

Derby City Local Plan - Part 1 Core Strategy Main Modifications  
Spatial Planning  
Derby City Council  
FREEPOST  
MID24259  
Derby  
DE1 2BR

3rd Floor  
One St James's Square  
Manchester M2 6DN

0161 837 6130  
manchester@nlplanning.com

nlplanning.com

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Your ref

By email [derby.lfd@derby.gov.uk](mailto:derby.lfd@derby.gov.uk) and post

Dear Sirs

## Derby City Local Plan - Part 1 Core Strategy: Main Modifications

Nathaniel Lichfield & Partners is instructed by Commercial Estates Group [CEG] to make representations to the Proposed Main Modifications [PMM] to the Derby City Local Plan – Part 1 Core Strategy.

These representations are subsequent to CEG's previous submissions on the Derby City Local Plan Part 1 Draft Core Strategy: Pre-Submission (August 2015). They are submitted in the context of CEG's interest in land at New House Farm, Mickleover. The New House Farm site is located adjacent to the main urban area of Derby City but lies within the administrative boundary of South Derbyshire District Council [SDDC]. It has recently been allocated for residential development in the South Derbyshire Local Plan Part 1 as part of the Land West of Mickleover allocation (Policy H19).

There is no statutory definition of "soundness". However the Framework [§182] states that to be sound a Local Plan should be:

- 1 **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.
- 2 **Justified:** The plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.
- 3 **Effective:** The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.



- 4 **Consistent with National Policy:** The Plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

This letter supplements the completed representation form and demonstrates that there are modifications within the PMM which are at present ‘unsound’ in the context of the tests of soundness established by the Framework, more specifically Main Modification Ref: MM4.

### **Main Modification Ref: MM4: Policy CP1(b) – Placemaking Principles for Cross Boundary Growth**

Main Modification MM4 proposes to amend the first paragraph of Policy CP1(b) as follows:

*“The Council will ~~expect~~ work collaboratively on proposals for development on the edge of the City, either wholly or partly within the administrative boundary of a neighbouring authority to ensure schemes.”*

The remainder of the policy remains unchanged. The policy sets out a number of criteria including:

- 1 Demonstrating joint working with neighbouring authorities to achieve a co-ordinated and well-designed form of development;
- 2 Creating sustainable, safe, well integrated and high quality urban extensions;
- 3 Taking a strategic, integrated and sustainable approach to water resource management;
- 4 Respecting the character and context of adjoining areas of the City;
- 5 Assessing traffic impact on the City’s road network and identifying necessary improvements; and,
- 6 Providing new and improved community and commercial facilities to meet the day to day needs of new and existing residents.

### **Consideration of Modification**

At the Pre-Submission Local Plan [PSLP] consultation stage, CEG objected to the application of Policy CP1(b), which set out policy “expectations” for proposals which *inter alia* lie on the edge of the City but outside of the administrative boundary of Derby City Council. At that stage CEG submitted that planning applications for such sites should be assessed against the Local Plan policies of the authority within which the site falls. It was not appropriate for the Local Plan to impose policy requirements on sites which lie outside of the Derby City administrative boundary. CEG also questioned the legality of such an approach.

Since the consultation on the PSLP was held, the South Derbyshire Local Plan Part 1 [SDLP1] has been adopted. CEG notes that there is provision within the policies for allocated sites in the SDLP1 to ensure that the impact of schemes upon with Derby City Council is appropriately addressed. For example, Policy H19: Land West of Mickleover which covers the New House Farm site requires<sup>1</sup>:

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<sup>1</sup> Policy H19, part B(i)



*“That South Derbyshire District Council and the developers work together with both Derby City and Derbyshire County Council to ensure that the proposals offer a holistic vision for an urban extension to be delivered in a comprehensive manner. Delivery mechanisms will need to be established to ensure the necessary level of coordination to effectively deliver the infrastructure and facilities to support the development”.*

Similarly, part B(x) of the policy requires that:

*“Any application for planning permission will be supported by an assessment of the impact of development traffic on the strategic and local road network, including the cumulative impact of development proposed in three aligned Core Strategies. The scope of the assessment should be agreed with the local planning authority in consultation with the relevant transport network operators and service providers. The application will also be supported by an access strategy and a package of necessary measures to mitigate any significant impact of the development, including off-site highways improvements, necessary developer contributions and other measures to encourage non-car modes of transport; including necessary enhancements to local bus services”.*

Main Modification MM4 alters the emphasis of Policy CP1(b). Policy CP1(b) therefore no longer states that Derby City Council has “expectations” regarding policy objectives for development on sites which may lie wholly outside its administrative boundary. In its place, however, is a statement that the Council will “work collaboratively” in order to “ensure” the achievement of the same (unchanged) policy objectives.

CEG maintains its objection to Policy CP1(b) as amended by MM4. It is submitted that the purpose and proposed application of the Policy remains confusing. The meaning of “work collaboratively” is unclear in the context of the policy and its intended purpose which still seems to be to *ensure* that developments on sites partly and wholly outside of the district satisfy certain policy requirements.

The Derby City Local Plan should not seek to impose policy requirements on sites lying wholly outside of its administrative boundary and which have been allocated by a neighbouring authority through its own development plan process. Such allocations have been found sound and have their own policy requirements to control relevant issues, including joint working where appropriate. It is not necessary to duplicate this in a Local Plan which is not part of the development plan for the area within which such sites are situated.

Main Modification MM4 does not satisfy CEG’s concern, which is that Derby City Council will seek to ensure that the policy requirements of Policy CP1(b) are imposed upon developments outside of its administrative area. CEG considers that it is not necessary for Policy CP1(b) to have such an effect on allocations within South Derbyshire which lie outside of the Derby City administrative boundary.

## **Tests of Soundness**

CEG considers that Main Modification MM4 fails to meet the following tests of soundness because:

- 1 **It is not positively prepared:** it is unreasonable for the Council to impose a Policy which relates to sites outside of its administrative boundary and MM4 does not address this issue.
- 2 **It is not justified:** it is also not necessary for the Council to impose policy requirements on sites outside of the Derby City administrative boundary given that the correct mechanism for



this is through the use of policy in the Local Plan for the administrative area in which the site falls. Again MM4 does not address this issue.

**Recommended Change**

In order to address the issues raised above, CEG considers that reference to development on the edge of the City wholly within the administrative boundary of a neighbouring authority should be removed from the first paragraph of Policy CP1(b). The following amendment is therefore suggested:

*“The Council will ~~expect~~ work collaboratively on proposals for development on the edge of the City, ~~either wholly or~~ partly within the administrative boundary of a neighbouring authority to ensure schemes.”*

I would be grateful if you could confirm receipt of these representations by return.

Yours faithfully



**Nicholas Mills**  
Senior Planner

Copy  
Mr R Burke – CEG  
Mr R Wain - Hawksmoor