



Derby City Council  
Local Plan – Part 1 Core Strategy  
Response to Main Modifications Consultation

On behalf of JGP Properties Ltd

October 2016

## **1.0 Introduction**

- 1.1 This Representation is made in response to the Derby City Council Local Plan Part 1: Core Strategy ('the Plan') Proposed Main Modifications Consultation, on behalf of JGP Properties Ltd.
- 1.2 This representation has regard to the soundness of the Plan and makes specific reference to the following Main Modifications: MM1, MM3, MM18, MM25, MM26, MM40, MM41, MM42 and MM70, which are of particular relevance to the promoted site, land south of Lime Lane, Oakwood, Derby. A Location Plan is enclosed for reference in Appendix A. No comments are raised on the Sustainability Appraisal.
- 1.3 Our final Representation is provided for the Inspector's consideration and should be read in conjunction with our previous Representations (October 2015; March 2016; June 2016 and August 2016), mindful of the responses provided. We respond to the consultation on a per modification basis.

## **2.0 Proposed Main Modifications**

### **MM1**

- 2.1 The proposed amendment to Objective 5 is supported as it provides more flexibility in accordance with the principles of the National Planning Policy Framework (NPPF). Whilst it is appreciated that planning policies must support the development of brownfield land, giving priority to the development of brownfield sites, as drafted previously, cannot be fully sustained in this Housing Market Area due to the amount, spread and availability of brownfield sites here. We respect the allocation of both brownfield and greenfield sites, making the best use of previously developed land without precluding the development of greenfield sites, which are typically less constrained and have a shorter lead in time, in order to meet an identified local housing need.
- 2.2 Another aspect to consider when evaluating risk in 'prioritising' brownfield sites is that the Council's delivery record from brownfield sites is poor and this would not suggest that their anticipated rates of completion are realistic. The former reliance on brownfield sites, which have not yet been fully assessed and impose higher risk to delivery due to the constraints

associated with the development of brownfield sites, was optimistic and overstated. The Inspector's proposed modification strengthens the Plan and as such, it is supported.

### **MM3**

- 2.3 Notwithstanding our comments on proposed Main Modification MM1 above, we consider the proposed change to supporting paragraph 4.23 to be more appropriate in the context of the NPPF in terms of delivery of housing. Unchanged, delivery will be delayed and exacerbate the present lack of housing within the City. Accordingly, this modification and subsequent, increased flexibility is supported. It will assist in meeting the objectives of the Plan more effectively.

### **MM18**

- 2.4 We support the proposed modification MM18, which concerns Policy CP7 criterion (b). The Policy seeks to express the amount of affordable housing as a maximum figure and removes now out-of-date references to lifetime homes. These amendments are justified in accordance with the NPPF and the recent changes in planning legislation, and ensure that Policy CP7 goes some way towards being sound and positively prepared.
- 2.5 In our view, further efforts could be made to allow for future changes in national planning legislation, for instance the inclusion of Starter Homes, linking with an anticipated revision to Annex 2 of the NPPF. Such a provision could be easily integrated within the policy wording, for instance for it 'to be flexible to changes in national policy and legislation' as an additional sixth factor supporting criterion (b). It would not be inappropriate or premature to include such provisions, being fluid in the approach to new policy and amendments regarding housing distribution regardless of how they manifest. Our comments are especially important following the royal assent of the Housing and Planning Act 2016 and an indication that statutory instruments will be put in place in due course.

### **MM25 and MM26**

- 2.6 Taken together; proposed main modifications MM25 and MM26 contribute positively to the soundness of the Plan in that the appropriate balance of dwellings will be comprehensively considered, on a site by site basis, taking into account the merits of a scheme. It is unwise to effectively mandate housing composition unless it responds to a specific evidence base and while the SHMA is one of the advised sources it is not without due negotiation based upon viability or other factors.
- 2.7 The proposed modifications have been positively prepared to allow for changes in population, household projections and any future changes in legislation, thus strengthening the policy. It follows that the imposition of indicative targets is not effective as they are restrictive and quickly become outdated.

### **MM40, MM41 and MM42**

- 2.8 In line with our previous representations and participation at the Examination in Public, the addition of new paragraphs after 5.18.5 (MM40), specifically the inclusion of a Green Wedge Review as part of the Part 2 Plan, is supported. Throughout all stages of the Derby City Local Plan Part 1 Examination, we have maintained the importance of a further review of Green Wedges to truly meet objectively assessed needs and help ease the housing pressures in the market area as a whole. We remain of the view, however, that the current Green Wedge Review does not go far enough in assessing the true qualities and values of each applicable site. It follows that we do not consider Policy CP18 to be up-to-date or fully defining of what the true role and function of a Green Wedge is, since it cannot be a policy for the supply of housing in the context of a lack of five year housing land supply.
- 2.9 Whilst stating that: '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', the modification (MM40) stops short of establishing the significance of Green Wedges as a policy jurisdiction and the subsequent weight it should be afforded in a hierarchy of landscape designations.

- 2.10 The policy needs to take into account that the value of Green Wedges and their continued role needs to be balanced with other needs of the City and new opportunities that may arise, which could positively influence their form and use. The policy at present is interpreted as an impediment to development, closing the door on any opportunity that may enhance the local environment. Moreover, whilst not intended to be used as landscape or ecology designations, Green Wedges are continually referred within the preamble of the Council's Green Wedge Review to include these particular characteristics, subsequently informing the Council's decision making on those sites.
- 2.11 In many cases, parts of Green Wedges lie dormant, are highly inaccessible and serve very little community benefit. For instance, the North Oakwood Green Wedge comprises agricultural land east of site allocation AC26 and the Chaddesden Wood Local Wildlife Site (LWS). The Council has interpreted the agricultural land together with the significance that arises from the adjoining LWS designation, informing the Council's view of the Green Wedge as a whole instead of treating individual parts of the Green Wedge separately. Accordingly, the Green Wedge as it stands, fails to encourage new opportunities that would contribute to the local community, support principles for better place making, and deliver realistic ecological and environmental benefits that will arise following sustainable development.
- 2.12 Moreover, Paragraph 115 of the NPPF states that National Parks, the Broads and Areas of Outstanding Natural Beauty have the highest status of protection in relation to landscape and scenic beauty. For the Plan to have been positively prepared in accordance with NPPF, and for national policy to remain silent on Green Wedges, their role and significance is comparatively ill-defined. As such we are unequivocal in that the policy needs to be amended to take into account of where development is proposed.
- 2.13 Proposed Main Modifications MM41 and MM42 are in the main similar to the previous policy wording but refer to the protection of sites of biological or geological importance for nature conservation 'commensurate to their status within the established hierarchy', albeit that said hierarchy is unclear. It is welcome that the proposed amendment MM41 also expands on exceptions for development in, or likely to have an adverse effect on, a locally designated site where significant biodiversity mitigation opportunities could be demonstrated to cause less than substantial or no harm.

- 2.14 We support the wording of this main modification but do consider that it relays our concerns regarding Policy CP18 and the highly restrictive nature of this policy upon development that is most realistically placed to secure substantial biodiversity improvements without detriment. As such, for Policy CP19 to be truly effective on sites that lie within Green Wedges, Policy CP18 needs to be further modified taking into account exceptional proposals that demonstrate such clear and positive opportunities.

### **MM70**

- 2.15 As proposed by MM70, the identification of additional sites for development and further amendments to Green Wedge boundaries, where necessary, are supported. We consider that the Plan is unlikely to deliver the number of homes required by 2028 in a timely manner, given past delivery rates, and due to the present and likely lack of five-year supply at the point of adoption. This is further demonstrated in our recent assessment of household projections.
- 2.16 The necessity of an early review of the Local Plan, as proposed by the Inspector, is also welcomed. Not only is it good practice, it is essential to ensure the delivery of much needed housing within the HMA. Moreover, it is encouraged by paragraph 153 of the NPPF. Notwithstanding this however, the notion that the review will begin 'should we fail to demonstrate a five-year supply of housing land (measured at the end of March each year) for 2 consecutive years after adoption of the Part 2 Plan' comprises a medium to long term solution to a housing need that exists now.
- 2.17 We regard the development of land south of Lime Lane, Oakwood, adjacent to the Core Strategy allocation AC26 would be a credible way of helping to meet ever emerging local housing land supply issues, particularly as this immediately developable site is below strategic size and given that the lead in time will be less, it will contribute significantly to the shortfall in housing land in the short to medium term. Pre-application arrangements are currently ongoing with the City Council on this site since it is clear that the site is an ideal prospect to be assessed on its own merits soon, due to the vast opportunities for ecology, public amenity and green infrastructure it can confidently deliver. These opportunities, or the merits of the proposed biodiversity policy CP19, are at risk by the existing, in our view unsound wording of Green Wedge policy.

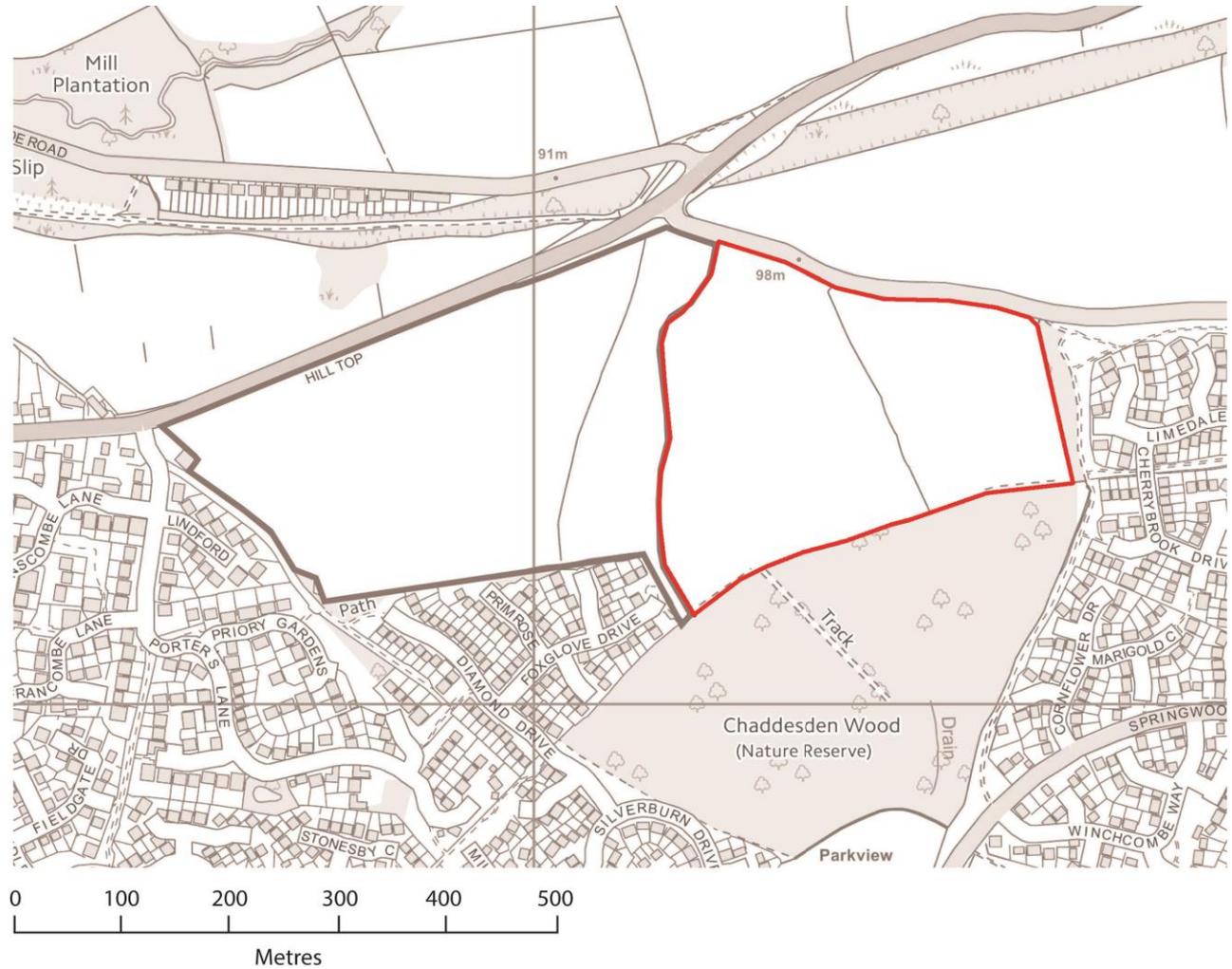
### **3.0 Necessary Changes**

- 3.1 Having regard to the foregoing, further amendments to the Derby City Local Plan Part 1: Core Strategy are required in order to make the Plan sound.
- 3.2 Whilst addressed in more detail above, such changes comprise the following;
- MM18 – Providing sufficient flexibility to allow for anticipated changes in planning legislation;
  - MM40 – MM42 inclusive – Providing clarity on the importance of and weighting of Green Wedges and amending the policy to take into account biodiversity exception sites;
  - MM70 – The identification of additional sites for development to satisfy the current and likely lack of five-year housing land supply, particularly in the short to medium term.

### **4.0 Summary**

- 4.1 This Representation is made on behalf of JGP Properties Ltd in response to the Derby City Council Local Plan Part 1: Core Strategy Consultation.
- 4.2 It sought to consider the proposed Main Modifications of relevance to the proposed development site, land south of Lime Lane, Oakwood, Derby and ultimately, the soundness of the Plan.
- 4.3 Accordingly, this Representation supports the proposed Main Modifications MM1, MM3, MM25 and MM26 whilst supporting, in part, MM18, MM40, MM41, MM42 and MM70. Further amendments, as stipulated in Section 3, are essential to ensure that the Plan is sound.
- 4.4 We seek to be kept informed as to the progress of the Local Plan Examination and should the Inspector decide that further hearings are necessary, we request to participate at the allotted time(s).

## Appendix A - Site Location Plan (Land south of Lime Lane, Derby)



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