



Acres Land & Planning Ltd

'Acres of space'

Field View, Main Street, Farthingstone, Nr Towcester, Northants. NN12
8EZ

Tel 01327 361007 Mobile 07717813085

john@acreslandandplanning.co.uk

(Please note change of address)

24th October 2016

Derby City Local Plan, Proposed Modifications Consultation,
Derby City Council,
FREEPOST
MID24259,
Derby
DE1 2BR

Dear Sirs,

Derby City Local Plan: Core Strategy – Proposed Modifications to the Draft Derby City Local Plan.

I am writing to respond to the Council's Main Modifications published on 14th September 2016 which follow the Local Plan Examination in Public held in April and May 2016 which we attended on behalf of our client British & Continental Co Ltd.

Since most of these are minor changes and don't require substantive comment, I do not propose to fill out separate forms for each one, but compile a composite response within this letter.

MM1. Amend objective 5. Support

We welcome this change to brownfield land policy to make it consistent with policy in the NPPF.

MM2. Amend Objective 6. Support

We welcome the change to remove the requirement for Lifetime Homes consistent with Government policy.

MM3. Amend para 4.23 Support

We welcome the change to the paragraph to make it more consistent with the NPPF on brownfield policy.

MM4. Amend Policy CP1(b) Support

We welcome the change to the introduction of the policy which is more co-operative and conciliatory in terms of working together on sites across boundaries.

MM5. Amend criterion (i) of Policy CP2. Support

We welcome the change to the criterion to remove the requirement for zero carbon homes.

MM6. Amend Criterion (j) of Policy CP2 Object.

We are not convinced that this requirement is feasible or reasonable for all developments of whatever size and nature. Reduction from what and how?

As an aside, it is not clear how the Council is seeking to implement this policy on a broader level where housing is being deflected away from potentially suitable sites within Derby City (such as the derelict Acorn Way/Derby Road site) onto greenfield sites outside the City in other Districts which are less sustainable, have access to fewer facilities and involve much longer journey times to essential employment, retail and cultural facilities in Derby. Climate change clearly doesn't end at the City boundary.

MM8. Amend criterion (p) of Policy CP2 Support

We welcome the change to the requirement for SUDS which is more consistent with Government policy.

MM9. Amend para 5.2.1. re Zero Carbon. Support

We welcome this clarification to bring the policy in line with Government policy which is also consistent with MM5.

MM10. Add sentence to para 5.2.16 Support

We welcome the addition of the new sentence which brings the feasibility and practicability of delivering development into play.

MM11. Delete para 5.2.17. Support

We welcome this change which is consistent with MM5 and MM9.

MM16. Amend criterion (b) Support

We welcome the change to remove specific targets for specialist housing which is consistent with Government policy.

MM17. Amend paragraph 5.6.14 Qualified Support

We welcome the change to the paragraph to spell out the need to demonstrate the delivery of sites. However, firstly it is not clear whether this will form the Housing Implementation Strategy in itself or whether there will be a separate Housing Implementation Strategy and secondly, this remains somewhat artificial when the Council is deflecting so much housing outside its boundaries – so there is no pressure for DCC to do any more than it wishes or find other suitable sites within the boundaries.

Perhaps the Housing Implementation Strategy should monitor the delivery of homes (and the sustainability of their location) across the whole Derby Housing Market Area?

MM18. Amend criterion (b) of Policy CP7. Qualified Support

We welcome the change to this policy which is consistent with other changes to remove Lifetime Home requirements. The imposition of a maximum 30% affordable housing quota for all sites seems strange insofar as some sites (for example from Registered Providers) may be composed of 100% or predominantly affordable housing and this policy would seem to preclude them from doing so. This should perhaps relate to private sector sites only – or allow a caveat to permit affordable housing sites to proceed.

MM19. Amend criterion (b) of Policy CP7. Qualified Objection.

Whilst we welcome the practical considerations within the wording to determine whether sites would be viable with affordable housing, we are not convinced that a Council can 'require' developers to enter into a clawback agreement. A S106 agreement is voluntary therefore the wording should say 'seek to enter into' a clawback agreement.

MM20 & 21. Delete Criterion (b) point 5. Support

We welcome these changes which are consistent with other Main Modifications.

MM22, 23 & 24. Amend criterion (c) of Policy CP7. Support

We welcome the changes to CP7 which are consistent with other modifications.

MM25 & 26. Delete prescriptive requirements Support

We welcome the change which makes the policy less prescriptive and will enable the Council (and developers) to respond to local affordable needs and in places which are evident at the time.

MM28. Changes to paras 5.7.12 to 5.7.19 Qualified Support

Whilst we would broadly support the reference to applying the controls through Building Regulations, we are puzzled by the reference to considering an additional policy in the future. Surely this can only be done through a Local Plan review.

MM40. New paragraph after 5.18.5 Qualified Support

We warmly welcome this commitment to review the Green Wedge network as part of the emerging Part 2 of the Plan – as has already been done in releasing some sites. However, this needs to be undertaken against the background of housing needs generally and should not preclude sites which may have already been considered under the original Green Wedge review from being re-assessed. Much has changed in the meantime, not least the growing pressure for housing (and the current Government's clear commitment to building 1,000,000 new homes within the current Parliamentary term and the pressures facing Amber Valley. Similarly, the Richborough Estates v Cheshire East High Court case has highlighted the relevance of restraint policies in limiting housing and allows them to be taken into consideration by decision makers.

The Acorn Way/Derby Road site was refused at appeal simply because the Inspector adopted a 'purist' approach in rejecting an otherwise suitable scheme on a highly sustainable site albeit within the green wedge. A review of this proposal within the context of Part 2 could deliver a sizeable number of new homes whilst bringing a full range of benefits to local residents.

MM67. Access to Acorn Way from Brook Farm site. Support

We note the change to Policy Allocation AC25 to allow development to be served from Acorn Way. This is a pragmatic solution to overcome a problem in gaining access to the Brook Farm site in a sustainable way without funnelling traffic through the Chaddesden Estate.

MM68. Paragraph 6.25.4 re. Acorn Way. Objection

The previous version of paragraph 6.25.4 gives a comprehensive account of why access to Acorn Way **shouldn't** be gained from the Brook Farm site. This, in our view overstated the hazardous nature of Acorn Way which is simply a two-way road without obstructions built to modern day standards in the 1990's to serve the Oakwood Estate. The road is as hazardous as the motorists which drive along it, and the speed can be easily controlled by simple restrictions, if this is deemed necessary.

It should be noted however that the provision of access from the Brook Farm development effectively changes the status of Acorn Way to a Distributer Road, rather than as a rural main road without access points. The text should not therefore continue to refer to a 'fast rural road' since it is the road users and the speed controls which determine the nature of it.

By way of a further example, access to and from the proposed Acorn Way/Derby Road site onto Acorn Way (400 metres further south) was agreed with the Highway Authority and a junction arrangement approved – albeit this was after decisions were made to reject the site in the 2012 Derby Green Wedge Review. The new change in role of Acorn Way arguably tends to diminish the physical and psychological barrier between Chaddesden and Spondon, which was created when the road was built and will reduce the design speed of the road in practice. This change should put a very different complexion on the value of keeping the derelict Acorn Way/Derby Road site as green wedge and enable the Council to consider it for a more productive residential and recreational use which could help better integrate the two communities (which incidentally are served by the same secondary school) rather than sever them and enable the Green Wedge to be realigned and improved.

MM70. The Part 2 Derby City Local Plan. Qualified Support

We warmly support the commitment to review the Green Wedge as part of the Part 2 Plan. We also welcome the firm commitment to undertake an early comprehensive Local Plan review as part of a comprehensive early review with the surrounding authorities within the Derby Housing Market area – which also needs to be re-drawn to include parts of Erewash which lie adjacent to the City boundary. However, it is perhaps a little early to be pre-judging whether the City will (or won't) be able to meet its objectively assessed needs within its own boundaries. This depends to a degree on the approach taken to the policy constraints within the City. For the Local Plan to be found 'sound' it must demonstrate a 5 year housing land supply – so the final sentence should not apply.

MM71. Appendix B. Explanatory text. Support

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We welcome the change to the wording of the text which is helpful in clarifying the position.

Conclusion.

I hope these representations are useful in helping the Council look forward in preparing its Part 2 Local Plan and beyond and also in guiding the Inspector to reach his decision on the Derby City Local Plan, (Part 1).

If you have any queries please don't hesitate to contact me.

Yours sincerely

John Acres Msc DipTp MRTPI

Acres Land & Planning Ltd