14, 17 and 18 below). For the sake of brevity, in this section all bodies to whom any one or more of the Rules apply or are commended are referred to as 'departments', whether they are government departments, including Executive Agencies, other non-departmental public bodies, local authorities or other statutory bodies. See paragraphs 3 and 4 below. The [annex](#) provides further guidance on the Rules including a list of those bodies to which, in the opinion of the department, the Rules apply in a mandatory manner.
2. These Rules apply to land in England. They also apply to land in Wales acquired by and still owned by a UK government department. For other land in Wales, departments disposing of land should follow the procedures set out in 'The Crichel Down Rules' issued by the Department of the Environment and the Welsh Office on 30 October 1992. Departments disposing of land in Scotland should follow the procedures set out in 'Scottish Planning Series: Planning Circular 5 2011: Disposal of Surplus Government Land – The Crichel Down Rules' and in Northern Ireland they should follow 'Disposal of Surplus Public Sector Property in Northern Ireland' produced by the Central Advisory Unit of the Land and Property Services agency of the Department of Finance and Personnel.
3. General guidance on asset management, which includes land and buildings is set out in annex 4.15 of [Managing Public Money \(Asset Management\)](#).
4. So far as local authorities and statutory bodies in England are concerned, it is recommended that they follow the Rules. They are also recommended to those bodies in Wales who seek to dispose of land acquired under an enabling power which remains capable of being confirmed by a UK Secretary of State for land in Wales. The Rules are also commended to bodies in the private sector to which public land holdings have been transferred, for example on privatisation.
5. It is the view of the government that where land is to be transferred to another body which is to take over some or all of the functions or obligations of the department that currently owns the land, the transfer itself does not constitute a disposal for the purpose of the Rules. Disposals for the purposes of Private Finance Initiative/Private Public Partnership projects do not fall within the Rules and the position of any land surplus once the project has been completed would be subject to the Private Finance Initiative/Private Public Partnership contract.
6. The Rules are not relevant to land transferred to the National Rivers Authority (now the Environment Agency) or to land acquired compulsorily by the Environment Agency or to the water and sewerage service companies in consequence of the Water Act 1989

or subsequently acquired by them compulsorily. Such land is governed by a special set of statutory restrictions on disposal under section 157 of the Water Resources Act 1991, as amended by the Environment Act 1995, and section 156 of the Water Industry Act 1991 and the consents or authorisations given by the Secretary of State for Environment, Food and Rural Affairs under those provisions.

The land to which the rules apply

7. The Rules apply to all land if it was acquired by or under threat of compulsion. A threat of compulsion will be assumed in the case of a voluntary sale if power to acquire the land compulsorily existed at the time unless the land was publicly or privately offered for sale immediately before the negotiations for acquisition.
8. The Rules also apply to land acquired under the statutory blight provisions (currently set out in Chapter 2 in Part 6 of, and schedule 13 to, the [Town and Country Planning Act 1990](#)). The Rules do not apply to land acquired by agreement in advance of any liability under these provisions.
9. The Rules apply to all freehold disposals and to the creation and disposal of a lease of more than seven years.

The general rules

10. Where a department wishes to dispose of land to which the Rules apply, former owners will, as a general rule, be given a first opportunity to repurchase the land previously in their ownership, provided that its character has not materially changed since acquisition. The character of the land may be considered to have 'materially changed' where, for example, dwellings or offices have been erected on open land, mainly open land has been afforested, or where substantial works to an existing building have effectively altered its character. The erection of temporary buildings on land, however, is not necessarily a material change. When deciding whether any works have materially altered the character of the land, the disposing department should consider the likely cost of restoring the land to its original use.
11. Where only part of the land for disposal has been materially changed in character, the general obligation to offer back will apply only to the part that has not been changed.

Interests qualifying for offer back

12. Land will normally be offered back to the former freeholder. If the land was, at the time of acquisition, subject to a long lease and more than 21 years of the term would have remained unexpired at the time of disposal, departments may, at their discretion, offer the freehold to the former leaseholder if the freeholder is not interested in buying back the land.
13. In these Rules 'former owner' may, according to the circumstances, mean former freeholder or former long leaseholder, and his or her successor. 'Successor' means the person on whom the property, had it not been acquired, would clearly have devolved under the former owner's will or intestacy; and may include any person who has succeeded, otherwise than by purchase, to adjoining land from which the land was severed by that acquisition.

Time horizon for obligation to offer back

14. The general obligation to offer back will not apply to the following types of land:

- 1) agricultural land acquired before 1 January 1935
- 2) agricultural land acquired on and after 30 October 1992 which becomes surplus, and available for disposal more than 25 years after the date of acquisition
- 3) non-agricultural land which becomes surplus, and available for disposal more than 25 years after the date of acquisition

The date of acquisition is the date of the conveyance, transfer or vesting declaration.

Exceptions from the obligation to offer back

15. The following are exceptions to the general obligation to offer back:

- 1) where it is decided on specific ministerial authority that the land is needed by another department (ie that it is not, in a wider sense, surplus to government requirements)
- 2) where it is decided on specific ministerial authority that for reasons of public interest the land should be disposed of as soon as practicable to a local authority or other body with compulsory purchase powers. However, transfers of land between bodies with compulsory purchase powers will not be regarded as exceptions unless at the time of transfer the receiving body could have bought the land compulsorily if it had been in private ownership. Appropriations of land within bodies such as local authorities for purposes different to that for which the land was acquired are exceptions if the body has compulsory purchase powers to acquire land for the new purpose
- 3) where, in the opinion of the disposing body, the area of land is so small that its sale would not be commercially worthwhile
- 4) where it would be mutually advantageous to the department and an adjoining owner to effect minor adjustments in boundaries through an exchange of land
- 5) where it would be inconsistent with the purpose of the original acquisition to offer the land back; as, for example, in the case of:
 - (i) land acquired under sections 16, 84 or 85 of the Agriculture Act 1947
 - (ii) land which was acquired under the Distribution of Industry Acts or the Local Employment Acts, or under any legislation amending or replacing those acts, and which is resold for private industrial use
 - (iii) where dwellings are bought for onward sale to a private registered provider of social housing or Registered Social Landlord in Wales
 - (iv) sites purchased for redevelopment by the former English Partnerships or

former regional development agencies or Homes England

- 6) where a disposal is in respect of either:
- (i) a site for development or redevelopment which has not materially changed since acquisition and which comprises two or more previous land holdings; or
 - (ii) a site which consists partly of land which has been materially changed in character and part which has not

and there is a risk of a fragmented sale of such a site realising substantially less than the best price that can reasonably be obtained for the site as a whole (ie its market value). In such cases, consideration will be given to offering a right of first refusal of the property, or part of the property, to any former owner who has remained in continuous occupation of the whole or part of his or her former property (by virtue of tenancy or licence). In the case of land to which (i) applies, consideration will be given to a consortium of former owners who have indicated a wish to purchase the land collectively. However, if there are competing bids for a site, it will be disposed of on the open market.

- 7) where the market value of land is so uncertain that clawback provisions would be insufficient to safeguard the public purse and where competitive sale is advised by the department's professionally qualified valuer and specifically agreed by the responsible minister.

16. Where it is decided that a site does fall within any of the exceptions in Rule 15 or the general exception relating to material change (see rule 10) the former owner will be notified of this decision using the same procedures for contacting former owners as indicated in [paragraphs 20-22](#) below.

17. In the case of a tenanted dwelling, any pre-emptive right of the former owner is subject to the prior right of the sitting tenant. See paragraph 18 below.

Dwelling tenancies

18. Where a dwelling, whether acquired compulsorily or under statutory blight provisions, has a sitting tenant (as defined in [Appendix A to this section](#)) at the time of the proposed disposal, the freehold should first be offered to the tenant. If the tenant declines to purchase the freehold, it should then be offered to the former owner, although this may be subject to the tenant's continued occupation. This paragraph does not apply where a dwelling with associated land is being sold as an agricultural unit; or where a dwelling was acquired with associated agricultural land but is being sold in advance of that land.

Procedures for disposal

19. Where it is decided that property to be disposed of is, by virtue of these Rules, subject to the obligation to offer back, departments should follow the appropriate procedures described in paragraphs 20-25 below.

Where former owner's address is known

20. Where the address of a former owner is known, a recorded delivery letter should be sent by or on behalf of the disposing department, inviting the former owner to buy the property at the valuation made by the department's professionally qualified valuer. The former owner will be given two months from the date of that letter to indicate an intention to purchase. Where there is no response or the former owner does not wish to purchase the property, it will be sold on the open market and the former owner will be informed by a recorded delivery letter that this step is being taken. If the former owner wishes to purchase the land there will be a further period of two months to agree terms, other than value, from the date of an invitation made by or on behalf of the disposing department. After these terms are agreed, there will be six weeks to negotiate the price. If the price or other terms cannot be agreed within these periods, or within such extended periods as may reasonably be allowed (for example, to negotiate appropriate clawback provisions), the property will be disposed of on the open market.

Where address is unknown

21. Where the former owner is not readily traceable, the disposing department will contact the solicitor or agent who acted for him or her in the original transaction. If a present address is then ascertained, the procedure described in paragraph 20 above should be followed. If the address is not ascertained, however, the department will attempt to contact the former owner by advertisement, as set out in paragraph 22 below, informing the solicitor or agent that this has been done.

22. Advertisements inviting the former owner to contact the disposing department will be placed as follows:

- a) for all land (including dwellings), in the London Gazette, in the Estates Gazette, in not less than two issues of at least one local newspaper and on the disposing department's web site
- b) in addition, for agricultural land, advertisements will be placed in the Farmer's Weekly

Site notices announcing the disposal of the land will be displayed on or near the site and owners of the adjacent land will also receive notification of the proposed disposal.

Responses to invitation to purchase where address is unknown

23. Where no intention to purchase is indicated by or on behalf of a former owner within two months of the date of the latest advertisement which is published as described in paragraph 22 above, the land will be disposed of on the open market.

24. Where an intention to purchase is expressed by or on behalf of a former owner within two months of the date of the latest advertisement, he or she will be invited to negotiate terms and agree a price within the further periods, as may reasonably be extended, which are described in paragraph 20 above. If there is no agreement, the property will be disposed of on the open market.

Special procedures where boundaries of agricultural land have been obliterated

25. The procedures described in [Appendix B to these Rules](#) should be followed where changes, such as the obliteration of boundaries, prevent land which is still predominantly agricultural in character from being sold back as agricultural land in its original parcels.

Terms of resale

26. Disposals to former owners under these arrangements will be at current market value, as determined by the disposing department's professionally qualified valuer. There can be no common practice in relation to sales to sitting tenants because of the diversity of interests for which housing is held. Departments will, nonetheless, have regard to the terms set out in the Housing Act 1985, as amended, under which local authorities are obliged to sell dwelling-houses to tenants with the right to buy.

27. As a general rule, departments should obtain planning consent before disposing of properties which have potential for development. Where it would not be practicable or appropriate for departments to take action to establish the planning position at the time of disposal, or where it seems that the likelihood of obtaining planning permission (including a more valuable permission) is not adequately reflected in the current market value, the terms of sale should include clawback provisions in order to fulfil the government's or public body's obligation to the taxpayer to obtain the best price. The precise terms of clawback will be a matter for negotiation in each case.

Recording of disposals

28. Disposing departments will maintain a central record or file of all transactions covered by the Rules, including those cases that fall within Rules 10 and 15.

Appendix A (see [paragraph 18](#) of the Rules)

Sitting tenants

1. In the context of the Rules, the expression 'sitting tenant' was generally intended to apply to tenants with indefinite or long-term security of tenure. A tenant for the time being of residential property which is to be sold as surplus to a department's requirements is not, as a tenant of the Crown, in occupation by virtue of a statutory form of tenancy under the [Rent Act 1977](#) or the [Housing Act 1988](#). However, when deciding whether a person is a sitting tenant for the purposes of paragraph 18 of the Rules, the department concerned will have regard to the terms of tenancy and act according to the spirit of the legislation.
2. In practice, this will generally mean that a person may be regarded as a sitting tenant for the purposes of paragraph 18 of the Rules if the tenancy is analogous to either:
 - a) a regulated tenancy under the Rent Act 1977, (ie a tenancy commenced before 15 January 1989, but excluding a protected shorthold tenancy); or
 - b) an assured tenancy under the Housing Act 1988, (ie a tenancy begun on or after that date, but excluding an assured shorthold tenancy)
3. Without prejudice to paragraph 15(6) of the Rules, therefore, paragraph 18 of the Rules does not apply to a licensee or to a person in occupation under a tenancy the terms of which are analogous to:
 - a) a protected shorthold tenancy under the Housing Act 1980, including any case where a person who held such a tenancy, or his or her successor, was granted a regulated tenancy of the same dwelling immediately after the end of the protected shorthold tenancy; or
 - b) an assured shorthold tenancy under the Housing Act 1988
4. It is recognised, however, that some tenants who fall within paragraph 3 above, may have occupied the property over a number of years and may well have carried out improvements to the property. Where the former owner or successor does not wish to purchase the property, or cannot be traced, the department may wish to consider sympathetically any offer from such a tenant, of not less than two years, to purchase the freehold.

Appendix B (see [paragraph 25](#) of the Rules)

Special procedures where boundaries of agricultural land have been obliterated

- (a) Each former owner will be asked whether he or she wishes to acquire any land.
- (b) Where former owners express interest in doing so, disposing departments will, subject to what is stated in (c) to (e) below, make every effort to offer them parcels which correspond, as nearly as is reasonably practicable, in size and situation to their former land.
- (c) In large and complex cases, or where there is little or no room for choice between different methods of dividing the land into lots, it may be necessary to show former owners a plan indicating definite lots. This might be appropriate where, for example, the character of the land has altered; where there are existing tenancies; or where departments might otherwise be left with unsaleable lots.
- (d) Where more than one former owner is interested in the same parcel of land it may be necessary to give priority to the person who owned most of the parcel or, in a case of near equality, to ask for tenders from interested former owners. Departments should, however, make every effort to offer each interested former owner at least one lot.
- (e) If attempts to come to a satisfactory solution by dealing with former owners end in complete deadlock, departments will sell the land by public auction in the most convenient parcels and will inform the former owners of the date of the auction sale.

Annex (see [paragraph 1](#) of the Rules)

Guidance for departments

Bodies to which these rules apply (Rule 2)

1. These Rules apply to all government departments, executive agencies and non departmental public bodies in England and other organisations in England (such as health service bodies) which are subject to a power of direction by a minister. They also apply to land in Wales acquired and still owned by a UK government department.

Application of the rules by local authorities and statutory bodies (Rule 4)

2. Local authorities and other statutory bodies which are not subject to a ministerial power of direction (for example, statutory undertakers) but who have powers of compulsory purchase, or who hold land which has been compulsorily purchased, are recommended to follow the Rules. Such authorities and bodies include those holding land in Wales acquired under an enabling power which remains capable of being confirmed by a UK minister, such as the Secretary of State for Business, Energy and Industrial Strategy. The previous practice amongst such authorities has been very variable, but the government would like there to be a high level of compliance. Former owners of surplus land will be likely to see as inequitable a system which requires government departments and others to offer back surplus land but not local authorities. A typical example would be on road schemes, where those who had lost land to a trunk road scheme would have surplus land offered back, while those who had lost land to a county road scheme might not.
3. The approach of these bodies when disposing of surplus land must, however, depend on their particular functions and circumstances. For example, in the case of exceptions to the Rules which depend upon ministerial authority (Rules 15(1), 15(2) and 15(7)) local authorities will have to rely on the decision of the political head of the authority. For other statutory bodies the decision will rest with the chairman. For disposals at the end of Private Finance Initiative/Private Public Partnership agreements, departments may wish to seek legal advice in order to take account of the Rules.

Transfer to the private sector (Rule 5)

4. This rule makes it clear that land transferred to another body for the same functions is not surplus.

The threat of compulsion (Rule 7)

5. A 'threat of compulsion' should be assumed in the case of a voluntary sale if the power to acquire the land compulsorily existed at the time. This means that the acquiring department did not need to have instituted compulsory purchase procedures or even to have actively 'threatened' to use them for this Rule to apply.

It is enough for the acquiring authority to have statutory powers available if it wished to invoke them. For example, land acquired by a highway authority for the purposes of building a road is acquired under the threat of compulsion because such an authority

could use its powers under the Highways Act 1980 to make a compulsory purchase order. The only exception is where the land was publicly or privately offered for sale immediately before the negotiations for acquisition.

What constitutes a disposal? (Rule 9)

6. In addition to freehold disposals, any proposal to create and dispose of a leasehold interest of more than 7 years or capable of being extended to more than 7 years by virtue of contract or statute or where the total period of successive leases amounts to more than 7 years will be subject to the Rules. Disposals for the purposes of granting Private Finance Initiative/Private Public Partnership projects do not fall within the Rules, see Rule 5.

What is a material change of character? (Rule 10)

7. The Rules refer to a 'material change in character' to the land available for disposal. In the original Commons debate on the Crichel Down case in 1954, 'material change' was envisaged as relating to agricultural land and was illustrated by the example of an airfield having been built with concrete runways and buildings and where the original ownership boundaries have been lost. However, other examples of a material change of character could include the erection of buildings on bare, open land (although it should be noted that the erection of temporary buildings is not necessarily a material change); the afforestation of open land; or the undertaking of substantial works to an existing building, the demolition of a building or the installation of underground infrastructure or services to a site.

Land subject to a long lease (Rule 12)

8. If neither the former freeholder nor former leaseholder are identifiable or interested in buying the land back then the freehold freed from any lease can be disposed of on the open market.

Who is a successor? (Rule 13)

9. A successor under a will includes those who would have succeeded by means of a second or subsequent will or intestacy. The qualification 'otherwise than by purchase' may be relaxed if the successor to adjoining land acquired it by means of transfer within a family trust, including a transfer for monetary consideration.

When is the date of acquisition? (Rule 14)

10. Rule 14 says that the date of acquisition is the date of the conveyance, transfer or vesting declaration. Problems may arise where land has been requisitioned several (sometimes 10 or more) years before the title has transferred. Difficulties can be caused where the two dates straddle a time horizon, so that a disposal would fall within the Rules if the date of transfer was used, but not if the date of requisition was. To avoid these difficulties the date of acquisition is therefore taken to be the date of conveyance, transfer or vesting declaration.

What are ‘reasons of public interest’? (Rule 15(2))

11. The courts have held that rule 15(2) (formerly 14(2)) does not require these to be matters where life or limb are at risk. In practice, this exception may be invoked where the body to which the land is to be sold could have made a compulsory purchase order to obtain it had it been owned by a third party (See R-v-Secretary of State for the Environment, Transport and the Regions ex p. Wheeler, The Times 4 August 2000).

Small areas of land (Rule 15(3))

12. This exception provides departments with discretion as to whether to offer land back when the administrative costs in seeking to offer land back are out of proportion to the value of the land. It will also cover cases where there is a disposal of a small area of land without a sale.

When is it inconsistent with the purpose of the original acquisition to offer land back? (Rule 15(5))

13. The sections of the Agriculture Act 1947 referred to in this Rule deal with the dispossession of owners or occupiers on grounds of bad estate management (section 16) and the acquisition and retention of land to ensure the full and efficient use of the land for agriculture (sections 84 and 85). In addition to the statutory examples quoted, the general rule is that land purchased with the intention of passing it on to another body for a specific purpose is not surplus and therefore not subject to the Rules. Typical examples would be sites of special scientific interest (SSSIs) purchased for management reasons; a listed building purchased for restorations; properties purchased by a local authority for redevelopment which are sold to a private developer partner; or land purchased by the former English Partnerships or a former regional development agency (now Homes England) and sold for reclamation and redevelopment. This exception will apply to disposals by statutory bodies with specific primary rather than incidental functions to develop or redevelop land, and to disposals by their successor bodies. In such cases, land would only be subject to the Rules where it was without development potential and, therefore, genuinely surplus in relation to the purpose for which it was originally acquired.

Dwelling tenancies (Rule 18)

14. For the purposes of the Rules a ‘dwelling’ includes a flat.

Procedures for disposal (Rules 19-24)

15. The Rules specify various time limits in the procedures for disposal. However, to assist in the speedy disposal of sites, departments are encouraged to discuss with the former owner all aspects of the sale from the outset of negotiations.

Market value and the date of valuation (Rule 26)

16. For the purposes of the Rules, ‘market value’ means ‘the best price reasonably obtainable for the property’. This is equivalent to the definition of ‘market value’ in the

[Royal Institution of Chartered Surveyors' Appraisal and Valuation Manual](#) (the 'Red Book'), but including any 'Special Value' (ie any additional amount which is or might reasonably be expected to be available from a purchaser with a special interest like a former owner). 'Current market value' means the market value on the date of the receipt by the disposing department of the notification of the former owner's intention to purchase.

Maintenance of records (Rule 28)

17. In order to make it possible for the operation of these revised Rules to be monitored, disposing departments should include on each disposal file a note of its consideration of the Rules, including whether they applied (and if not, why not), the subsequent action taken and whether it was possible to sell to the former owner. It would also be very helpful if a copy of each of these notes (cross-referenced to the disposal file) could be held by the relevant department on a central (or regional) file, so that the information would be readily available for any future monitoring exercise.

National Planning Policy Framework



National Planning Policy Framework

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This document/publication is also available on our website at www.communities.gov.uk

Any enquiries regarding this document/publication should be sent to us at:

Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000

March, 2012

ISBN: 978-1-4098-3413-7

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Ministerial foreword



The purpose of planning is to help achieve sustainable development.

Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations.

Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate.

Sustainable development is about change for the better, and not only in our built environment.

Our natural environment is essential to our wellbeing, and it can be better looked after than it has been. Habitats that have been degraded can be restored. Species that have been isolated can be reconnected. Green Belt land that has been depleted of diversity can be refilled by nature – and opened to people to experience it, to the benefit of body and soul.

Our historic environment – buildings, landscapes, towns and villages – can better be cherished if their spirit of place thrives, rather than withers.

Our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity.

So sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.

The planning system is about helping to make this happen.

Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision. This framework sets out clearly what could make a proposed plan or development unsustainable.

In order to fulfil its purpose of helping achieve sustainable development, planning must not simply be about scrutiny. Planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives.

This should be a collective enterprise. Yet, in recent years, planning has tended to exclude, rather than to include, people and communities. In part, this has been a result of targets being imposed, and decisions taken, by bodies remote from them. Dismantling the unaccountable regional apparatus and introducing neighbourhood planning addresses this.

In part, people have been put off from getting involved because planning policy itself has become so elaborate and forbidding – the preserve of specialists, rather than people in communities.

This National Planning Policy Framework changes that. By replacing over a thousand pages of national policy with around fifty, written simply and clearly, we are allowing people and communities back into planning.

A handwritten signature in black ink that reads "Greg Clark". The signature is written in a cursive, slightly informal style.

Rt Hon Greg Clark MP
Minister for Planning

Introduction

1. The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.¹ It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.
2. Planning law requires that applications for planning permission must be determined in accordance with the development plan,² unless material considerations indicate otherwise.³ The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.⁴ Planning policies and decisions must reflect and where appropriate promote relevant EU obligations and statutory requirements.
3. This Framework does not contain specific policies for nationally significant infrastructure projects for which particular considerations apply. These are determined in accordance with the decision-making framework set out in the Planning Act 2008 and relevant national policy statements for major infrastructure, as well as any other matters that are considered both important and relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and are a material consideration in decisions on planning applications.
4. This Framework should be read in conjunction with the Government's planning policy for traveller sites. Local planning authorities preparing plans for and taking decisions on travellers sites should also have regard to the policies in this Framework so far as relevant.
5. This Framework does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England.⁵ However, local authorities preparing waste plans and taking decisions on waste applications should have regard to policies in this Framework so far as relevant.

1 A list of the documents revoked and replaced by this Framework is at Annex 3.

2 This includes the Local Plan and neighbourhood plans which have been made in relation to the area (see glossary for full definition).

3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

4 Sections 19(2)(a) and 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. In relation to neighbourhood plans, under section 38B and C and paragraph 8(2) of new Schedule 4B to the 2004 Act (inserted by the Localism Act 2011 section 116 and Schedules 9 and 10) the independent examiner will consider whether having regard to national policy it is appropriate to make the plan.

5 The Waste Planning Policy Statement will remain in place until the National Waste Management Plan is published.

Achieving sustainable development

International and national bodies have set out broad principles of sustainable development. Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The UK Sustainable Development Strategy *Securing the Future* set out five 'guiding principles' of sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

6. The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.
7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
 - **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
 - **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

8. These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.
9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):
 - making it easier for jobs to be created in cities, towns and villages;
 - moving from a net loss of bio-diversity to achieving net gains for nature;⁶
 - replacing poor design with better design;
 - improving the conditions in which people live, work, travel and take leisure; and
 - widening the choice of high quality homes.
10. Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

The presumption in favour of sustainable development

11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.⁷
12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.
13. The National Planning Policy Framework constitutes guidance⁸ for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.

6 Natural Environment White Paper, *The Natural Choice: Securing the Value of Nature*, 2011.

7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

8 A list of the documents revoked and replaced by this Framework is at Annex 3. Section 19(2)(a) of the Planning and Compulsory Purchase Act 2004 states, in relation to plan-making, that the local planning authority must have regard to national policies and advice contained in guidance issued by the Secretary of State.

14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.

For **plan-making** this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.⁹

For **decision-taking** this means:¹⁰

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.⁹

15. Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.

16. The application of the presumption will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:

- develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;

⁹ For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.

¹⁰ Unless material considerations indicate otherwise.

- plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan; and
- identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with their neighbourhood plan to proceed.

Core planning principles

17. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:
- be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
 - not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
 - proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
 - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
 - support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);

- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Delivering sustainable development

1. Building a strong, competitive economy

18. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
20. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
21. Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. In drawing up Local Plans, local planning authorities should:
 - set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth;

- set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
 - support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;
 - plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;
 - identify priority areas for economic regeneration, infrastructure provision and environmental enhancement; and
 - facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.
22. Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

2. Ensuring the vitality of town centres

23. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:
- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
 - define a network and hierarchy of centres that is resilient to anticipated future economic changes;
 - define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
 - promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
 - retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;
 - allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should

therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;

- allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;
 - set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;
 - recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and
 - where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.
24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
25. This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.
26. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:
- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.
27. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

3. Supporting a prosperous rural economy

28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:
- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
 - promote the development and diversification of agricultural and other land-based rural businesses;
 - support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
 - promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

4. Promoting sustainable transport

29. Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
30. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.
31. Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as rail freight interchanges, roadside facilities for motorists or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas. The primary function of roadside facilities for motorists should be to support the safety and welfare of the road user.
32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
33. When planning for ports, airports and airfields that are not subject to a separate national policy statement, plans should take account of their growth and role in serving business, leisure, training and emergency service needs. Plans should take account of this Framework as well as the principles set out in the relevant national policy statements and the Government Framework for UK Aviation.
34. Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.
35. Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to
- accommodate the efficient delivery of goods and supplies;
 - give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
 - create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
 - incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
 - consider the needs of people with disabilities by all modes of transport.
36. A key tool to facilitate this will be a Travel Plan. All developments which generate significant amounts of movement should be required to provide a Travel Plan.
37. Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.
38. For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.

39. If setting local parking standards for residential and non-residential development, local planning authorities should take into account:
- the accessibility of the development;
 - the type, mix and use of development;
 - the availability of and opportunities for public transport;
 - local car ownership levels; and
 - an overall need to reduce the use of high-emission vehicles.
40. Local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles. They should set appropriate parking charges that do not undermine the vitality of town centres. Parking enforcement should be proportionate.
41. Local planning authorities should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice.

5. Supporting high quality communications infrastructure

42. Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.
43. In preparing Local Plans, local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband. They should aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.
44. Local planning authorities should not impose a ban on new telecommunications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of telecommunications development or insist on minimum distances between new telecommunications development and existing development. They should ensure that:
- they have evidence to demonstrate that telecommunications infrastructure will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
 - they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and telecommunications services.

45. Applications for telecommunications development (including for prior approval under Part 24 of the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:
- the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college or within a statutory safeguarding zone surrounding an aerodrome or technical site; and
 - for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission on non-ionising radiation protection guidelines; or
 - for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.
46. Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.

6. Delivering a wide choice of high quality homes

47. To boost significantly the supply of housing, local planning authorities should:
- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
 - identify and update annually a supply of specific deliverable¹¹ sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
 - identify a supply of specific, developable¹² sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;

¹¹ To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.

¹² To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.

- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
 - set out their own approach to housing density to reflect local circumstances.
48. Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.
49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:
- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
 - identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
 - where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.
51. Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.
52. The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities.

Working with the support of their communities, local planning authorities should consider whether such opportunities provide the best way of achieving sustainable development. In doing so, they should consider whether it is appropriate to establish Green Belt around or adjoining any such new development.

53. Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
54. In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.
55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:
 - the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
 - where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
 - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
 - the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.

7. Requiring good design

56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
58. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
 - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
 - are visually attractive as a result of good architecture and appropriate landscaping.
59. Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.
60. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
61. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
62. Local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design.

They should also when appropriate refer major projects for a national design review.¹³ In general, early engagement on design produces the greatest benefits. In assessing applications, local planning authorities should have regard to the recommendations from the design review panel.

63. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.
64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
65. Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).
66. Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.
67. Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
68. Where an area justifies a degree of special protection on the grounds of amenity, an Area of Special Control Order¹⁴ may be approved. Before formally proposing an Area of Special Control, the local planning authority is expected to consult local trade and amenity organisations about the proposal. Before a direction to remove deemed planning consent is made for specific advertisements,¹⁵ local planning authorities will be expected to demonstrate that the direction would improve visual amenity and there is no other way of effectively controlling the display of that particular class of advertisement. The comments of organisations, and individuals, whose interests would be affected by the direction should be sought as part of the process.

¹³ Currently provided by Design Council Cobe.

¹⁴ Regulation 20, The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

¹⁵ Regulation 7, The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

8. Promoting healthy communities

69. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions, in turn, should aim to achieve places which promote:
- opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;
 - safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
 - safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.
70. To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
 - ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
 - ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
71. Local planning authorities should take a positive and collaborative approach to enable development to be brought forward under a Community Right to Build Order, including working with communities to identify and resolve key issues before applications are submitted.
72. The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
- give great weight to the need to create, expand or alter schools; and

- work with schools promoters to identify and resolve key planning issues before applications are submitted.
73. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
75. Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
76. Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.
77. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:
- where the green space is in reasonably close proximity to the community it serves;
 - where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
 - where the green area concerned is local in character and is not an extensive tract of land.

78. Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.

9. Protecting Green Belt land

79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

80. Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

81. Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

82. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. If proposing a new Green Belt, local planning authorities should:

- demonstrate why normal planning and development management policies would not be adequate;
- set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;
- show what the consequences of the proposal would be for sustainable development;
- demonstrate the necessity for the Green Belt and its consistency with Local Plans for adjoining areas; and
- show how the Green Belt would meet the other objectives of the Framework.

83. Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green

Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.

84. When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.
85. When defining boundaries, local planning authorities should:
- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
 - not include land which it is unnecessary to keep permanently open;
 - where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
 - make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
 - satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
 - define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.
86. If it is necessary to prevent development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.
87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:
- buildings for agriculture and forestry;

- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
 - the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
 - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
90. Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:
- mineral extraction;
 - engineering operations;
 - local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - the re-use of buildings provided that the buildings are of permanent and substantial construction; and
 - development brought forward under a Community Right to Build Order.
91. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
92. Community Forests offer valuable opportunities for improving the environment around towns, by upgrading the landscape and providing for recreation and wildlife. An approved Community Forest plan may be a material consideration in preparing development plans and in deciding planning applications. Any development proposals within Community Forests in the Green Belt should be subject to the normal policies controlling development in Green Belts.

10. Meeting the challenge of climate change, flooding and coastal change

93. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable

and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

94. Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change,¹⁶ taking full account of flood risk, coastal change and water supply and demand considerations.
95. To support the move to a low carbon future, local planning authorities should:
- plan for new development in locations and ways which reduce greenhouse gas emissions;
 - actively support energy efficiency improvements to existing buildings; and
 - when setting any local requirement for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards.
96. In determining planning applications, local planning authorities should expect new development to:
- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
 - take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
97. To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:
- have a positive strategy to promote energy from renewable and low carbon sources;
 - design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
 - consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;¹⁷
 - support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and

¹⁶ In line with the objectives and provisions of the Climate Change Act 2008.

¹⁷ In assessing the likely impacts of potential wind energy development when identifying suitable areas, and in determining planning applications for such development, planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure (read with the relevant sections of the Overarching National Policy Statement for Energy Infrastructure, including that on aviation impacts). Where plans identify areas as suitable for renewable and low-carbon energy development, they should make clear what criteria have determined their selection, including for what size of development the areas are considered suitable.

- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.
98. When determining planning applications, local planning authorities should:
- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - approve the application¹⁸ if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.
99. Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.
100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.¹⁹ Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:
- applying the Sequential Test;
 - if necessary, applying the Exception Test;
 - safeguarding land from development that is required for current and future flood management;
 - using opportunities offered by new development to reduce the causes and impacts of flooding; and
 - where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking

¹⁸ Unless material considerations indicate otherwise.

¹⁹ Technical guidance on flood risk published alongside this Framework sets out how this policy should be implemented.

opportunities to facilitate the relocation of development, including housing, to more sustainable locations.

101. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.
102. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:
- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
 - a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the test will have to be passed for development to be allocated or permitted.

103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment²⁰ following the Sequential Test, and if required the Exception Test, it can be demonstrated that:
- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
 - development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.²¹
104. For individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test. Applications for minor development and changes of use should not be

²⁰ A site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1; all proposals for new development (including minor development and change of use) in Flood Zones 2 and 3, or in an area within Flood Zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency); and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding.

²¹ The Floods and Water Management Act 2010 establishes a Sustainable Drainage Systems Approving Body in unitary or county councils. This body must approve drainage systems in new developments and re-developments before construction begins.

subject to the Sequential or Exception Tests²² but should still meet the requirements for site-specific flood risk assessments.

105. In coastal areas, local planning authorities should take account of the UK Marine Policy Statement and marine plans and apply Integrated Coastal Zone Management across local authority and land/sea boundaries, ensuring integration of the terrestrial and marine planning regimes.
106. Local planning authorities should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast. They should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast, and:
 - be clear as to what development will be appropriate in such areas and in what circumstances; and
 - make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas.
107. When assessing applications, authorities should consider development in a Coastal Change Management Area appropriate where it is demonstrated that:
 - it will be safe over its planned lifetime and will not have an unacceptable impact on coastal change;
 - the character of the coast including designations is not compromised;
 - the development provides wider sustainability benefits; and
 - the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast.²³
108. Local planning authorities should also ensure appropriate development in a Coastal Change Management Area is not impacted by coastal change by limiting the planned life-time of the proposed development through temporary permission and restoration conditions where necessary to reduce the risk to people and the development.

11. Conserving and enhancing the natural environment

109. The planning system should contribute to and enhance the natural and local environment by:
 - protecting and enhancing valued landscapes, geological conservation interests and soils;
 - recognising the wider benefits of ecosystem services;
 - minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the

²² Except for any proposal involving a change of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the Sequential and Exception Tests should be applied as appropriate.

²³ As required by the Marine and Coastal Access Act 2009.

- overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
 - remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
110. In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment. Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework.
111. Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.
112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
113. Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites,²⁴ so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.
114. Local planning authorities should:
- set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure; and
 - maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast.
115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important

²⁴ Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.

considerations in all these areas, and should be given great weight in National Parks and the Broads.²⁵

116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
 - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
117. To minimise impacts on biodiversity and geodiversity, planning policies should:
- plan for biodiversity at a landscape-scale across local authority boundaries;
 - identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;
 - promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan;
 - aim to prevent harm to geological conservation interests; and
 - where Nature Improvement Areas are identified in Local Plans, consider specifying the types of development that may be appropriate in these Areas.
118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made

²⁵ *English National Parks and the Broads: UK Government Vision and Circular 2010* provides further guidance and information about their statutory purposes, management and other matters.

where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;

- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- the following wildlife sites should be given the same protection as European sites:
 - potential Special Protection Areas and possible Special Areas of Conservation;
 - listed or proposed Ramsar sites;²⁶ and
 - sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

119. The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

120. To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

121. Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

²⁶ Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site.

- adequate site investigation information, prepared by a competent person, is presented.
122. In doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.
123. Planning policies and decisions should aim to:
- avoid noise from giving rise to significant adverse impacts²⁷ on health and quality of life as a result of new development;
 - mitigate and reduce to a minimum other adverse impacts²⁷ on health and quality of life arising from noise from new development, including through the use of conditions;
 - recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;²⁸ and
 - identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
124. Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.
125. By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

²⁷ See Explanatory Note to the Noise Policy Statement for England (Department for the Environment, Food and Rural Affairs).

²⁸ Subject to the provisions of the Environmental Protection Act 1990 and other relevant law.

12. Conserving and enhancing the historic environment

126. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment,²⁹ including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - the desirability of new development making a positive contribution to local character and distinctiveness; and
 - opportunities to draw on the contribution made by the historic environment to the character of a place.
127. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.
128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
130. Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.

²⁹ The principles and policies set out in this section apply to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-taking.

131. In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

136. Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
137. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
138. Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.
139. Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.
140. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.
141. Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.³⁰ However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

13. Facilitating the sustainable use of minerals

142. Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation.
143. In preparing Local Plans, local planning authorities should:

³⁰ Copies of evidence should be deposited with the relevant Historic Environment Record, and any archives with a local museum or other public depository.

- identify and include policies for extraction of mineral resource of local and national importance in their area, but should not identify new sites or extensions to existing sites for peat extraction;
- so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;
- define Minerals Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development, whilst not creating a presumption that resources defined will be worked; and define Minerals Consultation Areas based on these Minerals Safeguarding Areas;
- safeguard:
 - existing, planned and potential rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk transport by rail, sea or inland waterways of minerals, including recycled, secondary and marine-dredged materials; and
 - existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material.
- set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place;
- set out environmental criteria, in line with the policies in this Framework, against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust, visual intrusion, traffic, tip- and quarry-slope stability, differential settlement of quarry backfill, mining subsidence, increased flood risk, impacts on the flow and quantity of surface and groundwater and migration of contamination from the site; and take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;
- when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction; and
- put in place policies to ensure worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place, including for agriculture (safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment and recreation.

144. When determining planning applications, local planning authorities should:

- give great weight to the benefits of the mineral extraction, including to the economy;
- as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;
- ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source,³¹ and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- not grant planning permission for peat extraction from new or extended sites;
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes;
- consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and
- recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.

145. Minerals planning authorities should plan for a steady and adequate supply of aggregates by:

- preparing an annual Local Aggregate Assessment, either individually or jointly by agreement with another or other mineral planning authorities, based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
- participating in the operation of an Aggregate Working Party and taking the advice of that Party into account when preparing their Local Aggregate Assessment;

³¹ Technical guidance on minerals published alongside this Framework sets out how these policies should be implemented

- making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;
- taking account of published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;
- using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
- making provision for the maintenance of landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites;
- ensuring that large landbanks bound up in very few sites do not stifle competition; and
- calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

146. Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:

- co-operating with neighbouring and more distant authorities to co-ordinate the planning of industrial minerals to ensure adequate provision is made to support their likely use in industrial and manufacturing processes;
- encouraging safeguarding or stockpiling so that important minerals remain available for use;
- providing a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment, as follows:
 - at least 10 years for individual silica sand sites;
 - at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant, and for silica sand sites where significant new capital is required; and
 - at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln.
- taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.

147. Minerals planning authorities should also:

- when planning for on-shore oil and gas development, including unconventional hydrocarbons, clearly distinguish between the three phases of development (exploration, appraisal and production) and address constraints on production and processing within areas that are licensed for oil and gas exploration or production;
- encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility;
- indicate any areas where coal extraction and the disposal of colliery spoil may be acceptable;
- encourage capture and use of methane from coal mines in active and abandoned coalfield areas; and
- provide for coal producers to extract separately, and if necessary stockpile, fireclay so that it remains available for use.

148. When determining planning applications, minerals planning authorities should ensure that the integrity and safety of underground storage facilities are appropriate, taking into account the maintenance of gas pressure, prevention of leakage of gas and the avoidance of pollution.

149. Permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or if not, it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission.

Plan-making

Local Plans

150. Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.³²
151. Local Plans must be prepared with the objective of contributing to the achievement of sustainable development.³³ To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development.
152. Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.
153. Each local planning authority should produce a Local Plan for its area. This can be reviewed in whole or in part to respond flexibly to changing circumstances. Any additional development plan documents should only be used where clearly justified. Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development.
154. Local Plans should be aspirational but realistic. They should address the spatial implications of economic, social and environmental change. Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.
155. Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made.
156. 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;

³² Section 38(6) of the Planning and Compulsory Purchase Act 2004.

³³ Under section 39(2) of the Planning and Compulsory Purchase Act 2004 a local authority exercising their plan making functions must do so with the objective of contributing to the achievement of sustainable development.

- 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.

157. Crucially, Local Plans should:

- plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework;
- be drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer term requirements, and be kept up to date;
- be based on co-operation with neighbouring authorities, public, voluntary and private sector organisations;
- indicate broad locations for strategic development on a key diagram and land-use designations on a proposals map;
- allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate;
- identify areas where it may be necessary to limit freedom to change the uses of buildings, and support such restrictions with a clear explanation;
- identify land where development would be inappropriate, for instance because of its environmental or historic significance; and
- contain a clear strategy for enhancing the natural, built and historic environment, and supporting Nature Improvement Areas where they have been identified.

Using a proportionate evidence base

158. Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals.

Housing

159. Local planning authorities should have a clear understanding of housing needs in their area. They should:

- prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment

should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:

- meets household and population projections, taking account of migration and demographic change;
 - addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);³⁴ and
 - caters for housing demand and the scale of housing supply necessary to meet this demand;
- prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

Business

160. Local planning authorities should have a clear understanding of business needs within the economic markets operating in and across their area. To achieve this, they should:

- work together with county and neighbouring authorities and with Local Enterprise Partnerships to prepare and maintain a robust evidence base to understand both existing business needs and likely changes in the market; and
- work closely with the business community to understand their changing needs and identify and address barriers to investment, including a lack of housing, infrastructure or viability.

161. Local planning authorities should use this evidence base to assess:

- the needs for land or floorspace for economic development, including both the quantitative and qualitative needs for all foreseeable types of economic activity over the plan period, including for retail and leisure development;
- the existing and future supply of land available for economic development and its sufficiency and suitability to meet the identified needs. Reviews of land available for economic development should be undertaken at the same time as, or combined with, Strategic Housing Land Availability Assessments and should include a reappraisal of the suitability of previously allocated land;
- the role and function of town centres and the relationship between them, including any trends in the performance of centres;
- the capacity of existing centres to accommodate new town centre development;
- locations of deprivation which may benefit from planned remedial action; and

³⁴ The planning policy for traveller sites sets out how travellers' accommodation needs should also be assessed.

- the needs of the food production industry and any barriers to investment that planning can resolve.

Infrastructure

162. Local planning authorities should work with other authorities and providers to:

- assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands; and
- take account of the need for strategic infrastructure including nationally significant infrastructure within their areas.

Minerals

163. Minerals planning authorities should work with other relevant organisations to use the best available information to:

- develop and maintain an understanding of the extent and location of mineral resource in their areas; and
- assess the projected demand for their use, taking full account of opportunities to use materials from secondary and other sources which could provide suitable alternatives to primary materials.

Defence, national security, counter-terrorism and resilience

164. Local planning authorities should:

- work with the Ministry of Defence's Strategic Planning Team to ensure that they have and take into account the most up-to-date information about defence and security needs in their area; and
- work with local advisors and others to ensure that they have and take into account the most up-to-date information about higher risk sites in their area for malicious threats and natural hazards, including steps that can be taken to reduce vulnerability and increase resilience.

Environment

165. Planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area including drawing, for example, from River Basin Management Plans. Working with Local Nature Partnerships where appropriate, this should include an assessment of existing and potential components of ecological networks. A sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors.

166. Local Plans may require a variety of other environmental assessments, including under the Habitats Regulations where there is a likely significant effect on a European wildlife site (which may not necessarily be within the same local authority area), Strategic Flood Risk Assessment and assessments of the physical constraints on land use.³⁵ Wherever possible, assessments should share the same evidence base and be

³⁵ Such as land instability, contamination and subsidence.

conducted over similar timescales, but local authorities should take care to ensure that the purposes and statutory requirements of different assessment processes are respected.

167. Assessments should be proportionate, and should not repeat policy assessment that has already been undertaken. Wherever possible the local planning authority should consider how the preparation of any assessment will contribute to the plan's evidence base. The process should be started early in the plan-making process and key stakeholders should be consulted in identifying the issues that the assessment must cover.
168. Shoreline Management Plans should inform the evidence base for planning in coastal areas. The prediction of future impacts should include the longer term nature and inherent uncertainty of coastal processes (including coastal landslip), and take account of climate change.

Historic environment

169. Local planning authorities should have up-to-date evidence about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to their environment. They should also use it to predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future. Local planning authorities should either maintain or have access to a historic environment record.
170. Where appropriate, landscape character assessments should also be prepared, integrated with assessment of historic landscape character, and for areas where there are major expansion options assessments of landscape sensitivity.

Health and well-being

171. Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being.

Public safety from major accidents

172. Planning policies should be based on up-to-date information on the location of major hazards and on the mitigation of the consequences of major accidents.

Ensuring viability and deliverability

173. Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

174. Local planning authorities should set out their policy on local standards in the Local Plan, including requirements for affordable housing. They should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the development plan, when added to nationally required standards. In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle. Evidence supporting the assessment should be proportionate, using only appropriate available evidence.
175. Where practical, Community Infrastructure Levy charges should be worked up and tested alongside the Local Plan. The Community Infrastructure Levy should support and incentivise new development, particularly by placing control over a meaningful proportion of the funds raised with the neighbourhoods where development takes place.
176. Where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. The need for such safeguards should be clearly justified through discussions with the applicant, and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily.
177. It is equally important to ensure that there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion. To facilitate this, it is important that local planning authorities understand district-wide development costs at the time Local Plans are drawn up. For this reason, infrastructure and development policies should be planned at the same time, in the Local Plan. Any affordable housing or local standards requirements that may be applied to development should be assessed at the plan-making stage, where possible, and kept under review.

Planning strategically across local boundaries

178. Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the **strategic priorities** set out in paragraph 156. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.
179. Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual Local Plans.³⁶ 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 of this Framework. As part of this process, they should consider producing joint

³⁶ In marine areas, local planning authorities should collaborate with the Marine Management Organisation to ensure that policies across the land/sea boundary are integrated.

planning policies on strategic matters and informal strategies such as joint infrastructure and investment plans.

180. Local planning authorities should take account of different geographic areas, including travel-to-work areas. In two tier areas, county and district authorities should cooperate with each other on relevant issues. 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. Local planning authorities should also work collaboratively with private sector bodies, utility and infrastructure providers.
181. 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. 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 which is presented as evidence of an agreed position. 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.

Examining Local Plans

182. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:
- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

Neighbourhood plans

183. Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes and neighbourhood forums can use neighbourhood planning to:

- set planning policies through neighbourhood plans to determine decisions on planning applications; and
- grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order.

184. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.
185. Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area. Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict. Local planning authorities should avoid duplicating planning processes for non-strategic policies where a neighbourhood plan is in preparation.

Decision-taking

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.
187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Pre-application engagement and front loading

188. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.
189. Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they do offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community before submitting their applications.
190. The more issues that can be resolved at pre-application stage, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.
191. The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage. Wherever possible, parallel processing of other consents should be encouraged to help speed up the process and resolve any issues as early as possible.
192. The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations Assessment and Flood Risk Assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible.

193. Local planning authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.
194. Local planning authorities should consult the appropriate bodies when planning, or determining applications, for development around major hazards.
195. Applicants and local planning authorities should consider the potential of entering into planning performance agreements, where this might achieve a faster and more effective application process.

Determining applications

196. The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan,³⁷ unless material considerations indicate otherwise.³⁸ This Framework is a material consideration in planning decisions.
197. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.
198. Where a Neighbourhood Development Order has been made, a planning application is not required for development that is within the terms of the order. Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

Tailoring planning controls to local circumstances

199. Local planning authorities should consider using Local Development Orders to relax planning controls for particular areas or categories of development, where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area, such as boosting enterprise.
200. The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities). Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.
201. Communities can use Neighbourhood Development Orders and Community Right to Build Orders to grant planning permission. Where such an order is in

³⁷ Section 38(1) of the Planning and Compulsory Purchase Act 2004: this includes adopted or approved development plan documents i.e. the Local Plan and neighbourhood plans which have been made in relation to the area (and the London Plan).

³⁸ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

place, no further planning permission is required for development which falls within its scope.

202. Neighbourhood Development Orders and Community Right to Build Orders require the support of the local community through a referendum. Therefore, local planning authorities should take a proactive and positive approach to proposals, working collaboratively with community organisations to resolve any issues before draft orders are submitted for examination. Policies in this Framework that relate to decision-taking should be read as applying to the consideration of proposed Neighbourhood Development Orders, wherever this is appropriate given the context and relevant legislation.

Planning conditions and obligations

203. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
204. Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
205. Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.
206. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Enforcement

207. Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.

Annex 1: Implementation

208. The policies in this Framework apply from the day of publication.
209. The National Planning Policy Framework aims to strengthen local decision making and reinforce the importance of up-to-date plans.
210. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
211. For the purposes of decision-taking, the policies in the Local Plan (and the London Plan) should not be considered out-of-date simply because they were adopted prior to the publication of this Framework.
212. However, the policies contained in this Framework are material considerations which local planning authorities should take into account from the day of its publication. The Framework must also be taken into account in the preparation of plans.
213. Plans may, therefore, need to be revised to take into account the policies in this Framework. This should be progressed as quickly as possible, either through a partial review or by preparing a new plan.
214. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004³⁹ even if there is a limited degree of conflict with this Framework.
215. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
216. From the day of publication, decision-takers may also give weight⁴⁰ to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
217. Advice will be available immediately and free of charge from a support service provided by the Local Government Association, the Planning

³⁹ In development plan documents adopted in accordance with the Planning and Compulsory Purchase Act 2004 or published in the London Plan.

⁴⁰ Unless other material considerations indicate otherwise.

Inspectorate and the Department for Communities and Local Government. This will assist local planning authorities in considering the need to update their Local Plan and taking forward efficient and effective reviews.

218. Where it would be appropriate and assist the process of preparing or amending Local Plans, regional strategy⁴¹ policies can be reflected in Local Plans by undertaking a partial review focusing on the specific issues involved. Local planning authorities may also continue to draw on evidence that informed the preparation of regional strategies to support Local Plan policies, supplemented as needed by up-to-date, robust local evidence.
219. This Framework has been drafted to reflect the law following the implementation of the Localism Act 2011, so, where appropriate, policies will apply only when the relevant legislation is in force.

⁴¹ Regional strategies remain part of the development plan until they are abolished by Order using powers taken in the Localism Act. It is the government's clear policy intention to revoke the regional strategies outside of London, subject to the outcome of the environmental assessments that are currently being undertaken.

Annex 2: Glossary

Affordable housing: Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes.

Aged or veteran tree: A tree which, because of its great age, size or condition is of exceptional value for wildlife, in the landscape, or culturally.

Air Quality Management Areas: Areas designated by local authorities because they are not likely to achieve national air quality objectives by the relevant deadlines.

Ancient woodland: An area that has been wooded continuously since at least 1600 AD.

Archaeological interest: There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.

Article 4 direction: A direction which withdraws automatic planning permission granted by the General Permitted Development Order.

Best and most versatile agricultural land: Land in grades 1, 2 and 3a of the Agricultural Land Classification.

Birds and Habitats Directives: European Directives to conserve natural habitats and wild fauna and flora.

Climate change adaptation: Adjustments to natural or human systems in response to actual or expected climatic factors or their effects, including from changes in rainfall and rising temperatures, which moderate harm or exploit beneficial opportunities. **Climate change mitigation:** Action to reduce the impact of human activity on the climate system, primarily through reducing greenhouse gas emissions.

Coastal Change Management Area: An area identified in Local Plans as likely to be affected by coastal change (physical change to the shoreline through erosion, coastal landslip, permanent inundation or coastal accretion).

Conservation (for heritage policy): The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

Community Forest: An area identified through the England Community Forest Programme to revitalise countryside and green space in and around major conurbations.

Community Infrastructure Levy: A levy allowing local authorities to raise funds from owners or developers of land undertaking new building projects in their area.

Community Right to Build Order: An Order made by the local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a site-specific development proposal or classes of development.

Competent person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.

Decentralised energy: Local renewable energy and local low-carbon energy usually but not always on a relatively small scale encompassing a diverse range of technologies.

Designated heritage asset: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

Development plan: This includes adopted Local Plans, neighbourhood plans and the London Plan, and is defined in section 38 of the Planning and Compulsory Purchase Act 2004. (Regional strategies remain part of the development plan until they are abolished by Order using powers taken in the Localism Act. It is the government's clear policy intention to revoke the regional strategies outside of London, subject to the outcome of the environmental assessments that are currently being undertaken.)

Economic development: Development, including those within the B Use Classes, public and community uses and main town centre uses (but excluding housing development).

Ecological networks: These link sites of biodiversity importance.

Ecosystem services: The benefits people obtain from ecosystems such as, food, water, flood and disease control and recreation.

Edge of centre: For retail purposes, a location that is well connected and up to 300 metres of the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.

Environmental Impact Assessment: A procedure to be followed for certain types of project to ensure that decisions are made in full knowledge of any likely significant effects on the environment.

European site: This includes candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas, and is defined in regulation 8 of the Conservation of Habitats and Species Regulations 2010.

Geodiversity: The range of rocks, minerals, fossils, soils and landforms.

Green infrastructure: A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

Heritage Coast: Areas of undeveloped coastline which are managed to conserve their natural beauty and, where appropriate, to improve accessibility for visitors.

Historic environment: All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.

Historic environment record: Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.

Inclusive design: Designing the built environment, including buildings and their surrounding spaces, to ensure that they can be accessed and used by everyone.

Instrumentation operated in the national interest: Includes meteorological and climate monitoring installations, satellite and radio communication, defence and national security sites and magnetic calibration facilities operated by or on behalf of the Government, delegated authorities or for defence purposes.

International, national and locally designated sites of importance for biodiversity: All international sites (Special Areas of Conservation, Special Protection Areas, and Ramsar sites), national sites (Sites of Special Scientific Interest) and locally designated sites including Local Wildlife Sites.

Local Development Order: An Order made by a local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a specific development proposal or classes of development.

Local Enterprise Partnership: A body, designated by the Secretary of State for Communities and Local Government, established for the purpose of creating or improving the conditions for economic growth in an area.

Local Nature Partnership: A body, designated by the Secretary of State for Environment, Food and Rural Affairs, established for the purpose of protecting and improving the natural environment in an area and the benefits derived from it.

Local planning authority: The public authority whose duty it is to carry out specific planning functions for a particular area. All references to local planning authority apply to the district council, London borough council, county council, Broads Authority, National Park Authority and the Greater London Authority, to the extent appropriate to their responsibilities.

Local Plan: The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. Current core strategies or other planning policies, which under the regulations would be considered to be development plan documents, form part of the Local Plan. The term includes old policies which have been saved under the 2004 Act.

Main town centre uses: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

Major Hazards: Major hazard installations and pipelines, licensed explosive sites and nuclear installations, around which Health and Safety Executive (and Office for Nuclear Regulation) consultation distances to mitigate the consequences to public safety of major accidents may apply.

Minerals of local and national importance: Minerals which are necessary to meet society's needs, including aggregates, brickclay (especially Etruria Marl and fireclay), silica sand (including high grade silica sands), cement raw materials, gypsum, salt, fluor spar, shallow and deep-mined coal, oil and gas (including hydrocarbons), tungsten, kaolin, ball clay, potash and local minerals of importance to heritage assets and local distinctiveness.

Mineral Safeguarding Area: An area designated by Minerals Planning Authorities which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development.

National Trails: Long distance routes for walking, cycling and horse riding.

Nature Improvement Areas: Inter-connected networks of wildlife habitats intended to re-establish thriving wildlife populations and help species respond to the challenges of climate change.

Neighbourhood Development Order: An Order made by a local planning authority (under the Town and Country Planning Act 1990) through which Parish Councils and neighbourhood forums can grant planning permission for a specific development proposal or classes of development.

Neighbourhood plans: A plan prepared by a Parish Council or Neighbourhood Forum for a particular neighbourhood area (made under the Planning and Compulsory Purchase Act 2004).

Older people: People over retirement age, including the active, newly-retired through to the very frail elderly, whose housing needs can encompass accessible, adaptable general needs housing for those looking to downsize from family housing and the full range of retirement and specialised housing for those with support or care needs.

Open space: All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

Original building: A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

Out of centre: A location which is not in or on the edge of a centre but not necessarily outside the urban area.

Out of town: A location out of centre that is outside the existing urban area.

People with disabilities: People have a disability if they have a physical or mental impairment, and that impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. These persons include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs.

Planning condition: A condition imposed on a grant of planning permission (in accordance with the Town and Country Planning Act 1990) or a condition included in a Local Development Order or Neighbourhood Development Order.

Planning obligation: A legally enforceable obligation entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.

Playing field: The whole of a site which encompasses at least one playing pitch as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2010.

Pollution: Anything that affects the quality of land, air, water or soils, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise and light.

Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

Primary shopping area: Defined area where retail development is concentrated (generally comprising the primary and those secondary frontages which are adjoining and closely related to the primary shopping frontage).

Primary and secondary frontages: Primary frontages are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods. Secondary frontages provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses.

Priority habitats and species: Species and Habitats of Principle Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.

Ramsar sites: Wetlands of international importance, designated under the 1971 Ramsar Convention.

Renewable and low carbon energy: Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

Safeguarding zone: An area defined in Circular 01/03: Safeguarding aerodromes, technical sites and military explosives storage areas, to safeguard such sites.

Setting of a heritage asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Shoreline Management Plans: A plan providing a large-scale assessment of the risk to people and to the developed, historic and natural environment associated with coastal processes.

Significance (for heritage policy): The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

Special Areas of Conservation: Areas given special protection under the European Union's Habitats Directive, which is transposed into UK law by the Habitats and Conservation of Species Regulations 2010.

Special Protection Areas: Areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within European Union countries. They are European designated sites, classified under the Birds Directive.

Site investigation information: Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175 (2001) Code of Practice for the Investigation of Potentially Contaminated Sites). The minimum information that should be provided by an applicant is the report of a desk study and site reconnaissance.

Site of Special Scientific Interest: Sites designated by Natural England under the Wildlife and Countryside Act 1981.

Stepping stones: Pockets of habitat that, while not necessarily connected, facilitate the movement of species across otherwise inhospitable landscapes.

Strategic Environmental Assessment: A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

Supplementary planning documents: Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

Sustainable transport modes: Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra low emission vehicles, car sharing and public transport.

Town centre: Area defined on the local authority's proposal map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in Local Plans, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres.

Transport assessment: A comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies what measures will be required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport and what measures will need to be taken to deal with the anticipated transport impacts of the development.

Transport statement: A simplified version of a transport assessment where it is agreed the transport issues arising out of development proposals are limited and a full transport assessment is not required.

Travel plan: A long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives through action and is articulated in a document that is regularly reviewed.

Wildlife corridor: Areas of habitat connecting wildlife populations.

Windfall sites: Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available.

Annex 3: Documents replaced by this Framework

1. Planning Policy Statement: *Delivering Sustainable Development* (31 January 2005)
2. Planning Policy Statement: *Planning and Climate Change – Supplement to Planning Policy Statement 1* (17 December 2007)
3. Planning Policy Guidance 2: *Green Belts* (24 January 1995)
4. Planning Policy Statement 3: *Housing* (9 June 2011)
5. Planning Policy Statement 4: *Planning for Sustainable Economic Growth* (29 December 2009)
6. Planning Policy Statement 5: *Planning for the Historic Environment* (23 March 2010)
7. Planning Policy Statement 7: *Sustainable Development in Rural Areas* (3 August 2004)
8. Planning Policy Guidance 8: *Telecommunications* (23 August 2001)
9. Planning Policy Statement 9: *Biodiversity and Geological Conservation* (16 August 2005)
10. Planning Policy Statement 12: *Local Spatial Planning* (4 June 2008)
11. Planning Policy Guidance 13: *Transport* (3 January 2011)
12. Planning Policy Guidance 14: *Development on Unstable Land* (30 April 1990)
13. Planning Policy Guidance 17: *Planning for Open Space, Sport and Recreation* (24 July 2002)
14. Planning Policy Guidance 18: *Enforcing Planning Control* (20 December 1991)
15. Planning Policy Guidance 19: *Outdoor Advertisement Control* (23 March 1992)
16. Planning Policy Guidance 20: *Coastal Planning* (1 October 1992)
17. Planning Policy Statement 22: *Renewable Energy* (10 August 2004)
18. Planning Policy Statement 23: *Planning and Pollution Control* (3 November 2004)
19. Planning Policy Guidance 24: *Planning and Noise* (3 October 1994)
20. Planning Policy Statement 25: *Development and Flood Risk* (29 March 2010)
21. Planning Policy Statement 25 Supplement: *Development and Coastal Change* (9 March 2010)
22. Minerals Policy Statement 1: *Planning and Minerals* (13 November 2006)
23. Minerals Policy Statement 2: *Controlling and Mitigating the Environmental Effects of Minerals Extraction In England*. This includes its Annex 1: *Dust* and Annex 2: *Noise* (23 March 2005 - Annex 1: 23 March 2005 and Annex 2: 23 May 2005)
24. Minerals Planning Guidance 2: *Applications, permissions and conditions* (10 July 1998)
25. Minerals Planning Guidance 3: *Coal Mining and Colliery Spoil Disposal* (30 March 1999)
26. Minerals Planning Guidance 5: *Stability in surface mineral workings and tips* (28 January 2000)
27. Minerals Planning Guidance 7: *Reclamation of minerals workings* (29 November 1996)

28. Minerals Planning Guidance 10: *Provision of raw material for the cement industry* (20 November 1991)
29. Minerals Planning Guidance 13: *Guidance for peat provision in England* (13 July 1995)
30. Minerals Planning Guidance 15: *Provision of silica sand in England* (23 September 1996)
31. Circular 05/2005: *Planning Obligations* (18 July 2005)
32. Government Office London Circular 1/2008: *Strategic Planning in London* (4 April 2008)
33. Letter to Chief Planning Officers: *Town and Country Planning (Electronic Communications) (England) Order 2003* (2 April 2003)
34. Letter to Chief Planning Officers: *Planning Obligations and Planning Registers* (3 April 2002)
35. Letter to Chief Planning Officers: *Model Planning Conditions for development on land affected by contamination* (30 May 2008)
36. Letter to Chief Planning Officers: *Planning for Housing and Economic Recovery* (12 May 2009)
37. Letter to Chief Planning Officers: *Development and Flood Risk – Update to the Practice Guide to Planning Policy Statement 25* (14 December 2009)
38. Letter to Chief Planning Officers: *Implementation of Planning Policy Statement 25 (PPS25) – Development and Flood Risk* (7 May 2009)
39. Letter to Chief Planning Officers: *The Planning Bill – delivering well designed homes and high quality places* (23 February 2009)
40. Letter to Chief Planning Officers: *Planning and Climate Change – Update* (20 January 2009)
41. Letter to Chief Planning Officers: *New powers for local authorities to stop ‘garden-grabbing’* (15 June 2010)
42. Letter to Chief Planning Officer: *Area Based Grant: Climate Change New Burdens* (14 January 2010)
43. Letter to Chief Planning Officers: *The Localism Bill* (15 December 2010)
44. Letter to Chief Planning Officers: *Planning policy on residential parking standards, parking charges, and electric vehicle charging infrastructure* (14 January 2011)