

Statement of Consultation – Volume 1

Appendix 4: Pre-Submission Representations Detailed Summary Report



Derby City Council

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1. Format of the Document

- 1.1 This document sets out the summaries of individual representations and comments made to the Pre-Submission version of the City of Derby Local Plan – Part 1 Core Strategy (Core Strategy). It also provides an initial response to each of these representations and – where appropriate – an appropriate ‘action’ – generally expressed as an intention to suggest a modification to the plan at the Examination to be considered by the Inspector.
- 1.2 Each person or organisation who has commented on the plan has been given a ‘respondent’ number (which has remained constant throughout the process). Each individual comment made has also been given a unique reference number within the consultation database. It should be noted that, for ease, officers have split up lengthier comments into separate ‘points’ or ‘issues’. This has made it easier to respond to the issue and has aided their consideration. The original representations can be seen in their entirety on the Council’s website in due course.
- 1.3 The report also identifies which ‘test of soundness’ each comment has been attributed to. In circumstances where the respondent has not identified a specific ‘test’ then officers have tried to interpret their comments as closely as possible against the tests. While this has an element of subjectivity, it does allow for a more comprehensive assessment of the types of issues raised. The report also records whether somebody has responded on the point of whether the plan or policy is legally compliant.
- 1.4 The report also provides basic information on each policy in terms of the number of individual comments/points recorded, how many could be considered ‘objections’, how many ‘supports’ and how many can be just considered general or miscellaneous comments. The number of individual respondents who have commented on a policy is also recorded for completeness.
- 1.5 The format of the report is illustrated overleaf.

Response
Reference

Summary of comment here...

Action here....

Suggested Action (Bold Text)

Rep Type (Objection (OBJ), Comment (COM), Support (SUP))

Rep Id (Unique reference number)

Tests of Soundness and/or Legal Compliance tick boxes

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Derby Local Plan Part 1 - Core Strategy Pre-Submission Consultation Report

GENERAL / MISC COMMENTS

Individual Comments: 26 General / Misc: 14 Objections: 7 Supports: 5 from: 22 representors

13 Natural England

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3517 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Considers the Plan to be legally compliant

Noted.

No change required.

16 AECOM for Highways England

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3608 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Highways England provided a series of comments and suggestions for amendments to the Draft Plan (2013) It is noted that the majority of these comments have been incorporated into the Pre-Submission document and this is welcomed.

Support welcomed

No change required.

45 Home Builders Federation

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3899 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Concerns have been raised about the viability evidence produced for the Council, in particular the PBA assessment published in 2013. In particular they argue that the assessment does not consider all costs associated with development. In conclusion, it is argued that the Council has not undertaken a robust 'whole plan' viability

assessment as outlined in the NPPF.

Two whole plan assessments have been carried out to inform the policies in the Plan. The PBA Assessment (2013) and the NCS CIL Assessment (2014). The latter in particular considered a range of 'policy-on' factors and build costs against a number of development scenarios. This assessment followed tried and tested practices and were conducted by reputable companies using robust models and methodologies. The NPPF requires a proportionate evidence base and this is what has been prepared.

The key test of paragraph 174 is that development is not subject to a scale of contributions that would threaten its viability. This is reflected throughout the plan; 'viability' is a key consideration in the implementation of policy and they are designed to ensure that - subject to the expectations of 'sustainable development' - this issue is taken into account in deciding what will be required.

The evidence demonstrates that there is no "one size fits all" approach to viability; with large variations depending on the scale, nature and location of development. Therefore, adopting a sensible pragmatic approach seems more appropriate in terms of delivering sustainable development, than the "lowest common denominator" approach seemingly advocated by the respondent. The Council's approach is one of balance and this has been informed by the evidence base.

No change required.

149

RPS for St Modwen Properties Plc

☐ Legally Compliant☐ General / Misc Comment

Rep Type:

OBJ

Rep ID:

3779

☐ Not Positively Prepared☒ Not Justified☐ Not Effective☒ Not Consistent with National Policy☐ Not Legally Compliant☐ Sound

St Modwen question the validity and robustness of the Council's viability evidence - arguing that the broad nature of the study did not provide adequate detail to justify the viability of strategic proposals included in the plan. They argue that the plan should have been supported by an appraisal of each strategic site.

Finally, they point to the 2014 NCS viability assessment which indicates that some owner led commercial development could be made viable if the return to developers is reduced. They suggest that this is not compliant with the NPPF.

The suggestion that the Council should have carried out viability assessments for each strategic site is not accepted. National policy makes it clear that the evidence base should be proportionate and that there is no requirement for authorities to provide assessments for each individual site (see NPPG Paragraph: 006Reference ID: 10-006-20140306). The criticism of the report for only looking at certain site typologies is also unwarranted when reading this advice.

In terms of developer returns, the point being made in the NCS assessment is that speculative commercial development exhibits particular viability issues that might be resolved if developers were to accept a lower return. This is merely pointing out a fact. There is no suggestion in the plan that commercial developers

will be required to accept less than a 'reasonable return' from development. Having said this, a 'reasonable return' need not always be set at the level tested in the NCS report. What is considered 'reasonable' would be dependent on a whole range of factors. In any event, the interests of developers are not being prejudiced by this reference in the viability assessment. No change to the plan is required.

No change required.

244

Derbyshire Wildlife Trust

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3866 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Derbyshire Wildlife Trust strongly recommends that elements of the plan are adjusted to reflect the policies of the NPPF in respect of ecological networks.

The Council notes the comments made by the Wildlife Trust but considers that the plan, in this respect, is compliant with the NPPF.

No change required.

420

Erewash Borough Council

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3853 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Erewash considers the plan is legally compliant. Specifically and as far as Erewash are concerned, Derby City have fulfilled the requirements of the Duty to Co-operate as set out within the Localism Act, section 110 and the NPPF paragraphs 178 to 191

Comments noted and welcomed.

No change required.

420

Erewash Borough Council

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3854 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

Erewash considers the plan is sound. Specifically, those elements of the plan which hold special relevance for Erewash it considers have been positively prepared, are justified, will be effective and are consistent with national policy.

Support welcomed.

No change required.

451

Environment Agency

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3795 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

The Environment Agency considers the Derby City Local Plan - Part 1 represents a sound plan and has taken on board our previous comments. The Water and Flooding Position Statement has sequentially tested the strategic allocations and concluded there are no reasonably available sites at lower risk of flooding and, it recognises sewerage capacity issues particularly around the south of Derby and the on-going dialogue with Severn Trent Ltd about addressing the concerns (Plan justified)

Support welcomed

No change required.

451

Environment Agency

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3793 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The Plan is considered to be legally compliant

Noted.

No change required.

454

The Coal Authority

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: Com Rep ID: 3431 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The Coal Authority have no specific comments at this stage

Noted.

No change required.

538

Huskins (Private Individual)

☒ Legally Compliant ☐ General / Misc CommentRep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent considers, on the whole, that the Plan is legally compliant. They have a concern regarding the duty to co-operate resulting from the inclusion of a strategic site in South Derbyshire to the west of Mickleover that appears to have been included without the duty to cooperate being met

Also see comments elsewhere on this issue. It is not considered that there are any legal compliance issues with regard to the duty to cooperate.

No change required.

538

Huskins (Private Individual)

☐ Legally Compliant ☐ General / Misc CommentRep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The representor does not feel that the plan is consistent with national policy and not effective. Concerns have been raised about the impact of South Derbyshire's decision to allocate an additional strategic site on the edge of Mickleover [publicised during the Core Strategy consultation period] and the fact that none of the material associated with the Core Strategy consultation makes reference to this. They argue that this demonstrates a breakdown in the duty to co-operate. It is also argued that the plan is not effective as it does not join up with the strategy of the neighbouring authority. They suggest that the City Council cannot be blamed for this situation unless they knowingly failed to communicate prior knowledge of South Derbyshire's plans to the general public. However, they note that it still indicates a failure of the two authorities to communicate and co-operate with each other which is a fundamental requirement of the NPPF.

This comment is not accepted. South Derbyshire have carried out a public consultation exercise on their proposal and the City Council have provided comments. Owing to the stage South Derbyshire are at in their process, there can no longer be an issue with the duty to cooperate. Under Section 20 of the 2004 Act the duty to cooperate ends with Submission of the plan. As their plan has been submitted, there is no longer a legal requirement in place. Notwithstanding this, it is not accepted that there has been a 'breakdown' in the co-operation between the authorities. The timing on the City's consultation did not allow for reference to be made to South Derbyshire's proposals. However, it is not incumbent on the City to make reference to other authority's plans in its own strategy document (particularly when there is no guarantee that this site will for part of South Derbyshire's final strategy; this is to be determined at their own Examination).

No change required.

541

Cooper (Private Individual)

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: ☐ OBJ Rep ID: 3980
 ☐ Not Positively Prepared
 ☐ Not Justified
 ☒ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

The quality of maps is exceedingly poor as all landmarks are out of the City boundary and it is impossible to have accurate measurements and locations.

Comment noted. The maps in the document are intended to be for illustrative purposes only. They are not intended to be for accurate measurements. This will, of course, be addressed through the main policies map.

No change required.

581

Huskins (Private Individual)

☐ Legally Compliant
 ☒ General / Misc Comment

 Rep Type: ☐ OBJ Rep ID: 3693
 ☐ Not Positively Prepared
 ☐ Not Justified
 ☐ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

The respondent has concerns regarding the soundness of the Plan and the process due to a neighbouring authority allocating a large site on the boundary, justifying it on the basis that the site would make use of the infrastructure in Mickleover and the City in general.

Concern has been raised to the fact that the City's consultation material makes no reference to the site on its boundary in dealing with the sustainability of the sites that are being allocated in the Local Plan.

Also see comments elsewhere on this issue.

South Derbyshire have consulted on a potential allocation to which the City has responded. As explained elsewhere, there are no legal or soundness issues here with regard to the duty to cooperate. Nor is it necessary for the Council to refer to other Councils' plans in its own strategy.

In terms of the SA, the site in question has been assessed in its own right. There is no requirement for the Council's SA to consider another authority's sites in its own SA. Furthermore, any assessment of cumulative impact would be premature as the site is not currently allocated or a commitment.

No change required.

597

Moore (Private Individual)

☐ Legally Compliant
 ☒ General / Misc Comment

 Rep Type: ☐ OBJ Rep ID: 3696
 ☐ Not Positively Prepared
 ☐ Not Justified
 ☐ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

It would appear that the authorities making up the Derby Housing Market Area are not working closely together to provide an integrated and well thought out plan for the area. The lack of such close working will produce a flawed, non-optimum plan for the Derby HMA.

It appears that planning committees are accepting bids from developers to make up their housing allocations whatever the effect on the local community, particularly when it is another LA area.

If the authorities are working together a map showing the planned housing and employment opportunities over the whole of the HMA would be expected.

The Plans are aligned rather than a single plan. While the Key Diagram does identify allocations in the Derby urban area, there is no reason and nothing to be gained by providing an HMA wide map. The plan is not a development management tool for the City, not an informative on the strategies of neighbouring authorities.

Developers can submit applications where and when they want and these have to be determined by the Local Authority on planning grounds. Each case is judged on its merits and thus the impact on local communities are considered.

No change required.

657 Gibbons (Private Individual)

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: Com Rep ID: 3529 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent suggests that he doesn't really understand "soundness" and that it probably requires legal training. Expects 90% of comments will be predictable opposition to new housing estates.

Comments noted.

No change required.

785 Lillie (Private Individual)

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3445 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Considers the plan is legally compliant

Noted.

No change required.

1007	Taylor (Private Individual)	<input checked="" type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	Com	Rep ID: 3456	<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

The Plan is considered to be legally compliant

Noted.

No change required.

1010	Taylor (Private Individual)	<input checked="" type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	Com	Rep ID: 3500	<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

Considers the Plan to be legally compliant

Noted.

No change required.

1032	Historic England	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	SUP	Rep ID: 3460	<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input checked="" type="checkbox"/> Sound

Historic England fully support and welcome contents of the Plan. Consider there are numerous references to protection of the historic environment and consider meets the requirements of the NPPF (Policy 126)

Support welcomed.

No change required.

1032 Historic England ☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3458 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The Plan is considered to be legally compliant

Noted.

No change required.

1036 Nottinghamshire County Council ☐ Legally Compliant ☒ General / Misc Comment

Rep Type: Com Rep ID: 3461 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Nottinghamshire County Council have no comments at this stage.

Noted.

No change required.

1038 Anonymous 29 (Private Individual) ☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3463 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

As far as the respondent is aware, they believe to be legally compliant

Noted.

No change required.

1040 Kedleston Voice ☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3530 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Considers the Plan to be legally compliant

Noted.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: Com Rep ID: 3958 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent welcomes the clear presentation and layout throughout most of the Local Plan, albeit notes there is a huge amount of repetition within the Plan. Points out that there is a large section within Part 2 'Derby in Context' where the paragraph numbers are missing. The Inspector is sure to pick this up.

The text referred to is a series of bullet points setting out the physical characteristics of Derby. Paragraph numbers are not necessary. The respondent is not specific in terms of what parts of the plan are repetitive so it is not possible to offer modifications to rectify this, if indeed it is considered a pertinent issue.

No change required.

1055 Wren (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3784 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

The Plan has been positively prepared with chapters 2,3 and 4 making a reasoned assessment of all the key issues. It has been based on a robust and credible evidence base. It is consistent with the NPPF, providing a reasonable level of housing with the emphasis on using previously developed land and protecting heritage assets. There is no reason why the aims of the Core Strategy Part 1 cannot be achieved over the plan period.

Support welcomed

No change required.

1. Introduction

Individual Comments: 1 General / Misc: 1 Objections: 0 Supports: 0 from: 1 representors

1047 Pegasus Planning Group LLP for Interests in Acorn Way ☒ Legally Compliant ☐ General / Misc Comment
Rep Type: Com Rep ID: 3637 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The Plan is considered to be legally compliant.

Noted.

No change required.

2. Derby In Context

Individual Comments: 10 General / Misc: 4 Objections: 3 Supports: 3 *from:* 5 *representors*

476 pfbbuk

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: Com Rep ID: 3432 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The last paragraph of page 7 should read "The Cathedral Quarter BID Company has been established in this area..."

Noted and accepted.

Suggest a modification to delete "Quarter" from last paragraph on page 7 and replace with "area" for clarity.

476 pfbbuk

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: Com Rep ID: 3433 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

St Peters Quarter should have no full stop or apostrophe in its name in first paragraph of page 8

Noted and accepted.

Suggest modification to correct typo in first paragraph of page 8 as suggested.

1040 Kedleston Voice

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3533 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

Supports recognition in 'Traffic and Accessibility' that there is significant traffic congestion and traffic has led to identification of a number of Air Quality Management Areas. Consistently argued that traffic from Kedleston Road development will increase air pollution in and around Five Lamps as well as traffic congestion.

Support welcomed

No change required.

1040 Kedleston Voice ☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3532 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

Very supportive of the comment in Chapter 2 under heading of 'History and Heritage' that "there are also a number of large historic houses, set in important parks and gardens, including Kedleston Hall to the west of the City..."

Support welcomed

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd ☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3909 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Within the 'Natural Environment' section of this chapter, it is misleading to say that 'much of the greenfield land within the City itself is currently protected as Green Belt, Green Wedge or public open space' since this implies that they all have the same status, importance and policy backing - which clearly they don't. The Council needs to scrutinise more carefully the land contained within their Green Wedges to ensure that they are serving a genuine 'green wedge purpose'.

The text is a simple statement of fact as to their definition without any implication as to their importance or policy backing.

The land included within Green Wedges was scrutinised through the Green Wedge Review which considered whether they served a genuine Green Wedge purpose; this particularly being the case with the Spondon site.

No change

1045 Acres Land & Planning Ltd for British & Continental Co Ltd ☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3911 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The sections on 'climate change', the 'economy' and 'natural, built and historic environment' highlight the opportunities for positive planning and for adapting green infrastructure to provide genuine public benefits. This is a more constructive approach to wards the treatment and consideration of Green Wedges within the City which we would support.

Again, there appears to be a misunderstanding of the purpose of this section. It is not an expression of policy but rather a description of the City as it currently

is. It has nothing to do with the consideration of Green Wedge policy.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3908 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Chapter 2 is largely descriptive and helpful in setting the scene. Care needs to be taken that the background text does not drive the policy framework e.g. description of the surrounding communities and their sense of identity should not necessarily be viewed as a precursor to rigidly applying Green Wedge policy (no doubt popular locally but is not supported by Government Policy) when the City needs to cater for its housing needs.

Nor is it appropriate that Green Wedges should remain fixed in their extent when the Council is trying to achieve a sustainable pattern of development. In most cities where Green Wedges exist, they have evolved to reflect the relative importance of the land contained within them and have grown outwards accordingly.

The text in Chapter 2 is descriptive of Derby, it is background information and does not drive the policy framework. The Green Wedges were reviewed in the Green Wedge Review and some areas were considered suitable for release for residential development.

A function of Green Wedges is to protect the character of the areas in which they are found. Government guidance in NPPF paragraph 7 refers, in relation to the environmental role of sustainable development, to contributing to protecting and enhancing the natural built and historic environment and, in paragraph 17, relating to core planning principles, to taking account of the different roles and character of different areas. These two paragraphs, whilst not specifically referring to Green Wedges, support the principle of their designation.

The respondent does not appear to recognise that Green Wedge boundaries have been reviewed already in preparing the plan.

No change required.

1047 Pegasus Planning Group LLP for Interests in Acorn Way

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3639 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The plan is considered to be legally compliant

Noted.

No change required.

1047	Pegasus Planning Group LLP for Interests in Acorn Way	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment						
Rep Type:	OBJ	Rep ID:	3640	<input checked="" type="checkbox"/> Not Positively Prepared	<input type="checkbox"/> Not Justified	<input type="checkbox"/> Not Effective	<input type="checkbox"/> Not Consistent with National Policy	<input type="checkbox"/> Not Legally Compliant	<input type="checkbox"/> Sound

Figure 3 in Section 2 shows the relationship of the City with adjoining local authority areas and the extent of the Derby HMA.

For clarity it would be helpful if the plan was amended to clearly show Erewash Borough and also that this area to the east of the City forms part of the Nottingham Core HMA. It is important that the interrelationships between the adjoining HMAs is clearly set out.

Figure 3 shows the Derby HMA. Any detail outside the area are to place the City in a geographical context. Para 1.3 refers to Erewash and its relationship with the City and the Plan should be read as a whole.

No change required.

1055	Wren (Private Individual)	<input checked="" type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment						
Rep Type:	Com	Rep ID:	3783	<input type="checkbox"/> Not Positively Prepared	<input type="checkbox"/> Not Justified	<input type="checkbox"/> Not Effective	<input type="checkbox"/> Not Consistent with National Policy	<input type="checkbox"/> Not Legally Compliant	<input type="checkbox"/> Sound

The Plan is considered to be legally compliant. It appears to have been prepared with regard to the Derby Plan and national guidance, particularly the NPPF. Following requests from the Inspectors at the AVBC and SDDC Examinations it now appears that the duty to co-operate has been complied with

Noted.

No change required.

3.What will Derby be like by 2028

Individual Comments: 15 General / Misc: 2 Objections: 7 Supports: 6 from: 8 representors

32 Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3599 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Spatial Objective 4 on pages 11 and 12 refers to the need to deliver new communications infrastructure to strengthen Derby's economy by making it an attractive location for major employers and inward investment. This is welcomed.

Support welcomed.

No change required.

32 Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3600 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The inclusion of Spatial Objectives 7, 8 and 9, which together seek to develop a network of high quality, safe and accessible Green Infrastructure, are welcomed.

Support welcomed.

No change required.

32 Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3601 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Spatial Objective 12 is particularly supported and helpful.

Support welcomed.

No change required.

45

Home Builders Federation

☐ Legally Compliant☐ General / Misc Comment

Rep Type:

OBJ

Rep ID:

3901

☐

Not Positively Prepared

☐

Not Justified

☐

Not Effective

☒

Not Consistent with National Policy

☐

Not Legally Compliant

☐

Sound

There are a number of out of date policies the Council should reconsider including the reference to Lifetime Homes in Spatial Objective 6

Suggest modification to remove 'lifetime homes' from Objective 6 to make it consistent with Government Guidance.

Suggest modification to remove 'lifetime homes' from the bullet list.

55

The National Trust

☐ Legally Compliant☐ General / Misc Comment

Rep Type:

SUP

Rep ID:

3612

☐

Not Positively Prepared

☐

Not Justified

☐

Not Effective

☐

Not Consistent with National Policy

☐

Not Legally Compliant

☒

Sound

National Trust strongly supports the commitment made by paragraph 3.17 to protect and where possible to enhance the attractive landscapes and historic settings outside the city's boundaries including Kedleston Hall. Also endorse the Council's aspiration of improving access to these areas from all parts of the city. National Trust would be pleased to work with the local authority and other landowners to enhance and promote access corridors between the city of Derby and Kedleston Park and Hall.

Support welcomed

No change required.

244

Derbyshire Wildlife Trust

☐ Legally Compliant☐ General / Misc Comment

Rep Type:

OBJ

Rep ID:

3868

☐

Not Positively Prepared

☐

Not Justified

☐

Not Effective

☒

Not Consistent with National Policy

☐

Not Legally Compliant

☐

Sound

DWT support the recognition as the River Derwent as a Blue Corridor and the intention to work with the Environment Agency on flood protection. However, in order to be compliant with the Water Frameworks Directive we would recommend that this paragraph also gives recognition to the biodiversity resources of the river and the work that could be achieved to improve water quality and other WFD targets.

This section of the Plan is a statement of the Council's vision for Derby in the future, it is not a statement of policy.

No change required.

244

Derbyshire Wildlife Trust

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: Rep ID:
☐ Not Positively Prepared
 ☐ Not Justified
 ☐ Not Effective
 ☒ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

DWT support the intention to protect and improve the natural environment and particularly the recognition of wildlife sites. However DWT would recommend that in order to be compliant with NPPF (section 11 para 109 & 113) that this section identifies that the City has a commitment to developing an ecological network with the green infrastructure

This section of the Plan is a statement of the Council's vision for Derby in the future, it is not a statement of policy.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by a number of actions; paragraph 113 requires that 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. Policies CP16 - Green Infrastructure and CP19 - Biodiversity meet these requirements. The Plan should be read as a whole.

No change required.

476

pfbbuk

☐ Legally Compliant
 ☒ General / Misc Comment

 Rep Type: Rep ID:
☐ Not Positively Prepared
 ☐ Not Justified
 ☐ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

Paragraph 3.6 should use the BID's full names i.e. Cathedral Quarter and St Peters Quarter

These references are not to the BID areas, but rather the policy areas referred to in Policy AC2. A change is not necessary, therefore.

No change required.

1040

Kedleston Voice

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: Rep ID:
☐ Not Positively Prepared
 ☐ Not Justified
 ☐ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☒ Sound

Kedleston voice supports the comment in paragraph 3.17 regarding landscapes and historic settings outside the city's boundaries being protected and where possible enhanced.

Support welcomed.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: OBJ Rep ID: 3913 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The reference within paragraph 3.12 to the distinctiveness of individual communities and the need to prevent coalescence between them is important. The paragraph continues by emphasising that 'the 'principle' of Green Wedges will be maintained, although some of them will become narrower to accommodate new housing. Qualitative enhancements to wedges will have to be delivered, particularly where wedges have been narrowed to accommodate more housing'. This needs to be reflected in the content of the Local Plan and the outcome of the Green Wedge review.

The Green Wedge Review acknowledged that some areas of Green Wedge could be released for residential development and this has been reflected in the Local Plan through the proposed allocation of sites for housing in the Mickleover/Mackworth, Chaddesden, Oakwood and Boulton Moor areas of the City. However, the general support given for the principle of maintaining separation between areas is welcomed.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: OBJ Rep ID: 3912 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The Spatial Objectives under para. 3.23 underline the principles of sustainable development. Point 8 'to enhance the role of Derby's Green Wedges by recognising and protecting them ...' needs to be qualified to make it clear that the extent of the Green Wedges needs to be carefully balanced against the legitimate development needs of the City - otherwise less suitable and sustainable land in South Derbyshire and Amber Valley may be sacrificed in place of suitable sites in Derby.

Spatial Objective 8 is setting out the intentions for Green Wedges with regards to their role in Green Infrastructure, it is not for the provision of land for housing development. The Green Wedge Review considered all Green Wedges in the City in relation to their purpose and whether any areas could be released without adversely affecting their function. This has led to the allocations being proposed. Areas retained as Green Wedge maintain their current importance (or, arguably, as a certain amount of wedge is being released, they will take on greater importance).

It acknowledged that some areas of Green Wedge could be released for residential development and this has been reflected in the Local Plan through the proposed allocation of sites for housing in the Mickleover/Mackworth, Chaddesden, Oakwood and Boulton Moor areas of the City. The constraints that Green Wedge policy (along with other constraints) and the work that has been done to consider their importance has been shared with South Derbyshire and Amber Valley and they are content that the City's capacity constraints are valid. Furthermore, the issue of Derby's 'cap' has been considered at a Joint Hearing into

their Core Strategies and no concerns have been expressed by the Inspectors that the City has not explored all avenues properly. The respondent's points are not accepted.

No change

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3915 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The bulk of the text within this section is not so much a 'Vision', more like a prelude to the Plan itself, albeit without sufficient justification behind it. The vision pre-judges rather than explains the policies which follow.

It is not agreed that this section pre-judges the policies that follow. The Spatial Vision sets out what kind of place we want Derby to be by the end of the Plan period, the aim being that this vision is brought about by the implementation of the policies which follow.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3914 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Para 3.16 refers to the 'principle' of Green Wedges being protected, with a 'presumption against inappropriate development' within them. Clearly there cannot be a more restrictive approach to Green Wedges - which have no policy support within NPPF or NPPG - than within Green Belt, which has a clear policy presumption against development.

There is not a more restrictive approach in Green Wedge than in Green Belt.

A function of Green Wedges is to protect the character of the areas in which they are found. Government guidance in NPPF paragraph 7 refers, in relation to the environmental role of sustainable development, to contributing to protecting and enhancing the natural built and historic environment and, in paragraph 17, relating to core planning principles, to taking account of the different roles and character of different areas. These two paragraphs, whilst not specifically referring to Green Wedges, support the principle of their designation. Green Wedges have been found to be consistent with the NPPF in recent appeals and that their protection should continue to be given weight. It is not accepted, therefore, that they do not have any national policy support.

No change

1055

Wren (Private Individual)

☒ Legally Compliant ☐ General / Misc Comment

Rep Type:

Com

 Rep ID:

3785

☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The Plan is considered to be legally compliant, having been prepared with regard to the Derby Plan and national planning guidance, particularly the NPPF

Noted.

No change required.

1055

Wren (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type:

SUP

 Rep ID:

3786

☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

The Plan has been positively prepared, being based on a robust and credible evidence base. The protection of the historic environment particularly the setting of nationally important listed buildings on the outskirts of the City is consistent with the guidance in Chapter 12 of the NPPF.

Normal development control procedures will ensure that the undertaking in paragraph 3.17 regarding attractive landscapes and historic settings outside the city's boundaries such as Kedleston Hall can be achieved.

Support welcomed

No change required.

4.The Strategy for Derby

Individual Comments: 24 General / Misc: 1 Objections: 17 Supports: 6 from: 11 representors

32 Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3576 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that the broad scale and distribution of housing growth proposed in policy CP6 is supported subject to the outstanding evidence base issues relating to secondary school education provision. They feel that to set a housing target above 11,000 dwellings would adversely impact on important areas of green belt, green wedge and designated heritage and landscape assets.

Support welcomed

No change

32 Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3570 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The overall Strategy set out in section 4 is broadly supported. In particular it is supported because it will provide a sustainable scale and distribution strategy to meet needs and continue the principle of growth. It will strategically protect the Green belt and WHS from inappropriate development and make provision for strategic urban extensions to the City

Support welcomed

No change

32 Derbyshire County Council

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3571 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

Paragraph 4.16 emphasises the strategy is one of ambitious growth in accordance with the NPPF.

Support welcomed

No change

32

Derbyshire County Council

☐ Legally Compliant

☐ General / Misc Comment

Rep Type: SUP Rep ID: 3572 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

The strategy for housing, employment, retail and leisure, green belt and transport is based on a comprehensive and extensive range of robust evidence.

Support welcomed

No change

45

Home Builders Federation

☐ Legally Compliant

☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3890 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that the Green Wedge policy should not have constrained the City's ability to meet it's objectively assessed housing needs. The Green Wedge Review should have been robustly undertaken.

The Green Wedge review is a piece of technical evidence base which has been used to inform the plan making process and particularly identify the role and function of each of the wedges and the degree to which they are fulfilling these important roles.

Although Green Wedge itself is not a national designation the purposes of the wedge deliver the aspirations and requirements of the NPPF, particularly in the area of character of local communities.

Land in green wedges is not just 'open land'. Its open character forms the green wedge purpose. However, the multitude of important uses in these areas also restrict the ability to release them for housing. Land in green wedges can include schools and school playing fields and sports pitches, parks, allotment garden, private sports grounds, biodiversity sites, SSSIs wildlife sites etc. these are all crucial contributors to the overall sustainability of the City.

The Green Wedge was not used as a blanket reason against housing delivery. Several parts of wedges are released in the Plan to deliver new homes. In fact about 20% of the total housing delivery in the City is expected to happen through release of Green Wedge land. The review has been used to inform planning applications and several of the sites which it identified as having potential for release for housing have been granted planning permission. Some are already under construction. In many ways, the Green Wedge Review has already been used to justify the release of land for housing in areas which would be contrary to

existing local plan policy. The review is serving a purpose as evidence base and has been afforded weight in decision making in advance of the Plan being examined or adopted.

No change required.

45

Home Builders Federation

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: ☐ OBJ Rep ID: 3897 ☒ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that if the Council is to consider allocating more sites as a result of not establishing a 5 year housing supply, it should be mindful to maximise the supply using the widest possible range of sites, by size and market location. This will mean that all types of house builder will be able to access suitable land which in turn will increase housing delivery.

The strategy includes enough sites to deliver the housing target over the lifetime of the Plan. More specific sites will be allocated in the Part 2 Plan and this will involve a range of sites.

The point that the respondent makes about identifying a wide range of sizes and types of sites to deliver new homes is acknowledged and their support for the Council's approach is welcomed. The Council agrees that the best strategy is to allocate a varied mix of site types and sizes, both brownfield and greenfield, small and large, in order to allow the full range of house builders access to deliver new homes. This mix includes small sites, windfalls, regeneration sites, suburban greenfield sites, urban extensions and city centre living. There is no need, therefore, to allocate additional sites at this time.

No change required.

45

Home Builders Federation

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: ☐ OBJ Rep ID: 3887 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that the OAHN for the HMA (33,388) between 2011 and 2028 is considered to be an overly pessimistic figure which will not significantly boost housing supply over the Plan period.

The evidence which supports the OAHN has already been considered by two Inspectors examining Amber Valley and South Derbyshire's Plans. They have written to confirm that they are happy that the number is justified. The HBF have provided no evidence as part of this representation to justify an alternative figure.

In terms of Derby, between 2008 and 2012 the average annual dwelling completions were 443 a year. The NPPF was introduced in 2012 with the goal of boosting housing supply. Derby's housing needs from 2011 to 2028 are evidenced at 16,388 and the Plan sets out how these will be met both in the City and in South Derbyshire and Amber Valley. The dwelling need of 16,388 will be met over 17 years averaging at 964 dwellings a year. This will provide a significant boost to housing supply in the area.

No change

45

Home Builders Federation

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3891 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that because not all of the 11,000 dwellings required to meet the City's target are identified, and that some 1,294 dwellings are set to be identified in the Part 2 Plan, it will not be certain upon adoption of the Part 1 Plan that the Council's land supply will be maintained.

The Part 1 Plan will set out the overarching strategy and identify strategic sites as well as providing enough allocated sites to establish a 5 year housing supply.

Evidence in the SHLAA suggests that there is a large enough pool of smaller, non strategic sites to find the further 1,294 dwellings required in the Part 2 Plan. Indeed, some of these are already part of the long term supply and are expected to be delivered.

The Council considers that, with hindsight, a single plan may have been a better option, that the two part plan is a sound and pragmatic way of progressing to get a strategy in place rather than the alternative which would be to start again and cause significant further delays.

No change required.

63

Nathaniel Lichfield and Partners for Commercial Estates Group

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3651 ☒ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent considers that Derby's unmet housing need (5,338 dwellings which has been identified as being met in Amber Valley and South Derbyshire may be greater than 5,388 for reasons set out in their other representations about the ability for Derby to deliver 11,000 dwellings in the City.

As set out in response to the other representations made by Commercial Estates Group, The Council feels that it has an evidence and deliverable strategy for meeting its needs. The Councils Plans to deliver new homes comply with the NPPF in that the strategy seeks to boost significantly the supply of housing and that the Plan is aspirational but realistic.

The range of site types and locations set out in the strategy will mean that the homes are delivered. The Council's justification for this is set out in the Interim Housing Position Statement.

No change

63

Nathaniel Lichfield and Partners for Commercial Estates Group

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: ☐ OBJ Rep ID: 3652 ☒ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondents feel that the New house Farm site in South Derbyshire is capable of accommodating the unmet need from Derby in a location which is appropriate to meeting n the need (on the edge of the City)

The sustainability of the site has been accepted by SDDC at the appeal Inquiry for a 300 unit scheme on part of the site. The Council has also accepted the sustainability of the wider site in resolving to agree the addition of the site as a strategic allocation of around 1,650 dwellings in its local plan.

CEG therefore considers that DCC should support the allocation of the site for residential development irrespective of whether the 11,000 dwelling target for the City can be achieved or not.

South Derbyshire District Council is still considering whether the wider Newhouse Farm site is a sustainable location for housing. It has not formally agreed to allocate the site for housing without further evidence testing.

As stated in responses to other representations from the representor, the City council feels that it can meet the 11,000 dwelling target that it has set for Derby and which is justified by the evidence base. There is no reason to decant any additional requirements to South Derbyshire or Amber Valley.

No change

149

RPS for St Modwen Properties Plc

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: ☐ OBJ Rep ID: 3773 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that the site assessment information included in the August 2015 Site Summary Compendium is not a full assessment and that a number of sites, including the one at Derwent Triangle have been discounted without clear assessment.

They state that the Compendium should include these sites so that the information about suitability, availability and achievability is presented in a transparent way.

This site was considered as a potential housing site early in the process. It is assessed in terms of its availability, suitability and achievability in the SHLAA. It has also been considered in the SA as a housing site. The Site Summary Compendium is not the only part of the evidence base that has considered the merit of housing sites. The evidence base should be read in its entirety.

The site has constraints which make it a poor location for housing, particularly if the housing component of a mixed use was small. It is not located part of or close to any other community and is part of a wider locality of retail and employment uses.

it has been promoted as a strategic employment location and the promoters have indicated in recent years that was their aim. It was included in the Draft Pan as a strategic employment location and no objection on the basis of residential development was received.

No change required.

151 Signet Planning for Peveril Homes

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: ☐ OBJ Rep ID: 3761 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent has identified that if the Plan is adopted in 2015 it would be 12 years before the end of the Plan period in 2028 and paragraph 157 of the NPPF recommends a 15 year framework for development plans.

It is recognised that plans have been adopted with a time span of less than 15 years but they rely on an early review mechanism.

Derby is clear that its capacity is 11,000 dwellings to 2028 and the respondent asks where growth will go post this date.

They state that the Plan should make a clear reference to a full strategic review and suggest this should be no more than 5 years from adoption.

It is acknowledged that development plans should preferably have a 15 year time horizon. There have been delays in the plan making process due to procedure and mainly relating to joint working and the progress of the other HMA authorities' plans.

However, as noted by the respondent, it is not a requirement or a test of soundness that plans must cover a 15 year period from adoption and others have been found Sound with considerably less than this.

In terms of the query about where growth will go beyond 2028, it is not a requirement of the NPPF or a test of Soundness to identify where growth will take place beyond the plan period.

No change required.

244

Derbyshire Wildlife Trust

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: ☐ OBJ Rep ID: 3871
 ☐ Not Positively Prepared
 ☐ Not Justified
 ☒ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

Derbyshire Wildlife Trust considers that the plan is not effective and requests that the Key Diagram should include the SSSI and all the Local Nature Reserves. They also consider that the Part 2 plan identifies all Local Wildlife Sites and statutory designations.

The key diagram is a general representation of the development strategy for the City and, it should be noted, does include the SSSI. The Council considers that, given the nature of the key diagram, it would not be appropriate in this instance to show the Local Wildlife Sites. At the present time, the Proposals Map and Appendix B of the City of Derby Local Plan Review indicate the Local Wildlife Sites; both will be used in conjunction with the Part 1 Local Plan. Finally, the Council considers that it is not the appropriate time to make comments on the Part 2 Local Plan; discussion regarding this matter will be held with the wildlife trust at the appropriate time in the plan-making process.

No change required.

244

Derbyshire Wildlife Trust

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: ☐ OBJ Rep ID: 3869
 ☐ Not Positively Prepared
 ☐ Not Justified
 ☐ Not Effective
 ☒ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

The respondents advise that the emphasis of the NPPF (para 9) for sustainable development includes an environmental role which recognises biodiversity and sets a target of moving from a net loss of biodiversity to gains. This should be clearly identified in this section of the plan.

This particular part of the document is concerned with Delivering Growth. The importance of the natural environment and biodiversity is referenced in several places throughout the Plan. The Plan should be read as a whole. The NPPF is the national Policy and also gives great importance to the environmental importance of sustainable development. There is no need to repeat this.

No change required.

911

Wright (Private Individual)

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: ☐ OBJ Rep ID: 3449
 ☐ Not Positively Prepared
 ☐ Not Justified
 ☒ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

The respondent feels that green space should only be used for building new housing as a last resort. Existing buildings should be demolished/cleared to make way for new

housing. The respondent gives the example of land off Great Northern Road as being such a site which should be developed for housing.

The Plan seeks to promote regeneration and the use of brownfield land for new homes. Several strategic brownfield sites and locations are allocated to deliver new homes. The Plan also includes a windfall allowance and it is expected that the vast majority of these dwellings will be on brownfield land. Further non-strategic sites will be allocated in the Part 2 Plan and the majority of these are expected to be on brownfield land.

The evidence on land supply must be considered in the context of delivery. Plans must be deliverable and concerns exist over the deliverability of some brownfield sites because they require costly mitigation and are not in high value areas.

Derby's OAHN is 16,388 (2011 to 2028) and 5,388 of these dwellings are to be met in neighbouring authority areas because of the lack of sustainable, deliverable locations in the City. The Plan seeks to meet as much of the City's OAHN in the City as possible and releases greenfield sites to do this where the loss of the land would be acceptable. To restrict greenfield development in the City would simply mean more greenfield sites would be required on its periphery in other local authority areas.

No Change

911	Wright (Private Individual)	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	OBJ	Rep ID: 3448	<input checked="" type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

The respondent acknowledges the need to build more houses but says that the strategy should also incorporate the essential requirement for the infrastructure to support it. He particularly identifies roads, schools, GP surgeries and shops as being needed.

The Plan does seek that the required infrastructure is delivered to support the new growth. The Plan is supported by an Infrastructure Delivery Plan (IDP).

New strategic infrastructure will be provided in the form of a new Secondary School which will be located to meet needs arising in both Derby and South Derbyshire. A new strategic road system is also planned within the strategy. The Southern Derby Integrated Transport Link (SDITL) will form part of the major transport mitigations by providing a new road from Sinfin/Chellaston to Stenson Road. Modelling suggests that this will have much wider traffic benefits across the south of the City.

The respondent's representation particularly identifies growth sites in and around Mickleover. Some of these sites are in South Derbyshire. The site specific policies for each housing allocation make specific infrastructure requirements to mitigate for the new growth. For example, the Hackwood Farm cross boundary allocation requires junction improvements, a new primary school, a local shopping centre and improved access to Mickleover for walking/cycling.

No Change

1040 Kedleston Voice ☐ Legally Compliant ☐ General / Misc Comment
Rep Type: SUP Rep ID: 3535 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

The respondent supports the approach to housing need set out in paragraph 4.21. Kedleston Voice has argued that South Derbyshire is a better location to take more new housing than Amber Valley because of the distribution of existing and new employment facilities to the south of the City Centre.

Support welcomed.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd ☐ Legally Compliant ☐ General / Misc Comment
Rep Type: OBJ Rep ID: 3922 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent states that the Key Diagram indicates that two of the key employment locations are at Derwent Triangle and Spondon. It would be logical to locate more housing in the north eastern sector of the City to achieve a better relationship between homes and jobs.

The relationship between homes and jobs is clearly important in terms of sustainability. However, it must be noted that Derby is a compact City with high levels of accessibility between homes, jobs and recreation. Where appropriate the plan does seek to provides homes and jobs in close proximity, but this is only appropriate where the sites are considered sustainable in their own right. A number of sites proposed in this part of the City have significant constraints that render them unsuitable for residential development. The comments also seem to ignore the fact that there are large existing residential neighbourhoods in the north east of the City already who can benefit from the employment created on these sites.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd ☐ Legally Compliant ☐ General / Misc Comment
Rep Type: OBJ Rep ID: 3919 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that the 'in-house' Green Wedge Review undertaken in 2012 was not sufficiently objective or sufficiently probing. It was considered at a time when housing needs were lower and hence needs to be updated to reflect the need for sites. It should be reviewed by an independent source.

The Council feels that the Green Wedge Review is a thorough and robust assessment and is objectively based. It considers the specific roles and functions of each wedge and uses an approach which considers how and to what degree the wedge functions and if the wedges could be amended without significantly undermining their primary functions.

There is no requirement for out-sourcing of such work. The respondent does not clarify what benefit would be gained by employing an external source to complete the Review. There are actually many benefits of carrying out this type of work in-house. Indeed, the respondent appears to have misunderstood the purpose of the Review. The Review is a spatial assessment of the wedges and their purpose and function and considers if they could continue to perform that function if they are amended. The respondent appears to feel that the purpose of the Review was to simply release enough land to meet Derby's housing needs. This is not the case. The scale of housing need equally does not change whether or not a site or parcel of land is consistent with the role, function, purpose and character of the wedge.

The Green Wedge Review has been given weight at several appeals and has been considered a relevant piece of evidence worthy of weight.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3921 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that paragraph 4.23 suggests that the housing strategy will 'prioritise' brownfield regeneration sites and that this goes beyond the emphasis in the NPPF that brownfield sites should be encouraged.

The respondent points out that just because land is brownfield it is not necessarily 'sustainable' and that he is promoting land in Spondon which meets the economic, social and environmental factors of 'good planning', albeit on a greenfield site.

It is acknowledged that the NPPF seeks to encourage and not to prioritise brownfield sites.

The respondent refers to the three threads of sustainability or 'good planning' as being environmental, social and economic but has at several points in his response criticised the Green Wedge Review saying that it has no substance and inferring that the wedges should be released to the degree required to meet housing needs irrespective of environmental or other impact.

Derby is a compact City and needs to meet the needs of its growing population. To be consistent with the NPPF it is crucial that open land is available for many purposes including wildlife and biodiversity, public greenspace, playing pitches, school fields, allotments and others. Therefore in order to meet the requirements of the NPPF, the strategy needs to ensure that brownfield land is used efficiently and that important greenfield uses are provided and protected

as much as possible. This is a sustainable approach.

The respondent states that he is promoting a site in Spondon. This site, at Acorn Way, has failed to be allocated in previous Plans where the Inspector has given weight to its importance as a green wedge in separating and defining Chaddesden and Spondon. It has also had 2 planning application refused although the most recent one is currently the subject of an appeal.

The Council's evidence has deemed the site to be unsuitable for housing development or allocations of environmental reasons. It does not therefore meet the three measures of sustainable development.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3916 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent warmly welcomes the Council's emphasis on delivering growth within the Strategy section although they feel more work needs to be done to measure Derby's anticipated needs. They point out some anomalies with the numbers adding up in Table 2 of Policy CP6 and the combined figure for Osmaston and Sinfin in Paragraph 4.4.

The support is welcomed. It is acknowledged that there are typographical errors in this section and CP6 that need to be addressed. Table 2 of Policy CP6 needs to be amended to include the correct total. Also some of the dwelling numbers in Paragraph 4.4 should be amended as follows :

Osmaston and Sinfin - 780 homes.

Littleover, Mackworth and Mickleover - 2,420 homes.

Suggest modification to correct typographical errors in Table 2 (CP6) and paragraph 4.4.

1046 Higginbotham (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3636 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent states that in the local press there are brownfield sites within the city boundaries that could be developed. The government has funding available for regeneration of brownfield sites. They ask if the City Council will be applying for any of this funding pot to alleviate pressure being put onto existing local communities.

The identifies a number of brown filed sites and many more brown field sites will come forward through the windfall allowance and Part 2 allocations plan. It is estimated that about 60% of new homes between 2011 and 2028 will be on brownfield land.

However there are not enough unconstrained deliverable sites to provide a higher level of the homes on brownfield land.

Greenfield sites are being released because they are available and in the case of many of the ones allocated, deliverable in the short term. They will contribute to the 5 year housing supply.

The SHLAA and other evidence base has been used to identify sites for the strategy, as required by the NPPF and the local press is not a robust evidence base for Plan making.

No change required.

1047	Pegasus Planning Group LLP for Interests in Acorn Way	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	OBJ	Rep ID: 3642	<input checked="" type="checkbox"/> Not Positively Prepared <input checked="" type="checkbox"/> Not Justified <input type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

Paragraphs 4.24 and 4.25 outline discussions the Derby HMA authorities have had with Erewash about the potential to release land from the Green Belt for housing development. Land to the east of Derby is appraised as Parcel C of the Green Belt Technical Assessment, the overall conclusion being that the Green Belt in this location performs very well against the Green Belt purposes set out in the NPPF.

It is considered that this assessment is too broad brush and insufficiently refined. It fails to assess whether there are potentially smaller parcels within the broad area that make a more limited contribution to the Green Belt and potentially offer the opportunity for housing development.

Land between Morley Road and Acorn Way falls within Parcel C, Acorn Way effectively separates the land from the wider area of Green Belt to the east. The land between Acorn Way and Morley Road includes a number of more urban fringe uses including Lees Brook Community Sports College and playing fields. The relationship of this land to the urban area and the presence of Acorn Way means the land relates more closely to the urban area and its removal from Green Belt would not have a significant impact on the function of the wider Green Belt area.

The Technical Assessment considered that the construction of the A50 and A6 to the south east formed new physical features in the landscape offering the potential to amend the Green Belt in this location. It is considered that a similar approach could equally be applied to Parcel C, considering the scope for Green Belt review on land enclosed by Acorn Way.

As part of any future review, the Green Belt Technical Assessment should be revisited to provide a more detailed assessment of the Green Belt on the eastern edge of

Derby and the opportunities for minor amendments to allow for sustainable development opportunities to help meet the future housing requirements for Derby City.

Parcel of land referred to is in Erewash. Assessment was intended to be strategic assessment, not to individual sites. This concluded that the Green Belt to the east of the City still performed an important role and function. In any event, release of land from the Green Belt to the east of Derby is a matter for Erewash to consider and not for this plan.

No change required.

1047	Pegasus Planning Group LLP for Interests in Acorn Way	<input checked="" type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment						
Rep Type:	Com	Rep ID:	3641	<input type="checkbox"/> Not Positively Prepared	<input type="checkbox"/> Not Justified	<input type="checkbox"/> Not Effective	<input type="checkbox"/> Not Consistent with National Policy	<input type="checkbox"/> Not Legally Compliant	<input type="checkbox"/> Sound

The Plan is considered to be legally compliant.

Noted.

No change required.

Overall Strategy and Approach

Individual Comments: 21 General / Misc: 1 Objections: 19 Supports: 1 from: 14 representors

45 Home Builders Federation

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3898 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The HBF note that if the plan is adopted in 2016 only 12 years will remain before the end of the plan period. The NPPF recommends a 15 year timeframe. Whilst other plans have been adopted with shorter timespans, they rely on an early review mechanism. Therefore it is suggested that if the plan is progressed with a shortened plan period an early review policy should be included. This policy should commit the Council to preparing and submitting to the Secretary of State for examination its reviewed Local Plan by a specified date within 5 years of adoption. Alternatively the Council should extend the plan period to 2031.

See other comments on this issue elsewhere.

No change required.

45 Home Builders Federation

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3889 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondents question whether or not the maximum amount of land available to meet Derby's OAHN within its own administrative area is capped at 11,000 dwellings. It is agreed by the HMA authorities that the most sustainable form of development is meeting housing need where it arises. Development should therefore be located in the City or as close to it as possible. The authority should have carried out a thorough search for sites to identify the maximum capacity to meet its own needs.

The OAHN for Derby is 16,388 dwellings. The combined strategies of the three Derby HMA authorities will see land allocated in and immediately on the edge of Derby to meet well in excess of this. Other sites in the other two authorities are also within reasonably close proximity with good transport links.

The Council has done exactly what the respondent suggests it should do. It has carried out a thorough search for sites to meet the City's needs within the City.

The respondent refers to the question of whether enough 'available' land has been identified. The oversight here is that in order to be included to meet the City's needs the land has to be not only available but also suitable for housing and achievable. The NPPF identifies the three strands of sustainable development

as being economic, social and environmental. The Framework and basic planning good practice require that a balanced approach is taken to meeting the full range of the City's needs including employment land, retail, leisure, open space, biodiversity, drainage, transport routes, community facilities and many others. There is a duty on the Council to ensure that the other sustainability priorities of the Framework are not compromised by concentrating on the area of housing growth only. This would not constitute sustainable development. The Council has used a large evidence base to consider opportunities to meet housing needs while also meeting the other objectives of the Framework. The Plan's Vision is the starting point in shaping the strategy.

The respondent refers to the fact that the Council should have carried out a thorough search for sites to meet the requirements of Paragraph 47 of the Framework in significantly boosting housing supply. In preparing the Plan the Council has given consideration to paragraph 47 and has carried out a robust assessment. It has also given consideration to all other elements of the NPPF to ensure a balanced and sustainable strategy has been prepared. No actual evidence has been provided by the respondent to suggest that this is not the case.

No change required.

169

William Davis Limited

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent notes that if the Plan is adopted in 2016 only 12 years will remain before the end of the Plan period. The NPPF (Para 157) recommends a 15 year framework for DPDs.

The respondent recognises that Plans have been adopted with a less than 15 year time span but that these plans rely on an early review mechanism.

The City has identified a finite dwelling capacity of 11,000 dwellings up to 2028 and it is unclear where growth will be accommodated.

The Plan should make a clear reference to a full strategic review, ideally no more than 5 years from adoption.

Paragraph 157 of the NPPF states that Local Plans should be drawn up over an appropriate time scale, preferably a 15-year time horizon. Unfortunately there have been unforeseen delays to the plan preparation but it will still cover a 12 year period upon adoption. The NPPF only states that a 15 year time scale is preferable, it is not mandatory.

As the respondent points out other Plans have been found sound without covering a full 15 year time frame. The priority is to get the Core Strategy adopted and in place as soon as possible in order to set the strategic context for Plan making. This issue may be best be discussed at the Examination.

No change required.

244

Derbyshire Wildlife Trust

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: ☐ OBJ Rep ID: 3870
 ☐ Not Positively Prepared
 ☐ Not Justified
 ☐ Not Effective
 ☒ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

Derbyshire Wildlife Trust consider that the Strategy for Derby is not consistent with national policy and advise that the use of wildlife corridors should be supported by identified opportunity areas and stepping stones as set out in the NPPF, paragraph 117.

Reflecting the Council's response to the previous comment made by the Wildlife Trust in respect of this section, it is considered that the plan should be read as a whole. Although not implicitly identifying opportunity areas and stepping stones in this section, it is considered that Policies CP16, 17, 18 and 19 accord with the requirements of the NPPF by identifying the components of the local ecological networks.

No change required.

535

Rostron (Private Individual)

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: ☐ OBJ Rep ID: 3477
 ☐ Not Positively Prepared
 ☐ Not Justified
 ☐ Not Effective
 ☒ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

The respondent states that the open countryside attracts residents of Derby to take exercise, walk, cycle, horse-ride, watch animals and birds and enjoy peace and quiet which is vital to the wellbeing of individuals and increases quality of life.

He suggests that the development of Hackwood Farm will provide no incentive for this type of recreation. He suggests that open green areas should be provided between areas of housing to prevent a continuous, unsightly sprawl.

The location of the Hackwood Farm site is on the periphery of the City and it will inevitably mean that greenfield, open countryside will be built on. However, paths and routeways, particularly for pedestrians and cyclists will be included through the site and form links to the open countryside. Open spaces will also be provided on-site.

Between the site and the existing areas of Mickleover is the Mickleover to Egginton Greenway. This is a strategic multi-user route allowing walking, cycling and horseriding with quick access to the open countryside. Residents from the existing areas of Mickleover will still be able to access and use this route as will residents of the new housing. The route actually forms a gap between the proposal site and the existing community.

Urban extensions need to be properly integrated with existing areas of development to function properly, particularly in terms of connectivity. Concerns were raised about the distance of the proposed new development from facilities at Mickleover District Centre. New walking and cycling links will be provided to

improve these links and to create an area of separation between the existing and new developments would adversely affect these links.

The provision of open green spaces between areas of housing is already achieved through the principle of Green Wedges. The plan seeks to maintain the principle of these and this just alleviate the concerns of the respondent. In addition, policies CP16-19 reflect the importance of open space more generally. However, as stated elsewhere, the City is required to meet housing needs and this does mean a balance has had to be struck and difficult decisions made.

No change required.

552 Lockhart (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3879 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent considers that the boundaries within Derby City should be extended to cover bolt on housing. The Core Strategy should also consider smaller villages such as Borrowash and Ockbrook, Little Eaton, Quarndon, Mackworth Village, Findern and housing on Radbourne Lane. They also refer to Newhouse Farm and Stenson Fields and feel that the City Council should be concerned that other authorities are collecting the rates for those developments when the residents use Derby's facilities.

The Core Strategy is not a mechanism for changing administrative boundaries of local authorities. The Council can only deal with land within its boundary. The point about rates being paid to other authorities is acknowledged but this is not a matter for the Core Strategy.

No change

853 Turley Associates for Radleigh Group

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3485 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent points out that the Government's preferred approach is for the preparation of a single Local Plan to be prepared. The Strategy for Derby is to meet housing need in two part of the Local Plan with Part 2 needing to find land to accommodate 1,294 dwellings.

They state that there are not any local circumstances preventing the preparation of a single plan and that the up to date SHLAA which can be used to identify and allocate further sites, including the site they are promoting at Breadsall Hill Top. The respondent does not consider that a clear justification for an additional Local Plan as required by national policy has been demonstrated in accordance with the NPPF (para 153).

The respondents consider that to ensure consistency with national policy a single local plan should be prepared to meet the whole housing requirement and point out that the allocation of additional sites will also ensure that the Plan provides a five year supply of housing at the outset.

The preparation of the part 1 Plan has taken much longer than was originally expected. The main reason for delay has been issues relating to joint working and the delays in the progress of the Amber Valley and South Derbyshire Local Plans. These Plans need to identify land to meet some of Derby's housing needs and both of their Examinations were suspended for a considerable amount of time to do further work and consultation on the apportionment of housing to meet Derby's unmet needs in their areas. This has been beyond the control of Derby City Council.

When the Council first set out in the preparation of the Plan the objective was to produce a Local Development Framework which was a hierarchical approach to plan making with DPDs supporting an overarching Core Strategy. The system then changed to a more conventional single plan system part way through the process.

The Part 1 Plan will meet all of the requirements to be Sound and legally compliant. It will provide a five year supply of deliverable housing sites on adoption and it will set the Framework for housing development and for a Part 2 Plan which will provide further allocations to meet residual needs.

Paragraph 153 requires that local authorities produce a Local Plan for their area but it does not state that plan should be a single document nor preclude the preparation of a two part plan. It does say that 'any additional development plan documents should only be used where clearly justified'. This means any DPDs which are additional to the Local Plan. The Part 2 Plan will not be additional to the Local Plan, it will be a part of it.

It is acknowledged that ideally a single plan should be produced but to set out on that course now would mean going back to the start of the process and carrying out a considerable amount of unnecessary work. It would cause significant delays to the production of a plan which has already suffered delays. The production of a single or two part plan is not itself a test of Soundness. The Core Strategy can be 'sound' as a standalone document, as can a Part 2 'allocations' document which forms part of the Local Plan. Given the amount of work done to date on preparation and the complexities of joint working, the most pragmatic way forward is to continue with the Core Strategy and then to prepare Part 2 of the Local Plan.

No change required.

853 Turley Associates for Radleigh Group

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3481 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent states that if the Plan is adopted in 2016 only 12 years will remain in the Plan period and that the NPPF recommends a 15 year timeframe. They point out that the Planning Practice Guidance (PPG) states that Plans may be found Sound conditional upon review in whole or in part within five years of the date of adoption and that the Ministerial Statement of 22 July 2015 reiterates this point.

The respondents therefore feel that there should be a policy commitment to the preparation of a review of the Local Plan within two years of adoption to assess future levels of need for new homes over the period to 2031. They note that the Part 2 Plan will only cover the period to 2028.

Also see comments elsewhere on this issue. The Council is aware of the NPPF policy on local plan timeframes. Delays in the preparation of the Core Strategy mean that it will not be adopted in time to provide the recommended 15 year timeframe but it is felt that there will be sufficient time in the plan period to mean that the Plan is 'sound'. This issue can be adequately discussed at the Examination.

913

Prosser (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3430 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that it is unacceptable that development (homes and industry) should take place in flood plain. He feels that the text attempts to divert the reader from the fact that the flood plain is not for homes or industrial development.

The Plan Policies and the NPPF promote sustainable development including consideration of land drainage and flooding. The sequential test should be applied. The Plan should be read as a whole and there is no attempt to divert the reader's attention.

No change required.

913

Prosser (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3452 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that the strategy is not sound in the context of building on flood plain and that signs should be erected to warn people that land is floodplain.

Any development proposed within areas of flood risk within the plan has been assessed against the requirements of national policy and relevant policies include appropriate mitigation measures. Policy CP2 also provides sufficient guidance to address any applications on such land through the development management process. Signage is not a planning matter.

No change required.

958

Caborn (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3491 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent points out that strategic employment sites are identified in the Strategy at Chaddesden Sidings, Sinfin/Chellaston and Raynesway and that it would make

more sense to develop housing around the south and east of the city rather than the west. Housing development on the west would create more commuter traffic and congestion.

Although access to employment uses is a consideration for the location of new housing, it is not the only consideration. People do not necessarily want to live where they work and providing employment uses near to new homes does not necessarily mean that the residents will work at these locations. However, it does create an opportunity for living near the workplace.

Strategic housing developments are included to the south and east of the City. Between Derby and South Derbyshire in the region of 2,800 new homes will be created around Boulton Moor to the south east of the City. Around 700 new homes will also be created around Chellaston in the South and about 1,500 south of Sinfen. The strategy therefore does include significant housing growth to the south and east as well as to the west of Derby.

More generally, parts of the eastern periphery of the city are heavily constrained by Green Belt. This area of Green Belt is particularly sensitive being the part which lies directly between Derby and Nottingham and also separates Derby from the villages of Ockbrook and Borrowash.

It is also not fair to suggest that there are no areas of employment to the west of the City. The Derby Royal Hospital and Derby University are major employers in that area. In addition, the plan proposes employment development at Manor Kingsway and Heatherton.

No change required.

1010	Taylor (Private Individual)	<input type="checkbox"/> Legally Compliant	<input checked="" type="checkbox"/> General / Misc Comment
Rep Type:	Com	Rep ID: 3508	<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

The respondent points out that housing on brownfield sites also offers city living to enable young families onto the housing ladder and aids those who need to travel to work or college. Houses are needed in Derby to return to a living city.

The strategy includes a mix of brownfield and greenfield sites, of different scales and in different locations in order to meet as much of the housing need as possible on sustainable sites. The strategy therefore reflects the respondent's comments.

No change required.

1039	Austin (Private Individual)	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	OBJ	Rep ID: 3495	<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input type="checkbox"/> Not Effective <input checked="" type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

The respondent is concerned about the amount of greenfield land which is allocated for housing in the Plan when there are brownfield sites which are available as alternatives.

The response lists several sites which the respondent feels would be able to deliver new homes instead of releasing greenfield sites. These include Duckworth Square, the Old DRI site, the Celanese site, land at Friar Gate Station and Great Northern Road and others.

She suggests that the Council has take a lazy and easy option to use greenfield land when these sites exist.

The Council has identified several strategic brownfield and regeneration sites for allocation to deliver new housing. Nearly all of the sites identified by the respondent form, or are within strategic allocations to deliver housing on previously developed land. Other sites like the Osmaston Regeneration Area and Castleward are strategic brownfield allocations which will bring forward large numbers of housing.

Some brownfield land has been identified as potentially suitable and acceptable for housing development but cannot contribute to the dwelling numbers in the Plan because of lack of certainty of deliverability. In order for a site to be allocated to deliver specific numbers of dwellings, they must be capable of delivering them within the plan period. Brownfield sites are often affected by constraints which are costly to mitigate and affect development viability but the Council is working pro-actively to bring these forward where possible.

In order to meet objectively assessed housing needs greenfield land is also required. The housing needs of the City cannot be fully met in its boundaries even with the release of greenfield sites and so some housing will be provided in Amber Valley and South Derbyshire to meet the City's needs.

No change required.

1040

Kedleston Voice

☐ Legally Compliant☐ General / Misc Comment

Rep Type:

SUP

Rep ID:

3531

☐ Not Positively Prepared☐ Not Justified☐ Not Effective☐ Not Consistent with National Policy☐ Not Legally Compliant☒ Sound

Believes the Plan has been positively prepared with chapters 2, 3 and 4 making a reasoned assessment of all key issues. Based on a robust and credible evidence base. The plan is likely to be effective. The strategy is consistent with the NPPF.

Support welcomed

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd ☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3910 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent agrees that the City cannot meet all of its needs within its administrative area but says that all of the potentially suitable land should be identified before calling on the adjoining authorities to assist. They point out that this is also supported by the substantial need for affordable housing within the City.

The Council feels that it's evidence base is robust and all "suitable" land has been considered and allocated. A wide range of evidence has been used to identify land and to ascertain whether it is suitable for development. Care has been taken to consider if sites are, or can be made suitable for housing development, particularly in the context of the wider strategy and vision of the Plan. Delivery has also been considered. It is not sustainable to deliver housing "at all costs" with no consideration to the real constraints that exist or all aspects of sustainable development. To do so would be in conflict with the NPPF.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd ☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3907 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Notes that the Plan period only extends up to 2028. This only provides for a 12 year plan period, if the Local Plan is adopted in 2016 - which seems unlikely - it should extend to 2031.

See other comments on this issue. It is unlikely to be acceptable to simply extend the plan period to 2031. There is no reason why the plan should not be adopted in 2016.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd ☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3917 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent is concerned that too much reliance is perhaps being placed on South Derbyshire and Amber Valley to accommodate Derby's needs without exploring the capacity within the City first. They are not convinced that sufficient effort has been made to identify all suitable sites which could be delivered within the City boundaries. Paragraph 4.18 refers to the limited capacity of Derby City but the evidence needs to be explicit within the Local Plan. It is not good enough to just say it.

The Council has a significant amount of evidence which has been produced and updated through the Plan period. It is felt that this evidence demonstrates a

robust approach has been taken and that the City Council has sought to identify as much suitable, sustainable and deliverable land in the City as possible. The evidence base supports the Plan and it is not the purpose of the Local plan to actually contain the evidence base. The evidence base is available and was available as part of the consultation and includes a SHMA, SHLAA, Green Wedge Review, Green Belt Review and a Housing Position Statement as well as many other documents. The Position Statement explains how the strategy has been evidenced. The respondent's comments are not, therefore, accepted.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3920 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent states that the Council is over 5,000 dwellings short in terms of site capacity if it can only accommodate 11,000 dwellings in the City and its requirements are 16,388. They feel that the Council needs to provide sound evidence to demonstrate this and not just refer to the SHLAA, the Green Belt and Green Wedge Review.

The strategy is supported by a large evidence base which is not confined to the SHLAA and the Green Belt and Green Wedge Study. The various evidence is available and is also referred to in the interim Housing Position Statement which explains the housing strategy.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3918 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent states that the NPPF requires LPAs to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the HMA, consistent with the policies of the Framework. It also says that they should boost significantly their housing supply. Green Wedges are not identified at all in the NPPF or the NPPG and therefore cannot be seen as a legitimate constraint in policy terms.

Although Green Wedges are not a designation found in the NPPF they are a local designation which is consistent with National policy. They perform very important functions in the City in defining the character of neighbourhoods and establishing the urban fabric. They are not a landscape designation but reflect the Design policies of the Framework and preserve character and identity. This important function has been found to be very relevant by Inspectors at recent Planning Appeals where the purpose of Green Wedges has been held to be consistent with the Framework and the Green Wedge Review has been afforded weight.

It should be pointed out that the Council has carefully assessed the purpose and function of the Green Wedges in preparing the Plan and in particular in considering the release of land to meet housing needs. About 20% of all of the Council's housing during the Plan period is expected to come forward on sites

which have been released from Green Wedges.

Maintaining the principle of Green Wedges is, therefore, seen as a legitimate constraint. This has been accepted by the other HMA authorities in the consideration of Derby's capacity cap.

No change required.

1047 Pegasus Planning Group LLP for Interests in Acorn Way

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3638 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Concern raised that, in identifying locations to accommodate some of Derby's needs outside the City Council area, opportunities available to the east of the City have been dismissed more by virtue of the definition of the HMAs rather than a sufficiently robust assessment of the opportunities to review Green Belt boundaries to accommodate development well located in sustainability terms to the Derby urban area.

The Derby HMA and Nottingham HMA housing needs have been considered separately. The nature of the LA boundaries and HMA designations has meant that the scope for development east of Derby in Erewash has been dismissed with little consideration of actual relationships between land in Erewash adjoining Derby and the scope to accommodate some of Derby's needs.

It would be helpful if the plan made reference to the consideration of future opportunities for development on the eastern edge of the City and confirmed that the City Council will work with Erewash to investigate in more detail the scope for Green Belt Review to allow for further development to the east of the City in Erewash to meet future housing requirements

The respondents have acknowledged that "the scope for development on the eastern edge of the City is one for the future review of the Erewash Local Plan." Much of what they have raised would, therefore, fall outside the scope of the City's Core Strategy.

It is a fact that sites in Erewash on the edge of the City have not been considered for meeting the needs of the City. It is not fair to say, however, the Green Belt issues have not been considered robustly. In any event, the process has demonstrated that it was not necessary to release Green Belt sites in Erewash to meet the needs of the HMA. As such, the 'exceptional circumstances' did not exist.

Discussions on cross border opportunities will continue fall under the duty to cooperate which is a legal requirement on all authorities and does not need to be referred to in the Plan. No change is necessary and the Council is happy that its approach has been sound.

No change

1051 Signet Planning for Speeds (Derby)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3672 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

In general terms, the respondent welcomes the positive approach to promoting commercial and residential development within and adjacent to the city centre and the objectives of the Core Strategy in that regard.

The one element that appears to be missing in relation from consideration in terms of the relevant objectives of the Plan are those relating to the need to take account of viability and deliverability issues. NPPF para. 173 makes particular reference to the need for emerging plans to take account of these matters.

Although there is mention of viability in connection with negotiations in relation to affordable housing and Section 106 issues, the concept of viability goes wider than that and takes account of matters such as mix of uses; phasing; scale of development and some times complementary 'enabling' development.

The issue of viability is addressed throughout the plan. Even if not referred to specifically, the Council is conscious of the requirements of the NPPF. Equally it is important not to lose sight of the fact that it remains important for authorities to seek high quality, sustainable development. The NPPF does not advocate 'development at all costs'. So, while lack of viability will be an important consideration, it will not always justify any and all land use mixes or a lack of mitigation. Each case needs to be judged on its merits. Catchall comments that imply viability is the only consideration will not be helpful in the long term.

No change required.

OMISSIONS (OMI)

Individual Comments: 8 General / Misc: 0 Objections: 8 Supports: 0 from: 8 representors

52 Network Rail

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3559 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Network Rail have objected to the continued identification of their land holdings in the Chaddesden Sidings / Chaddesden Quarry area as part of the Lower Derwent Green Wedge (GW). They have suggested that some areas of the site will be remediated to a level to accommodate future employment uses and should therefore be identified as such. They have stressed that the area includes operational railway land and therefore Network Rail could use permitted development powers to build new railway infrastructure, which could diminish the function of the GW in this location.

Potential non-strategic employment sites such as the Network Rail landholdings will be assessed and where appropriate allocated through the Local Plan Part 2. This has been the Council's preferred approach for a number of years.

In addition to GW considerations, there are a number of other issues that will need to be considered collectively as part of the identification of any new employment land in this area including the future of the Cattle and Wholesale Market sites, the future role of 'saved' allocation EP6 and the impact of the Our City Our River (OCOR) programme. Therefore it is logical for the site to be considered through the Part 2 plan.

No change required.

151 Signet Planning for Peveril Homes

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3757 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondents have submitted an illustrative master plan for the development of 350-400 houses in a location close to the Heatherton development off Moorway Lane. They have identified what they consider to be the benefits of the site.

They suggest that the site would be capable of early delivery and does not have significant up front infrastructure costs.

The site promoted has been identified for some time and previously promoted through the Core Strategy process. It has been ruled out as being a sustainable location for housing development for a number of reasons.

The promoted site takes up a significant part of the Green Wedge between Heatherton and Blagreaves and is crucial in separating and defining the distinctive character of these areas. The proposal would not relate to either area and is separated from residential development at the top of Moorway Lane by the existing Millennium Park. It would therefore not create a sustainable form of development.

Further, the land is also allocated in the adopted Plan for a future City Park. It is intended to consider this through review of public open space for the Part 2 Plan.

Concerns have also been raised about whether a satisfactory form of development could be achieved from Moorway Lane to serve the site as proposed. The Core Strategy evidence base contains further detailed information as to why the site has not been considered acceptable for residential development.

No change required.

169

William Davis Limited

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3548 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that there is a need for additional small sites to be allocated in order to ensure that the Council can demonstrate a five year housing supply.

They indicate that their clients have promoted land at Allan Avenue for up to 80 dwellings. They also indicate that in order to demonstrate the deliverability of that site and the eagerness to bring the site forward, two planning applications, one for housing and one for public open space, have been submitted.

The respondent seeks that the site at Allan Avenue should be allocated in the Plan now and that it can then contribute to the five year housing supply

The site at Allan Avenue has been promoted from an early stage of plan preparation. It has a number of constraints including being within a Green Wedge, being on land allocated for a new local park and having a brook running through it. It was also a sewage treatment works and there were concerns about possible sewage infrastructure remaining under ground. The Council also received representations that the site had wildlife value.

The Green Wedge Review identified that there could be some scope to develop on part of the site and still allow the wedge to retain its overall role and function.

The site was therefore identified as a potential housing site in the Preferred Growth Strategy, subject to these issues being satisfactorily resolved.

At the time a large site was being promoted for around 150 dwellings and was in two separate ownerships. By the time the Draft Plan was published some of the issues above were still outstanding and the site could not therefore be allocated in the Plan. However it was made clear that if the site could be

demonstrated to be acceptable then it could be allocated in the Part 2 Plan. The site was never ruled out as a potential housing site.

The promoters have chosen to submit planning applications rather than to wait for an allocation. It would not be appropriate to hold up the plan making process any further to consider a site which would deliver 80 dwellings. To do so could compromise the soundness because delays would further reduce the remainder of the plan period.

The Council feels that it can demonstrate a five year supply of deliverable sites and it does not need to allocate the plan to achieve this.

No change required.

448

Vodafone and O2

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: ☐ OBJ Rep ID: 3527 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Mono Consultants Limited consider that the Core Strategy should include a policy for telecommunications development and has suggested the following policy:

Proposals for telecommunications development will be permitted provided that the following criteria are met:

- (i) the siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area;
- (ii) if on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact to the external appearance of the host building;
- (iii) if proposing a new mast, it should be demonstrated that the applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Such evidence should accompany any application made to the (local) planning authority.
- (iv) If proposing development in a sensitive area, the development should not have an unacceptable effect on areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or buildings of architectural or historic interest.

When considering applications for telecommunications development, the (local) planning authority will have regard to the operational requirements of telecommunications networks and the technical limitations of the technology.'

The Council considers that the NPPF, paragraphs 42 to 46, provide a framework through which future planning applications can be determined and that the

policy would be classed as 'development management' rather than strategic. As such, it is not necessary or appropriate to include the policy in the Part 1 Plan.

No change required.

853

Turley Associates for Radleigh Group

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: ☐ OBJ Rep ID: 3563 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent is promoting a site which is not identified as a strategic allocation in the plan. The site, north of Mansfield Road, Oakwood, was identified in the Preferred Growth Strategy (PG) as a potential housing site.

The respondents state that the site could deliver 230 new homes in this location and that they intend to submit a planning application by the end of 2015. They state that evidence supporting the application will demonstrate that the site is suitable for development and will deliver housing within a 5 year period.

The Green Wedge Review (2012) concludes that there is scope to release the site without undermining the principle of the green wedge and the Sustainability Appraisal for the plan identifies that the site performs well in a number of key measures.

The response has been interpreted as requesting the inclusion of the site as a strategic housing allocation in the Plan although this request is not expressly made.

This site was one of four potential housing sites which were identified in the Preferred Growth Strategy. All four of the sites were located within different green wedges across the City. They were not identified as housing allocations because there were still outstanding or unknown factors about their suitability and/or deliverability for housing.

The main concerns over the site at Breadsall Hilltop were that it formed part of a former tip, had uncertainties about land stability and, relating to these matters, the unknown extent of the developable area in terms of impact on the Green Wedge, the Green Belt in Erewash and the visual impacts from the World Heritage Site in the Derwent Valley below. These issues have not been fully resolved and thus have led to the site's exclusion from the Core Strategy. It was not considered necessary, in light of the allocations being made to ensure a 5 year supply and the intention to produce a Part 2 plan, to delay preparation of the plan unnecessarily. It has been recognised since the publication of the PGS that this site had some potential but that it would be addressed in the Part 2 plan. There is no reason why this approach need change.

The Plan identifies enough deliverable housing sites to establish a five year housing supply upon adoption of the Plan and to try to introduce the site as strategic allocation after the Pre-Submission consultation would mean further unnecessary delays to the plan making process and severely impact on the timeframe of the Plan when it is adopted. The strategy is 'sound' without this site's inclusion at this stage.

No change required.

1028 SSA Planning for Kentucky Fried Chicken

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3960 ☒ Not Positively Prepared ☒ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondents consider that the Green Wedge Review is three years old and should be reviewed as new sites are becoming available. The representor carried out a landscape and visual assessment of the area between the slip roads of the A38/A516 junction (Rough Heanor Farm) and found it to be of low value in terms of its contribution to the Green Wedge.

A planning application has been submitted that would re-model the junction and create an access for housing to be developed.

The respondents feel that the land should be allocated for housing development and identified as such on the proposals map.

They suggest that reasons why the site should be allocated for housing also include uncertainty about windfall and brownfield site delivery.

They also suggest a wording change to the Policy for housing allocations between Mickleover and Mackworth allocating the site for 75 dwellings.

The representor states several times that a landscape and visual assessment have been provided to demonstrate that the site is not of particular value in being a Green Wedge but Green Wedges are not a landscape designation. The main functions of green wedges are to create character and identity or separate locations and communities and to allow the countryside to penetrate into the city from the open countryside.

There are significant concerns about the suitability of the site for this type of development. The respondent has referred to the application they have submitted as including 'roadside facilities'. The understanding is that this is the main driver behind the proposal which is submitted by a fast food restaurant chain and that significant parts of the proposals are for non-residential uses.

They have referred to the realignment of the slip roads on/off the A38 but have provided no evidence that this is supported by Highways England or that it is in any way deliverable or that Highways England would release the land. Indeed, Highways England has raised serious concerns about the proposals in response to the planning application.

With such uncertainty over the suitability and deliverability of the site it is not appropriate to allocate the site in the Plan for housing or any other uses.

No change required.

1042 Heaton Planning for Tarmac Trading Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3556 ☒ Not Positively Prepared ☒ Not Justified ☒ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Tarmac Trading Ltd operate an existing aggregate recycling facility at Chaddesden Quarry. They have objected to the identification of their site as part of the Lower Derwent Green Wedge (GW) and suggested that areas of the site identified in the restoration plan, submitted alongside planning application 05/14/00717, should alternatively be identified for employment and leisure uses. Tarmac have suggested that continued identification within the GW will prejudice the on-going operation of their recycling facility and the realisation of 'long term permitted after uses'. It is suggested that continued identification of the existing use within the GW boundary means that the Plan is not justified, effective or consistent with national policy.

The Chaddesden Quarry site has been covered by Green Wedge (GW) designation, since the original GW policy was published in 1989. It has been operational throughout the time it has been identified within the GW and the Council has recently granted an extension of time application which permits continued use of the facility to June 2019.

Whilst mineral workings are not specifically identified as an appropriate use within Policy CP18 or the adopted GW Policy (E2), the Council has taken a pragmatic approach to the continuation of existing permitted uses within GWs, particularly where the use pre-dates the original GW Policy. This approach is reflected by the recent granting of the extension of time application. In this context, it is not clear how continued identification within the GW is any way prejudicial to the operation of the site.

In terms of 'permitted after uses', the respondent makes reference to the recent extension of time limit application identifying after uses on the restoration plan. It is acknowledged that the restoration plan identifies potential future uses in order to inform the restoration levels, however identification of potential future uses in a restoration plan in no way makes the uses 'permitted', provides a 'fall-back' position or demonstrates Council support. Therefore, current identification as GW only prejudices the respondent's aspiration for higher value uses in the future. This in isolation is not a reason to remove the land from the GW.

Amendments to the GW in this location and potential identification as employment land can be considered as part of the Local Plan Part 2. In addition to GW considerations, there are a number of other issues that will need to be considered collectively as part of the identification of any new employment land in this area including the future of the Cattle and Wholesale Market sites, the future role of 'saved' allocation EP6 and the impact of the Our City Our River (OCOR) programme. New employment land identified in this area would not be 'strategic' and therefore it is appropriate to consider it as part of the Local Plan Part 2.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd ☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3936 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that the site they are promoting in Spondon (Acorn Way), needs to come forward to help to deliver the Policy.

Also see other comments from this respondent.

The Council feels that the strategy it has is 'sound' and will meet its OAHN in sustainable and deliverable sites. The site being promoted at Acorn Way has been promoted through the past Local Plan Inquiries and has been deemed to be inappropriate for housing development owing to its impact on the Green Wedge and that a satisfactory form of development cannot be achieved. This is still considered to be an important principle to maintain and nothing has changed which would alter the Council's view that it is an inappropriate site for housing development. Planning permission has been refused for two proposals for housing on the site in recent years. The site is not considered to be a sustainable location.

No change required.

5. Core Principles

Individual Comments: 0 General / Misc: 0 Objections: 0 Supports: 0 from: 0 representors

☒ Legally Compliant ☒ General / Misc Comment

Rep Type: Rep ID: ☒ Not Positively Prepared ☒ Not Justified ☒ Not Effective ☒ Not Consistent with National Policy ☒ Not Legally Compliant ☒ Sound

No representations

CP1(a) Presumption in Favour of Sustainable Development

Individual Comments: 4 General / Misc: 0 Objections: 2 Supports: 2 from: 4 representors

32 Derbyshire County Council

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3568 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

Policy CP1(a) is supported. It is fully consistent with paragraph 14 of the NPPF.

Support noted.

No change.

55 The National Trust

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3613 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

To make clear in the policy that the local authority will also work positively with land owners and communities, we request that criterion (a) is amended as follows:

"the Council will: (a) always work proactively with applicants, adjoining authorities, statutory partners, service providers, land owners and communities".

The change sought does make the list more all encompassing. It would be appropriate to put change to the Inspector.

Suggest modification to amend criterion (a) as follows:

"the Council will: (a) always work proactively with applicants, adjoining authorities, statutory partners, service providers, land owners and communities".

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3923 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

The respondent supports this policy which appears positively worded. We support the principle of pre-application discussions and public consultation.

Support noted.

No change.

1048 Signet Planning for Nightingale Quarter Estates Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3836 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

With regard to policy CP1a, Nightingale Quarter Estates is generally supportive of what the City Council is seeking to achieve. However, there is little or no mention of the importance in plan making (set out in paragraph 17 of the NPPF) of the issues of deliverability and viability. It is important that mention is made in these policies of the viability issues because there are a number of consented sites in the city centre (and DRI is a major one) where development has not proved to be viable and deliverable. The City Council should therefore, in considering the general policy approach to sites, include as part of the determining criteria the issue of deliverability and viability.

Policy CP1a seeks to reflect the model PINs policy reflecting the presumption in favour of sustainable development set out in the NPPF. The policy talks about working pro-actively with all those involved in development proposals to overcome problems wherever possible. The policy also sets out that material consideration, which would include viability and deliverability, will be given due weight in the decision making process. It is considered that this pro-active approach coupled with the consideration of Policy MH1 which at criterion (e) addresses issues of long-term site viability address the issues raised in this instance without any requirement for modification.

No change required.

CP1(b) Placemaking Principles for Cross Boundary Growth

Individual Comments: 10 General / Misc: 1 Objections: 4 Supports: 5 from: 9 representatives

32 Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3569 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

In the context of the Duty to Cooperate CP1(b) is supported.

Support noted.

No change.

55 The National Trust

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3614 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

The principles contained in the policy are supported.

Support noted.

No change.

63 Nathaniel Lichfield and Partners for Commercial Estates Group

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3645 ☒ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

CEG recognises the validity of applying a policy such as Policy CP1(b) to those proposals on the edge of the City, which fall partly within the administrative boundary of a neighbouring authority, as these would effectively be 'cross boundary' sites which partly fall within the administrative boundary of Derby City as well.

However, CEG objects to the application of Policy CP1(b) to proposals which lie on the edge of the City but outside of the administrative boundary of Derby City Council. Their view is that applications on these sites should be assessed against the Local Plan policies of the authority within which the site falls. It is not appropriate for the CSPS to impose Policy requirements on sites which lie outside of the Derby City administrative boundary and CEG would also question the legality of such an approach.

CEG consider that the policy is neither positively prepared or justified as it is unreasonable and unnecessary for the Council to impose policy requirements relating to sites outside its administrative area. The appropriate mechanism for this is through the local plan for the LPA for the administrative area in which the site sits.

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).

However, in recognition of the benefits of cross boundary working between neighbouring authorities to achieve sustainable, safe and high quality development CEG suggest including the following in the explanatory text after paragraph 5.1.5:

'When providing responses to consultation on planning applications on the edge of the City but wholly within administrative boundary of a neighbouring authority, the Council will seek to ensure that development meets the objectives set out in Policy CP1(b). Any requests for developer contributions on these sites towards new and improved facilities within the City will be supported by the appropriate evidence to satisfy the tests set out in the Framework [§204] and the Community Infrastructure Levy [CIL] Regulations 2010 (as amended) [Reg.122]'.

Policy CP1(b) is a pro-active statement of intent of how the Council will seek to work with all partners on development that have the potential to impact on the City. It in no ways seeks to impose requirements on development wholly outside of the City's administrative boundary but sets out the kind of issues the City council are likely to raise with adjoining authorities, developers and other stakeholders in developing their proposals or assessing schemes to achieve development that is sustainable, integrated and mitigates appropriately any adverse impacts on the City. No change is considered necessary in this instance.

No change.

222

Planning & Design Group for Hallam Land Management

☐ Legally Compliant☐ General / Misc Comment

Rep Type:

SUP

Rep ID:

3700

☐ Not Positively Prepared☐ Not Justified☐ Not Effective☐ Not Consistent with National Policy☐ Not Legally Compliant☒ Sound

The respondent notes that the proposed allocation AC18 (Wragley Way) reflects the proposal for cross-boundary development within both Derby City and South Derbyshire. Masterplan-led proposals for the site are well advanced and have been informed by joint working between both authorities and key partners and would deliver development in accordance with the requirements of Policy CP1(b).

Support for delivering the aims of policy CP1(b) through cross boundary development at Wragley way is noted and welcomed.

No change.

222 Planning & Design Group for Hallam Land Management

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: ☐ Com Rep ID: 3699 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent notes that the proposed allocation AC18 (Wragley Way) reflects a proposal for cross-boundary development within both Derby City and South Derbyshire. Masterplan-led proposals for the site are well advanced and have been informed by joint working between both authorities and key partners and would deliver development in accordance with the requirements of Policy CP1(b).

Comment noted and welcomed.

No change.

244 Derbyshire Wildlife Trust

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: ☐ OBJ Rep ID: 3872 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

DWT would recommend that the Council respect the ecological framework in neighbouring districts and ensure that the principles of halting biodiversity loss are respected with cross boundary proposals. DWT recommend that an additional point (e) is a justified addition to policy CP1(b) to respect the environment and ecological framework of each administrative authority.

Policy CP1(b) already includes a criterion relating to taking a strategic, integrated and sustainable approach to issues such as biodiversity when working on cross boundary or edge of City development. This sets an overarching approach to cross boundary development which is complemented by policy CP16(b) Green wedges and CP19(b) Biodiversity which seeks to apply their principles across boundaries. As such it is not considered that policy CP1(b) requires amending in the way suggested.

No change required.

406 Breadsall Parish Council

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: ☐ OBJ Rep ID: 3526 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Breadsall Parish Council consider the plan to allocate land south of Mansfield Road, Oakwood (AC26) disregards the principles quoted in Policy CP1(b). Whilst they acknowledge that this site is not strictly cross-boundary the adjacency and obvious effects of policy AC26 on the adjoining Breadsall area they consider should have been given more attention.

Policy CP1(b) seeks to set out key placemaking principles for growth across the City boundary and on the edge of, but outside, the City. The policy is a direct response to the overall Strategy of meeting some of Derby's unmet need for housing on the edge of the City. Whereas Policy AC26 seeks to allocate a site wholly within the City and includes appropriate safeguards to minimise the impact of the development, including on land to the north towards Breadsall to help address the Parish Council's concerns.

No change required.

420 Erewash Borough Council

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3862 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

Erewash BC wholly support the content of policy CP1(b). Joint working between authorities is vitally important to achieve positive and sustainable development. This is particularly relevant for the relationship between Derby and Erewash, given that Erewash transcends two Housing Market Areas.

Support noted and welcomed.

No change.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3924 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

The respondent supports the policy as being broadly sensible and consistent with the principles of good planning. This cross boundary co-operation is essential in the circumstances which face Derby City. They argue that the Council should be aware however that there are other locations within the City which are suitable for development.

Support noted.

No change.

1052 WYG for Catesby Estates Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3848 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

It is suggested that Policy CP1(b) does not identify any specific sites nor point toward policies in the AVBC or SDDC emerging Local Plans, which identify specific sites for

housing that help meet Derby's objectively assessed need for housing. This will result in housing to meet Derby City's needs coming forward in an ad hoc and unsustainable manner and in locations over which Derby City has no strategic influence. This is in direct conflict with the joined up approach to development advocated in draft CP1 (b) which seeks 'to create sustainable, safe and high quality' developments 'which are well integrated with and accessible from existing areas of the city.'

In order to be an effective policy that is positively prepared, Policy CP1(b) should seek to identify specific sites or, at the very least, broad locations in which development should come forward within AVBC and SDDC to meet the unfulfilled Derby City need. This will allow the 'cross boundary' aspirations of Policy CP1(b) to be met and ensure development comes forward in a sustainable manner to meet identified need.

It is considered that both the overarching strategy of the plan and the key diagram adequately reflect the City's reliance on sites located across or outside of the City's administrative boundary to meet our objectively assessed housing need.

It is not considered that identifying sites in AVBC or SDDC in policy CP1(b) would assist in justifying the strategic approach taken, delivering the sites in neighbouring authorities or demonstrating that the plan is sound. Equally, it is irrelevant in the context of this policy whether development on the edge of the City is meeting Derby's needs or that of the host authority. The principles and good practice set out in the policy are relevant to all development. As such, it is not considered that this policy would need amending.

No change.

CP2 Responding to Climate Change

Individual Comments: 12 General / Misc: 3 Objections: 8 Supports: 0 from: 10 representors

45 Home Builders Federation

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3904 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent points out that Policy CP2 (Responding to Climate Change) refers to allowable solutions and that the Council should check compatibility with the Written Ministerial Statement of 25 March 2015 and the Productivity Plan published 10 July 2015.

It is acknowledged that the Government has made changes which effectively remove their aspiration to move towards allowable solutions. These announcements were made between political signoff and the Pre-Submission consultation so amendments were not made prior to the consultation taking place. The Council also wished to consider the issue through the consultation. As a result, it is accepted that an amendment to the policy might be warranted in this case.

Suggest modification to remove references to "allowable solutions" in Policy CP2 and the supporting text.

55 The National Trust

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3615 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent generally supports policy CP2 (Responding to Climate Change). However in section (e) which relates to renewable energy, this could be interpreted as watering down the requirements of the NPPF paras 132 and 133 which apply a higher test in instances of 'substantial harm or total loss' to designated heritage assets.

They request a change to the policy to state that, for the avoidance of doubt, the provisions of the NPPF paragraphs 132 and 133 will continue to be applied in instances of substantial harm or total loss of a designated heritage asset.

The section of this policy related to renewable energy was amended to reflect responses from the same representor (the National Trust) as a consequence of the Draft Plan consultation.

The policy is broad and seeks to encourage renewable energy and sets out that the policy is subject to the benefits of the renewable energy should outweigh any adverse impacts.

These would be assessed in the context of the NPPF which will be a material consideration in decision making. It is not necessary to repeat national guidance in policy or to state that it will be applied.

No change

100 Boyer Planning for Clowes Developments (UK) Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3730 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent supports the thrust of policy CP2 but raises concerns that the policy introduces unnecessary 'red tape' for developers and refers to the Deregulation Bill which makes it clear that local authorities should not set any additional local standards relating to the construction, internal layout or performance of dwellings.

They refer specifically to paragraph 5 which required developers to deliver appropriate forms of carbon reduction including renewable and decentralised energy within their development.

The representor suggests that these matters should be dealt with through Building regulations and that the policy should be reworded to require development proposals to comply with building regulations.

It would be inappropriate for a policy to require developers to comply with regulation. They are required to do this anyway.

Policy CP2 is about the very important matter of mitigating for and adapting to the adverse impacts of climate change. It relates to all forms of development and the representor seems to be considering it only in the context of dwellings.

Furthermore, the policy is not specifically about the construction, internal layout or performance of dwellings. It is about responding to the issues coming about through the changing climate. The Housing Standards Review and the Deregulation Act are a result of Government making changes to simplify specific standards for the construction of housing. This is mainly done through Building Regulations but local authorities may also adopt the national technical space standards if evidenced.

The policy is justified by evidence in the Cleaner, Greener Energy Study and only requires developers to provide 'appropriate' form of carbon reduction 'within the site'.

It is accepted that this could be made clearer by amending the policy to identify what types of mitigation might be 'appropriate'. This could be dealt with in supporting text. The policy could be clarified to state that the provisions will be required subject to viability although this matter is dealt with elsewhere in the

Plan.

Suggest modification to amend the supporting text to clarify that in requiring the most appropriate forms of renewable and decentralised energy, viability will be considered.

Suggest modification to remove references to "allowable solutions" in Policy CP2 and the supporting text.

100 Boyer Planning for Clowes Developments (UK) Ltd

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3729 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Support legal compliance.

Noted.

No change required.

145 Pegasus Planning for Miller Homes

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3767 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondents feel that Policy CP2 is legally compliant.

541 Cooper (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: 3979 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent notes that the figures quoted for carbon emissions in the report are only from 2005 to 2011 and are thus out-of-date. It is noted that more recent data quoted by the Government demonstrate that Derby has a higher rate of emissions resulting in poor air quality. The report is not, therefore, consistent with national policy.

The plan continues to address air quality issues and recognises that there are areas where problems exist. It does seek to minimise the increase in emissions through the location and mix of development and by promoting travel reducing measures and infrastructure. It must also, however, continue to provide for the levels of growth the City requires. This will inevitably lead to challenges in terms of air quality and other factors. This does not absolve the Council of its

responsibility to meet needs and it is considered that the plan reaches a sensible balance.

No change required.

590

Boyer Planning for Clowes/Bellway

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent supports Policy CP2 (Responding to Climate Change) generally. However, they point out that the policy is not consistent with national planning policy in that it requires developers to consider the use of allowable solutions for off-site carbon reduction. Through the Government's Productivity Plan and recent De-regulation Act it is clear that the Government is not proceeding with allowable solutions.

It is acknowledged that the Government has recently decided not to proceed with the concept of allowable solutions and that the policy will not be consistent with national policy if this remains. A modification to the policy may, therefore, be appropriate.

Suggest modification to remove reference to "allowable solutions" from Policy CP2 and supporting text.

590

Boyer Planning for Clowes/Bellway

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that Policy CP2 is legally compliant

913

Prosser (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent says that there is no evidence that the Plan requires housing and employment uses which are built on flood plain land to be raised above flood level on plinths.

The policy, along with National Guidance, provides satisfactory guidance on how development within areas of flood risk should be addressed. What mitigation is deemed appropriate will be different on a case by case basis and can be considered through the development management process. It would not be sensible to be too prescriptive within the policy as to what form this mitigation will take. It is considered that the policy remains 'sound'.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3925 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent is concerned that Policy CP2 (responding to Climate Change) is unduly lengthy, complex and prescriptive. Although broadly supportive of the objectives they feel that the policy is likely to be contrary to the Written Ministerial Statement and Productivity Plan, particularly in terms of policies on allowable solutions and zero carbon targets. The supporting text is unnecessarily long and should also be checked for conformity with Government policy.

It is acknowledged that Government Policy has changed recently in this area. Both the Productivity Plan and the WMS were published between the Plan achieving political sign off for consultation and the commencement of the consultation.

However the points on conformity are well made and the policies and supporting text must be consistent with national policy.

The Policy is not considered overly long for a policy which covers such a diverse area as climate change that affects so many parts of the strategy. In many ways the policy is an over arching strategic policy. The length of policy or supporting text is not a test of soundness.

Suggest amendments to remove reference to "zero carbon homes" and "allowable solutions" from Policy CP2 and supporting text.

1048 Signet Planning for Nightingale Quarter Estates Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3837 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent generally supports policy CP2 but points out that the policy could have impacts on deliverability and viability of development. Therefore a determining criteria of any policy should be that any particular proposal should be deliverable and viable.

It is agreed that viability is an important part of ensuring that the plan, policies and sites are deliverable. Many policies are flexible and in particular policy CP2 seeks mainly to encourage and support developers in delivering sustainable development. Where the policy requires developers to provide appropriate forms of decentralised and renewable energy the fact that they must be 'appropriate' in itself means that they should be deliverable and achievable.

It is not necessary to include reference to deliverability in every criterion or every policy. The plan should be read as a whole and in conjunction with the NPPF and NPPG.

No change required.

1051 Signet Planning for Speeds (Derby)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3674 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondents generally welcome the principles which the Council is seeking to promote in Policy CP2 (Responding to Climate Change). However, they point out that the promotion of such sustainable design and construction methods are often costly and the suggest that the words 'subject to viability issues' be inserted after 'require developers' in criterion j of the policy.

The Council notes that the Government has recently made changes to the way that standards are considered and applied in the planning system and this means that the Policy will require modification, particularly in terms of the reference to 'Allowable Solutions'.

The Council feels that sustainable design and construction is important in new developments and wishes to continue to support and promote developments which will mitigate for and respond to the impacts of climate change.

However the respondent's point about development viability is also important. Development viability is a general requirement featured in Paragraph 174 of the NPPF and Policy MH1 and there is no specific need to refer to it in the policy. However, it could be clarified in the supporting text for clarity.

The Council notes that this policy aims to consider climate change impacts on all forms of development and not just housing. It is important to take opportunities to combat the adverse impacts of climate change wherever possible.

Suggest modification to insert text in the supporting text to explain that the Council will consider viability in considering the requirements of the Policy.

CP3 Placemaking Principles

Individual Comments: 17 General / Misc: 2 Objections: 13 Supports: 2 from: 9 representors

32 Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3602 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Criteria (l) of CP3 requires the installation of sprinkler systems in residential proposals where feasible and viable to do so. This approach is supported by Derbyshire County Council.

Comment is noted and welcomed.

No change required.

45 Home Builders Federation

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3903 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The Home Builders Federation (HBF) have suggested that the Council should reconsider criteria (j) in CP3, which seeks integration of public art. The HBF highlight Paragraph 204 of the NPPF, CIL Regulations (2010) and the NPPG which state that 'planning obligations should not be sought - on for instance, public art - which are clearly not necessary to make a development acceptable in planning terms.'

The Council is aware of the requirements of the NPPF, NPPG and CIL Regulations (2010) and will only seek to require the provision of public art where it is necessary to mitigate the visual impact of development thus making proposed development acceptable in planning terms. It is important to highlight that neither the NPPF, NPPG or CIL Regulations (2010) specifically rule out securing public art through planning obligations.

No change required.

45 Home Builders Federation

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3905 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The Home Builders Federation (HBF) have pointed out that the Deregulation Bill (2015) specifies that Councils should not set any additional local technical standards or

requirements relating to the construction, internal layout or performance of new dwellings. The only technical standards that can now be considered and incorporated into DPDs are restricted to the nationally prescribed space standard, an optional requirement for water usage and optional standards relating to adaptable / accessible dwellings. However, Councils are required to provide evidence to justify the application of the optional standards. On this basis, the HBF have objected to the reference to sprinkler systems in CP3.

For the reasons highlighted by the HBF, the Council has refrained from specifying the use of residential sprinkler systems as a requirement or standard. CP3 only seeks to 'encourage' their use where feasible and viable. It is therefore appropriate to maintain this aspiration in the policy. The policy has received some support from other parties, such as the County Council and Fire Service.

No change required.

100

Boyer Planning for Clowes Developments (UK) Ltd

☐ Legally Compliant☐ General / Misc Comment

Rep Type:

OBJ

Rep ID:

3733

☐ Not Positively Prepared☒ Not Justified☐ Not Effective☒ Not Consistent with National Policy☐ Not Legally Compliant☐ Sound

Clowes Developments object to criteria (I) which seeks to encourage residential developments to incorporate sprinkler systems.

The Council acknowledge that the incorporation of sprinkler systems exceeds current Building Regulations and therefore accepts that the aspiration to increase the use of residential sprinkler systems is an 'aspiration' as opposed to a 'requirement'. The policy has therefore been worded to 'encourage' their use as opposed to require.

Whilst the Council acknowledge that there are feasibility and viability issues related to the incorporation of sprinkler systems, the use of such systems is generally considered to be beneficial and therefore the Council will continue to encourage their use in appropriate circumstances.

No change required.

100

Boyer Planning for Clowes Developments (UK) Ltd

☐ Legally Compliant☐ General / Misc Comment

Rep Type:

OBJ

Rep ID:

3732

☐ Not Positively Prepared☒ Not Justified☐ Not Effective☒ Not Consistent with National Policy☐ Not Legally Compliant☐ Sound

Whilst supporting the main aims of CP3, Clowes Developments are concerned that it is not effective as it does not reflect or acknowledge that developments can be affected by fluctuations in the world, national and regional economies. They go on to state that placemaking is important, but financial viability must be acknowledged particularly when considering the provision of public art for example. It is suggested that there may be more appropriate ways of creating places via good physical design of buildings or the use of landscaping.

Policy CP3 contains a number of fundamental placemaking principles (criteria (a) to (i)) that should underpin the design of development proposals. Adherence to the principles is considered to be a necessity as opposed to optional (not subject to viability) in order to deliver the design quality required by the Council. High quality design requires an appreciation of context and in general is not a drain on viability.

The respondent takes specific issue with the Council's approach to delivering public art and the potential impact of this approach on development viability. Criteria (j) of the policy is clear that the Council will 'encourage' the incorporation of public art into development proposals that are located in highly visible, prominent locations and will only 'require' the provision of public art (either on-site or financial contribution) from 'major' development proposals, 'where appropriate'. This means that public art contributions will only be secured through legal agreement where required to help mitigate the visual impact of 'major' development. It may be that appropriate mitigation can be alternatively secured through high quality design in the first instance.

As with all contributions secured through the S106 mechanism, contributions will be subject to negotiation based on feasibility and the viability of a proposal. On this basis, the Council's approach to public art is considered to be in line with the NPPF and takes account of financial viability.

No change required.

100 Boyer Planning for Clowes Developments (UK) Ltd

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3731 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Clowes Developments consider the Plan to be legally compliant in relation to Policy CP3.

Comments are noted and welcomed.

No change required.

244 Derbyshire Wildlife Trust

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3873 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Derbyshire Wildlife Trust support CP3 but have suggested that criteria (g) could be expanded to include reference to the avoidance, mitigation and last resort compensation principles identified in paragraph 118 of the NPPF.

The principles mentioned in the response are already set out in the NPPF and are reflected in CP19. It is therefore not considered necessary to further repeat them in CP3.

The principle requires proposals to 'respond positively' to wildlife habitats. The extent to which a proposals 'responds positively' will be determined by the acceptability of the proposal in terms of the requirements of the NPPF and CP19.

No change required.

476

pfbbuk

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent has highlighted that Paragraph 5.3.6 should read as, '...is home to much of Derby's heritage...'

Noted and accepted.

Suggest amendment to wording of Paragraph 5.3.6 to read, '...is home to much of Derby's heritage...' to correct typo.

541

Cooper (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Sprinklers will add to the cost of building and affect rents and the right to buy in proposed affordable houses. Mickleover is already the most expensive area to rent or buy in Derby and it may be out of the reach of people it in intended for.

Sprinklers are not a requirement of the policy, they are merely being 'encouraged'. It should not effect the delivery of housing schemes or, in particular, affordable housing.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The owners of land at Acorn Way have suggested that it is not always desirable to 'optimise' densities as there may be circumstances where lower density levels can be justified.

The criteria specifically uses the word 'optimise' as opposed to 'maximise', on the basis that optimisation relates to making the best use of land in a given

context. The intention to optimise densities therefore takes account of the fact that lower densities can sometimes be appropriate.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3930 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The owners of land at Acorn Way have acknowledged the need for pre-application discussions, as stated in CP3 and have suggested that discussions should be welcoming, positive, informative and free of charge.

Comments are noted. The charging regime for pre-application advice is not a matter for the development plan. It is considered that the City Council already adopts a welcoming, positive and informative approach to pre-application discussions, but again this is not a matter of 'soundness' and the plan does not need to be modified.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3929 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The owners of land at Acorn Way have suggested that the installation of sprinkler systems does not fall within the remit of planning policy and should therefore be deleted.

The Council is only seeking to 'encourage' the use of sprinklers in residential developments and therefore consider it appropriate to set out this aspiration in the Local Plan. It is not unreasonable for the plan to identify an aspiration of the Council in relation to new development.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3928 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The owners of land at Acorn Way have suggested that public art should only be provided on a voluntary basis as there is no justification for seeking S106 contributions for public art. The policy should therefore only 'encourage' public art.

The main focus of the policy in relation to public art is to 'encourage' its incorporation as part of an overall approach to the delivery of high quality streets and spaces. The Council is particularly keen to encourage the incorporation of public art into developments located in prominent, highly visible locations, where there is greatest opportunity for it to contribute to the quality and appearance of the new development or to the general townscape as a whole.

The Council will only seek to enter into a legal agreement to 'require' the provision of public art from major developments, either through on-site provision and / or financial contributions - 'where appropriate'. Major developments are considered to be residential proposals of 100 dwellings or more or commercial developments of 1.0 hectare or more or providing in excess of 2,500sqm of floorspace. Appropriateness of the requirement will be determined by the extent to which the visual impact of a proposal needs to be mitigated. The requirement is therefore considered to be appropriate.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3927 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The owners of land at Acorn Way have suggested that maximising low carbon and decentralised energy may not always be feasible and could therefore be onerous on developers.

The Council acknowledge that the extent to which proposals are capable of fully responding to each of the placemaking principles will be determined by the context and function of proposals. The policy therefore states that proposals that do not 'appropriately' respond to the principles will be resisted, 'unless acceptable reasons for them doing so are provided'. Demonstrating why it is not feasible to maximise opportunities for low carbon and decentralised energy production would satisfy this element of the policy.

No change required.

1048 Signet Planning for Nightingale Quarter Estates Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3838 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Nightingale Quarter Estates have stated that they are generally supportive of what the Council is seeking to achieve in terms of CP3, however they have noted that there is little or no mention of the importance of deliverability and viability. They suggest that it is important that these issues are mentioned as there are a number of sites permission has been granted, but where development has not proved to be viable. The Council, therefore, in considering the general policy approach to sites in general should include, as part of the determining criteria of any particular proposal, the issue of deliverability and viability.

The Council are fully aware that viability and deliverability are important issues and have worked closely with landowners and developers for a number of years

to try and overcome issues by for example seeking funding opportunities and renegotiating S106 packages.

In terms of CP3 specifically, there is no reason as to why high quality design should be a drain on the viability of a proposal. High quality design as an outcome requires a logical design process, an understanding of context and well thought out proposals - all of which do not have cost implications, over and above standard development costs. Therefore, it is not necessary for the Placemaking Principles set out in CP3 to be subject to viability considerations as such.

Criteria (k) seeks to 'encourage' developers to refer major development proposals for design review whilst criteria (l) seeks to 'encourage' developers of residential proposals to install sprinkler systems. These are not 'requirements' and therefore do not have viability implications.

Criteria (j) also seeks to 'encourage' the incorporation of public art as part of an overall approach to the delivery of high quality streets and spaces. The provision of public art is only a requirement on 'major' development, where it is considered appropriate to help mitigate the visual impact of a development. As with all S106 requirements, contributions are subject to negotiation, based on the financial ability of a proposal to contribute. Therefore, it is not considered necessary for CP3 to specifically make reference to viability and deliverability.

No change required.

1051	Signet Planning for Speeds (Derby)	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	OBJ	Rep ID: 3675	<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input checked="" type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

Speeds (Derby) generally support the principles set out in CP3. However, they have stated that criteria (j) should be treated with caution. Criteria (j) encourages developments in highly visible prominent locations to incorporate public art. Speeds state that the Council should not encourage public art in place of valuable developments in prominent locations.

It is not the Council's intention to promote public art 'in place of' development in prominent locations, but instead to promote the incorporation of public art as part of development proposals in prominent locations.

No change required.

1051	Signet Planning for Speeds (Derby)	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	OBJ	Rep ID: 3673	<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input type="checkbox"/> Not Effective <input checked="" type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

It has been suggested that CP3 should make specific reference to deliverability and viability in determining the appropriate scale and mix of development.

Whilst viability and deliverability are important considerations for all development, high quality and well thought out design does not have to have major cost implications. Therefore it is not considered necessary to make reference to deliverability and viability in CP3, particularly as these issues are already key themes in the NPPF.

No change required.

CP4 Character and Context

Individual Comments: General / Misc: Objections: Supports: *from:* *representors*

☐ [Legally Compliant](#) ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ [Sound](#)

The National Trust support the principles contained in CP4.

Comment is noted and welcomed.

No change required.

☐ [Legally Compliant](#) ☒ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ [Sound](#)

The owners of land at Acorn Way broadly support the wording of CP4, although they have raised concerns about the way in which the policy could be interpreted. They state that respecting context and local vernacular is a matter of judgement.

Comment is noted. The Council intends to produce a Design Guidance document which will provide further guidance on the interpretation of the criteria set out in CP3 and CP4.

No change required.

CP5 Regeneration of Communities

Individual Comments: General / Misc: Objections: Supports: *from:* *representors*

Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The owners of land off Acorn Way have stated their broad support for CP5, although they have questioned the exact meaning of the statement within the policy which states that, 'proposals that may prejudice the regeneration of the above locations will be resisted'.

Comment is noted. The policy relates to the regeneration of communities and therefore seeks to ensure that proposals do not prejudice the regeneration and overall enhancement of these priority areas. The focus of the policy is to ensure that proposals within these areas provide regenerative qualities. However, it may also be appropriate to invoke the policy to resist proposals outside of these priority areas, where they would undermine regeneration efforts. For example, out-of-centre retail proposals that would have a significant adverse impact in terms of the regeneration of a district centre could be resisted by this policy, providing further support to the provisions of CP12 and CP13.

No change required.

CP6 Housing Delivery

Individual Comments: 43 General / Misc: 7 Objections: 32 Supports: 4 from: 17 representatives

16 AECOM for Highways England

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: Com Rep ID: 3609 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent acknowledges that the amount of housing required to be accommodated in derby City has decreased from 12,500 to 11,000 over the Plan period 2011-2028. This is a result of the Council being unable to accommodate its Objectively Assessed Housing need within its own administrative area. The additional housing to meet Derby's need will be accommodated in the other Derby HMA authorities (South Derbyshire and Amber Valley). Whilst Highways England notes this change in housing delivery, it does not consider that this will negatively impact upon the operation of the strategic road network.

The respondents comments are acknowledged. However, the City has not reduced its housing delivery number over the Plan period. The plan period initially ran for 20 years over the period 2008 to 2028 and set a housing target of 12,500 dwellings to be provided in the City. The period was changed to a start date of 2011 as a result of the Amber Valley Inspector suggesting that a start date of 2008 was too far back. However the end date was not changed. The Plan period has therefore been reduced to 17 years (2011 to 2028) with a target of 11,000 dwellings. This is because around 1,500 dwellings were completed between 2008 and 2011.

No change

32 Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3575 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent notes that the City has a significant stock of empty homes and so it is welcomed and supported that Policy CP6 seeks to encourage the re-use of vacant properties and empty homes for beneficial new or resumed residential use.

Support welcomed

No change

32

Derbyshire County Council

☐ Legally Compliant ☐ General / Misc CommentRep Type: SUP Rep ID: 3573 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

The respondent considers that all of the proposed cross boundary housing sites identified would form sustainable urban extensions

Support welcomed

No change

32

Derbyshire County Council

☐ Legally Compliant ☐ General / Misc CommentRep Type: SUP Rep ID: 3574 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

The respondent considers that the inclusion of a windfall allowance in the housing supply is consistent with paragraph 48 of the NPPF. They state that historically windfall development has made a significant contribution to the supply of new housing in the City and is an appropriate part of the housing supply.

Support welcomed

No change

45

Home Builders Federation

☐ Legally Compliant ☐ General / Misc CommentRep Type: OBJ Rep ID: 3894 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondents agree with the methodology for calculating the five year housing supply where it recoups previous shortfalls in the first five years (The Sedgefield approach). However they disagree with the Councils methodology in applying the 20% buffer for shortfalls. They consider that the buffer should be applied to the whole amount including previous shortfalls rather than just to the basic five year requirement.

Other respondents have made similar comments about the applications of the 20% buffer. There is no prescriptive methodology set out for the calculation of the five year supply requirement in the NPPF. The Council's position is set out and justified in the Housing Position Statement.

No change required.

45

Home Builders Federation

☐ Legally Compliant ☐ General / Misc CommentRep Type: OBJ Rep ID: 3892 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent suggests that the Council should provide substantive evidence of consultation with landowners, promoters and developers to justify bullet point (f) of CP6 which states that developers are expected to provide the numbers identified in the specific policies.

The vast majority of the dwelling numbers applied to the strategic sites are those which the agent/developer has promoted to the Council and many of which are now in planning applications or permissions.

When the process of preparing the Core Strategy began the Government's approach to the planning system was one of 'front loading' to determine as much about the allocation sites as possible in advance. The Council engaged with promoters and considered the dwelling numbers put forward through the SHLAA.

Several stages of consultation have happened through the process and at each stage the vast majority of the key developers and promoters have responded. The numbers identified on their sites have generally not been challenged.

Delivery of the strategy is important and the Council has sought to engage with promoters through the process. This ensures that there is development interest and that the numbers are realistic.

The approach taken is considered to be appropriate.

No change required.

45

Home Builders Federation

☐ Legally Compliant ☐ General / Misc CommentRep Type: OBJ Rep ID: 3895 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that in the 5YHLS calculation, the application of lapse rates on sites with planning permission is unclear, as is the position on lead-in times on sites without planning permission.

Every site of 10 dwellings or more is specifically identified in the housing trajectory which can be found in both the SHLAA and the Housing Position Statement. This lists every site and identifies how many dwellings are expected to come forward each year. There is also a section on the Five Year Supply calculation in the Housing Position Statement. which explains that a lapse rate has been applied to small sites with planning permission and that the PPG states that sites with planning permission should be included in the supply unless there is clear evidence that they will not come forward. We have, therefore, adhered to the approach suggested by the applicant.

No change required.

45	Home Builders Federation	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	OBJ	Rep ID: 3893	<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input checked="" type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

The respondent feels that the housing supply components shown in Table 1 of CP6 demonstrates that there is no headroom for the proposed land supply.

The Council has taken care to ensure that the supply is reasonable and realistic. Table 1 is a list of how the components of the 11,000 dwellings are broken down. However the flexibility is in factors such as the fact that some site allocations are for a 'minimum' number of dwellings and could deliver more. The City Centre area is identified to deliver 1,000 dwellings but there is potential capacity for more. There are also two regeneration sites in the Plan (the Former Celanese site and the Sinfin Lane site) which could deliver new homes in the plan period but there is not enough absolute certainty to allocate these sites and count them towards the plan target but they provide flexibility.

The Council has flexibility in its supply but is seeking to be realistic about delivery. It is felt that if we had included these sites we would be criticised for including them when delivery was not certain and if we had included them we would be criticised for having no headroom.

No change required.

45	Home Builders Federation	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	OBJ	Rep ID: 3888	<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input type="checkbox"/> Not Effective <input checked="" type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

The respondent feels that there is consistency in the Council's approach to the development of brownfield land. The inconsistency is cited as being the difference between Policy CP6 which 'encourages' the use of brownfield land when paragraph 4.23 refers to continuing to prioritise brownfield regeneration sites and spatial objective 5 specifies "priority for previously developed land". They refer to a planning appeal at Burgess Farm in Worsley and state that the Local Plan should be amended accordingly.

Policy CP6 is about housing delivery and this policy encourages the use of brownfield land to deliver more homes.

Spatial Objective 5 gives priority to "making the best use of previously developed land or vacant buildings". The thrust of this policy is not about 'sequentially preferable' housing sites, it is about the Council's priority to making the best use of brownfield land. This does not seem to be something which should be criticised in general terms.

It is agreed that the approach to prioritise brownfield regeneration sites in delivering housing, as set out in paragraph 4.23, is not fully consistent with national policy but it is considered a trivial point.

Suggest a modification to amend paragraph 4.23 to "The housing strategy gives great importance to brownfield regeneration sites...."

45

Home Builders Federation

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: ☐ OBJ Rep ID: 3896 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent states that if appropriate lapse rates and lead in times are not applied to the five year supply as set out in a previous representation then the 5 year land supply will reduce to less than 5.5 years and possibly even below 5 years. Therefore there is not a reasonable certainty that the Council has a 5 year land supply.

As explained in relation to the respondents concerns about lead-in times and lapse rates, the Council has identified exactly when it expects dwellings to be delivered on all of the major sites included in the 5 year land supply. It has also included a lapse rate on small site permissions. A very detailed explanation of how the 5 year supply is calculated is included in the Housing Position Statement and the sites are included in the housing trajectory.

The respondent provides no evidence to counter the Council's stated position other than to say that IF these issues are not considered (which they are), then the Council could 'possibly' have less than a 5 year supply. The basis of their conclusion that there is not reasonable certainty that the Council has a 5 year supply are therefore unjustified and not evidenced.

No change required.

63

Nathaniel Lichfield and Partners for Commercial Estates Group

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: ☐ OBJ Rep ID: 3650 ☒ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that the evidence provided in the Core Strategy Sustainability Appraisal suggests that the 11,000 dwelling target may not be achieved for a number of reasons. These include :

Operational employment sites are identified for housing and cannot be guaranteed.

Assumptions have been made about the re-use of commercial space in the City centre and the potential of this is not clear.

Two green wedge sites were identified in the PGS as having potential for housing allocation and have been factored into the delivery but it is not clear whether these sites

are being allocated.

The CSSA (page 69) concludes that there are no other sustainable options for increasing the City's target.

The CSSA (page 69) states that the assessment is the 'best indication' of the City's sustainable/deliverable capacity, suggesting there is no certainty that this level can be achieved.

Due to the above the plan could be challenged on the basis that the Council has not identified sufficient land to establish a 5 year housing supply.

The Council considers that the evidence base is justified and robust. It has been used to strike a balance between delivering as much new housing as possible in the City in sustainable locations to meet housing need while being deliverable.

The City Centre is identified as a broad location which significantly more opportunity than the 1,000 dwelling allocation. It is accepted that not all of the potential opportunities will come forward but there is a wide mix of sites and some have permission, are under construction or have applications on them.

In terms of the identification of housing sites on operational employment sites, These sites are very few and mainly involve a particular site in Osmaston and parts of the Castleward site. Castleward has been master planned and has planning permission and is being delivered. The site at Osmaston is one site in the wider area and the owner has promoted the site indicating that they are vacating it within 5 years. In any case a site does not have to be vacant or available now to be allocated for housing to be delivered by 2028.

Four sites in green wedges were identified in the PGS as having potential to deliver housing. Two of these are allocated in the Core Strategy. One has planning permission and the other has a planning application on it. Of the other two sites which are not allocated in the Core Strategy, if they are demonstrated to be acceptable they could be allocated in the Part 2 Plan.

The Council is striving to make suitable and sustainable land available to be delivered for housing. Many sites are being promoted and developers promoting their sites are all confident that they can be delivered.

No change

63

Nathaniel Lichfield and Partners for Commercial Estates Group

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3649 ☒ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent notes that 1,294 dwellings are to be provided on non-strategic sites in the Part 2 (allocations) Plan. They feel that there is a lack of evidence that these sites can be identified.

They note that the Housing Position Statement states that these sites will be sourced from the SHLAA and further site identification work and that there are 400 such sites which are identified as developable on the SHLAA. However there is no guarantee that these 400 will come forwards within the plan period as they do not have planning permission.

They feel that no clear evidence is provided to demonstrate the sources from which these dwellings would be provided.

The Council feel s that there are enough opportunities in the SHLAA to identify sites to meet the 1,294 dwellings in the Part 2 Plan.

The 400 dwellings which the respondent refers to are 'developable' in the context of the NPPF, meaning that they are in a suitable location and there is a reasonable prospect that they will be available and delivered.

There are many other sites is the SHLAA which can be allocated and identified to meet this gap.

Derby is in a difficult position because it has some significant constraints which affect the ability to deliver new homes and so over 5,000 dwellings of it's needs will be exported. However, the City must try to deliver all of the homes it can in sustainable locations in the City before decanting in order to boost the supply and meet needs.

The Plan runs to 2028 and it cannot be expected that every site which will be delivered between now and then has planning permission. Many non-strategic sites are being promoted and can contribute towards this Part 2 requirement. The Council feels it has taken a realistic approach to balancing meeting housing needs with ensuring delivery.

No change

63

Nathaniel Lichfield and Partners for Commercial Estates Group

☐ Legally Compliant ☐ General / Misc CommentRep Type: OBJ Rep ID: 3648 ☒ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that achieving the exact dwelling target set out in the strategic site allocation policies may not be possible. This could be due to a number of reasons including various constraints and the development of land for other uses within mixed use sites. CEG notes that there are several mixed use regeneration sites and on these sites viability and funding, land ownership and the relocation of uses can slow or limit delivery. It is therefore a realistic prospect that the 6,655 target will not be achieved.

All of the strategic allocation sites have been specifically promoted to the Council apart from the City Centre which is a strategic broad location with a number of sties in it.

Many of the sites have planning permission already, some are under construction. The vast majority have house builders behind them who have options on the land. The house builders or their agents have endorsed the numbers on the sites and have committed to deliver them and feel that they are realistic.

In terms of the City Centre the location is allocated for 1,000 dwellings (outside Castleward and the DRI site). This 1,000 dwellings will be delivered across the highly sustainable City Centre location where numerous opportunities exist. The City Centre is designated as a Housing Zone and is the subject of a City Centre Living Initiative. There are in the region of 2,000 potential dwellings worth of sites in the location but the Council acknowledges that not all of these will come forward and has included what it feels is a realistic and achievable target.

The NPPF seeks to boost the supply of housing, meet housing needs and meet them in sustainable locations. This is challenging but the evidence demonstrates that the numbers are achievable.

No change

63

Nathaniel Lichfield and Partners for Commercial Estates Group

☐ Legally Compliant ☐ General / Misc CommentRep Type: OBJ Rep ID: 3647 ☒ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondents feel that the estimated completions 2015-2016 component of the land supply is not justified as there can be no guarantee that these will be delivered.

The estimated Completions component of the supply is based on consideration of sites 'in progress' with permission, many of which were surveyed in April 2015 and were either about to be started or were under construction. It is possible that other permissions have been granted since then and some of these will also contribute. Given the past recent completion rates it is considered that if anything 391 dwellings in the current year is a conservative estimate.

The components of the Plan will continuously change and be updated through the plan period with a plan, monitor, manage approach. Such components of the land supply are always a 'snapshot'.

No change

63

Nathaniel Lichfield and Partners for Commercial Estates Group

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3646 ☒ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent questions whether the minimum delivery of 11,000 dwellings in Policy CP6 can be achieved. They consider that it might not be possible to meet the target.

They point out that the target is 11,000 dwellings and the components which make up the supply add up to exactly 11,000 dwellings.

Development can be affected by a number of issues including viability, ownership, planning issues and technical issues. CEG therefore considers that an unrealistic degree of flexibility has been built into the Plan.

The strategy components indicate where the supply will come from but the supply is flexible and many site specific allocation include policies which are minimums. Higher numbers of dwellings could therefore be delivered on those sites.

There are two large brownfield sites which are identified as being appropriate to deliver housing (Sinfin Lane and the Former Celanese Site). These sites have not had a specific housing number applied to them because it is not possible to definitively demonstrate that delivery will happen within the Plan period. However, they do create flexibility and opportunity to deliver new homes and could happen.

More sites will be allocated in the Part 2 allocations document and there will be some flexibility on those. It is clearly not possible to identify exactly how many dwellings will come forward on every site but the Council has made what it considers to be an ambitious but realistic target in order to achieve the many aims of the NPPF including boosting the delivery of housing.

Flexibility does exist in the Plan but if the Council had identified that there was a demonstrable and realistic probability of going over 11,000 then representations would be suggesting that we increase our target. No plan can accurately identify exactly how many dwellings will be delivered across its period. The dwelling target is set in the context of realistic and sustainable opportunities.

No change

100 Boyer Planning for Clowes Developments (UK) Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3736 ☒ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent considers that the Plan does not conform to national guidance. If the Plan is adopted in 2016 then only 12 years will remain of the plan period which is less than the 15 year period recommended in the NPPF

At paragraph 157, the NPPF says that Local Plans should be drawn up over an appropriate time scale, preferably a 15 year time horizon. There is no mandatory requirement that the period must be 15 years and other Plans have been found Sound with less than 15 years left. Delays in the preparation of the plan, mainly relating to joint working to meet the City's housing needs, have meant that the plan will only have a 12 year time horizon on adoption in 2016. This does not make the Plan unsound.

No change

100 Boyer Planning for Clowes Developments (UK) Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3735 ☒ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent is concerned that the balance of housing to be provided by the end of the Plan period is too optimistic given the identified housing sites.

The number requires all allocations to deliver 38.25 dwellings pa on average for the remainder of the Plan period. However, developer viabilities have, in recent years, assumed for 36 dwellings per annum.

The respondent considers that 36 dwellings per annum is a good average for a long period of time.

One of the main objectives of the NPPF is to boost significantly the supply of housing

The Council feels that the plan takes a balanced approach to the types of sites which will deliver much needed new homes. The strategic sites which are allocated in the Plan range dramatically in size and include a mix of both brownfield and greenfield sites. The greenfield sites include medium sized sites including locations in existing Green Wedges and larger urban extensions to the City including cross boundary sites.

The Council will allocate further site sin the Part 2 Allocation plan and also includes a windfall allowance.

Discussions at developer forums have indicated that volume house builders can build one house a week on average, particularly on large greenfield sites. Where there are multiple sales points/multiple developers, this can increase.

The City Council is doing all that it can to provide sustainable and deliverable locations for growth but the delivery of the vast majority of these new homes rests with the development sector.

Overall, the housing delivery strategy is considered to be optimistic but aspirational, realistic and deliverable.

No change

100 Boyer Planning for Clowes Developments (UK) Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3737 ☒ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent believes that the City will struggle to demonstrate and maintain a five year housing supply. The total supply has yet to be identified in the Plan, with a number of sites due to be identified in the Site Allocations part of the Plan.

The Core Principle (CP6) is considered to be undeliverable at worst and risky at best, particularly given the uncertainties of the housing market and national economy over the next 12 years.

The Council considers that it has identified enough deliverable sites to establish a five year housing supply to ensure that the Plan is Sound in this respect.

The supply of deliverable sites includes many with planning permission and under construction already. it allocates medium sized greenfield sites which are being promoted by developers who say that they can be delivered in the short term. It also includes a justified windfall allowance based on historical trends and having regard to opportunities in the City on brownfield land.

Once established, the supply will be maintained through the allocation of further sites in the Site Allocations Plan. This will identify and release more land for housing development.

No change

100 Boyer Planning for Clowes Developments (UK) Ltd

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3734 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Support that the policy is legally compliant.

Noted.

No change required.

137 Oxalis Planning for J S Bloor (Measham) Ltd

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that Policy CP6 is legally compliant.

Noted.

No change.

149 RPS for St Modwen Properties Plc

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent is encouraged to see that the Council is seeking opportunities to meet its OAN and is engaging with its neighbours.

However they argue that the Core Strategy should offer certainty that all reasonable strategic options have been considered within the City boundary before looking outside the City to meet needs. It is expected that evidence on OAN is up to date prior to submission as since the last OAN study was published a number of key evidence base documents such as the national population and household projections have been published.

Comments are noted. The Council has an up to date evidence base on its OAHN and has carefully considered strategic options for housing delivery within the City. The Inspectors considering the South Derbyshire and Amber Valley Examinations have defined the HMA OAHN and it would seem counter-productive to re-open that debate specifically for the City, particularly as there appears to be no realistic suggestion from any respondent that the City would be able to meet all of the OAHN within the City.

This issue will be addressed at the Examination and no modification is required here.

No change required.

151 Signet Planning for Peveril Homes

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3758 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that the land supply is over reliant on large strategic sites which require significant front loaded investment with no return. They also point out that some of the sites in the 5 year housing supply do not have planning permission and the Council has not evidenced that they will be delivered.

The strategic sites and allocations in the Plan vary widely in size. Several of the sites now have planning permission or are already under construction and it is therefore incorrect to identify that 60% of the supply is subject to these issues and delays. An existing permission is not a pre-requisite to include a site within the 5 year supply.

Many of the sites allocated are strategic allocations precisely to ensure that they are delivered to contribute to the 5 year supply. They include a range of medium sized sites in good market areas on greenfield sites in green wedges. Current policy would rule them out for housing but the Plan is releasing these sites to boost the supply in the short term. The strategy is designed to ensure a 5 year supply is in place, and the sites identified are appropriate and suitable to achieve this. No change necessary.

No change required.

151 Signet Planning for Peveril Homes

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3756 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondents feel that the strategy is over reliant on strategic sites that have high up front infrastructure costs and sites not having the benefit of planning permission.

They feel that there is no headroom in the supply and that there will not be a five year supply of deliverable sites upon adoption of the plan. They reference various Inspector's decisions which state that the 5 year supply should be calculated by applying the 20% buffer to the shortfall in delivery as well as the basic requirement.

They feel that further smaller sites should be allocated including a site that they are promoting at Moorway Lane/Hall Pastures Farm.

The strategic sites allocated in the Plan range greatly in size, type and location. They include sites with components under 100 dwellings to large urban extensions and broad locations. The strategy includes allocations for brownfield regeneration, greenfield urban extensions and green wedge release. It has been identified to release and seek the delivery of a wide range of appropriate, sustainable sites to ensure early delivery.

Most of the strategic sites allocated now have planning permission or are well progressed in the application process. The Council has already released several green wedge sites for housing and granted planning permission on them based to no small degree on their allocation in the emerging Plan. The Plan is actually

being implemented before its adoption because of positive and pro-active decision making by the Council.

In terms of the respondents point about 5 year supply, there is no prescribed way of calculating the 5 year supply requirement in the NPPF. The respondent refers to various Inspectors views but there are other instances of differing view from Inspectors. The Secretary of State, for example, has categorically concluded that the buffer should not be applied to shortfall in a recent decision. The Council does not know what the 'normal' approach of the Secretary of State, referenced in the representation is.

Furthermore, if the calculation were to be applied to in the way that the respondent has set out, although the requirement for the number of deliverable sites would be higher, the land supply identified would still equate to more than five years worth of deliverable sites.

The respondent has indicated that there is too much reliance on large sites in the strategy and identified that their proposed site should be allocated at moorway lane. This site they are promoting is for around 400 dwellings and associated infrastructure and is by no means a small site in its own right. If this site has no discernible 'delivery' issues then it is is questionable why other sites with similar characteristics, albeit in more sustainable and appropriate locations, could not be delivered.

No change is necessary to the plan in this regard.

No change required.

169

William Davis Limited

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3547 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feel that smaller sites should be included in the plan which are capable of early delivery and suggests that the Site which they are promoting at Allan Avenue (which is the subject of a current planning application) should be allocated.

The Council has allocated a range of strategic sites in the Plan to meet housing needs and to establish a 5 Year Supply of deliverable housing sites.

There has not been enough certainty that the site is a suitable location for housing development to allocate it in the Core Strategy. Matters relating in particular the access, the site size/boundary, the Brook and potential wildlife issues as well as the site being currently allocated as a new park and within a Green Wedge have meant that the site has not yet been considered suitable.

If the planning application is approved or it is demonstrated that the site is suitable it can still be allocated for housing in the Part 2 Site Allocations Plan.

The fact that the site is not allocated in the Core Strategy does not affect the Soundness of the Plan. Although there is no specific dwelling threshold applied to a strategic site this would be smaller than any other housing site/location allocated in the Core Strategy. It is certainly not of a scale that would justify any further delay in the plan making process.

No change required.

169

William Davis Limited

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3545 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent considers that the Plan will fail to demonstrate a 5 year supply of deliverable housing sites upon adoption. There are several reasons cited for this including the fact that the strategy is over reliant on large strategic sites and sites not having the benefit of planning permission.

The Plan cannot be found sound unless a 5 year supply of deliverable housing sites is established upon adoption.

The Strategy for housing delivery includes a wide mix of site types and sizes, both small and large sites on a mix of brownfield and greenfield land. It also includes a windfall allowance.

Of the specific listed strategic sites which the respondent refers to, at least half now have planning permission with signed Section 106 agreements. Of those which do not have permission some have resolutions to grant subject to the signing of a S106 agreement and other have undetermined planning applications. These strategic sites are not simply allocations waiting for developer interest. Virtually all of them have direct house builder interest and control and are already in the planning system. Many are medium sized greenfield sites where areas of green wedge have been released specifically to deliver housing in the short term.

The Council has reacted positively to the requirements of the NPPF to boost significantly the supply of housing and is making land available for development. In many cases the identification of sites in the Draft Plan has led to planning applications which have been granted and mitigation considered. The 'Front Loading' approach to plan making will ensure that these sites are available for developers to bring forward quickly and can contribute to the 5 year housing supply. The respondent has provided no detailed evidence to justify their claims, so it remains largely supposition on their part that a five year supply is not achievable.

No change required.

169

William Davis Limited

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: OBJ Rep ID: 3546 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent considers that the Council has used the incorrect methodology for calculating the five year supply of deliverable housing sites. They state that the methodology should be calculated by applying the 20% buffer to any shortfall in delivery from the start of the plan period as well as to the basic plan requirement. This would mean applying 20% to the shortfall of 1,335 dwellings as well as the basic requirement which would have the effect of requiring more deliverable dwellings in the supply.

The respondent cites opinions taken from other Inquiries and Examinations, including a letter from the South Derbyshire and Amber Valley Inspectors, which say that the buffer should be applied to the shortfall.

They state that if this approach is not taken it increases the chances of targets not being met. They also point out that the lack of headroom/lapse rates or non implementation rates has the same effect.

The NPPF does not set out the method for calculating the five year housing supply. Many Plans have been found 'sound' while not applying the buffer to the shortfall. The Council's method of doing the calculation means that all of the past shortfall must be made up within 5 years as well as the basic requirement being provided with a 20% buffer. This will meet the NPPF requirement of providing a realistic prospect of achieving the planned supply and to ensure choice and competition in the market, which is the reason stated in the Framework for applying the buffer.

Although the respondent states that appeal decisions and local plan examinations have seen the calculation apply the buffer to shortfall, there are several recent Examinations which have not. Nottingham City were recently found sound without applying the buffer to shortfall. Moreover, the Secretary of State outlined specifically that the buffer should not be applied to shortfall in a decision for development at Gresty Lane, Cheshire East in mid 2015. The Secretary of State's view should be given great weight.

No change required.

222

Planning & Design Group for Hallam Land Management

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: SUP Rep ID: 3702 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

The respondent supports the objective to meet the City's full objectively assessed need for housing and in particular supports the allocation of land at Wragley Way (AC18). They refer to the more specific supporting comments which they made to Policy AC18.

Support welcomed

No change required.

222 Planning & Design Group for Hallam Land Management

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3701 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent considers that the policy is legally compliant.

Noted.

No change required.

535 Rostron (Private Individual)

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3466 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The policy is considered legally compliant.

Noted.

No change required.

541 Cooper (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3977 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent considers that the proposal to build on the west of Derby is just a simple solution to meet a Government target arranged in collusion with South Derbyshire. The decision could have been prepared on the back of a cigarette packet.

The OAHN and apportionment between districts is based on a considerable and robust evidence base. The assessment of the OAHN has also been considered at length at both South Derbyshire and Amber Valley's Examinations and has been found to be a robust assessment.

No change required.

853 Turley Associates for Radleigh Group

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3484 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent considers that by their calculations, including applying the buffer to shortfall and including a lapse rate to planning permissions, the Council only has a 4.77 year housing supply. The Plan is therefore not considered to be 'sound' because it is not positively prepared, justified, effective or consistent with national policy. The respondent feels that the authority should allocate additional housing sites.

Also see comments elsewhere on this issue.

The respondent's calculations are not accepted. The Council feels that the 5 year supply calculation has been calculated correctly and that the authority will be able to establish a five year supply of deliverable housing sites on adoption of the plan, consistently with the NPPF.

A lapse rate should not be applied to sites with planning permission for major sites because they have all been considered separately and not all of them are included in the five year supply. A realistic and robust assessment of delivery of these sites has taken place to assess likely levels of development. A 'lapse rate' has already been applied to small sites with planning permission.

In terms of the method of calculation, the Council's approach to applying the 20% buffer is consistent with the method used in other recently adopted plans, including Nottingham City and Erewash. It is also consistent with the approach outlined by the Secretary of State in the recent Gresty Lane, Cheshire East appeal. The method used meets the purpose of applying the buffer in the NPPF.

Further sites will be allocated in a Part 2 plan to add to the 5 year housing supply in the fullness of time, but to include them in the Part 1 Plan would further delay the process. This delay would seriously affect the ability of the plan to cover an acceptable timeframe and is not necessary in order to achieve a 'sound' strategy.

No change required.

853 Turley Associates for Radleigh Group

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3483 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent says that a more precautionary approach should be taken to the assumed delivery of site with planning permission which are included in the five year supply. They suggest that a lapse rate of 10% should be included in the calculation. They say that this would be consistent with the approach taken in other Examinations.

Also see comments elsewhere on this issue.

The sites which are included in the five year supply are split into major and small sites and windfalls. Major sites have been individually identified with permission and an assessment has been made about their delivery. Some sites with permission are not expected to come forward in the first 5 years and have been included later in the trajectory.

However, the NPPF states at paragraph 11 that "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." No such clear evidence exists, the respondent is simply suggesting a 10% rate be applied across the board.

For planning permissions on small sites, at the time of calculation there were well in excess of 400 dwellings with extant, unimplemented planning permission in the City. The number counted within the 5 year supply is 300 so a significant lapse rate has been applied. The Council has applied this rate because some smaller sites of less than 10 dwellings might lapse because permission was secured speculatively.

No change required.

853 Turley Associates for Radleigh Group

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3482 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondents consider that the Council has calculated the dwelling requirement for the five year housing supply incorrectly. They feel that other recent local plan examinations and appeal decisions have set out that the 20% buffer should be applied to the shortfall in delivery so far from the beginning of the Plan period as well as to the basic requirement. This approach would mean a five year requirement of 5,484 dwellings.

The NPPF does not set out the method for calculating the five year housing supply. Many Plans have been found Sound while not applying the buffer to the shortfall. The Council's method of doing the calculation means that all of the past shortfall must be made up within 5 years as well as the basic requirement being provided with a 20% buffer. This will meet the NPPF requirement of providing a realistic prospect of achieving the planned supply and to ensure choice and competition in the market, which is the reason stated in the Framework for applying the buffer.

Although the respondent states that appeal decisions and local plan examinations have seen the calculation apply the buffer to shortfall, there are several recent Examinations which have not. Nottingham City were recently found sound without applying the buffer to shortfall. Moreover, the Secretary of State outlined specifically that the buffer should not be applied to shortfall in a decision for development at Gresty Lane, Cheshire East in mid 2015. The Secretary of State's view should be given great weight.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd ☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3933 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that Policy CP6 should be much clearer in the policy about how the HMA housing requirement is assessed and how Derby City propose to meet the requirements.

The Housing requirements Study and SHMA are the main evidence base on housing need. The policy sets out the housing target for the City and broadly explains how that will be met including the specific strategic allocations and the components for the 11,000 target.

It is not the purpose of policy to repeat the evidence base. The evidence base including the SHMA and the HRS as well as other documents provides the evidence. It is not thought that the policy could be much clearer, however, in setting out how and where the target is to be achieved. Further information is, however, provided in the Housing Position Statement

No change

1045 Acres Land & Planning Ltd for British & Continental Co Ltd ☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3937 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent points out that there is a typo on Site 13 of Table 2 in Policy CP6. It is also suggested that it is not clear where the 1,000 dwellings in the City Centre are to be found.

The typo in Table 2 of CP6 is acknowledged. In terms of the sites/capacity of the City Centre, the City Centre is a broad location which has significant opportunities to deliver new homes in sustainable locations. The 1,000 units is a reasoned and reasonable assessment of likely delivery over the plan period. Policies AC1 and AC2 identify potential sites and indicate a positive approach to making use of under used floorspace. It is considered evident where the Council expects the 1,000 units to be derived. Further information on this is provided in the Housing Position Statement and Housing Trajectory.

Suggest modification to amend the typo in Table 2 of CP6.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd ☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3935 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that table 1 in Policy CP6 provides no evidence of flexibility in terms of housing numbers. It means that every plot on every site will need to be built

and occupied by 2028. This is unlikely to happen.

Table 1 identifies the components of the Plan which will make up the 11,000 net new dwellings to be provided. It is not intended to identify 'flexibility' but rather how each component of supply will help meet the overall minimum target.

The strategy does contain flexibility and the respondents comments that it does not are not evidenced or justified.

No change required.

1045	Acres Land & Planning Ltd for British & Continental Co Ltd	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	OBJ	Rep ID: 3938	<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input checked="" type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

The respondent feel that criterion b of Policy CP6 should be more explicit about what the Council will require in terms of affordable housing.

The details of the Affordable Housing specific requirements are set out in Policy CP7. The reference in CP6 is simply reflecting the strategic approach to housing delivery as including the need to provide affordable homes.

No change required.

1045	Acres Land & Planning Ltd for British & Continental Co Ltd	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	OBJ	Rep ID: 3939	<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input type="checkbox"/> Not Effective <input checked="" type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

The respondent feels that Policy CP6 does not commit to the need to meet a 5 year supply of deliverable housing sites.

The requirement for a five year supply of deliverable housing sites is set out in the NPPF which is National Policy. There is no need to repeat this policy is a Local Plan policy. The need for a five year supply is identified in the supporting text of paragraphs 5.6.13 and 5.6.14 of Policy CP6

No change required.

1045	Acres Land & Planning Ltd for British & Continental Co Ltd	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	OBJ	Rep ID: 3934	<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input checked="" type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

The respondent states that the pace of development so far is falling behind and that the target of 11,000 dwellings includes 900 windfall sites and 1294 sites which will be identified in the Part 2 Plan. They consider that counting sites which have yet to occur (windfalls) and as well as making an allowance for extant planning permissions is double counting and the windfall allowance can only be assumed from 2018 onwards.

The way these components work is explained in detail in the Housing Position Paper. The windfall allowance is a conservative estimate based on a number of things including the type of land available in Derby and the historic delivery of windfalls. The allowance has been averaged out over the remainder of the Plan period which is a standard way of dealing with windfalls in forward housing supply.

Windfalls are explicitly different to sites with planning permission. Sites with permission are known and identified sites where a decision has been taken as to if, and when development will happen and how many dwellings will be yielded annually. The respondent's comments are not, therefore, accepted.

The further dwellings to be found in the Part 2 allocations document will be sourced from the SHLAA. The SHLAA includes many more sites than are required to meet the 1294 part two dwellings. Indeed, some of the sites in the SHLAA are already classed as 'developable' as defined in the NPPF as they are expected to be delivered in the plan period and be suitable, available and viable. The Housing Position Paper explains the difference between these components.

No change required.

1047	Pegasus Planning Group LLP for Interests in Acorn Way	<input checked="" type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment						
Rep Type:	Com	Rep ID:	3643	<input type="checkbox"/> Not Positively Prepared	<input type="checkbox"/> Not Justified	<input type="checkbox"/> Not Effective	<input type="checkbox"/> Not Consistent with National Policy	<input type="checkbox"/> Not Legally Compliant	<input type="checkbox"/> Sound

The Strategy is considered to be legally compliant.

No change required.

1047	Pegasus Planning Group LLP for Interests in Acorn Way	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment						
Rep Type:	OBJ	Rep ID:	3644	<input checked="" type="checkbox"/> Not Positively Prepared	<input checked="" type="checkbox"/> Not Justified	<input type="checkbox"/> Not Effective	<input type="checkbox"/> Not Consistent with National Policy	<input type="checkbox"/> Not Legally Compliant	<input type="checkbox"/> Sound

The respondents have made submissions on behalf of clients with interests in land between Acorn Way and Morley Road (the site is not within the City). The respondents consider that the Green Belt Assessment is too broad brush and insufficiently refined. It fails to identify if there are any small area within the area that make limited contribution to green belt and may offer an opportunity for development.

They refer to the fact that a part of the Green Belt Assessment refers to another location where the A50/A6 lie as offering the potential to amend the Green Belt and

suggest that the same applies between Morley Road and Acorn Way.

They suggest that as part of any plan review the Green Belt Technical Assessment should be revisited to provide a more detailed assessment of Green Belt on the Eastern edge of Derby and allow for minor amendments to allow for sustainable development opportunities to meet housing requirements.

Firstly, the site that the representations refer to is not in Derby. It is in Erewash Borough and as such any promotion of the land for development should be directed to that Council.

The Technical Assessment of the Green Belt focussed on the periphery of the City and was jointly prepared by 5 local authorities. It was intended to consider whether the green belt was carrying out the 5 green belt functions which are set out in the NPPF. It concluded that, in this location, it was fulfilling them to a high degree.

In terms of releasing green belt for housing, unmet housing need is not considered to be an 'exceptional circumstance' which outweighs green belt designation. Furthermore, Derby's housing needs will be met through the 3 Derby HMA Plans without the loss of Green Belt land.

No change required.

1051	Signet Planning for Speeds (Derby)	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	OBJ	Rep ID:	3676
<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input checked="" type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound			

The respondent feels that the housing allocations at Castleward and the City Centre set reasonably ambitious targets.

They suggest that when the opportunity arises for housing to be provided on mixed use sites that priority should be given to the delivery of housing and that the policy should place more emphasis on housing being brought forward as part of mixed use schemes.

The Council has granted planning permission for Castleward and allocated it as a strategic allocation. The first phase is now virtually complete and although this is an ambitious project it is being delivered and there is non reason why it should not be built out given the need for housing and the sustainable location. Castleward will be a mixed use development creating a new Urban Village in the Central Business District.

The City Centre has been identified as a broad location to deliver a minimum of 1000 new homes during the Plan period. Evidence suggests that there are around 2000 dwellings worth of opportunities in the location but the Council has tried to make a realistic estimate of delivery, The City centre itself is by nature a mixed use area.

It is expected that many mixed use developments will come forward. Many already have planning permission and form allocations. However it is not for the policy to give priority to housing where this approach may constrain the delivery of other important uses. Appropriate mixed use developments including housing will be welcomed but it is inappropriate to have a policy approach which gives priority to housing on any site regardless of other policy considerations. Having said this, the Castleward policy is already quite flexible in its approach.

No change required.

1057 Planning Design Practice Ltd for Mr Tom Shally

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3798 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feel that the Council's housing trajectory is extremely optimistic in light of recent completion figures and past performance. The strategic sites and city centre appear very optimistic.

If there were a greater number of allocations spread more evenly around the City it would provide a more realistic chance of meeting the targets set.

It is agreed that the Plan is optimistic but realistic. It is an aspirational Plan to boost significantly the supply of housing in line with Government Policy in the NPPF.

Housing needs are significant and evidence suggests that there is a housing crisis. The Council is making a wide range of site type and locations available for developers to bring forward to meet needs. These include a mix of greenfield and brownfield sites in various locations and varying greatly in size. It includes mixed use regeneration site. Many sites already have planning permission. This is inline with the suggestion of the respondent.

In the City Centre there are significant opportunities to deliver new homes and the location has been designated as a housing zone. There is a City Centre Living Initiative where the Council is acting pro-actively to bring forward new homes.

No change

CP7 Affordable and Specialist Housing

Individual Comments: 31 General / Misc: 5 Objections: 21 Supports: 5 from: 12 representors

32 Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3577 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent welcomes Policy CP7 as it sets out the Council's commitment to adopt a flexible approach in seeking to deliver as much of the city's housing needs as is viable without unduly constraining housing delivery. It also seeks to deliver Lifetime Homes.

They acknowledge that the supporting text to the Policy acknowledges that affordable housing provision can have a significant impact on the viability of development

Support welcomed, although it is noted that changes recently brought in as a result of the Housing Standards Review will mean that the Council cannot require Lifetime Homes in the policy moving forward.

No change

32 Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: Com Rep ID: 3578 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent welcomes the supporting text to Policy CP7 which explicitly recognises the potential impact that affordable and specialist housing can have on the level of funding for infrastructure that is critical to support the strategy. However, it is still not clear how this policy would relate to Community Infrastructure Levy should the Council, adopt one in the future.

Support is generally welcomed. The flexibility of the Policy would mean that any factors affecting the delivery of Affordable Housing could result in the percentage target being reduced from 30% to ensure that the wider delivery of housing is viable.

No change

45

Home Builders Federation

☐ Legally Compliant ☐ General / Misc CommentRep Type: OBJ Rep ID: 3900 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent refers to the South Derbyshire District Council Local Plan Examination and the further viability work which was carried out to support their application of a policy requirement for 30% affordable housing..

They refer to Policy CP7 which proposes 30% affordable housing on sites of 15 or more units and state that it is not proven to be viable.

They note that the policy enables developers to negotiate lower affordable housing provision on the grounds of viability they feel that such negotiations incur additional costs in terms of time and money which hamper housing delivery. The purpose of whole plan viability assessments is to test that the policy expectations is not set unrealistically high.

As noted by the respondent, the policy is very flexible and allows for affordable housing to be sought up to 30%. It is known that 30% is achievable on some sites because it has been secured.

The NPPF requires local authorities to meet in full their needs for market and affordable housing. While it is acknowledged that this is a challenge, it is important to try to deliver the most affordable housing possible while ensuring that the developer/land owner make a reasonable profit in line with Paragraphs 173 and 174 of the NPPF. The wording of the policy ensures that developers will not be expected to provide a level of affordable housing that would lead to an unviable scheme. In this respect, the policy is inherently consistent with the requirements of the NPPF.

Most house builders will have an idea of the costs and returns of a scheme before they submit a planning application. They also negotiate of other aspects of mitigation through Section 106 agreements. It should not be overly time consuming or costly to factor in affordable housing costs at this stage and present the findings with the application.

Furthermore, the PPG encourages negotiation to secure appropriate levels of affordable housing.

Representations to this consultation from house builders have acknowledged the flexible approach to the policy in allowing negotiation on affordable housing.

The approach allows for all of the considerations of a specific site to be taking into account and to deliver much needed new affordable homes without putting unnecessary burdens of developers. This type of calculation cannot be achieved simply through a plan wide viability assessment.

No change required.

45

Home Builders Federation

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: Rep ID:
☐ Not Positively Prepared
 ☐ Not Justified
 ☐ Not Effective
 ☒ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

The respondent feels that the reference to Lifetime Homes in bullet point b of CP7 is out of date.

It is acknowledged that Lifetime Homes can no longer be required through Planning policy. This change was implemented by Government between political sign off and pre-submission consultation. It is accepted that a modification to the policy to replace Lifetime Homes with the relevant Building Regulations would be appropriate in terms of maintaining the Council's strategy for this important issue.

Suggest modification to replace reference to Lifetime Homes with reference to the new Building Regulations Part M4(2). This is the closest equivalent to the Lifetime Homes Standard. All references to Lifetime Homes should be removed from the Plan. Similarly, reference to Wheelchair homes should be replaced with a reference to the Building Regulations Part M4(3).

100

Boyer Planning for Clowes Developments (UK) Ltd

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: Rep ID:
☒ Not Positively Prepared
 ☐ Not Justified
 ☒ Not Effective
 ☒ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

The respondent is unclear how 'clawback' will work in practice without further substantial work from both the city council and the developer in monitoring, reviewing and examining the evidence base. Such processes can be costly. In addition, it is difficult to implement on sites where tranches may be sold off to a variety of different developers.

The Council currently uses clawback on larger schemes in certain circumstances where development will take place over a longer term. This has been successful. Clawback will only be used where the Council is agreeing to less than the required contributions/infrastructure to mitigate for the impact of the development. An agreement would be made that the developer need not deliver the full range of obligations because of viability. However, the developer will still make a reasonable profit. It is logical therefore that over the term of the long development, if economic conditions improve, the developer should not make a higher than reasonable profit when the appropriate mitigation is not being delivered. As clawback will only be used on larger schemes and over a longer term, the impact of providing further evidence should not be unacceptably onerous. The approach is considered to be reasonable, innovative and effective way of facilitating development that may not be considered policy compliant or viable at the time of consideration.

No change required.

100	Boyer Planning for Clowes Developments (UK) Ltd	<input checked="" type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	Com	Rep ID: 3738	<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

The respondent feels that the policy is legally compliant.

Noted.

No change required.

100	Boyer Planning for Clowes Developments (UK) Ltd	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	Com	Rep ID: 3739	<input checked="" type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input checked="" type="checkbox"/> Not Effective <input checked="" type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

The respondent states indicates that changes made recently by the Government have changed the way that housing standards can be required through planning policies and that the Core Strategy is not compliant with these changes.

They refer to the new technical standards and state that the Government has set out that these standards should be used if there is evidence of need and viability.

The respondents also refer to the Housing and Planning Bill and the fact that the direction of travel from Government is one towards low cost market housing.

They feel that the above points render reference to Lifetime Homes and the definition of Affordable Housing out of date.

It is acknowledged that the Government has now revoked Lifetime Homes as a standard and replace such matters with new Building Regulations. The new 2015 Building Regulations came into force on 1 October 2015 and allows for 3 categories of standards of housing. The basic is mandatory but the second level, Part M4(2) is broadly equivalent to the Lifetime Homes requirement. It is noted that the Wheelchair accessible requirement of CP7 has similar implications.

On the matter of the Housing and Planning Bill, it is acknowledged that the Bill is currently going through Parliament, however it has not been enacted. It would not be appropriate to set policy or definitions in the Plan based on a Bill which has not been enacted or received Royal Assent.

Suggest a modification to Policy CP7 and supporting text to change reference from Lifetime Homes to the nearest new Building regulations equivalent (Part M4(2)). Also change the requirement for wheelchair accessible dwellings to comply with national guidance which states that Wheelchair User homes (Part M4(3)) should only be required where the local authority is required to nominate a person to live in the dwelling.

137

Oxalis Planning for J S Bloor (Measham) Ltd

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: SUP Rep ID: 3966
 ☐ Not Positively Prepared
 ☐ Not Justified
 ☐ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☒ Sound

The respondent supports the flexible approach of Policy CP7 in terms of balancing the policy. They feel that a flexible approach is essential in ensuring that a balance is struck. The relevance of 'competing planning objectives' is also welcome and entirely appropriate.

The support is noted and welcomed.

No change.

137

Oxalis Planning for J S Bloor (Measham) Ltd

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: OBJ Rep ID: 3811
 ☐ Not Positively Prepared
 ☐ Not Justified
 ☒ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

The respondent supports the principle of the policy's flexible approach, however they have concerns about the cumulative effects of a number of the Policy aspirations. They feel that the implications of the aspirations for both 30% affordable housing and 20% lifetime homes need to be properly considered in terms of the potential risks of deliverability and viability.

They suggest that lifetime homes often have a larger footprint and can affect the number of dwellings that can impact on overall site viability. As such, Paragraph 5.7.13 which mentions that some LTH provisions will not be required by the Council is welcomed.

The comments are noted buy it is felt that the flexible approach to the Policy would mean that if developers could demonstrate the site specific impacts of the requirement the Council would negotiate lower levels of provision.

It is noted that Lifetime Homes have now been revoked as a standard by Government and replaced with the new set of Building Regulations.

No change to the principle of the policy as it remains extremely flexible. However, the Policy will need to be amended to replace the Lifetime Homes element with Category 2 of Part M(4) of the new Building Regulations.

137

Oxalis Planning for J S Bloor (Measham) Ltd

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: OBJ Rep ID: 3812
 ☐ Not Positively Prepared
 ☐ Not Justified
 ☒ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

The respondents note that Policy CP7 requires wheelchair adapted homes to be provided on sites of 15 or more dwellings where there is an identified need and this may

be part of the Lifetime Homes requirement or Affordable Housing requirement.

As mentioned in other responses, the Council cannot require Lifetime Homes now and can only require these type of standard by requiring to the new Building Regulations.

Government policy is that wheelchair adapted homes should only be sought where there is a requirement for the local authority to meet the need. Wheelchair adapted homes will need to be sought by specific reference to the optional higher Building Regulations specific in Part M4(category 3)

Suggest a modification to Policy CP7 and supporting text to change reference from Lifetime Homes to the nearest new Building regulations equivalent (Part M4(2)). Also change the requirement for wheelchair accessible dwellings to comply with national guidance which states that Wheelchair User homes (Part M4(3)) should only be required where the local authority is required to nominate a person to live in the dwelling.

137 Oxalis Planning for J S Bloor (Measham) Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3813 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondents feel that as it is worded Policy CP7 is likely to be informed in most cases by viability assessments. The recognise that viability is a key issues and is welcomed but suggest that completing viability assessments will not see sites come forward quickly.

The Policy only requires Affordable Housing or Lifetime Homes on sites of 15 of more dwellings. The Council considers that most developers of sites of this size will have taken some time to calculate the costs and values on their site before applying for planning permission. The Council would advise developers that they carry out viability assessments in order to be confident that they are able to develop the site in advance of submitting a planning application. The policy requirements would allow a developer to consider the implications of affordable housing and as stated in the Policy, the Council is happy to consoler reducing the requirements to make the site deliverable.

No change.

137 Oxalis Planning for J S Bloor (Measham) Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3814 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondents refer to the suggestion in paragraph 5.7.22 that smaller sized market dwellings might be encouraged to meet the needs of older couples or single people. However the Plan does not make it clear how a need for such a requirement would be determined. The policy seems to have some synergy with emerging national proposals to deliver 'Starter Homes'.

The need for smaller affordable homes is identified in the SHMA and Table 3 within the Affordable Housing Policy supporting text takes an extract from the SHMA evidence on house sizes. The text referred to is supporting text and not a specific Policy requirement in itself. The text is there to support criteria of the Policy and the requirements of the NPPF.

At present the Governments 'Starter Homes' agenda does not have enough weight to inform policy.

No change.

137

Oxalis Planning for J S Bloor (Measham) Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3815 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that greater clarity is required as to the likely priority of the various 'competing planning objectives' identified in Policy CP7. It is not clear as written what the main priorities are among these requirements and how a developer might understand this when preparing development proposals.

It is not possible to identify the priority of certain requirements as they are likely to vary from site to site. For example, Section 106 contributions may be required towards deduction costs if there is no readily available solution and similarly to highways if they are needed as with open space and community facilities. It is possible that some sites will need to provide the whole range to mitigate for the impacts of the development where others may not. This is why negotiation is necessary to be a part of the process and how the Council will be flexible depending upon the viability of delivering infrastructure.

No change.

137

Oxalis Planning for J S Bloor (Measham) Ltd

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3810 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent considers that Policy CP7 is legally compliant

145

Pegasus Planning for Miller Homes

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3770 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that Part b of Policy CP7 is not supported by appropriate and proportionate evidence and it is not clear that the 20% Lifetime Homes requirement

takes into account the likely cumulative impact on development. The NPPF states that the cumulative impact on these standards should not put the implementation of the Plan at serious risk and should facilitate development through the economic cycle.

The Policy is not justified.

The policy is completely flexible as it is negotiable in terms of ensuring viability. Evidence suggests that with the ageing population, and number of disabled and wheelchair user occupants there is a demonstrable need for adaptable and wheelchair user homes.

It is acknowledged that the maximum percentage will not be achievable on all sites but the NPPF requires that authorities plan to meet the specialist housing needs of their population.

It is noted that the Government has recently removed the Lifetime Homes Standard and such standards are now included in the new Part M of the Building Regulations so the Council cannot apply the Lifetime Homes requirement in the new Plan. However, category 2 of part M(4) is broadly consistent with the Lifetime Homes Standard and the policy could be reworded to refer to this rather than Lifetime Homes and still remain flexible to ensure viability.

Suggest a modification to amend Policy CP7 to refer to Part M4(2) of the Building Regulations rather than Lifetime Homes.

145

Pegasus Planning for Miller Homes

☒ Legally Compliant☐ General / Misc Comment

Rep Type:

Com

Rep ID:

3769

☐ Not Positively Prepared☐ Not Justified☐ Not Effective☐ Not Consistent with National Policy☐ Not Legally Compliant☐ Sound

Policy CP7 is legally compliant

145

Pegasus Planning for Miller Homes

☐ Legally Compliant☐ General / Misc Comment

Rep Type:

OBJ

Rep ID:

3768

☐ Not Positively Prepared☒ Not Justified☐ Not Effective☒ Not Consistent with National Policy☐ Not Legally Compliant☐ Sound

The respondents feel that criterion J of Policy CP7 is not justified and therefore not 'Sound' because it does not take account of the need to take proper account of viability as set out in paragraph 173 or the Framework.

The policy is considered too onerous and it is recommended that the Policy is deleted to make the Plan Sound.

The Council considers that the Policy is Sound in seeking appropriate forms of carbon reduction. It specifically seeks 'appropriate' forms of carbon reduction and

this phrase should be taken holistically to mean that the carbon reduction is appropriate both in terms of its effectiveness in mitigating for greenhouse gas emissions and that is appropriate in terms of the viability of the development.

Paragraphs 173 and 174 of the NPPF are material considerations and in themselves require that development is viable. Furthermore, this Policy is relevant to all forms of development and not just housing.

The NPPF and the Evidence Base suggests the importance of responding to the causes and effects of climate change and it is reasonable to require developers to do so where it is appropriate.

The types of mitigation provided can be varied and are not necessarily costly. For example, it could simply mean Solar PV units.

It is accepted that the Policy needs to be amended to remove the reference to off-site 'Allowable Solutions' as this concept has now been removed by Government.

Suggest modification to remove references to "allowable solutions" from Policy CP2 and supporting text.

169

William Davis Limited

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: ☐ OBJ Rep ID: ☐ 3552 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent refers to the requirement in Policy CP7 for 30% affordable homes and states that this requirement will have a significant impact on the delivery of viable schemes.

They refer to the NPPF paragraphs 173 and 174 stating that policy burdens should not be placed on a site so as to make it unviable and that burdens must not place the Implementation of the Plan at risk.

They feel that the policy would add unacceptable costs which could , in certain cases make schemes unviable.

They also state that the Strategic Viability Assessment did not factor in any policy requirements.

They suggest that a whole Plan viability assessment should be undertaken to justify the level of affordable housing.

Policy CP7 is extremely flexible. It has been specifically designed to be flexible to allow for cases where the full policy requirement cannot be met. In these cases the policy is clear that the Council does not wish to constrain the wider delivery of market housing and will be prepared to negotiate lower requirements.

The NPPF says that the Council should meet in full its objectively assessed needs for Market and Affordable Housing. Many representations have been made about the importance that the objectively assessed needs of market housing are met but it is equally if not more important to provide affordable housing given the significant needs.

Paragraph 50 of the NPPF refers to the fact that policies to meet affordable housing need should be sufficiently flexible to take account of changing market conditions over time.

The Planning Practice guidance has a section on Planning Obligations and whether obligations are negotiable. It states that where local planning authorities are requiring affordable housing obligations, they should be flexible in their requirements.

The Plan-wide viability assessment is considered to be robust. It was carried out by an independent specialist consultant and it made consideration for the cost of different levels of affordable housing. Overall, the above is a very flexible and pragmatic approach which will seek to meet significant needs without overburdening developers or constraining wider delivery. This seems wholly consistent with the aspirations of the NPPF.

No change required.

169

William Davis Limited

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent states that the policy seeks to adopt space and design criteria in policy and supporting text and that this is contrary to the March 2015 Ministerial statement. This is clear that Councils should demonstrate the need for space standards over and above revised Building Regulations. There is no justification in the Plan or the evidence base to support the inclusion of the Lifetime Homes standard in Derby or for the introduction of additional design criteria.

Changes to housing standards were introduced by Government through a Written Ministerial Statement and the Deregulation Act. This change was introduced after the Draft Plan was approved for consultation by Full Council. The Council wished to understand the view of consultees on this issue through the consultation before deciding how best to respond through the modifications process.

It is accepted that the Government has made significant changes to the way that housing standards can be required through Local Plan policies. The Council is aware of this issue and considers that the nearest equivalent to lifetime homes standards is Building Regulations Part M4(2). As such, it seems appropriate to suggest that the plan is modified to reflect this and reference to Lifetime Homes is removed.

Suggest a modification to amend Policy CP7 to refer to Part M4(2) of the Building Regulations rather than Lifetime Homes.

590 Boyer Planning for Clowes/Bellway

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3825 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that Policy CP7 is likely to be affected by future changes in legislation currently proposed through the Housing and Planning Bill regarding Starter Homes. The supporting policy to the text should be amended as follows :

"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 and changes in legislation".

The Plan cannot take account of specific details of a Bill that has not yet been enacted as it is still subject to amendment.

It is not felt that the supporting text needs to be amended because any new legislation which comes in to force during the Plan period will automatically have weight as a point of law and must be given the required consideration as such.

No change required.

590 Boyer Planning for Clowes/Bellway

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3967 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondents support the overarching principles of Policy CP7 (Affordable and Specialist Housing), although it needs updating to reflect current Government policy and guidance.

Support of the overarching principles is welcomed. See other comments on this issue for matters relating to changes to Government guidance.

Suggest a modification to amend Policy CP7 to refer to Part M4(2) of the Building Regulations rather than Lifetime Homes.

590 Boyer Planning for Clowes/Bellway

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3823 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that Policy CP7 is legally compliant

590

Boyer Planning for Clowes/Bellway

☐ Legally Compliant☐ General / Misc Comment

Rep Type: OBJ

Rep ID:

3824

☐

Not Positively Prepared

☒

Not Justified

☐

Not Effective

☒

Not Consistent with National Policy

☐

Not Legally Compliant

☐

Sound

It is noted that the requirement to provide Lifetime Homes is no longer applicable as it has been deleted by Government following the Housing Standards Review.

The only accessibility standards allowed are the optional Part M4(2) and Part M4(3) subject to the necessary tests set out in the NPPG.

The policy is therefore currently not consistent with national policy and will need to be amended to reflect new technical standards and how these will be apportioned.

It is acknowledged that the Government has recently changed the approach to delivering accessible homes. The Lifetime Homes standard is no longer applicable and an amendment to the policy would be justified to make it consistent with Government policy. it would seem most appropriate to replace the reference to Lifetime Homes with Part M4(2) of the building regulations as this would most closely relate to the Council's preferred strategy.

Suggest a modification to amend Policy CP7 to refer to Part M4(2) of the Building Regulations rather than Lifetime Homes.

727

Planning Design Group for JGP Properties Ltd

☐ Legally Compliant☐ General / Misc Comment

Rep Type: SUP

Rep ID:

3660

☐

Not Positively Prepared

☐

Not Justified

☐

Not Effective

☐

Not Consistent with National Policy

☐

Not Legally Compliant

☒

Sound

The respondent expresses that the impending Housing and Planning Bill should be monitored through the Examination in the context of Starter Homes so that the policy has sufficient flexibility to accommodate changes brought about through the Bill

Comment noted. This will be addressed through the Examination. A modification at this stage is not appropriate.

No change required.

973

Purdy (Private Individual)

☐ Legally Compliant☐ General / Misc Comment

Rep Type: OBJ

Rep ID:

3553

☐

Not Positively Prepared

☐

Not Justified

☒

Not Effective

☐

Not Consistent with National Policy

☐

Not Legally Compliant

☐

Sound

The respondent considers that the Plan is unsound because new developments are unlikely to be compliant with the requirements of the Government's Planning Policy Statement 3. The point made is that PPS 3 requires Councils to plan for a mix of housing which caters for disabled and elderly residents.

The respondent's concern is that not enough single storey accommodation will be provided and they seek that the policy requires a minimum proportion of single storey

designs in larger residential developments.

The respondent provides supporting information and data including extracts from PPS 3

Planning Policy Statement 3 has been revoked and the policy has been superseded by the NPPF. The NPPF seeks to boost significantly the supply of housing but it does contain a similar requirement for planners to plan for a mix of housing to meet specialist needs including those of the aging population and disabled people. This is set out in paragraph 50 of the Framework.

Policy CP7 does seek that a mix of housing is provided. However, the policy falls short of requiring specific types of housing to be provided on site. This is because it is crucial that new housing is delivered and to require specifics could affect the viability and delivery of sites and put undue restrictions and burdens onto developers. Paragraph 173 of the NPPF requires that viability and delivery of housing is ensured. Furthermore, if developers were to be required to provide a proportion of bungalows on sites the housing market is still an open market and there is no assurance that these dwellings would be taken up by people in need of a single storey dwelling rather than people desiring one.

This is not to say that the respondents point is not a valid one, it is just very difficult to implement effectively through a planning policy while meeting the other requirements of the Framework. It is noted that although Policy CP7 makes reference to meeting the needs of the aging population, it could go further in considering needs of people with disabilities. A minor modification may be appropriate here for clarity.

It is also relevant that Policy CP7 includes a policy on the provision of lifetime homes and this requirement would go some way to meet some of the concerns of the respondent. However, the Government has recently changed the way that Councils can apply housing standards and this can now only be done through Building Regulations. It has been suggested elsewhere that a modification to accommodate these changes may be appropriate.

Suggest modification to Policy C7,criterion 'c' to refer to supporting the provision of housing which is capable of meeting the needs of the aging population and of people with disabilities.

1010

Taylor (Private Individual)

☐ Legally Compliant☐ General / Misc Comment

Rep Type:

OBJ

Rep ID:

3507

☐ Not Positively Prepared☐ Not Justified☒ Not Effective☐ Not Consistent with National Policy☐ Not Legally Compliant☐ Sound

The respondent considers that the development of green wedge sites always result in 'up market' houses and that the affordable housing provided by developers is always at the back of developments and inconvenient for those who need transport for schools or shops.

The affordable housing policy (CP7) requires that affordable housing is well integrated with market housing in new developments. This has a 'pepper-potting' effect and ensures that there are opportunities to secure an affordable home in different locations across the site. The policy should, therefore, satisfy the

respondent's concerns.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3969 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent points out that there is no longer a Government requirement to provide a proportion of Lifetime Homes on a site.

The point is acknowledged. The changes to Lifetime Homes came in quite recently and reference to Lifetime Homes is no longer relevant.

Suggest a modification to amend Policy CP7 to refer to Part M4(2) of the Building Regulations rather than Lifetime Homes.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3942 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

The respondent acknowledges that the Council will seek to require a target of 30% affordable homes (subject to viability) and welcomes the suggestion that the policy will be applied flexibly.

Support welcomed

No change

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3941 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent points out that there is no longer a requirement for developers to provide a proportion of Lifetime Homes on a site. They must be delivered on a voluntary basis.

See comments elsewhere on this issue.

It is acknowledged that the Government has now removed Lifetime Homes but it has replaced the principle with a new set of Building Regulations and these can

be applied instead of the Lifetime Homes requirement.

Suggest a modification to Policy CP7 and supporting text to change reference from Lifetime Homes to the nearest new Building regulations equivalent (Part M4(2)). Also change the requirement for wheelchair accessible dwellings to comply with national guidance which states that Wheelchair User homes (Part M4(3)) should only be required where the local authority is required to nominate a person to live in the dwelling.

1048 Signet Planning for Nightingale Quarter Estates Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3839 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent states that Policy CP7 requires, in some cases, that developers enter into a clawback agreement that will allow contributions for affordable housing to be increased over time on large sites. They consider that the policy should be more specific about the flexibility for clawback which will be applied to the provision of affordable housing

Also seem response to representations on this issue from the Nightingale Quarter Estates Ltd. The Policy is drafted in order to be extremely flexible and to ensure that obligations do not constrain the delivery of housing in the wider context. Clawback will only be used where as time passes, higher levels become achievable as market/economic conditions improve. It is also specified in the policy that clawback 'may' be used and it is not an inflexible and fixed requirement. Affordable housing needs are significant and should it be possible to secure more later due to changing circumstances it would be appropriate to do so to meet the requirements' of the NPPF is meeting objectively assessed housing needs in full.

No change required.

1048 Signet Planning for Nightingale Quarter Estates Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3845 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent would not favour the use of a clawback agreement referred to as a possibility in Policy CP7 relating to the assessment of affordable housing.

The respondent does not explain why they would not favour the approach in policy which is not a specific requirement. Clawback would be used to secure much needed affordable housing if it becomes more viable to do so over time. It is a reasonable, flexible and pragmatic solution to meeting the needs of affordable homes as required by the NPPF without placing undue burdens on developers. This approach has been taken by the Council for a number of years and has been seen as an innovative and effective way of facilitating development.

No change required.

CP8 Gypsies and Travellers

Individual Comments: 7 General / Misc: 0 Objections: 4 Supports: 3 *from: 2 representors*

32 Derbyshire County Council

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3590 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Paragraph 5.8.6 appropriately recognises that Gypsy and Traveller sites represent inappropriate development in the Green Belt, which by definition would be harmful to the Green Belt. Policy CP8 could be strengthened in this respect, however, with the inclusion of this important Green Belt locational constraint to Traveller sites included specifically in the Policy criteria 1 to 6, for assessing potential allocations and planning applications.

The addition of another criterion to the policy relating to Traveller sites being inappropriate development in the Green Belt would reflect the Government's strengthened position on this issues, as set out in the latest iteration of the Planning Policy for Traveller Sites (2015) which was published after the policy was drafted.

Suggest a modification to add an additional criterion to policy CP8 to read:

(7) located outside of the Green Belt.

32 Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3588 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The approach set out in policy CP8, where the City Council will allocate sites for Gypsies and Travellers in Part II of the Local Plan based on evidence of need, is supported. The GTAA will provide important evidence to inform the overall level of provision in Part II of the Plan.

Support welcomed.

No change required.

32

Derbyshire County Council

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: SUP Rep ID: 3589
 ☐ Not Positively Prepared
 ☐ Not Justified
 ☐ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☒ Sound

The overall approach in Policy CP8 is consistent with Government advice in the NPPF and particularly in Planning Policy for Traveller Sites (PPTS) (2015). The locational and design criteria set out in Policy CP8 1 to 6, to be used in the consideration of sites to be allocated in Part 2 of the Local Plan or planning applications, is appropriate and also conforms with guidance in PPTS.

Comments noted and welcomed.

No change required.

44

National Federation of Gypsy Liaison Groups

☐ Legally Compliant
 ☒ General / Misc Comment

 Rep Type: SUP Rep ID: 3564
 ☐ Not Positively Prepared
 ☐ Not Justified
 ☐ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

Policy CP8 and the supporting text are generally supported.

Support welcomed.

No change.

44

National Federation of Gypsy Liaison Groups

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: OBJ Rep ID: 3565
 ☐ Not Positively Prepared
 ☐ Not Justified
 ☒ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

Paragraph (b) refers to the grant of planning permissions being subject to "evidence of need." This is unacceptable; applications must be determined on merit irrespective of need. Need may be a determinant of the level of allocations but not of the grant of planning permission.

Agree that the wording could be clearer. Modification proposed.

Suggest a modification to amend criterion (b) of policy CP8 to remove the reference to 'evidence of need'

44

National Federation of Gypsy Liaison Groups

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: Rep ID:
☐ Not Positively Prepared
 ☐ Not Justified
 ☒ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

Paragraphs 5.8.3 and 5.8.4 now need updating to reflect the publication of the new GTAA.

This is agreed, whilst the detail of how the Council intends to respond to the evidence arising from the GTAA will be addressed through Part 2 of the Local Plan, these paragraphs could be updated for factual correctness.

Suggest modification to amend paragraphs 5.8.3 and 5.8.4 to reflect the updated position in relation to the evidence base and the GTAA.

44

National Federation of Gypsy Liaison Groups

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: Rep ID:
☐ Not Positively Prepared
 ☐ Not Justified
 ☒ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

Criteria one is unduly restrictive and repetitive and should simply require the site to be capable of being provided with essential services and have reasonable access to community facilities.

Criterion (1) is not drafted to be unduly prescriptive but more seeks to set out examples of what the Council considers to be well related to the built up area, have access to essential services and allow convenient access to local facilities in response to paragraph 13, criterion b, c, d and f of the PPTS. However, to try and simplify the criterion a modification is suggested.

Suggest a modification to to criterion 1 of policy CP8 to simplify the requirements.

CP9 Delivering a Sustainable Economy

Individual Comments: 5 General / Misc: 0 Objections: 2 Supports: 3 from: 3 representors

32 Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3585 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Derbyshire County Council acknowledge that appropriate reference is also made in Policy CP9 and paragraphs 5.9.16 and 5.9.20 to the potential economic benefits likely to be generated by HS2 and the electrification of the Midland Mainline.

Comments are noted and welcomed.

No change required.

32 Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3584 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Derbyshire County Council acknowledge that appropriate reference is made in paragraph 5.9.7 to the economic vision and growth aspirations of the D2N2 Local Enterprise Partnership (LEP) as set out in its Strategic Economic Plan (SEP), which includes the creation of an additional 55,000 jobs in the area by 2023.

Comment is noted and welcomed.

No change required.

32 Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3582 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Derbyshire County Council support the approach to the delivery of a thriving and sustainable economy, provision of new employment land and protection of existing land as set out in CP9. They have noted that the approach is based on sound and robust evidence.

Comment is noted and welcomed.

No change required.

149 RPS for St Modwen Properties Plc

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3780 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

St Modwen have questioned the overall strategy of pursuing an employment target over and above recent trends, particularly when evidence demonstrates that the vast majority of commercial development is unviable. They have suggested that the Council needs to give confidence that the strategic employment sites can come forward and give certainty through policies that measures are in place to make sites viable.

The vast majority of potential new employment land in Derby is located within the strategic employment sites allocated by the Council. The only way in which quantitative needs can be met in Derby is through the allocation of such sites, as there are no alternatives. The nature of these sites mean that they are large and have a number of constraints. That is why the Council has been working with landowners and other relevant stakeholders for many years to ensure that the sites can be brought forward in a timely manner.

The Council acknowledge that viability on strategic employment sites is an important issue and has therefore sought to intervene where it can to help remedy this issue by, in the case of T12 for example, providing new infrastructure. The Council has also acknowledged the viability issue in the relevant site policies in the Core Strategy which identify that there may be circumstances where flexibility on uses is needed.

The only other alternative open to the Council is to actually deallocate employment land, on the basis that it is not viable. Derby Commercial Park and Infinity Park are both now under construction, therefore the likelihood would be that if any land was deallocated it would be the Derwent Triangle site. The Council do not wish to pursue this approach as it is keen to proactively promote economic growth in line with the NPPF and wish to see the site redeveloped for beneficial use.

No change required.

1051 Signet Planning for Speeds (Derby)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3677 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Speeds (Derby) support the Council's objectives set out in CP9. However, they have emphasised the need for the policy to acknowledge that the viability of proposals that contribute to the economic enhancement of the city, will be taken into account.

Comment is noted. Viability is an important consideration with any development proposal and the Core Strategy acknowledges this in a number of places by

setting requirements that are subject to viability, such as the provision of affordable housing. The importance of viability is also a key theme in the NPPF, which should be read alongside the Core Strategy and the Council continues to negotiate S106 contributions in a pragmatic manner, taking account of viability where appropriate. Therefore, it is not considered necessary to further reiterate this point in CP9.

No change required.

CP10 Employment Locations

Individual Comments: 9 General / Misc: 2 Objections: 3 Supports: 4 from: 6 representors

32 Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3583 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Derbyshire County Council support the approach to the delivery of a thriving and sustainable economy, provision of new employment land and protection of existing land as set out in CP10. They have noted that the approach is based on sound and robust evidence.

Comment is noted and welcomed.

No change required.

32 Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3586 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Derbyshire County Council have suggested that the total employment allocation identified in CP10 would exceed the LSPO requirement and would accord with the principles set out in the NPPF to boost economic growth and provide a degree of flexibility. Furthermore, it is suggested that focussing new employment land in and around the Derby Urban Area (DUA) would be likely to support sustainable economic growth, reduce out commuting, help attract high quality inward investment and help meet the City's wider employment objectives. The overall approach in Policy CP10 is therefore supported.

Comment is noted and welcomed.

No change required.

100 Boyer Planning for Clowes Developments (UK) Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3742 ☒ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Whilst generally supporting CP10, Clowes Developments consider that their landholding at Wyvern / Pride Park should be shown on the Proposals Map as a retail site, reflecting the current use and the Company's proposals for a food store.

The extent of existing employment land covered by EP11 in the CDLPR and CP10 in the Core Strategy will be reviewed as part of the Local Plan Part 2. The Proposals Map will be updated accordingly following this review. It should be noted that while the developer may have aspirations for retail on this site, no permission has been granted and no case has been provided through this consultation which demonstrates that retail would meet the requirements of the NPPF or existing retail policy. Therefore, it would be premature to identify the site for retail use. Equally, while it is recognised that the site is home to the 'Fireplace Workshop' - this use has been in place for an extended period, including when the CDLPR was reviewed. It should be remembered that the allocation of out-of-centre retail locations is not a reflection of current use, but a reflection of where the Council thinks any consolidation of out-of-centre retail should take place. This is part of the long-term retail strategy for the City. Until presented with satisfactory evidence, there is no reason or justification to redefine this area for retail.

No change required.

100	Boyer Planning for Clowes Developments (UK) Ltd	<input checked="" type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	Com	Rep ID: 3741	<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

In relation to Policy CP10, Clowes Developments consider the Plan to be legally compliant.

Comment is noted and welcomed.

No change required.

149	RPS for St Modwen Properties Plc	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	OBJ	Rep ID: 3771	<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input type="checkbox"/> Not Effective <input checked="" type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

St Modwen have suggested that CP10 is too prohibitive in terms of the criteria that need to be satisfied to allow the release of land from the existing employment land supply. They point out that Paragraph 22 of the NPPF discourages the long term protection of sites allocated for employment use, where there is no reasonable prospect of a site being used for that purpose and suggest that the policy is reworded to allow the release of land where employment uses are clearly no longer viable or preferable.

The criteria in CP10 referred to by the respondent relate to the release of land from the 'existing' employment land supply'. Criteria related to the release of land from 'proposed' employment sites is set out in individual site policies, such as AC11. However, the respondent's point only addresses the criteria in CP10, so this response is made on that basis.

The Council acknowledge that the NPPF states that policies should not protect employment sites in the long term, if there is no reasonable prospect of the site

being used for employment uses. For this exact reason, the Council has included criteria in CP10 and the relevant strategic employment site policies which, as acknowledged by the respondent, promote flexibility by enabling land (existing and proposed) to be released in certain circumstances. In the case of CP10, the criteria seek to ensure that there is no reasonable prospect of the site being developed for employment uses and requires an applicant to prove this by demonstrating that the site no longer meets modern needs and that there is no market interest in using the site for employment. This is entirely compliant with the provisions of the NPPF. The other criteria relate to protecting surrounding uses and the employment land supply, all of which are supported by the provisions of the NPPF and are not considered to be overly restrictive.

Policies need to strike a balance between the requirements of the NPPF which on one hand seeks to ensure that land is not protected in the long term if there is no prospect of it coming forward for employment use, but on the other seeks to ensure that LPA's plan proactively to meet business needs. In the case of town centre uses, which includes offices, the NPPF is clear that needs should not be compromised by limited site availability. The Council consider that the approach set out in CP10 and the relevant strategic site policies strike an appropriate balance between the active promotion of employment uses, whilst providing sufficient flexibility to allow alternative uses in certain cases, where it will be beneficial to the city as a whole.

No change required.

420	Erewash Borough Council	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	SUP	Rep ID: 3859	<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input checked="" type="checkbox"/> Sound

Erewash Borough Council support the strategic approach set out in CP10 to focus employment development in key locations and also to ensure the retention, intensification and consolidation of land currently identified for employment uses. They note that current employment areas inside Derby will remain economic assets to areas surrounding the city such as Erewash.

Comments are noted and welcomed.

No change required.

994	Barton Willmore for Goodmans	<input checked="" type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	Com	Rep ID: 3691	<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

Goodman consider CP10 to be legally compliant.

No change required.

No change required.

994

Barton Willmore for Goodmans

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3692 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

Goodman consider CP10 to be sound and state that the identification of the Derby Commercial Park site within the policy will contribute towards achieving the vision and objectives of the Plan. They also note that the approach is in accordance with the NPPF.

Comments are noted and welcomed.

No change required.

1051

Signet Planning for Speeds (Derby)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3678 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Speeds (Derby) acknowledge that the Central Business District (CBD) is an appropriate location for employment development. However, they have suggested that regard needs to be had to how the deliverability of office development within the CBD can be achieved alongside other locations such as the Derwent Triangle, Raynesway and Sinfen. Commercial activity and office development is likely to be more deliverable in more peripheral locations, due to larger site areas enabling a more phased and viable approach. Therefore, the phasing of CBD sites also needs to be taken into account to enable them to be deliverable.

As the respondent points out later in their comments, office development can take many different formats, some of which are suitable to be located in the CBD and some of which are more appropriately accommodated in more peripheral locations such as business parks. Policy CP11 seeks to ensure that all office proposals consider locations in the CBD in the first instance, but importantly allows office development in more peripheral locations such as allocated employment sites, provided that proposals meet the criteria listed in the policy. Criteria include not prejudicing investment in the CBD. Therefore, the Council would seek to resist proposals for office development outside of the CBD where it can be demonstrated that the use could alternatively be located in the CBD.

Office sites located in the CBD are likely to be appropriate for higher intensity, HQ style developments whereas the more peripheral allocations are more appropriate for campus style / business park developments and to accommodate office development closely associated with existing operations. Ultimately, the Council has attempted to provide a wide portfolio of sites to meet the needs of different occupiers and maximise opportunities to capture economic development within the city.

No change required.

CP11 Office Development

Individual Comments: 3 General / Misc: 1 Objections: 2 Supports: 0 from: 2 representatives

100 Boyer Planning for Clowes Developments (UK) Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3744 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Clowes Developments have objected to CP11 on the basis that their landholding at Friar Gate Goods Yard has not been included within the extent of the defined Central Business District (CBD). They note that its inclusion within the CBD would reflect the fact that the site is well placed to provide a significant mixed use development in the city centre and could contribute towards meeting future office and retail demand. It is also suggested that inclusion of the site within the CBD would introduce flexibility enabling it to respond to a variety of changes in circumstance.

The extent of the defined CBD is based on the alignment of the inner ring road, plus the regeneration areas at North Riverside, Castleward and the DRI. The definition of the CBD also acknowledges that there may also be appropriate and sustainable office locations located just on the outer edge of the inner ring road. With this in mind, the CBD as currently defined already covers part of the Clowes landholding at Friar Gate Goods Yard, where it abuts the ring road and new island provided as part of the Connecting Derby scheme. It would be logical and most sustainable if any new office development is provided as part of the regeneration of this site, it is located in this area of the site, already shown to be part of the CBD. The Council would not generally want to encourage new office development on more western parts of the site, due to the more limited relationship with the city centre. Therefore it would not be appropriate for the entirety of the site to be identified as part of the CBD.

It should be noted that the Council has already permitted the principle of some office development in this location through granting of the mixed use outline planning application, which included in the region of 2,000sqm of B1 development. In addition, Policy R2 of the CDLPR, which specifically covers this site, will be partially saved to be reviewed through the Local Plan Part 2. Policy R2 identifies B1 uses as appropriate in this location. On this basis, it is clear that the omission of the whole site from the CBD boundary is unlikely to prejudice office development, on at least part of the site, from coming forward. All things considered, it is fair to say that the Council has clearly demonstrated its willingness to be flexible in terms of finding the optimal development mix to secure the regeneration of this site.

No change required.

100 Boyer Planning for Clowes Developments (UK) Ltd

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3743 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

In relation to Policy CP11, Clowes Developments consider the Plan to be legally compliant.

Comment is noted and welcomed.

No change required.

1051

Signet Planning for Speeds (Derby)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type:

OBJ

Rep ID:

3679

☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Speeds (Derby) have suggested that the Council should recognise in CP11 that there are different types of office development that are suitable for different types of location. For example campus style office developments may not be appropriate or deliverable in the CBD.

This point is already specifically acknowledged at Paragraph 5.11.9.

No change required.

CP12 Centres

Individual Comments: General / Misc: Objections: Supports: *from:* *representors*

Derbyshire County Council

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Derbyshire County Council support the identification of the retail hierarchy as set out in CP12 as it will ensure that the scale and nature of proposed retail and leisure development is directed to centres of an appropriate scale, role and function. However, it is noted that the policy could be enhanced if the specific District and Neighbourhood Centres were appropriately named in the hierarchy, for the avoidance of doubt and to provide more certainty.

The Council consider that identification of named centres within the policy would make the policy overly long and complex. Relevant centres in the hierarchy will continue to be identified on the Proposals Map.

No change required.

Boyer Planning for Clowes Developments (UK) Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☒ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Clowes Developments own Friar Gate Goods Yard and have objected to CP12 on the basis that the site should be identified in the city centre 'Core Area' and within the Central Business District (CBD). Inclusion of the site would provide maximum flexibility to encourage regeneration.

This same point has been made by the respondent in relation to Policy AC1. Please see response to Item Number 3721 under Policy AC1.

No change required.

Boyer Planning for Clowes Developments (UK) Ltd

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

In relation to CP12, Clowes Developments consider the Plan to be legally compliant.

Comment is noted and welcomed.

No change required.

CP13 Retail and Leisure Outside of Defined Centres

Individual Comments: 10 General / Misc: 1 Objections: 6 Supports: 3 from: 6 representors

32 Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3594 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Criteria (b) of Policy CP13 is supported by Derbyshire County Council as it will ensure that the vitality and viability and planned committed investment within nearby town and district centres will be sufficiently protected.

Comment is noted and welcomed.

No change required.

32 Derbyshire County Council

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3592 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

Derbyshire County Council support the provision in CP13 which requires the submission of a retail impact assessment for proposals over 1,000sqm.

Comment is noted and welcomed.

No change is required.

32 Derbyshire County Council

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3591 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

Derbyshire County Council support the approach set out in CP13 which seeks to ensure that new retail and leisure development supports the vitality and viability of centres in the retail hierarchy. It is noted that this approach is consistent with the NPPF. It is also acknowledged that CP13 appropriately recognises that not all forms of retail and leisure development can be located within traditional centres and provides criteria against which such proposals will be assessed. The County Council support the criteria as set out in the policy.

Comment is noted and welcomed.

No change required.

620 Indigo Planning for Sainsburys PLC

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3479 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Sainsbury's Supermarkets Ltd have suggested that the wording of criteria 'c' and 'd' should be consolidated into a single point ensuring that proposals do not cause 'significant adverse impacts' in line with the NPPF wording. They have suggested that as currently worded, the criteria are overcomplicated and will constrict development.

There appears to be some confusion in relation to the criteria being referenced. The respondent has suggested that criteria (c) and (d) are consolidated into a single criteria, but then later in their response they have recommended that criteria (d) is deleted, rather than consolidated. It would appear that the respondent is actually suggesting consolidation of criteria (b) and (c) and deletion of (d).

It is acknowledged that criteria (b), (c) and (d) all relate to the issue of 'impact' and that ultimately it will need to be demonstrated that impacts on any of the issues highlighted in the criteria are 'significantly adverse', in line with the NPPF, if a proposal is to be resisted. The Council consider that it is beneficial for the policy to identify the types of impact that will be assessed and do not agree that the policy is overly complicated or that it will unduly restrict development.

No change required.

620 Indigo Planning for Sainsburys PLC

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3480 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Sainsbury's Supermarkets Ltd have suggested that the wording of Paragraph 5.13.6 remains subjective and does not reflect the wording of the NPPF. They have suggested that as worded, it seeks to restrict all out-of-centre development which would have an 'unacceptable' cumulative impact, as opposed to 'significant'.

The wording referred to by the respondent is within Paragraph 5.13.7. In order to be considered 'unacceptable' by the Council, cumulative impacts would clearly need to be 'significantly adverse' as this is the threshold set by the NPPF. However, by retaining the term 'unacceptable', the Policy will continue to be up to date even if the threshold in national policy changes over time. By definition something which is contrary to national policy would be 'unacceptable'.

No change required.

1028 SSA Planning for Kentucky Fried Chicken

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3959 ☒ Not Positively Prepared ☒ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Kentucky Fried Chicken (KFC) have suggested that the Manor Park Way out-of-centre retail location should be extended to the west to include the extent of Rough Heanor Farm. The suggestion is made on the basis that a planning application has been submitted that includes remodelling of the highway network to release land currently within the Green Wedge to be used for housing and food and drink uses. The representor considers the land in question to be low value in terms of its contribution to the Green Wedge, whilst the food and drink uses are considered to be enabling development to assist the release of the housing site and potentially provide an additional access to the hospital car park.

Submission of a planning application does not provide sufficient justification to expand the defined out-of-centre location. Expansion of the out-of-centre location would need to reflect existing uses and / or be based on a defined 'need' to accommodate new food and drink uses in this area. In the first instance, the Council will seek to meet needs for future food and drink uses within defined centres, not in out-of-centre locations. Without evidence of specific need in this area, there is no justification to make provision for expansion of the centre.

The two sites also relate very poorly to each other in terms of 'linked trips' or general accessibility. Equally, proposals for food and drink uses would not justify inclusion within a 'retail park' designation. This would imply some level of support for retail development which is not the case.

No change required.

1048 Signet Planning for Nightingale Quarter Estates Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3840 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Nightingale Quarter Estates have stated that CP13 should reflect the fact that the NPPF acknowledges that retail uses (through job creation and as an enabler) can be crucial to the regeneration of development sites. It is suggested that CP13 should refer to the potential regeneration benefits of retail uses being balanced against the conclusions of the sequential and impact tests.

The provisions of the sequential test already allow for the 'enabling development' argument to be taken into account. For example, if retail development is needed on a specific development site to make it stack up financially and enable the delivery of less viable beneficial uses, then there is little point in searching for alternative, sequentially preferable locations. It can be argued that the 'need' for the development is related to the site and that the area of search should be restricted to the development site only. Provision is therefore already made to consider retail proposals in this context.

Retail impact and potential conflict with the NPPF can be weighed against the potential benefits of a proposal through the development management process. The weighing of potential impacts against benefits is fundamental to the determination of all planning applications and therefore the Council do not consider it

necessary to include additional text in CP13 to reflect the fact that retail impacts can be weighed against the benefits of a proposal.

No change required.

1050 Nathaniel Lichfield & Partners for Intu Properties Plc

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3666 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Intu Properties plc. consider the Plan to be legally compliant.

Comments are noted and welcomed.

No change required.

1050 Nathaniel Lichfield & Partners for Intu Properties Plc

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3667 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Intu Properties plc. have objected to the wording of CP13 on the basis that it states that the Council will 'support' the provision of shops, leisure and other complementary town centre uses outside of defined centres where they can help to meet identified need and deficiencies, support sustainable economic growth and do not undermine the vitality and viability of centres in the hierarchy. Intu point out that active support for such proposals is not supported by evidence which suggests that comparison needs are likely to be of a scale that can be met within centres. They have suggested that the second paragraph of the policy should be deleted to remedy this issue.

It is acknowledged that the word 'support' may not be entirely appropriate and reflective of the Council's position. It's purpose was to convey that proposals that met the criteria would be considered positively - in line with the NPPF. In the context of out-of-centre retail, it is recognised that this might be misinterpreted as a general 'support' for this form of retail. Whilst not actively supporting such proposals, the Council's approach is to 'permit' such proposals where they meet the criteria in the policy. It may be appropriate to suggest a modification to this effect.

Suggest a modification to replace the word 'support' in the second paragraph of the policy with the word 'permit'.

1051 Signet Planning for Speeds (Derby)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3680 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Speeds (Derby) have highlighted that ancillary retail and leisure floorspace is likely to be needed to help deliver mixed regeneration in areas such as the Eastern Fringes

and North Castleward. It is suggested that the second paragraph of the policy could be extended to identify the possibility of support for retail and other commercial uses in regeneration areas where they would contribute towards regeneration objectives and the overall vitality and viability of the city centre.

Whilst it is acknowledged that the policy wording does not specifically promote the use of retail and other commercial uses as enabling development, the policy as worded would allow for such development, where it can be demonstrated that it meets the provisions of the policy. For example, an out-of-centre proposal could be considered to be compliant with the sequential test if the 'enabling' benefits of the proposal could not be achieved in preferable locations.

Even if the impacts of a proposal are considered to be 'significantly adverse', this conflict with the policy and NPPF can be weighed against wider benefits of the proposal through the decision making process. It is therefore not considered necessary highlight this issue in the policy.

No change required.

CP14 Tourism, Culture and Leisure

Individual Comments: 4 General / Misc: 0 Objections: 2 Supports: 2 from: 2 representors

341 The Theatres Trust

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3717 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

The Theatres Trust state that in regards to cultural buildings, CP14 reflects the NPPF and is therefore sound.

Comments are noted and welcomed.

No change required.

341 The Theatres Trust

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3715 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The Theatres Trust support CP14 and the aims to encourage more cultural development in Derby.

Comments are noted and welcomed.

No change required.

341 The Theatres Trust

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3716 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The Theatres Trust have stated that Policy CP14 should also mention that the Council will resist the loss of cultural facilities, as set out in Policy CP21 and paragraph 70 of the NPPF.

As noted by the respondent, the principle of retaining existing cultural facilities is already covered by the provisions of CP21 and the NPPF. It is therefore not considered necessary to further reiterate this point in CP14, as ultimately the Plan should be read as a whole.

No change required.

1048 Signet Planning for Nightingale Quarter Estates Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3841 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Nightingale Quarter Estates have stated that CP14 should reflect the fact that the NPPF acknowledges that leisure uses (through job creation and as an enabler) can be crucial to the regeneration of development sites. It is suggested that CP14 should refer to the potential regeneration benefits of leisure uses being balanced against the conclusions of the sequential and impact tests.

The provisions of the sequential test already allow for the 'enabling development' argument to be taken into account. For example, if leisure development is needed on a specific development site to make it stack up financially and enable the delivery of less viable beneficial uses, then there is little point in searching for alternative, sequentially preferable locations. It can be argued that the 'need' for the development is related to the site and that the area of search should be restricted to the development site only. Provision is therefore already made to consider retail proposals in this context.

The impact of leisure proposals and potential conflicts with the NPPF can be weighed against the potential benefits of a proposal through the development management process. The weighing of potential impacts against benefits is fundamental to the determination of all planning applications and therefore the Council do not consider it necessary to include additional text in CP14 to reflect the fact that impacts can be weighed against the benefits of a proposal.

No change required.

CP15 Food, Drink and the Evening Economy

Individual Comments: General / Misc: Objections: Supports: from: representors

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

It has been suggested that further work needs to be undertaken to ensure that CP15 reflects the Council's desire to improve the health and well being of Derby's citizens. Further consideration should be given to how the policy can help tackle obesity and the further proliferation of takeaways in the City.

Consideration of how Council's can contribute towards tackling health issues through controlling the proliferation of takeaways is an emerging issue. Further work is required to understand the links between issues such as obesity and the relationship with takeaway operations. Once a link has been established, planning policy options will be able to be explored. Including this issue in the Core Strategy at this stage would cause unacceptable delay whilst scoping work is carried out. However, the Local Plan Part 2 provides an opportunity to explore this issue further if required.

No change required.

CP16 Green Infrastructure

Individual Comments: 18 General / Misc: 1 Objections: 9 Supports: 8 from: 10 representors

13 Natural England

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3522 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

Natural England supports the policy as it sets out a strategic approach for the creation, protection and enhancement of green infrastructure in Derby. The inclusion of criterion (b) is welcomed. It is considered that the policy reflects the guidance set out in the NPPF, paragraph 114.

The City Council welcomes the representation made by Natural England.

No change to the policy required.

32 Derbyshire County Council

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3580 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Derbyshire County Council consider that the plan is not effective as it does not contain a specific Green Belt policy. It is considered that a policy would strengthen the Council's approach to protecting the Green Belt.

The Council considers that national planning policy, in this case the NPPF, provides the framework for the long-term protection of Green Belt. Any policy in the Core Strategy would simply be a re-iteration of national policy and therefore is not necessary in the Core Strategy. There is no need to create a policy in this case.

No change required.

32 Derbyshire County Council

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3597 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Although generally supporting the policy, the County Council considers that it is not effective as it does not consider the wider context for the River Derwent and countryside to the south and east of the urban fringe and embrace the Trent Valley Vision and Strategy.

The City Council notes that, although the Lowland Derbyshire and Nottinghamshire LNP are promoting the Strategy and that South Derbyshire District Council have included a policy in their Core Strategy, an adopted strategy has not been published. Whilst the Council recognises the cultural, economic and natural importance of the Trent Valley, it is wary of referring to a Strategy which has yet to be developed, consulted upon or adopted. Criterion (j) and Paragraph 5.16.12 states that the Council will support and help to deliver the LNP's vision and considers that, at such an early stage in the development of the Trent Valley Vision, will suffice.

No change to the policy is required.

32

Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3579 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Derbyshire County Council supports the Council's commitment in Policy CP16 to retain the principle of the Nottingham-Derby Green Belt.

The Council notes and welcomes the County's response.

No change required.

32

Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3596 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The County Council welcomed the amendments made to the site allocation policies to make them consistent; especially the amended criterion to include 'appropriate' links to Kedleston Hall, Elvaston Castle and the Trent and Mersey Canal in CP16.

The Council notes and welcomes the County Council's response.

No change required.

32

Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3595 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Derbyshire County Council reaffirmed its support for the spatial objectives and the resultant policies in relation to Green Infrastructure.

The Council notes and welcomes the County Council's support.

No change required.

55

The National Trust

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3617 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

The National Trust supports the principles of the policy and considers it to be sound.

The Council notes and welcomes the response by the National Trust.

No change required.

78

Sport England - East Midlands

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3711 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Whilst Sport England supports the policy, it considers that it is not consistent with national policy as the supporting evidence base is not sufficiently robust. Sport England also highlights the vagueness of the Infrastructure Delivery Plan, especially the statement that open space will be 'determined on a site-by-site basis'.

The Council commissioned consultants to undertake an assessment of outdoor sport facilities which, at the time, was carried out inline with Sport England's guidance. However, part way through the process, Sport England amended their methodology but, through discussions with the organisation, it was agreed that the process was too far advanced to take account of the new methodology. The Council is disappointed that, given the involvement of Sport England throughout the process, that the robustness of the evidence base has been questioned. The Council's Outdoor Sports Strategy may be based on an out-of-date methodology but the information gathered from surveys and consultations with governing bodies, sports clubs and the public is up-to-date and, therefore, can still be considered to provide a robust evidence base for the policy. Given the resource and financial implications for the Council, it was considered to be inappropriate to undertake a review immediately after completing the current strategy and a degree of pragmatism should be adopted in this instance.

No change to the policy is required and the Council considers that a review of the Outdoor Sports Strategy is not appropriate at the present time.

78

Sport England - East Midlands

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3709 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Sport England considers the policy to be legally compliant.

The Council notes and welcomes Sport England's comments.

No change required.

78

Sport England - East Midlands

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3710 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Sport England supports the inclusion of a policy which aims to maintain, enhance and manage green infrastructure (which includes outdoor sports facilities and playing fields).

The Council notes and welcomes Sport England's support.

No change required.

151

Signet Planning for Peveril Homes

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3760 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Peveril Homes Limited consider Policy CP16 and the accompanying text should be amended to make specific reference to:

The Green Wedge Review (2012) forms part of the evidence base that underpins the Local Plan Part 1.

The need to review Green Wedge boundaries

Peripheral areas within the Green Wedges can make a valuable contribution to meeting the housing needs of the City whilst not compromising the objectives of Green Wedges.

Development of peripheral areas of Green Wedges can assist in the provision of green infrastructure that provides a qualitative improvement, greater accessibility for the public and enhanced biodiversity

Policy CP16 sets out the Council's principal strategy for Green Infrastructure in the City and sets out the overarching framework for subsequent policies in the Core Strategy. The policy recognises that Green Wedges are an important element of the green infrastructure network. The Council considers that, as an overarching policy, Policy CP16 should not go into detail about one specific element of the GI network, in this case Green Wedges, and that Policy CP18 alone should provide the comprehensive policy requirements for Green Wedges. No change necessary for this policy.

No change to the policy is required in this instance.

169

William Davis Limited

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3550 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

William Davis objects to the content of the policy and considers that, due to the links with Policy CP18: Green Wedges, that the policy should be amended to make specific reference to:

1. The Green Wedge Review (2012) forms part of the evidence base that underpins the Local Plan Part 1.
2. The need to review Green Wedge boundaries
3. Less sensitive areas of the Green Wedges have been identified through the Green Wedge Review (2012) and there is development potential in these areas.
4. Less sensitive areas within the Green Wedges can make a valuable contribution to meeting the housing needs of the City whilst not compromising the objectives of Green Wedges.
5. Development of less sensitive areas of Green Wedges can assist in the provision of green infrastructure that provides a qualitative improvement, greater accessibility for the public and enhanced bio diversity.

Policy CP16 sets out the Council's principal strategy for Green Infrastructure in the City and sets out the overarching framework for subsequent policies in the Core Strategy. The policy recognises that Green Wedges are an important element of the green infrastructure network. The Council considers that, as an overarching policy, Policy CP16 should not go into detail about one specific element of the GI network, in this case Green Wedges, and that Policy CP18 alone should provide the comprehensive policy requirements for Green Wedges.

No change required to the policy.

244

Derbyshire Wildlife Trust

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3874 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Although supporting the policy, Derbyshire Wildlife Trust strongly recommend that in order to be compliant with the NPPF, it should be made clear that the GI network incorporates the ecological network.

This will be addressed through a suggested modification to the supporting text. The Council considers that the policy is compliant with the NPPF and does not need amending.

No change will be made to the policy in this instance.

244

Derbyshire Wildlife Trust

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: Rep ID:
☐ Not Positively Prepared
 ☐ Not Justified
 ☐ Not Effective
 ☒ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

Derbyshire Wildlife Trust requests that paragraph 5.16.1 will be amended to reflect the Council's understanding of the ecological network.

While the Council considers that the policy is NPPF compliant is recognises that the supporting text could include a reference to the ecological network for completeness.

Suggest modification to Paragraph 5.16.1 to include a final bullet point to read:

" the ecological network linking the above elements."

420

Erewash Borough Council

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: Rep ID:
☐ Not Positively Prepared
 ☐ Not Justified
 ☐ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☒ Sound

Erewash supports the recognition in the plan of the continued role and function of the Nottingham-Derby Green Belt and fully supports the decision to retain the Green Belt as is, particularly along the east and north-east fringes of the city. Erewash agrees that this section of the Green Belt in particular continues to perform a critical function in avoiding the coalescence of Nottingham and Derby, particularly along the A52 corridor.

The Council notes and welcomes the Borough Council's response.

No change required.

451

Environment Agency

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: Rep ID:
☐ Not Positively Prepared
 ☐ Not Justified
 ☐ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☒ Sound

The Environment Agency considers that the policy is effective and acknowledges the changes made to the policy following their previous comments. However, they suggest that criterion (a) is modified to make it more effective and suggest the following wording:

minimise and mitigate impacts on biodiversity and, where possible, provide net gains in order to realise the ambition to halt overall biodiversity decline.

The Council note and welcome the Environment Agency's comments. With regard to the requested modification to criterion (a), the Council consider that the

existing wording in the policy is appropriate and consistent with the NPPF.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3944 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

It is suggested that the Green Wedge review failed to identify sufficient land to meet the City's housing needs, despite there being suitable land (such as Acorn Way) which could have been identified for release. Whilst it is recognised that there is a positive role for Green Wedges in the City, the wedges need to be reviewed objectively. There appears to be no commitment to reviewing Green Wedge boundaries in the plan.

It should be reiterated that the purpose of the Green Wedge Review was not to identify sufficient land to meet the City's housing needs. It is the Council's aim to promote brownfield regeneration through the implementation of the Local Plan however, a mixture of brownfield and greenfield sites have been allocated in the Part 1 plan to ensure a flexible strategy for the delivery of development sites in the City.

The Council considers that development on the Acorn Way site is inappropriate as it would adversely affect the form and function of the wedge; indeed the impact on the Green Wedge was one of the reasons an outline application for 125 dwellings was refused by Planning Committee. An appeal hearing is to be held in February 2016.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3943 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Although supportive of the concept of establishing green infrastructure in and around the City and the Council's wish to retain the principle of the Green Belt. This is considered to contradict paragraph 4.25 of the plan which states that a decision has been taken not to change the boundaries of the Green Belt.

The NPPF, paragraph 83 states that "Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan". Paragraph 84 also states that "When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development". As a consequence, in developing the Core Strategy, the Council considered that reviewing the Green Belt boundary was not appropriate as other, more sustainable locations, could be brought forward to meet its housing needs and this was not an 'exceptional circumstance'.

No change to the Green Belt boundary will be made in this instance.

CP17 Public Green Space

Individual Comments: General / Misc: Objections: Supports: *from:* *representors*

78 Sport England - East Midlands

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Sport England considers that the policy is legally compliant.

The Council notes and welcomes Sport England's comments.

No change required.

78 Sport England - East Midlands

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Sport England considers that the policy is not consistent with national policy as it is not underpinned by a robust and up-to-date assessment of need. It considers that, without a suitable evidence base, it is difficult to see how the different elements of the policy can be effectively applied. Sport England would be willing to withdraw its objection should a suitable review (including format and time scale) is agreed with the organisation.

Refer to the Council's response to a similar objection raised by Sport England in respect of policy CP16.

No change to the policy required in this instance.

78 Sport England - East Midlands

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Although Sport England consider that the wording is broadly aligned with the NPPF, paragraph 74, they consider that the word 'or' needs to be inserted at the end of criterion (d) 3.

Agree with the comments made by Sport England and the suggested amendment will be made.

Suggest a modification to amend criterion (d) 3 to read:

"the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss; or"

78

Sport England - East Midlands

☐ Legally Compliant

☐ General / Misc Comment

Rep Type: SUP Rep ID: 3713 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Sport England supports the inclusion of a policy aimed at protecting, enhancing and providing public green space which includes outdoor sports facilities and playing fields. It is also regarded to be consistent with the NPPF, paragraph 17 as the policy does not make any distinction between public or privately owned land.

The Council welcomes and notes Sport England's comments.

No change to the policy is required in this instance.

915

Firs Estate Allotment Holders Association

☐ Legally Compliant

☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3789 ☐ Not Positively Prepared ☒ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The Firs Estate Allotment Holders Association consider that the policy is not justified and is not effective. The respondent considers that the policy is unsound because, unlike the adopted City of Derby Local Plan Review, there isn't a specific policy for the protection of allotments.

Whilst the Council recognises the concerns of the allotment holders association, it feels that the policy, which is in-line with the requirements of the NPPF, does not devalue the important role allotments play in the City. There is no significant change between the CDLPR and Core Strategy in terms of how applications on allotments would be considered. A specific policy is not considered necessary.

No change required.

1056

Derbyshire Branch of CPRE

☒ Legally Compliant

☐ General / Misc Comment

Rep Type: Com Rep ID: 3790 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The Campaign to Protect Rural England considers that the policy is legally compliant but highlights the conflict between the plan's statement that Green Wedges and open space are important but a number have been sacrificed to meet housing targets. Continuing their response, CPRE would like to see Green Wedges and public open space

retained.

The principle of Green Wedges is maintained in the plan. The Council notes the CPRE's comments but highlights that, given the requirement to meet its objectively assessed need within the City and to provide a flexible strategy for housing delivery, some greenfield sites are required for development. It is a priority of the Core Strategy to promote brownfield regeneration but, as stated previously, some greenfield sites have to be released.

Through the Green Wedge Study and other evidence base documents, the Council has sought to protect and maintain those parts of the wedge that have a particular value in terms of the role and function of the wedge. Furthermore, where allocations have been made within existing wedges, the policies for those sites require improvements to the remaining land to be made.

No change to the Core Strategy is required in this instance.

CP18 Green Wedges

Individual Comments: 20 General / Misc: 1 Objections: 17 Supports: 2 from: 13 representors

32 Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3581 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Derbyshire County Council re-affirms its long-standing support for the designation and protection of the City's Green Wedges.

The Council notes and welcomes the County Council's support.

No change to the policy is required.

52 Network Rail

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3558 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

In this instance Network Rail considers that the policy is not justified. The organisation considers that the that a review of the Lower Derwent Green Wedge boundary is necessary, specifically around their landholding at Chaddesden Sidings. Network Rail references the Council's Green Wedge Review which states that this part of the wedge contributes towards flood storage along the river but fails to take account of the agreed restoration for the sand and gravel works agreed by the County Minerals Authority in 2004. As a result of the restoration, the ground levels have been raised and Network Rail consider that the site cannot now fulfil the original flood capacity role.

Network Rail highlight that the site was considered for development in the Council's flood alleviation application (DER/02/15/00210) but acknowledges that this was subsequently removed before consent was given; this, it is argued, indicates there is an element of doubt as to the need to maintain the current Green Wedge in this location.

Network Rail argues that the northern boundary of the wedge is a historical accident and questions whether the size of the Green Wedge is still justified. The openness of the Green Wedge is questioned given the operational railway land on this site. Network Rail conclude that, as a statutory undertaker, they have the ability to erect buildings and other structures under its permitted development privileges, which would potentially erode the openness of the wedge.

In early iterations of the flood alleviation application, the consultants working on behalf of the Environment Agency and the City Council indicated that the site

in question could be, following the culmination of the project, a potential development site. However, this aspiration was included by the consultants' without input from the City Council. Subsequent discussions with the Council as part of the development of the scheme, the allocation was altered and the text highlighting the site as a potential development site was deleted as it was considered the application was not the vehicle to allocate land for development.

Amendments to the Green Wedge in this location and potential identification as employment land will be considered as through the Local Plan Part 2. In addition to GW considerations, there are a number of other issues that will need to be considered collectively as part of the identification of any new employment land in this area.

No change required.

52 Network Rail

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3557 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Network Rail notes that Policy CP18 is a more detailed version of the "Saved" Policy E2 in the City of Derby Local Plan Review (CDLPR). It is also noted that there are clear similarities between CP18 and the Green Belt Policy (CDLPR, Policy E1). The respondent states that it is not clear why Policy CP18 should be any different to the latest advice provided in the NPPF.

It is considered therefore that criterion 6 of the policy should include "transport undertakers" to make it consistent with the NPPF, paragraph 90.

The Council agrees that there are similarities between Green Belt Policy and Policy CP18 in that it seeks to protect Green Wedges from inappropriate and harmful development. However, this is a local designation specific to Derby and there is no requirement to reflect national Green Belt policy.

The Council considers that the inclusion of "transport undertakers" in the policy could have a detrimental impact on the form and function of the City's Green Wedges.

No change required

55 The National Trust

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3618 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

The National Trust supports the principles of the policy and considers it to be sound.

The Council notes and welcomes the response by the National Trust.

No change required.

151 Signet Planning for Peveril Homes

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3759 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Peveril Homes states that the policy should be amended to acknowledge and make specific reference to:

The Green Wedge Review (2012) forms part of the evidence base that underpins the Local Plan Part 1.

The need to review Green Wedge boundaries

Peripheral areas within the Green Wedges can make a valuable contribution to meeting the housing needs of the City whilst not compromising the objectives of Green Wedges.

It is not necessary for the Core Strategy to go into detail into the evidence base on Green Wedges. To all intents and purposes, when the plan is adopted, the wedges are the wedges and they will maintain the full weight of the policy. To suggest that 'less sensitive' areas would have development potential would be misleading. In effect, once the plan is adopted, there will be no 'less sensitive areas' and the policy would give no suggestion that there may be areas within the wedge where 'inappropriate' development would be considered more favourably. The whole point of the Green Wedge Review and subsequent allocations was to identify areas that could be released without undermining the overall function and principle of wedges and ensure that those areas which were retained were given the policy protection they are due.

No change required.

169 William Davis Limited

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3549 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent, William Davis, suggests that the policy is amended to make specific reference to the following:

The Green Wedge Review (2012) forms part of the evidence base that underpins the Local Plan Part 1.

The need to review Green Wedge boundaries

Less sensitive areas of the Green Wedges have been identified through the Green Wedge Review (2012) and there is development potential in these areas.

Less sensitive areas within the Green Wedges can make a valuable contribution to meeting the housing needs of the City whilst not compromising the objectives of Green Wedges.

See comments on this issue from Signet Planning for Peverill Homes.

No change required.

727 Planning Design Group for JGP Properties Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3662 ☒ Not Positively Prepared ☒ Not Justified ☒ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

JGP Properties Ltd consider that Policy CP18 is not sound as it has not been positively prepared, is not justified, is not effective and is not consistent with national policy. The respondent reiterates the Council's Green Wedge Review, that development will be necessary on some areas designated as Green Wedge. The respondent continues by highlighting that the Council considers that a minimum of 11,000 dwellings can be accommodated in the City and that its remaining need will be exported to its HMA partners. JGP highlight that due to the lack of a five year housing supply and the slow progress of the plan process, the Council should consider a further review of Green Wedges.

It is not accepted that the Council will not have a 5 year supply at time of adoption of the plan, so the basic premise of the objection is flawed. As such, further review of Green Wedges to address this is not necessary. The Council's strategy has resulted in the allocation of some housing sites which were formerly Green Wedges and these allocations have been informed by the Green Wedge Review to ensure that the form and function of each wedge affected will not be compromised. The Council has, through the duty to co-operate devised a strategy which continues to maintain the principle of Green Wedges. Partners have accepted that they are important to the character of the City and accept them as a reasonable constraint to development. This has not stopped the Council making difficult decisions about some wedges, but the NPPF requirements to do not equate to a "development at all costs" approach. Abandoning such a policy would not be sustainable.

No change required.

727 Planning Design Group for JGP Properties Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3663 ☒ Not Positively Prepared ☒ Not Justified ☒ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

JGP Properties Ltd consider that Policy CP18 is not sound as it has not been positively prepared, is not justified, is not effective and is not consistent with national policy. The respondent considers that Green Wedge policy and the continuation of Policy L5 from the 'saved' City of Derby Local Plan Review is not NPPF compliant. They consider that the Green Wedge is not a landscape policy and it shouldn't be used as de-facto Green Belt. The respondent refers to a recent appeal site (Brook Farm, Chaddesden; the inspector stated '...the advantages of maintaining the green wedge policy in this area must now be weighed against the significant shortfall in the city's housing land supply, and the consequent urgent need to rectify that situation. In terms of national policy, the NPPF makes it clear that there is an absolute requirement to boost the supply of housing significantly, and to meet objectively assessed needs. The unmet housing need in the area therefore carries very substantial weight. The respondent concludes by stating that their site (the remaining part of the Green Wedge) is essential to meet the housing need in the area.

Since the publication of the Preferred Growth Strategy, the Council has discussed, and developed, the proposal with the agents acting on behalf of the landowner. On several occasions, the Council has stressed that development which closes the mouth of the Green Wedge will be resisted as it would be contrary to the principle of Green Wedges and close off Chaddesden Wood from the surrounding Countryside. The respondent's proposals to develop across the whole promoted site are considered to have too great an impact on the wedge and would fundamentally undermine a principle that the Council is trying to maintain.

It is considered that the solution arrived at is a reasonable compromise, in terms of facilitating new housing development while maintaining a functioning Green Wedge. Therefore, the site allocated in the policy will not be extended and the remaining Green Wedge will continue to be protected. The respondent refers to the recent appeal decision for Brook Farm Chaddesden and has referenced part of the inspectors report. The Council considers that, in this instance, comparison between the two sites is fundamentally flawed. While both are located on Green Wedge sites, the Brook Farm development is located on the edge of a wedge and, unlike the site referred to by the respondent, does not effectively close off the mouth of a wedge. In addition, the paragraph referred to has been taken out of context of the remainder of the report. It is not considered that the Inspector was stating that in all cases housing development is considered to be more important than Green Wedge but that each case should be judged on its merits and in that case the argument was accepted. It should also be remembered that, in terms of Green Wedge development, the Brook Farm site was identified in the emerging Core Strategy and was refused on matters of detail and not principle. Therefore, the Inspector was essentially agreeing with the recommendation of officers who considered that the site could be developed without fundamentally undermining the Green Wedge principle. This is not analogous to the issue on this site.

No change required.

808

Friends of Chaddesden Wood

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The Friends of Chaddesden Wood consider that the policy is legally compliant.

The Council notes and welcomes the comments made by the group.

No change is required in this instance.

853

Turley Associates for Radleigh Group

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The Radleigh Group notes that completions in the first four years of the plan are significantly below the annual requirement and the agent considers that an exception is

included in the policy which is similar to the "saved" policy in the City of derby Local Plan Review (Policy E2). It is suggested that additional wording confirms that unless a five year supply can be demonstrated, planning applications for the residential development of sites designated as Green Wedge will be considered favourably, subject to other material considerations.

The City's Green Wedges are a long-standing and successful local policy which has ensured that the various neighbourhoods within Derby are kept separate. There are instances in the Core Strategy where former Green Wedge sites have been allocated for development. These releases have been informed by the Council's Green Wedge Study and have been assessed to ensure that the form and function of each wedge is maintained and is not adversely affected.

There appears to be some confusion over the content of Policy E2 of the City of Derby Local Plan Review as it does not contain the requirement indicated in the representation.

The Council considers, that in this instance, the lack of a five year supply should not result in applications for development in Green Wedges being looked on more favourably. Each case would continue to be judged on its merits in line with the requirements of the NPPF. A lack of 5 year supply would not automatically diminish the importance of Green Wedge policy (this has been upheld in a number of appeals in the City).

No change required.

1028

SSA Planning for Kentucky Fried Chicken

☐ Legally Compliant☐ General / Misc Comment

Rep Type:

OBJ

Rep ID:

3961

☐ Not Positively Prepared☐ Not Justified☒ Not Effective☐ Not Consistent with National Policy☐ Not Legally Compliant☐ Sound

It is highlighted that the Green Wedge Review is three years old and new sites are coming available which should be reviewed. It was stated that a landscape and visual assessment of the Rough Heanor Farm site was carried out as part of an application for residential and a KFC (10/15/01314). The landscape and Visual Assessment concluded that the land was of low value in terms of its contribution to the Green Wedge and should be deleted from the wedge.

It should be recognised that the City's Green Wedges are not a landscape designation; their primary aim is to separate the City's neighbourhoods and to form a green link with the urban core and the surrounding countryside. The Council's Green Wedge Review has considered the impact proposed development would have on the form and function of each wedge and a number of strategic allocations have been made accordingly.

It is not accepted that this wedge has no value and there would be concerns in terms of the overarching principle of releasing Green Wedge in this location. In addition, the only reason to release the wedge in the plan would be to facilitate the development of the respondent's proposal. As noted elsewhere, there are significant concerns as to the acceptability of this proposal in terms of its deliverability and highway safety. The 'benefits' of just 75 dwellings (maximum) and two food and drink uses - which may not be able to be delivered - do not justify the rolling back of the Green Wedge boundary in this location.

No change required.

1042 Heaton Planning for Tarmac Trading Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3554 ☒ Not Positively Prepared ☒ Not Justified ☒ Not Effective ☒ Not Consistent with National Policy ☒ Not Legally Compliant ☐ Sound

Tarmac Trading Ltd operate an existing aggregate recycling facility at Chaddesden Quarry. They consider that the plan is not justified, effective or consistent with national policy. They have objected to the identification of their site as part of the Lower Derwent Green Wedge (GW) and suggested that areas of the site identified in the restoration plan, submitted alongside planning application 05/14/00717, should alternatively be identified for employment and leisure uses. Tarmac consider that the site should not have been initially identified as Green Wedge and have suggested that continued identification within the GW will prejudice the on-going operation of their recycling facility and the realisation of 'long term permitted after uses'.

See comments on the 'omission' sites response.

No change required.

1042 Heaton Planning for Tarmac Trading Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3555 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

It is considered that the policy is not consistent with the NPPF, particularly paragraph 143. This states that Local Planning Authorities should 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'.

Please refer to the Council's response previous Green Wedge representations in respect of this location.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3946 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The impact of the Green Wedge in combating climate change has been grossly over-played. Assuming that development needs to be located somewhere, the relative impact of housing development in one place (say on a peripheral greenfield site) rather than on another site in the Green Wedge, should create a neutral impact on

climate change.

The Council considers that the role Green Wedges play in mitigating climate change in the Core Strategy is appropriate and greater emphasis has been made in the role each wedge plays in stopping the coalescence of each City neighbourhood and as part of the Green Infrastructure network.

No change is required.

1045	Acres Land & Planning Ltd for British & Continental Co Ltd	<input type="checkbox"/> Legally Compliant	<input checked="" type="checkbox"/> General / Misc Comment						
Rep Type:	OBJ	Rep ID:	3948	<input type="checkbox"/> Not Positively Prepared	<input type="checkbox"/> Not Justified	<input type="checkbox"/> Not Effective	<input type="checkbox"/> Not Consistent with National Policy	<input type="checkbox"/> Not Legally Compliant	<input type="checkbox"/> Sound

Criterion (j) is supported (development within the Green Wedge should provide opportunities to improve the remaining wedge). However, it is considered that the rest of the policy precludes development happening.

The Council considers that the wording of the policy is appropriate as it seeks to protect the Green Wedges from inappropriate development. There are instances where development does occur on former Green Wedge sites to meet Derby's housing need and criterion (j) ensures that the impact of development is mitigated. In addition, the Council considers that criterion (j) is necessary should development occur which is appropriate to a Green Wedge location.

No change required.

1045	Acres Land & Planning Ltd for British & Continental Co Ltd	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment						
Rep Type:	OBJ	Rep ID:	3947	<input type="checkbox"/> Not Positively Prepared	<input checked="" type="checkbox"/> Not Justified	<input type="checkbox"/> Not Effective	<input type="checkbox"/> Not Consistent with National Policy	<input type="checkbox"/> Not Legally Compliant	<input type="checkbox"/> Sound

Whilst recognising that there is a need to protect areas of land between settlements which perform a positive role in preventing coalescence and providing much needed recreation, open space and biodiversity, it was considered that the Green Wedges must be regularly reviewed by an independent consultant and not influenced by the pressures of local communities or neighbours who, quite understandably, wish to protect their view. The Derby Green Wedges have been reviewed by an 'in house' group of officers who have not identified land at Acorn Way/Derby Road Spondon which could reasonably be released from the Green Wedge.

The Council notes the comments made in this instance and wishes to stress that the Green Wedge Review was undertaken by officers in a robust, transparent and objective manner. The fact that a number of existing Green Wedges have been identified for development within the plan demonstrates that it was not unduly influenced by any outside party. This is not a plausible criticism of the evidence base and cannot be substantiated.

There is nothing in national policy which suggests that evidence base documents must be carried out by third parties.

No change is necessary in this instance.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3949 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

It is noted by the respondent that paragraph 5.18.2 states that Green Wedges do not have the permanence of Green Belt. It is considered that the policy makes no reference to simply adhering to a principle, rather there appears to be a complete embargo on tangible development and furthermore there appears to be no commitment by the Council to review the boundaries. This must be addressed before the Plan is adopted.

The Council has continually stated that Green Wedge policy doesn't have the permanence of Green Belt. It also considers that the policy does not restrict all development within Green Wedge, it merely ensures that inappropriate development which will have a negative impact on the form and function of a wedge is resisted. In general, residential development would be seen as inappropriate as it would have an unacceptable impact on the open and undeveloped character of the wedge. The Council has already reviewed the boundaries of wedges to prepare the Core Strategy and a number have been released to enable housing development. It is understood that the respondent is promoting a site within the Green Wedge - this part of the wedge was considered within the Green Wedge Review (2012) and deemed to be of continuing importance to the role, character and function of the wedge. As such, it was considered that it should not be released.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3945 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The Green Wedge policy is well established but it is based on the East Midlands RSS which has now been revoked and the Derbyshire Structure Plan which has long since been replaced. There is no policy support for Green Wedges within the NPPF.

It should be noted that the Council's Green Wedge policy is a long standing, and successful, policy which pre-dates the revoked East Midlands Regional Plan and the Derby and Derbyshire Structure Plan; more detail about the historical context of the Council's Green Wedge policy can be found in the Council's Green Wedge Review, Section 2. Although both the RSS and the Structure Plan have been revoked there is strong support for the principle of the City's Green Wedges. Comments received from the County Council in response to this consultation reaffirm their support. The Council considers that this is an important policy as, aside from preventing the coalition of the City's neighbourhoods, they form an important part of the green infrastructure network which is supported in the NPPF, paragraph 114. The consistency of Green Wedge policy with the NPPF has also been accepted by Inspectors at recent appeals in the City.

No change to the policy is required in this instance.

1056 Derbyshire Branch of CPRE ☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3791 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Reflecting their comments for Policy CP17, the CPRE consider that the plan is not justified as the use of Green Wedges for housing is against the aims of the plan.

Please refer to the Council's response in respect of the CPRE's comments regarding Policy CP17.

No change required.

1057 Planning Design Practice Ltd for Mr Tom Shally ☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3797 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

It is considered that the plan is not justified, is not effective and is not consistent with national policy. It is considered that the Green Wedge Review contains a flawed assessment of the impact development of the North Avenue site would have on the wedge.

The Council considers that the Green Wedge Review is robust and that its assessment of this site, which highlights the cumulative impacts of potential development, is correct. No change is required.

No change to the policy is required in this instance.

CP19 Biodiversity

Individual Comments: 4 General / Misc: 1 Objections: 0 Supports: 3 *from: 4 representors*

13 Natural England

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3521 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

Natural England strongly supports the policy and the reasoned justification as it takes a positive approach to the protection of biodiversity and geodiversity assets. Particularly welcomes the aspiration to achieve a net gain in biodiversity and to establish a coherent ecological network. Considers the policy to accord with the NPPF, paragraph 117.

The City Council welcomes the comments made by Natural England.

No change to the policy required.

244 Derbyshire Wildlife Trust

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3876 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Derbyshire Wildlife Trust noted and welcomed the amendments made to the policy from the draft plan.

The Council notes and welcomes the comments made by the Wildlife Trust.

No change required.

808 Friends of Chaddesden Wood

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3803 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The Friends of Chaddesden Wood consider that the policy is legally compliant.

The Council notes and welcomes the comments made by the group.

No change is required in this instance.

1045

Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type:

SUP

 Rep ID:

3950

☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

The need to protect important biodiversity assets is supported.

The comments and support are noted and welcomed by the Council.

No change required.

CP20 Historic Environment

Individual Comments: 8 General / Misc: 1 Objections: 2 Supports: 5 from: 6 representors

55 The National Trust

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3619 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

Policy CP20 is strongly supported by the National Trust, who particularly welcome the commitment to take account of impacts on the settings of heritage assets beyond the city boundary. For the avoidance of doubt, it is suggested that the supporting text should confirm that the requirements of the NPPF in relation to heritage assets will continue to be applied alongside CP20.

Comments are noted. All of the policies contained in the Plan should be read alongside the NPPF, therefore it is not considered necessary to specifically make this reference in CP20.

No change required.

1040 Kedleston Voice

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3536 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

Kedleston Voice support the recognition in Policy CP20 that the historic environment is one of Derby's greatest resources and that it should be protected. They highlight particular support for the statement in the policy ensuring that development proposals which would detrimentally impact upon the character, significance and / or setting of a heritage asset will be resisted.

Comments are noted and welcomed.

No change required.

1040 Kedleston Voice

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3537 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

Kedleston Voice also support the statement in Paragraph 5.20.11 which acknowledges that there are heritage assets located just outside of the City boundary and that the

Council will ensure that the setting, including views into and out of these historic locations are not adversely impacted by built development within the City.

Comments are noted and welcomed.

No change required.

1045	Acres Land & Planning Ltd for British & Continental Co Ltd	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment						
Rep Type:	SUP	Rep ID:	3951	<input type="checkbox"/> Not Positively Prepared	<input type="checkbox"/> Not Justified	<input type="checkbox"/> Not Effective	<input type="checkbox"/> Not Consistent with National Policy	<input type="checkbox"/> Not Legally Compliant	<input checked="" type="checkbox"/> Sound

The owners of land off Acorn Way broadly support the requirements set out in CP20.

Comment is noted and welcomed.

No change required.

1052	WYG for Catesby Estates Ltd	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment						
Rep Type:	OBJ	Rep ID:	3849	<input type="checkbox"/> Not Positively Prepared	<input type="checkbox"/> Not Justified	<input type="checkbox"/> Not Effective	<input checked="" type="checkbox"/> Not Consistent with National Policy	<input type="checkbox"/> Not Legally Compliant	<input type="checkbox"/> Sound

Catesby Estates have objected to Policy CP20 and suggested that it is not sound. They have stated that criteria (c) and (f) are not consistent with the NPPF and other relevant guidance, specifically in relation to the way in which the policy refers to the 'setting' of heritage assets. They have suggested that the setting of heritage assets should only be protected where it contributes to the 'significance' of the asset and should not therefore be protected in isolation, as referenced in criteria (c) and (f). They have suggested alternative wording to remedy this issue.

It is acknowledged that the 'setting' of a heritage asset is only relevant where it contributes to the 'significance' of the asset itself. It is accepted that the wording of criteria (c) and (f) could therefore be interpreted to be inconsistent with this approach. It is therefore suggested that the wording of criteria (c) and (f) is amended to ensure that the policy is consistent with the NPPF. The suggested amendments move away from the consideration of impacts on 'setting' as such and instead focuses on impacts on the 'significance' of assets, of which settings can form a component part. This does not alter the overall strategy or approach with regard to the historic environment, rather it brings the policy closer to the intention of the NPPF.

Whilst not directly highlighted by the respondent, it is also suggested that paragraph 3 of CP20 is also amended to take account of this approach to consideration of setting.

Suggest a modification to amend criteria (c), (f) and the third paragraph of CP20 to clarify the intent of the policy and ensure consistency with the NPPF with regard to the 'significance' and 'setting' of an asset.

1055 Wren (Private Individual) ☐ Legally Compliant ☐ General / Misc Comment
Rep Type: SUP Rep ID: 3788 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

It has been suggested that the Plan is sound in relation to the strategy for preserving the historic environment.

Comments are noted and welcomed.

No change required.

1055 Wren (Private Individual) ☒ Legally Compliant ☐ General / Misc Comment
Rep Type: Com Rep ID: 3787 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

In relation to Policy CP20, it has been suggested that the Plan is legally compliant and appears to have been prepared with regard to the Derby Plan, the NPPG and NPPF.

Comments are noted and welcomed.

No change required.

1057 Planning Design Practice Ltd for Mr Tom Shally ☐ Legally Compliant ☐ General / Misc Comment
Rep Type: OBJ Rep ID: 3800 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Owners of land to the north of North Avenue in Darley Abbey have stated that Policy CP20 is inconsistent with the NPPF as it advises that proposals that detrimentally impact on heritage assets 'will be resisted'. It is suggested that this approach does not provide for the balancing exercise as required by the NPPF, which allows for less than substantial harm to be weighed against the public benefits of the scheme.

The policy is silent on the balancing exercise required by the NPPF, as it is considered pointless to simply repeat the provisions of the NPPF in the policy. As with

all policies in the Plan, the provisions of the NPPF are relevant and therefore the balancing exercise will still apply in the determination of applications. Ultimately, the policy seeks to avoid harmful impacts to heritage assets in the first instance, which is in line with the relevant legislation.

In order to clarify that the balancing exercise still applies it may be beneficial to add additional supporting text to paragraph 5.20.12.

Suggest a modification to paragraph 5.20.12 to add a new sentence at the end to read:

'Where there is likely to be harm to a heritage asset, the tests in national policy will be followed. In such circumstances, clear justification should be provided, including details of any public benefits'.

CP21 Community Facilities

Individual Comments: 7 General / Misc: 1 Objections: 4 Supports: 2 from: 5 representatives

32 Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3605 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The policy approach taken to improving and increasing school provision in Policy CP21 is strongly welcomed.

Support noted and welcomed.

No change.

78 Sport England - East Midlands

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3750 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Sport England supports the policy which seeks to deliver, protect and maintain high quality, accessible and inclusive facilities (including sports facilities) to meet community needs.

The Council notes and welcomes Sport England's comments.

No change required.

78 Sport England - East Midlands

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3749 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Sport England considers that the policy is legally compliant.

The Council notes and welcomes Sport England's comment.

No change required in this instance.

78

Sport England - East Midlands

☐ Legally Compliant ☐ General / Misc CommentRep Type: ☐ OBJ Rep ID: 3751 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The policy is not underpinned by a robust and up to date assessment of needs which means that the policy will be difficult to apply effectively, both in terms of planning for new/enhanced facilities or assessing impact of potential loss, when current and future requirements are not clearly evidenced and known (in line with NPPF paragraph 73).

The supporting text cites the Council's 2009 Leisure Strategy as the basis for strategic planning of major sports facilities, some elements have already been delivered.

Sport England considers that evidence from the 2009 document is insufficient to inform current and future decisions in respect of built/indoor sports facilities (in accordance with NPPF 73)

Sport England is concerned that the proposed site/location specific options for water space included within the policy need further evidence based justification, and the policy overall needs to be underpinned by a robust and up to date assessment of needs to support its effectiveness.

It is understood that the Council is currently planning to prepare further evidence, to build upon Facilities Planning Modelling work undertaken in 2013. Sport England would be willing to reconsider this objection should further work be carried out in a timescale that would allow the policy to be informed by robust and up to date evidence.

See response to representation on policy CP16.

No change required.

541

Cooper (Private Individual)

☐ Legally Compliant ☐ General / Misc CommentRep Type: ☐ OBJ Rep ID: 3985 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Concerns raised about the growth in pupils and where the children will be educated.

The plan addresses the need for new school places both through the creation of a number of new primary schools, extensions to existing primary and secondary schools and notes the potential for a new secondary school in South Derbyshire. The plan is quite clear, therefore, in where children will be educated as a result of growth.

No change required.

552 Lockhart (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3882 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Due to the increase in the huge number of houses expected to be built over the next twenty years. There needs to be serious consideration in planning for infrastructure and access for people getting to and from The Royal Derby Hospital. A bigger hospital will be required and parking facilities increased for all public and workers. Although this will be an NHS problem the traffic flows will affect the city in general and it will not only be at peak times.

The City Council has made the Hospital Trust aware of the levels and locations of growth being planned for up to 2028. Any additional hospital services and the resultant impacts, including those on the local road network, will be assessed should the Hospital Trust develop proposals for expansion of their services. The policies of the draft plan including CP21 allow for such development subject to safeguards such as transport mitigation.

No change.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3952 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Whilst the respondent acknowledges that developers are required to support and help fund specific infrastructure needs where this is essential to make the proposal acceptable, there should not be a general requirement for a developer to provide contributions where this is not related to the development or disproportionate in scale. The provision of school places and of health and community facilities are key examples. Developers should only be expected to make a valid contribution to additional provision, where a shortfall exists, or would exist following the completion of the development. All contributions should be fully compliant with the CIL regulations. There is no longer scope for Council's to seek pooled contributions from 5 or more sites.

The requirements of policy CP21 and MH1 - Making it Happen, which covers in more detail developer contributions, do not override s122, part 11 CIL Regulations 2010 (as amended) which set out that any contributions sought should be 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. All contributions required will be CIL regulation compliant (as is made explicitly by MH1c).

No change required.

CP22 Higher and Further Education

Individual Comments: 0 General / Misc: 0 Objections: 0 Supports: 0 from: 0 representors

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

No representations

CP23 Delivering a Sustainable Transport Network

Individual Comments: 12 General / Misc: 0 Objections: 8 Supports: 4 from: 7 representors

32 Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3587 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

From a transportation perspective, Derbyshire County Council is supportive of the strategy.

Support welcomed

No change required.

32 Derbyshire County Council

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3604 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

There is little recognition of Derby's importance as a Cycling City. In 2009, Derby was selected by the DoT as a Cycling Demonstration Town and received significant funding. There is one passing reference to the national cycle network routes in paragraph 5.24.13 and Policy 23 but this is considered insufficient. It is still of concern that the Core Strategy does not identify the strategic network of off-road paths and trails that cross the City and link to the rest of the County. It would be helpful if a map was included that identifies both existing and proposed off-road cycleways and multi-user routes and how they interact with the road and public transport system. This will help to ensure maximum connectivity across the City.

Specific routes that should be identified are: the Derwent Valley Heritage Way, the Riverside Path in the City and the Great North Greenway.

It is essential that proposed cycleways and multi-user routes are safeguarded on the proposed strategic development sites through the planning process. In addition, the process should not look at the development site in isolation but consider how a wider sustainable transport network could be pursued to connect through to destinations, long term aim being to achieve a fully connected system of sustainable transport routes.

It is considered that the importance of cycling - and other forms of sustainable travel - are referenced throughout the plan in a range of general and site specific policies. It is not necessary for the plan to identify specific cycle tracks, particularly if they are referenced elsewhere. No change to the plan is necessary in this regard.

No change required.

52

Network Rail

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: SUP Rep ID: 3560
 ☐ Not Positively Prepared
 ☐ Not Justified
 ☐ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☒ Sound

Network Rail note comments made in 5.23.5 and criterion 3 of CP23 and support comments made in respect of railway safety and particular commitment to review level crossings as part of any development proposal which affects such crossings

Support welcomed.

No change required.

262

Campaign for Better Transport

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: OBJ Rep ID: 3623
 ☐ Not Positively Prepared
 ☐ Not Justified
 ☒ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

Point (a) 2 (which is new since the 2013 draft) is not properly prepared as it is incomprehensible. It says: [The Council will support proposals that] include initiatives to manage down the traffic impact of proposals to support the promotion of sustainable transport and the development of accessible sites.

Should it say "...traffic impact of developments and support..."?

The point is accepted. It should read "and" rather than "to". A modification might make the policy slightly clearer.

Suggest modification to AC23 (a) (2) to replace "...to promote..." to "... and promote..." for clarity.

262

Campaign for Better Transport

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: OBJ Rep ID: 3624
 ☐ Not Positively Prepared
 ☐ Not Justified
 ☒ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

Point (b) 7 says: "...is located in accessible locations that are well served by frequent high quality bus services and which help to facilitate walking and cycling"
The draft Core Strategy referred to "Highly accessible locations". This watering down of the policy is an unacceptable change.

it is not considered that this is a watering down of the policy. At the Draft stage representations were received which noted that the test in the NPPF was for 'accessible' locations and the plan was, therefore, exceeding national policy in its requirements. This point was accepted. It was never really the intention to suggest that 'accessible' locations would not be considered appropriate for development. The policy is now more consistent with the NPPF.

No change required.

262

Campaign for Better Transport

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: **OBJ** Rep ID: **3625**
☐ Not Positively Prepared
 ☐ Not Justified
 ☒ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

It is suggested that criterion 12 is unsound as it does not incorporate that part of CDLPR Policy T8 relating to buses. T8 "seeks to ensure that the proposed development does not adversely affect existing and proposed bus facilities and priority measures". This clause should either be incorporated in point 12 of CP23, or made an extra point of the policy.

The Local Plan and the CDLPR are separate documents and the non-inclusion of a criterion of a policy of the CDLPR into the Local Plan is not a cause of it being unsound.

The aim of CP23 is to deliver a sustainable transport network including all transport modes. The protection of bus facilities would be covered by criteria 9 and 12 of policy CP23. As such, the concerns of the respondent are addressed.

No change required.

262

Campaign for Better Transport

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: **OBJ** Rep ID: **3626**
☐ Not Positively Prepared
 ☐ Not Justified
 ☒ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

The respondent would like to see a cross reference in paragraph 5.23.11 to Travel Plans, as they believe that a site that might appear to require an above average level of parking could require less with a suitable Travel Plan.

Paragraph 5.23.4 refers to Travel Plans being required in some case, including for residential development. The Plan should be read as a whole and so a reference in 5.23.11 is not necessary.

No change required.

420

Erewash Borough Council

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: **SUP** Rep ID: **3860**
☐ Not Positively Prepared
 ☐ Not Justified
 ☐ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☒ Sound

Given the proximity of some of the site specific proposals put forward as part of the strategy, any impact on the road network within Erewash remains an important consideration. In general, Erewash supports the general strategy of the plan which seeks to minimise the impacts on the existing transport infrastructure via a range of

measures set out within CP23. Key to improving this more widely though will be the managing down of traffic impact from proposals contained within the plan via the promotion of sustainable forms of transport and the development of accessible sites, this is a key facet of CP23 and Erewash supports this.

Support welcomed

No change required.

541 Cooper (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The plan does not answer the problem of increased congestion around the City apart from suggesting cycling, car sharing, public transport and flexible working. This is totally unrealistic. This is more creative writing with no substance, leaving the problem unresolved.

It is incorrect to suggest that the only transport mitigation measures in the plan relating to the encouragement of alternative modes of travel to the car (which is a wholly sensible approach in its own right). Aside from the site specific requirements, the plan also supports major infrastructure schemes designed to address existing or anticipated capacity issues. Examples include, the A52 improvements, grade separation of the A38 junctions, the SDITL and electrification of the Midland Mainline. The plan also does not preclude the coming forward of other schemes that may be identified through the plan period.

No change required.

913 Prosser (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Greatly damaging and not in public interest that the Council shows an anti-car attitude. Individual mobility at all times is vital and important freedom. Reference to parking at Merrill School

The Council is not 'anti-car'. Policy CP23 provides for viable travel choices and effective, efficient and sustainable transport networks. With regards to individual schemes this is while maintaining appropriate access for car users.

No change

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3954 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

With reference to point 10, any contribution to public transport should only be in circumstances where there is a clear deficiency in transport provision. Gives example of Acorn Way omission site having access to a frequent bus service.

Policy CP23 seeks to deliver a sustainable transport network within Derby. It is a strategic policy for all development, each proposal being considered on its merits. Criterion (b)10 also refers to non-car modes of transport other than public transport including cycle and pedestrian infrastructure. In line with the CIL regulations, a contribution will not be sought that is not necessary. This is addressed by Policy MH1 and does not need repeating here.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3953 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Broadly support the initiatives being proposed especially the principle of locating sites next to transport corridors where this is feasible. Gives Acorn Way/Derby Road as an example.

Support welcomed. It should be noted that accessibility is not the only consideration in determining the acceptability or appropriateness of a site for development.

No change required.

CP24 Strategic Implementation

Individual Comments: 16 General / Misc: 5 Objections: 8 Supports: 3 from: 10 representors

100 Boyer Planning for Clowes Developments (UK) Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3748 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Whilst the respondent supports the general aims of this Core Principle, it is concerned that the proposals may blight its current landholding know as the Fireplace Workshop at the Wyvern/Pride Park entrance from the A52 southbound.

The Company is keen to continue the dialogue with the City Council over its development aspirations for the site with its developer partners.

Support for the general aims of the core principle welcomed. Understand that the proposed scheme has since been modified with the effect of reducing the impact on the land holding in question. The policy would only impact on development aspirations if it prejudiced the delivery of the A52 scheme. The intention to continue dialogue is welcomed.

No change required.

100 Boyer Planning for Clowes Developments (UK) Ltd

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3747 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The policy is considered to be legally compliant.

Noted.

No change required.

222 Planning & Design Group for Hallam Land Management

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3703 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The policy is considered to be legally compliant

Noted.

No change required.

222 Planning & Design Group for Hallam Land Management

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3704 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

Masterplan-led proposals for development on land proposed for allocation under Policy AC18 and related in South Derbyshire have had regard to and provided for the delivery of part of the South Derby Integrated Transport Link. Landowners are involved in on-going discussions as to the delivery of the new road. Refers to comments in response to Policy AC18 (Supported)

Support welcomed.

No change required.

262 Campaign for Better Transport

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3628 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

It is suggested that references to A38 Pinch Point works be deleted, as these works were completed in 2014.

This point is accepted. A modification to remove this reference may be appropriate for the sake of clarity.

Suggest modification to AC24a to remove "... and A38 'Pinch Point' schemes." and reword 5.24.4 to read: 'Highways England have already carried out improvements to these junctions as part of their national 'pinch point' scheme to improve traffic flow.'

262 Campaign for Better Transport

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3627 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondents do not agree that construction of the "South Derby Integrated Transport Link" has been fully justified. Housing development on the fringe of the city should be designed for those working in the city. They are not convinced that a Sinfen-Heatherton link, in particular, would do anything other than generate traffic. This road will link the proposed development into the A38 and A50 and encourage residents to commute, by car, to places along the A38 and A50, rather than use other modes

and find work in the city.

It is not possible to restrict housing to occupiers working within the City. Indeed it is difficult to see how it could be 'designed' to do so.

The intention of the scheme is as stated, that is 'to help mitigate the transport impact of proposed development in the Derby urban area' - this includes development outside Derby. The link has been subject to considerable amount of transport modelling and it has been demonstrated to provide local and network wide benefits.

Paragraph 5.24.7 states that, regarding designing the link, public transport, walking and cycling should be incorporated from the outset. This would increase the choices of non-car modes of transport.

No change

262

Campaign for Better Transport

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3629 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Initiative (f) is "Implementation of the Park and Ride at Royal Derby Hospital". This was part of CDLP Policy T9. LTP2 (2005) refers to the need to complete this at the same time as the hospital redevelopment, which was completed in 2010. There is no sign of implementation of this project in 2015, and congestion at the site exit suggests that it may no longer be a suitable site. The respondent supports Park and Ride in principle and would be happy to see the site developed, if it can be done. However, if this site is not deliverable, then it should be deleted from the Plan and an alternative site proposed.

It is still the intention for this scheme to be delivered, though it is recognised that it has seen considerable delay. While the proposal is still 'live' it is considered appropriate to retain it within the policy.

No change required.

420

Erewash Borough Council

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3861 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

Given that proposals within Derby will likely have an impact, to some extent, upon the functioning of important transport routes for the Borough (specifically the A6005 and A52), Erewash supports the range of strategic improvements, closely aligned with the Local Transport Plan, including the A52 between Raynesway and Pentagon Island (specifically, improvements to Pride Park access). These improvements will likely alleviate some of the additional pressure on the transport network.

Support welcomed

No change required.

535

Rostron (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3476 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

It is suggested that proposed changes to the A52 will not mitigate the damaging effects to the existing road system in the Mickleover area. A38, A516, Etwall Road and Uttoxeter Road in particular suffer congestion, leading to issues for public transport and lengthy queues

The proposed changes to the A52 are to improve operational capacity, provide safety benefits and better access to Pride Park. They are not intended to have any bearing on the road network in Mickleover. Alternative mitigation measures are identified for these locations.

No change required.

918

Pegasus Planning Group LLP for Christ Church

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3975 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent considers that the policy is legally compliant.

Noted.

No change required.

918

Pegasus Planning Group LLP for Christ Church

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3976 ☒ Not Positively Prepared ☒ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent is concerned that the policy as worded suggests the SDITL is subject to further investigation. It is, however, understood that Phase 1 of the link is necessary to be part of the package of mitigation to accommodate growth on the southern side of Derby. The have requested that SDITL is added to the list of initiatives under Policy CP24 and to ensure that proposals that prejudice the implementation of the scheme will not be permitted.

The SDITL is already in CP24 under criterion (b). The policy also contains specific guidance on what will be expected in terms of the 'detailed route'. There is no

suggestion that the need for the link itself needs further investigation. It is considered that this is clear and does not need to be amended.

No change required.

958

Caborn (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The Council promotes green issues and claim to be working towards reducing pollution footprint. The developments [in the Mickleover area] are contrary to policies and strategy. Is the intention to put an electrified tram system in? If not, why are green issues not on the agenda. Tram system can reduce congestion and improve highway safety.

The thread of sustainable development runs through the Plan with specific policies covering, for example, the presumption in favour of sustainable development, responding to climate change and green infrastructure. While there will inevitably some consequences as a result of the levels of growth required, the plan seeks to minimise these through a range of mitigation measures. There is no suggestion at this time that a tram system would be deliverable or whether it would adequately mitigate the impact of development.

No change required.

994

Barton Willmore for Goodmans

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

Para 31 of the NPPF provides that 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.

The respondent considers that the supporting text to Policy CP24 should make reference to the Strategic Distribution Site Assessment Study for the Three Cities Sub-Area of the East Midlands, produced by AECOM in 2010, which provides a critical assessment of the relative merits of a range of potential sites for Strategic Rail Freight Interchanges throughout the Derby, Leicester and Nottingham area.

This study was commissioned in response to Policy 21 of the now revoked Regional Plan which dealt with Rail Freight Distribution. This study concluded that there were no suitable sites within the City to accommodate such a use. It is hard, therefore, to see what benefit could be derived from referring to this study in the context of Policy CP24.

No change required.

994

Barton Willmore for Goodmans

☒ Legally Compliant ☐ General / Misc CommentRep Type: Com Rep ID: 3684 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The policy is considered to be legally compliant

Noted.

No change required.

1028

SSA Planning for Kentucky Fried Chicken

☐ Legally Compliant ☐ General / Misc CommentRep Type: OBJ Rep ID: 3962 ☒ Not Positively Prepared ☒ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The representor has submitted an application to remodel the junction of the A516 and A38 and create accesses to potential development sites for housing and roadside facilities. Because it is a costed scheme with a promoter and contributes to meeting housing need in a more certain way than assumptions about windfall and brownfield schemes, it should be indicated on the Proposals Map.

The respondent has referred to the application they have submitted as including 'roadside facilities'. The understanding is that this is the main driver behind the proposal which is submitted by a fast food restaurant chain and that significant parts of the proposals are for non-residential uses.

They have referred to the remodelling of the junction of the A516 and A38 at Rough Heanor Farm and create accesses to development sites but have provided no evidence that this is supported by Highways England or that it is in any way deliverable or that Highways England would release the land. Indeed, Highways England has raised serious concerns about the proposals in response to the planning application.

Notwithstanding the associated Green Wedge issues, with such uncertainty over the suitability and deliverability of the proposal it is not appropriate to allocate the site, or highway scheme, in the Plan for housing or any other uses.

No change required.

1045

Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc CommentRep Type: SUP Rep ID: 3955 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

The respondent supports the programme of infrastructure improvements which are within the Plan.

Support welcomed

No change required.

AC1 City Centre Strategy

Individual Comments: 12 General / Misc: 6 Objections: 6 Supports: 0 from: 7 representors

100 Boyer Planning for Clowes Developments (UK) Ltd

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3720 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Legal compliance noted.

Noted.

No change required.

100 Boyer Planning for Clowes Developments (UK) Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3721 ☒ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Clowes Developments wish to see the Friar Gate Goods Yard site within the 'Core Area' defined by Policy AC1. They argue that it should be included owing to the fact that it has extant permission for a food store, is in a prominent and important location and is well located. Inclusion within the Core Area would, it is argued, help introduce added flexibility and will help enhance City Centre vitality.

They also consider that the plan should allow for a wider mix of uses than the housing referred to in supporting text - including comparison and convenience retail, leisure, offices and ancillary uses. The site's inclusion within the Core Area and 'CBD'; would maximize flexibility and provide the best prospect for regenerating the site. They also argue that the site is of a significant enough size and importance to justify a specific allocation.

It should be noted that Friar Gate Goods Yard is already allocated within the CDLPR under Policy R2. The Core Strategy stipulates that this is a 'saved' policy and will be reviewed as part of 'Part 2'. The saved policy does allow for a mix of uses on the site and this will continue to carry weight. The saved policy provides for a mix of uses that provides some flexibility. It is not considered appropriate to extend the range of uses to include unfettered retail at this time. The site does not relate well to the Core Area (CA) and there is a risk that large amounts of comparison retail on the site could undermine the vitality and viability of the centre. It is better, therefore, to retain an element of control and an ability to judge each scheme on its merits.

One of the main justifications for the supermarket permission was the ability of the proposal to regenerate the site, provide a beneficial use for the listed

buildings and deliver a reasonable number of dwellings. It is felt that the Council has already shown, therefore, a high level of flexibility. To allow greater levels would require evidence that has not been provided.

While the site is an important regeneration opportunity, it does not relate particularly well to the 'Core Area' (CA) which is the focal point for non-food shopping. There is some distance between the edge of the CA and the site and it does not form a natural extension to the main shopping area. The extant permission is for a stand-alone out-of-centre supermarket that does not necessarily add to the City Centre retail function.

It is felt that the current policy position with regard to the site is appropriate.

No change.

341

The Theatres Trust

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The Theatres Trust recommend that the plan notes the need to redevelop the Assembly Rooms and the Hippodrome sites, including replacement cultural facilities, within these developments.

The redevelopment of these sites, and the provision of cultural facilities, are separate issues. Since the agreement of the Submission Plan, the future of the Assembly Rooms has become more clear, insofar as the Council has decided to put the site on the open market. It is clearly an important site within the Cathedral Quarter and it may be appropriate to add this to the list of 'priorities' within Policy AC2. Doing this would not have any significant impact on the strategy or SA, as it is purely identifying 'opportunities'. Where specific policies are needed for such sites, they will be addressed through the Part 2 plan.

AC1 makes it clear that the Council is reviewing larger scale performing arts and leisure infrastructure. While the Assembly Rooms site may well still have a role in the future, there is no need to specify this as this time - not least as it may restrict options or opportunities elsewhere.

The Hippodrome does not fall within any of the 'Character Areas' listed in AC2 and so does not sit comfortably within the either AC1 or AC2, nor is its redevelopment likely to contribute to the aims of the 'CBD'. This site and its issues could equally be addressed through Part 2.

Suggest a modification so that the 'Redevelopment of the Assembly Rooms' be added to the list of priority opportunities within the 'Cathedral Quarter' element of Policy AC2.

341

The Theatres Trust

☒ Legally Compliant ☐ General / Misc CommentRep Type: Com Rep ID: 3718 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Legal compliance noted.

No change required.

476

pfbbuk

☐ Legally Compliant ☒ General / Misc CommentRep Type: Com Rep ID: 3437 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Suggested that reference to the Silk Mill and World Heritage Site should be mentioned in the context of the Cathedral Quarter in paragraph 6.1.5.

*Point noted. However, the paragraph relates to the 'policy areas' identified in Policy AC2 not the extent of the BID company areas. As such, the paragraph in the context of the Core Strategy is correct.***No change.**

476

pfbbuk

☐ Legally Compliant ☒ General / Misc CommentRep Type: Com Rep ID: 3438 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent suggests that reference should be made in Paragraph 6.1.8 to the Riverlights complex being within the St Peters Quarter.

*The paragraph refers to the policy areas set out in Policy AC2 and not the extent of the BID company areas. As such, the paragraph remains accurate.***No change.**

476

pfbbuk

☐ Legally Compliant ☒ General / Misc CommentRep Type: Com Rep ID: 3436 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Typo identified in paragraph 6.1.4. Missing 'as' between 'attractiveness' and 'a place to live'.

Noted and accepted.

**Suggest a modification to amend paragraph 6.1.4. to read:
'... increase its attractiveness as place to live and work.'**

535

Rostron (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: **OBJ** Rep ID: **3478** ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

States that they would like to see Friar Gate Station included in the Plan, rather than taking the simpler option of "adding on" new developments to already unsustainable communities.

Friar Gate Goods Yard is already identified in the Core Strategy as a potential development site that will contribute to City Centre housing. It should also be noted that 'Friar Gate Station and Environs' (Policy R2) remains a partially saved policy within the City of Derby Local Plan Review (CDLPR). Therefore, the concerns of the respondent that the site is not identified for housing are unfounded.

No change.

552

Lockhart (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: **OBJ** Rep ID: **3881** ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The representor suggests that plans to put a shopping centre on Friar Gate Station would be preposterous and lead to serious congestion on the inner ring road. The site should be allocated for housing only which would improve footfall and shopping in the City Centre; boosting the economy.

The comments are noted. It should be made clear that the Core Strategy does not allocate the Friar Gate Station site for retail. In addition, the 'saved' policy for the site in the CDLPR only identifies retail as a means of finding appropriate uses for the listed buildings and serve the new neighbourhood. The objector is clearly referring to an extant planning permission for a supermarket on the site (not shopping centre). Clearly, the traffic implications of this were considered at the time of the application and considered acceptable. In any event, it now appears unlikely that this scheme will come forward. The Council continues to see Friar Gate as a housing-led regeneration opportunity in both the Core Strategy and CDLPR and thus it is considered that the Council's strategy broadly accords with the wishes of the representor. No change is necessary.

No change required.

552 Lockhart (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3880 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondents feel that the Friar Gate Station site should not be allocated for shopping uses and that housing would be a better use of the land. If the site were to be allocated in the Plan to wholly deliver housing there would need to be some degree of confidence that this could be delivered and given the constraints it may not be possible.

The principle of retail use on the site was established through a planning application. The proposals also included 150 dwellings. The site has some constraints which need careful consideration, including the former Bonded Warehouse which is a listed building. The site actually forms part of the wider city centre area and has the potential to contribute to the delivery of new homes. Policy AC1 identifies the site as a potential provider of new dwellings. It must also be remembered that the CDLPR contains a specific allocation for the site under Policy R2 which is to be saved. The detail of any future allocation will be considered under Part 2. However, there is substantial policy support for residential development on this site.

No change required.

716 Richards (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3471 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Notes and supports the identification of Friargate Station for 150 but suggests that the surrounding area should also be included for housing.

It should be noted that the reference to 150 dwellings at Friar Gate Goods Yard is a reference to the area adjacent to the Bonded Warehouse and not the listed building itself. This is a reflection of the planning permission that was granted in 2014. This permission included the re-use and extension of the Bonded Warehouse for a new supermarket with housing on the remainder of the site.

It now appears that this scheme will not be coming forward and so alternative proposals may be considered. The Core Strategy does not preclude schemes coming forward with greater levels of housing, or which would use the listed buildings for residential uses (assuming a satisfactory scheme from a viability and conservation perspective can be devised).

It should also be noted that the site is identified in the CDLPR under Policy R2, which has been 'partially saved'. This policy still carries weight.

In any event, it is considered that the Core Strategy already achieves what the respondent wishes to see in the Plan and that no change is necessary.

No change.

1010 Taylor (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3505 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The representor objects to greenfield land being developed prior to brownfield sites. Particular attention has been drawn to land on Uttoxeter Road and Great Northern Road as opportunities.

It is assumed that the representor is referring to Friar Gate Goods Yard. This site is identified in the Core Strategy for residential development and is also allocated within the CDLPR for residential led development. It is intended to 'save' the CDLPR policy on this site. The plan already caters for development on this, and other, brownfield sites. There is no need for any changes to be made.

No change.

AC2 Delivering a City Centre Renaissance

Individual Comments: 9 General / Misc: 5 Objections: 4 Supports: 0 from: 3 representors

100 Boyer Planning for Clowes Developments (UK) Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3724 ☒ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Clowes Developments welcomes the prioritisation of the St James' Yard site in the policy. However, the company is promoting a leisure based scheme and encourages the Council to adopt a flexible approach which may involve retail or leisure-led regeneration. The company does not see how leisure would be contrary to the aims of the Cathedral Quarter policy.

The reference to the 'retail scheme' on St James' Yard is a direct reference to a previous scheme which had permission but was never implemented. The intention was to demonstrate the Council's support for this proposal but not necessarily to imply acceptable alternatives would not be permitted.

It is recognised that this may no longer be being pursued by the developer and suggestion that a retail-only scheme on the site may be mis-leading - particularly in light of other City Centre policies. It may, therefore, be appropriate to modify the plan to simply identify the site as a priority opportunity and that, subject to the other policies in the plan, a retail or leisure scheme could be appropriate. There is no reason why, in principle, either should not be appropriate. This may make the intentions of the plan clearer.

Suggest a modification to amend "Implementation of the St. James' Yard retail scheme" to read "Mixed-use regeneration of St James' Yard"

Suggest modification to amend paragraph 6.2.7 to remove the phrase "... the implementation of the stalled St James' Yard retail-led scheme and..." to read "... the mixed-use regeneration of the St James' Yard site and..."

100 Boyer Planning for Clowes Developments (UK) Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3723 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The company believes that the Friar Gate site should be included within the Core Area and Central Business District and that policies should allow for an extended range of uses to allow flexibility and encourage delivery. This includes food and non-food retail, leisure, offices, car parking and residential. They feel that the site's inclusion with these areas would reflect the extant planning permission and assist in delivering regeneration.

See comments on this issue in relation to AC1. The site is not well related to the Core Area and is already partially within the CBD (near to the road junction). There is a 'saved' policy within the CDLPR that provides sufficient guidance for the development of the site at this stage. General development management policies are also sufficient to consider a range of uses on the site. In its own right, it is not a strategic location and will be considered within the Part 2 plan. No change is necessary at this stage.

No change required.

100 Boyer Planning for Clowes Developments (UK) Ltd

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3722 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Legal compliance noted.

Noted.

No change.

476 pfbbuk

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: Com Rep ID: 3443 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Typo identified in AC2 ' St Peters Quarter' section (2nd paragraph). The apostrophe in St Peters Quarter should be removed.

Point noted and accepted.

Suggest a modification to remove apostrophe from 'St Peter's Quarter' (2nd paragraph of the St Peters Quarter section').

476 pfbbuk

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: Com Rep ID: 3440 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Suggestion that Paragraph 6.2.16 should include reference to the St Peters Quarter BID company in relation to the Riverside Policy Area.

Point noted and accepted. For the avoidance of doubt, the paragraph should be amended to make reference to the BID company.

Suggest a modification to amend second sentence of Paragraph 6.2.16 to read:

'Importantly, part of the Riverside Policy Area falls into the Cathedral Quarter BID area and the St Peters Quarter BID area.'

476

pfbbuk

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: **Com** Rep ID: **3441** ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Suggestion that Paragraph 6.2.7 should include a reference to the Market Place and Assembly Rooms.

It is not clear from the representation why this reference is needed or how it would make the plan more effective or justified. As such, there appears no reason to make this amendment.

No change.

476

pfbbuk

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: **OBJ** Rep ID: **3442** ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Suggestion that the 'Cathedral Quarter' part of Policy AC2 should include reference to the Market Place and Assembly Rooms.

The Assembly Rooms was not originally included within the Core Strategy owing to uncertainty over its future - particularly in terms of whether it would re-open as a performing arts centre or not. It is accepted that since the drafting of the policy, the Council has published its City Centre Masterplan which identifies the Assembly Rooms site as a potential regeneration opportunity. Therefore, it may now be appropriate to include the Assembly Rooms as a 'priority'. However, it is still unclear what the 'vision' for the site is. As such, it may still be more appropriate to address detailed matters through the Part 2 Plan.

While not raised by the respondent, it is also noted that the 'Riverlights' scheme has also not been included within the list of priorities under the 'Riverside' area. This is also as a result of the uncertainty over the future of the site and whether it would or would not be identified as the preferred location for a new aquatics centre. Again, it would now appear to be likely that the site will be available as a 'regeneration opportunity' and should be listed amongst the list of priorities for this part of the City Centre. It also, however, lends itself to a more detailed policy or allocation through the Part 2 Plan.

Suggest a modification to add the following to Policy AC2.

Add the 'The appropriate long term regeneration or re-use of the Assembly Rooms' in the 'opportunities' list under 'Cathedral Quarter'.

Add the 'The appropriate regeneration of remaining land within the Riverlights complex' in the 'opportunities' list under 'Riverside'.

476

pfbbuk

☐ Legally Compliant ☒ General / Misc Comment

 Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Typo identified in Paragraph 6.2.11. The word 'has' should be inserted between 'The East Street area' and 'has been another area' and 'impact' should be amended to be 'impacted'.

Point noted and accepted.

Suggest a modification to the first sentence of Paragraph 6.2.11 should be amended to read:

'The East Street area has been another area of change, impacted upon the economic downturn'.

1051

Signet Planning for Speeds (Derby)

☐ Legally Compliant ☐ General / Misc Comment

 Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Speeds suggest that the 'CBD' should also be looked at as being suitable for housing. It also suggests that the policy should be more specific in what it means by 'economic activity' and should refer to appropriate uses such as hotels, gymnasia, cinemas etc.

It is suggested that there is some conflict between what the policy expects of the CBD and the Eastern Fringes area (AC6) in that the Eastern Fringes is to become a vibrant residential area. It is suggested that the CBD policy is made more flexible to reflect the contents of other parts of the City Centre.

There is nothing to suggest that the uses referred to by the respondent will not be permitted within the CBD. Those uses are all addressed by 'overlapping' policies within AC1-AC6 and other 'Core Principle' policies. There is no conflict between CBD policy and the desire to see the Eastern Fringes become a residential neighbourhood. The CBD 'policy' makes specific reference to 'City Living'. No change is necessary.

No change required.

AC3 Frontages

Individual Comments: 0 General / Misc: 0 Objections: 0 Supports: 0 from: 0 representors

☐ Legally Compliant

☐ General / Misc Comment

Rep Type:

Rep ID:

☐ Not Positively Prepared

☐ Not Justified

☐ Not Effective

☐ Not Consistent with National Policy

☐ Not Legally Compliant

☐ Sound

No representations

AC4 City Centre Transport and Accessibility

Individual Comments: 0 General / Misc: 0 Objections: 0 Supports: 0 from: 0 representors

☐ Legally Compliant

☐ General / Misc Comment

Rep Type:

Rep ID:

☐ Not Positively Prepared

☐ Not Justified

☐ Not Effective

☐ Not Consistent with National Policy

☐ Not Legally Compliant

☐ Sound

No representations

AC5 City Centre Environment

Individual Comments: 6 General / Misc: 1 Objections: 4 Supports: 1 *from: 4 representors*

55 The National Trust

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3620 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The National Trust welcome the reference in para (h) to protecting the setting of heritage assets and the character of the City Centre. They also welcome the commitment within the final paragraph of the policy to providing further design guidance.

Support noted and welcomed.

No change required.

100 Boyer Planning for Clowes Developments (UK) Ltd

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3725 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Legal compliance noted.

Noted.

No change.

100 Boyer Planning for Clowes Developments (UK) Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3726 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Clowes Development are generally supportive of the policy but are concerned that the Council's desire to improve the public realm may only be possible at developer's expense. In this regard, any requests upon the developer should be assessed in terms of impact on viability.

Policy AC5 indicates where the Council wishes to see public realm improvements and indicates what it wishes to see from developers when they are considering their proposals - this includes how the spaces around new development integrate with existing spaces and how they can help improve the quality of the

environment. This need not always be in the form of a 'contribution' or obligation; rather it can be part of good design and good practice. This policy does not, therefore, need to get into detail about developer contributions about public realm. Policy MH1 refers to developer contributions, including public realm and public art and when and how they will be required. Criterion (e) of this policy includes reference to the consideration of viability. It does not need repeating here.

No change required.

1050	Nathaniel Lichfield & Partners for Intu Properties Plc	<input checked="" type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	Com	Rep ID: 3668	<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

Legal compliance accepted.

Noted.

No change.

1050	Nathaniel Lichfield & Partners for Intu Properties Plc	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	OBJ	Rep ID: 3669	<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input checked="" type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

Intu note that Figure 18 which accompanies Policy AC5 includes all of the space within the shopping mall as 'public realm' improvements; implying that the centre requires improvement. They note that this plan originates from the 'City Centre Regeneration Framework' (2012) which also illustrated areas where improvements had taken place in the recent past. Its inclusion within AC5 is not needed and should be removed in order to make the plan effective.

It is agreed that Figure 18 could be misleading. It does refer to 'public realm projects' which is illustrative of schemes that have been completed as well as schemes that are in the pipeline. It is accepted that this is not clear. While Figure 18 is not 'policy' and is merely intended to illustrate the location of features referred to in the policy, it is agreed that it could be clearer. Therefore, the plan should be amended for clarity. This would have no material effect on the policy.

Suggest a modification to amend Figure 18 to remove completed 'public realm' projects.

1051	Signet Planning for Speeds (Derby)	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	OBJ	Rep ID: 3682	<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input checked="" type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

The representor points to Figure 18 and the notation of Traffic Street as a 'gateway' location. They have doubts whether this is the case as it is simply part of the ring road. They are content with the 'One Derby' site being identified as a 'primary gateway' however.

The 'secondary gateway' notation on Traffic Street does not relate to the road but to the pedestrian crossing point/underpass between Castleward and the Intu Shopping Centre. This also forms the end/start of the Castleward Boulevard which is the main pedestrian route through the new neighbourhood. As such, identifying this location as a 'secondary gateway' seems entirely appropriate. No change is therefore required.

No change required.

AC6 Castleward and the Former DRI

Individual Comments: 5 General / Misc: 1 Objections: 4 Supports: 0 from: 2 representors

1048 Signet Planning for Nightingale Quarter Estates Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3844 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

NQE feel that the policy should emphasise the need to look at the DRI site on a comprehensive basis through the preparation of a new masterplan for the site.

While the preparation of a masterplan would be helpful in considering any proposals on the site, it is not considered necessary to require this as part of the policy. Policies CP3 and CP4 address this adequately.

No change required.

1048 Signet Planning for Nightingale Quarter Estates Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3842 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

NQE is generally supportive of the objectives of the policy. However, they are concerned that the issue of viability is not highlighted. They suggest that Policy AC6 should be amended to:

Add a reference to the delivery of a viable development under the first criterion;

Add a new criterion is added to allow the provision of commercial, food and drink, leisure and retail uses that would be complementary to the residential development and/or deliver regeneration

Amend the criterion on heritage to remove reference to 'protection and enhancement' to a 'reflection of the value of heritage assets' and a reference to the NPPF
The inclusion of a reference to the production of a masterplan for the site.

Viability is referred to throughout the plan and the NPPF. It does not need to be referred to in every policy or in relation to every circumstance. The plan (and general planning principles) address the issue adequately. Although general viability is important, it is not, however, not a justification to permit any and all types of development with no consideration of the impacts. Development at "any cost" is not necessarily a sustainable approach. The consideration of viability does, therefore, have to be balanced against other plan objectives.

It is considered that the general policy responds to the other issues raised by the respondent appropriately and provides the flexibility required.

Suggest a modification to AC6 to add bullet points for measures specific to the DRI.

1048 Signet Planning for Nightingale Quarter Estates Ltd

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: Com Rep ID: 3835 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

NQE generally support the objectives to promote economic growth in the City and the Castleward area. They feel that the housing targets are ambitious and to achieve the objective the Council should allow other uses that would result in a vibrant mixed use community that the Council promotes.

The Council would draw NQE's attention to the opening paragraph of Policy AC6 which indicates that the new residential communities proposed at Castleward and the former DRI will be complemented by a mix of commercial, leisure and community uses. It is considered, therefore, that the plan already meets the representor's request. No change is required.

No change required.

1048 Signet Planning for Nightingale Quarter Estates Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3843 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

NQE note that the supporting text to the policy refers to the complementary uses that have been granted through the extant outline permission on the site. They suggest that this should be reflected in the policy. They also note the text should be more over about the extant permission for retail; indicating that any reconsideration of the retail should have reference to the permission.

In addition, they note that the policy needs to be flexible in order to facilitate the delivery of the site.

It is considered that the policy is already flexible enough when read as a whole to accommodate delivery. While the existing permission is important, the 'complementary' uses permitted were justified on a particular basis. It should not be assumed that, when considered against relevant policies for those uses, that they would always be acceptable.

No change required.

1051 Signet Planning for Speeds (Derby)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3683 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Speeds support the general objectives of the policy. However, they object to the reference in criterion 'b' which 'major office development adjacent to Traffic Street'. They note that this was based on a prior permission for offices which is no longer considered deliverable. As such, they feel that a more flexible approach should be considered which would allow a wider range of uses on the 'One Derby' site (including residential, hotel, leisure, retail, food and drink). They argue that - subject to design criteria - non-office development may be appropriate on Traffic Street. They request that the Council considers re-wording the criterion or removing it entirely.

The requirement in the policy for 'major office development adjacent to Traffic Street' does indeed refer to a prior permission on the site for a major office scheme. It was considered sensible for the 'vision' of the regeneration of the site to include that proposal as it formed the most likely form of development. It is recognised that as time has moved on, that scheme is now unlikely to come forward (the permission has actually now lapsed).

In general terms, the Castleward policy allows for the range of uses that Speeds would wish to see. The opening paragraph makes it clear that the new residential neighbourhood will be complemented and supported by a mix of commercial, leisure and community uses. This should provide some comfort that even under current policy some of the 'One Derby' site could be used flexibly. Small scale convenience retail is only really considered appropriate along the 'boulevard' to support the community. Considering the proximity of the city centre shopping area it is not felt appropriate for the policy to specifically permit 'retail' within the One Derby area. Without a better understanding of the final proposals for the site, it is not necessarily accepted that general 'retail' is justified in this location. Concerns over the vitality and viability of the City Centre and/or the prejudicial impact of retail on the delivery of the wider vision for the area mean that it would be better to address this through normal development management policies.

It is still contended that the Traffic Street frontage is particularly appropriate for major office development. It is in a prominent location and sustainable location adjacent to the ring road with good access to both bus and train stations. Traffic Street also has recognised air quality issues that may limit the scope for some uses. It continues to lend itself to the type of prestigious office scheme that was envisaged by the previous application and there seems no reason why this should not continue to be the Council's 'preferred' use for the land immediately adjacent the ring road. Equally, the representor does not appear to suggest that office uses are not being pursued or are inappropriate in themselves; rather it wishes to see a more open approach to try and attract a viable and deliverable scheme. The Council does recognise that there have been issues with the delivery of large scale office scheme and does not wish to stymie the regeneration of the site unnecessarily, though equally any proposal must still try to achieve the aims and objectives of the Council in terms of job growth and regeneration. A balance needs to be struck between bringing development forward and ensuring it 'adds value' to the City. Therefore, a compromise position may be reached which highlights the Council's preference but is not inflexible in its application. As such a minor amendment is suggested to assist with the effectiveness of the policy.

Suggest an amendment to AC6(b) to read:

" * new office and commercial uses. Major office development adjacent to Traffic Street will be supported."

AC7 The River Derwent Corridor

Individual Comments: 2 General / Misc: 0 Objections: 0 Supports: 2 *from:* 1 *representors*

32 Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3607 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Derbyshire County Council particularly support the identification of the potential of the River Derwent Corridor as a sustainable transport corridor.

Comment is noted and welcomed.

No change required.

32 Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3606 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Derbyshire County Council support Policy AC7 relating to the River Derwent Corridor.

Comment is noted and welcomed.

No change required.

AC8 Our City Our River

Individual Comments: General / Misc: Objections: Supports: from: representors

100 Boyer Planning for Clowes Developments (UK) Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Whilst supporting the vision of Policy AC8, Clowes Developments have objected on the basis that they are concerned that smaller development proposals, which in their opinion have no bearing on the wider aspirations of the policy, could become embroiled in the debate to identify cost efficient solutions and be expected to contribute towards implementation of the scheme in an inequitable way. It is suggested that the policy should acknowledge that smaller scale developments will be considered on their merits and may not be expected to contribute towards the policy or be held back pending the identification of solutions for the wider area.

The thrust of the policy is to ensure that development within the identified area does not prejudice the implementation of new and realigned flood defences and wherever possible, contributes towards the delivery of the OCOR programme. The OCOR programme will impact upon a range of sites within the identified area, including some smaller development sites, which will be expected to contribute towards the delivery of the programme, as a minimum making provision for the new defences.

However, there are a number of sites and areas outside of, but some also within the identified OCOR area that may benefit from an uplift in land value generated by the improved flood defences provided by the OCOR programme. In a number of cases, these sites may not be directly required to make provision for the new defences or may not be sufficiently progressed to incorporate them into a development scheme, but will ultimately benefit, particularly where proposed development would not otherwise be permitted without the OCOR programme. It is therefore logical that the Council at least investigates potential mechanisms for recouping some of the public funds being used to implement the OCOR programme. AC8, as currently worded, makes provision for the Council to look at this issue through the Local Plan Part 2. Clearly, any such mechanism will need to take account of the scale of development proposals that may be liable and their associated viability.

No change required.

100 Boyer Planning for Clowes Developments (UK) Ltd

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Clowes Developments have stated that in relation to AC8, they consider the Plan to be legally compliant.

Comments are noted and welcomed.

No change required.

AC9 Derwent Valley Mills World Heritage Site

Individual Comments: 3 General / Misc: 0 Objections: 2 Supports: 1 from: 2 representors

32 Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3598 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Derbyshire County Council acknowledge that AC9 appropriately recognises the Outstanding Universal Value (OUV) of the Derwent Valley Mills World Heritage Site (DVMWHS) and importantly seeks to preserve, protect and enhance the special character, appearance and distinctiveness of the area, in line with the DVMWHS Management Plan. The criteria in the policy are considered appropriate and are supported.

Comment is noted and welcomed.

No change required.

1057 Planning Design Practice Ltd for Mr Tom Shally

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3799 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Owners of land to the north of North Avenue in Darley Abbey have suggested that AC9 is ineffective as it refers to protecting 'specific monitored views', without stating what the views actually are. They consider the Plan to be unsound on this basis.

47 monitoring views within the Derwent Valley Mills World Heritage Site (DVMWHS) have been identified as sensitive and needing to be closely monitored to ensure the Outstanding Universal Value (OUV) of the DVMWHS is maintained and their setting is preserved and enhanced. Documentation relating to the location of the monitored views is available on the DVMWHS website.

Impacts upon specific monitored views is an indicator of impacts upon the character and setting of the heritage asset. Therefore, use of monitored views is a tool to aid the implementation of the policy and is not a policy outcome in itself. On this basis, the views do not need to be specifically identified by the policy. However, it is acknowledged that it may be beneficial for the supporting text of the policy to make reference to the fact that the location of the monitored views can be found on the DVMWHS website.

Suggest a modification to add text to end of paragraph 6.9.6 to state that:

"There are 47 monitored views within the World Heritage Site as a whole, including a number within the city. The views have been identified as being

sensitive and requiring close monitoring to ensure that the OUV of the World Heritage Site is maintained and that its setting is preserved and enhanced. The location of the monitored views is available on the Derwent Valley Mills World Heritage Site website".

1057 Planning Design Practice Ltd for Mr Tom Shally

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3801 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Owners of land to the north of North Avenue in Darley Abbey have stated that Policy AC9 is inconsistent with the NPPF as it advises that proposals that do not appropriately respond to the criteria in the policy 'will be resisted'. It is suggested that this approach does not provide for the balancing exercise as required by the NPPF, which allows for less than substantial harm to be weighed against the public benefits of the scheme.

The assessment of whether proposals have 'appropriately responded' to the criteria set out in the policy will be done in the context of the requirements of the NPPF. Therefore, the 'balancing exercise' required by the NPPF will form part of the assessment. An 'appropriate response' will be one deemed to be in line with the NPPF. The wording of the policy is therefore considered to be consistent with the NPPF.

No change required.

AC10 Darley Abbey Mills

Individual Comments: 0 General / Misc: 0 Objections: 0 Supports: 0 from: 0 representors

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

No representations

AC11 The Derwent Triangle, Chaddesden

Individual Comments: 5 General / Misc: 1 Objections: 3 Supports: 1 *from: 4 representors*

50 Amec Foster Wheeler Environment & Infrastructure UK Ltd for National Grid

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: Com Rep ID: 3653 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

National Grid have highlighted that a number of low and medium pressure gas pipes are within the site boundary.

Comments are noted. This does not have any implications for the policy and can be addressed satisfactorily through normal development management processes.

No change required.

52 Network Rail

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3562 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Network Rail support the comments made by St Modwen in relation to the Derwent Triangle site. It is suggested that Policy AC11 requires a greater level of flexibility in order provide viability, but also to address a shortage in housing provision. The riverside area of the Derwent Triangle site is suggested to be 'eminently suitable' to provide an appropriate element of residential development.

See response to St Modwen (Representor 00149) comments.

See response to St Modwen (Representor 00149) comments.

149 RPS for St Modwen Properties Plc

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3775 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

St Modwen have suggested that the Council should create a more flexible policy environment by rewording AC11 to allow for a genuine mixed use scheme, acknowledging the contribution that an element of housing could make. It is suggested that an element of housing would work from a market perspective, would help to meet Derby's housing requirement and would enhance the viability of the overall development, enabling the delivery of the employment elements.

It is suggested that identification of the site for an element of housing would be in line with the Council's SHLAA, which identifies the site as potentially suitable, available and suitable and therefore there is a clear indication that housing could be delivered. It is also suggested that the proposed amendments to the wording of the policy would better reflect paragraph 158 of the NPPF which requires LPAs to allocate sites to promote development and flexible uses of land.

The policy and supporting text acknowledge that alternative uses may be needed to boost the viability of the wider redevelopment. Criteria (a) of AC11 specifically provides flexibility to enable alternative uses to be accommodated on the site, particularly where they are needed from a viability perspective. Therefore the policy does not need to be reworded to reflect the principles underpinning the respondents comments.

The main issues are whether the site is actually appropriate for residential development, could provide a satisfactory living environment and whether sustainable development could actually be created. Residential development on this site was considered early in the Core Strategy process and it was concluded that the site would not be able to provide the critical mass needed to be a truly sustainable development, due to its isolation from existing facilities and other residential neighbourhoods. While there is obviously a desire to see increased housing delivery across the City, the Council still have to be mindful of the quality of development proposed and the environment being creating for future residents. Development of a proportion of the site for residential development would only exacerbate these sustainability concerns.

Contrary to what the respondent has stated, housing is not 'needed' on this site in order to meet the Council's housing requirement. Whilst the Council is not able to meet its own 'needs' within the city itself, it is confident of meeting its 'requirement' of 11,000 new homes, as set out in the Core Strategy and is confident that residual 'needs' will be met in surrounding authorities. It should also be noted that the respondent has not objected on this basis prior to the publication of the Pre-Submission Plan.

No change required.

149 RPS for St Modwen Properties Plc

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3774 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

St Modwen support the inclusion of the Derwent Triangle (AC11) site as a strategic allocation. They highlight that not only has the site the potential to deliver major regenerative improvements to the area, including job growth, it will also directly deliver critical components of the OCOR proposals.

Comments are noted and welcomed.

No change required.

244

Derbyshire Wildlife Trust

☐ Legally Compliant ☐ General / Misc CommentRep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Derbyshire Wildlife Trust (DWT) has objected to the reference to the creation of a multi-use arena to the south of Pride Park, in the supporting text of AC11. DWT suggest that there could be a conflict between this proposal and the provisions of the National Parks Act 1949 (section 21 as amended by schedule 11 of the Natural Environment and Communities Act 2006), relating to Local Nature Reserves.

The supporting text of AC11 makes reference to the potential to create a critical mass of leisure uses in this area of the city, based on the fact that Pride Park Stadium and the Multi Use Area (Velodrome) are located in this area. The Multi Use Arena is operational and was built on an area of car parking. DWT's concerns relate to previous proposals for an outdoor cycle track, on the site of the Sanctuary Local Nature Reserve. Whilst this facility would have been related to the new velodrome, the supporting text of AC11 makes no reference to this specific proposal.

No change required.

AC12 Derby Commercial Park, Raynesway

Individual Comments: 6 General / Misc: 2 Objections: 2 Supports: 2 from: 4 representors

50 Amec Foster Wheeler Environment & Infrastructure UK Ltd for National Grid

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: Com Rep ID: 3654 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

National Grid have highlighted that a number of medium pressure gas pipes are within the site boundary.

Comments are noted. This does not have any implications for the policy and can be addressed satisfactorily through normal development management processes.

No change required.

262 Campaign for Better Transport

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3630 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Campaign for Better Transport have suggested that a reference to the need for a public transport service to Derby Commercial Park should be made in AC12.

Derby Commercial Park is already served by Arriva service 4A, linking to the ring road and the city centre. There is therefore no justification to require a public transport service in the policy.

No change required.

420 Erewash Borough Council

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3858 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

In relation to AC12, Erewash Borough Council consider the Plan to be legally compliant. They note that the location of AC12 as an attachment to an existing main area of employment land represents a sustainable approach, with positive repercussions including the utilisation of existing infrastructure and sustainable modes of transport.

Comment is noted and welcomed.

No change required.

994

Barton Willmore for Goodmans

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3688 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Goodman have stated that in order to ensure full conformity with the NPPF, AC12 should note that compliant proposals for appropriate and sustainable economic development will be approved without delay.

This element of the NPPF is reflected in Policy CP1(a), so it is not considered necessary to repeat this in the site policy as the Plan should be read as a whole.

No change required.

994

Barton Willmore for Goodmans

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3686 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

Goodman have stated that they consider AC12 to be sound and that allocation of the Derby Commercial Park site for B1, B2 and B8 uses will ensure that the Plan is effective as it will help to achieve the vision and objectives of the Plan and will help to meet objectively assessed commercial needs. They also consider the Plan to accord with the NPPF.

Comments are noted and welcomed.

No change required.

994

Barton Willmore for Goodmans

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: Com Rep ID: 3687 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Goodman have suggested that criteria (c) of AC12 should refer to the fact that the landscape buffer comprises land used for flood alleviation and has already been provided.

It is agreed that the criteria could be reworded to clarify that the landscape buffer zone utilises land already used for flood mitigation and is not in addition to this area.

Suggest a modification to criterion 'c' to make it clear that land currently used for flood mitigation contributes to the landscaped buffer and potential areas of Green Wedge expansion.

AC13 Former Celanese Acetate Site, Spondon

Individual Comments: 13 General / Misc: 1 Objections: 10 Supports: 2 from: 5 representors

52 Network Rail

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3561 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Network Rail support the reference in AC13 to access solutions taking account of Spondon Level Crossing. However, they have suggested that the policy should also have additional criteria to seek improvements to Spondon railway station, such as additional cycle parking, improved disabled access, ticket machine facilities and waiting accommodation.

The NPPF is clear that LPAs should not over burden development to a point where viability is threatened. The Celanese site is already constrained by a number of factors that will require significant investment. Whilst improvements to Spondon Station would be desirable, they are not considered essential to enable the development of the site at this time. If, through the development management process, improvements to Spondon station are considered necessary to mitigate the impact of development then this can be addressed through existing policies - including CP23 and MH1. No change to the policy is needed at this time.

No change required.

393 White Young Green Planning for Celanese

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3516 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

It has been suggested that it is already necessary for future development to comply with Building Regulation requirements in relation to Target Emission Rates (TER) and providing for energy needs through low carbon and renewable technologies. Therefore, Celanese consider the requirement in Paragraph 6.13.10 and Policy CP2 to be unnecessary.

It is acknowledged that new development will be required to comply with relevant Building Regulations, specifically Target Emission Rates (TER). However, it is also considered appropriate for the Council to specifically highlight that a number of the identified employment and regeneration sites, such as the former Celanese site, have significant potential to deliver renewable and decentralised energy solutions, due to the scale and nature (relatively flat, generally away from residential uses) of these sites. Such solutions would contribute to buildings meeting Building Regulation requirements and contribute to mitigating for the causes of climate change which is a Council commitment outlined in Policy CP2.

Decentralised solutions can be as simple as micro wind generation or solar panels, whilst CP2 ensures that the requirement is subject feasibility and viability. Therefore, the supporting text in AC13 and relevant requirement in CP2 is not considered to be unduly onerous on developers.

No change required.

393

White Young Green Planning for Celanese

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3515 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

It has been suggested that the wording of Policy AC13 is amended to ensure that compliance with criteria 'a' to 'm' is subject to viability and deliverability.

Criteria 'a' to 'm' include fundamental requirements of all development, including the need to create a sustainable form of development and demonstrating that land contamination, flooding and access issues have been appropriately addressed. Compliance with such requirements is necessary for any proposal to achieve planning permission. Therefore, viability is not necessarily a consideration in relation to these issues, they will be necessary requirements. The fact that the policy includes criteria to enable higher value alternative uses is sufficient to demonstrate that the Council understands that developing a viable redevelopment scheme will be challenging. However, even in these circumstances, it will be important to ensure that any permitted development meets all the requirements of 'sustainable development'. Therefore, the policy appears appropriate as drafted.

No change required.

393

White Young Green Planning for Celanese

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: OBJ Rep ID: 3514 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Celanese have objected to the wording in Paragraph 6.13.5 of the supporting text which refers to the site as being isolated. They have highlighted that the site is well related to Spondon railway station and that the footbridge provides access to the bus network and a variety of local services and facilities. They have further pointed out that Policy AC13 requires large scale residential proposals to provide on-site facilities.

The Celanese site is not considered to be well related to residential areas of the City, mainly due to the presence of the railway line to the north, River Derwent to the south and east, industrial development directly to the south and the Severn Trent water reclamation works to the west. Therefore, the supporting text acknowledges that the site could potentially accommodate heavier industrial uses that require locations away from existing residential areas. However, it is acknowledged that the extent to which the site can be described as 'isolated' is subjective and relative.

The limited relationship with existing residential areas and associated facilities is the justification for requiring residential proposals to provide on-site facilities, rather than relying on existing facilities, which are likely to generate car borne travel from the site.

Suggested modification to replace the word 'isolation' in Paragraph 6.13.5 with 'location'. This will be a more accurate and clear form of words.

393

White Young Green Planning for Celanese

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: ☐ OBJ Rep ID: ☐ 3513 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

It has been suggested that the supporting text to Policy AC13 should acknowledge that the site is in an urban area and that regeneration will have positive benefits for the wider area.

Paragraph 6.13.1 provides an accurate description of the location of the site and Figure 26 shows the location of the site in relation to other built areas of the city. Therefore it is not necessary to further highlight that the site is located in an urban area.

No change required.

393

White Young Green Planning for Celanese

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: ☐ OBJ Rep ID: ☐ 3512 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Celanese have suggested that the supporting text to Policy AC13 is not consistent with the policy wording as the supporting text highlights various constraints to development whilst the policy actively promotes redevelopment of the site.

The Council do not agree that the supporting text to Policy AC13 is inconsistent with the wording of the actual policy. Whilst it is acknowledged that the landowner has commissioned a number of studies to attempt to demonstrate that constraints can potentially be overcome in principle, any future development proposals will still need to demonstrate how proposals will address issues such as access, flooding and contamination - which is all the Policy requires. The Policy supports the regeneration of the site subject to the requirements of the Policy, which includes demonstrating how the constraints will be overcome, therefore there is not considered to be inconsistency.

No change required.

393

White Young Green Planning for Celanese

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: ☐ SUP Rep ID: ☐ 3511 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Celanese support the identification of their former site in Spondon as an area of change and support the policy wording as set out in Policy AC13.

Support from the landowner is noted and welcomed.

No change required

597

Moore (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3698 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

A respondent has suggested that rather than houses being built to the west of the city on greenfield land, they should alternatively be built on the former Celanese site. They go on to state that finance is available from the Government to contribute towards reclamation of the site but that the Council appears to have not applied for the funding and are abandoning the site in favour of greenfield sites to the west of the city, including land in South Derbyshire.

See responses to Pauline Latham MP (Respondent 1041) comments.

See responses to Pauline Latham MP (Respondent 1041) comments.

994

Barton Willmore for Goodmans

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3689 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Goodman consider AC13 to be legally compliant.

Comment is noted and welcomed.

No change required.

994

Barton Willmore for Goodmans

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3690 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

Goodman consider AC13 to be sound and acknowledge that the policy makes provision for the continued use of the former Celanese site for employment purposes. They note that proposals for non-employment uses should take full account of the Derby Commercial Park site to the south, but have not suggested a change to the policy.

Comment is noted and welcomed.

No change required.

1041 Latham (Private Individual) ☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3538 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Pauline Latham MP has objected on the basis that the former Celanese site in Spondon has not been included for development until 2028. It is suggested that the Core Strategy is not sound as the omission of the site means that the Plan has not been positively prepared, is not justified and is not consistent with the NPPF.

She goes on to state that demolition activity on the site will be completed by the end of 2017 and that the site is ideal for residential development in terms of its location with good transport links and proximity to Spondon Station. It is stated that the site is perfect for redevelopment for both housing, retail and business opportunities.

The former Celanese site in Spondon is identified in the Council's Core Strategy and has a dedicated policy (AC13), which actively promotes redevelopment of this important site. The policy sets out various criteria that development proposals will need to satisfy, but importantly it does not rule out residential development in the future and does not stop redevelopment occurring before 2028.

The Council cannot rely on the site to contribute towards its housing requirement as the NPPF requires Local Planning Authorities to be able to demonstrate that sites will be delivered during the Plan period and that proposed development is viable. At the current time there are too many uncertainties relating to issues such as access, flooding, land contamination and overall viability for the Council to have the level of confidence about deliverability required by the Government through the NPPF. However, if uncertainties can be resolved during the Plan period and the criteria within the Policy satisfied, there is nothing to stop the site being developed for housing, as suggested by the respondent.

The Council is continuing to work with representatives of Celanese to identify an appropriate land use mix and importantly they have confirmed that they are generally satisfied by the Council's approach to the site as set out in the Core Strategy.

No change required.

1041 Latham (Private Individual) ☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3540 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Pauline Latham MP acknowledges that there are land remediation issues at the Celanese site in Spondon, but suggests that the 'Housing Zone' fund and 'Brownfield Fund' could be used to cover the cost of preparing the land. On this basis, it is suggested that the Celanese site should be included in the Core Strategy, rather than delaying until 2028.

Land contamination issues at the former Celanese site are significant and the site will require comprehensive remediation if it is redeveloped. The level of remediation required will be greater if residential uses are proposed. The costs and associated viability implications of remediating the site are currently unknown.

Future redevelopment proposals are likely to require external funding and therefore identification of potential sources of funding is welcomed. However, at this stage it is not clear how much external funding would be required and there is no certainty that a bid to the Brownfield Fund would be successful. The level of uncertainty means that the site cannot contribute towards meeting Derby's housing requirement as it would not satisfy the provisions of the NPPF. The Council is continuing to work with the landowner to understand the extent of the various constraints facing the site and will work with them to identify potential external funding at the appropriate time, once the constraints and viability implications are fully understood.

The only designated Housing Zone within Derby covers the city centre. Therefore, funding associated with the Housing Zone could not be used to help bring the Celanese site forward for development.

No change required.

1041	Latham (Private Individual)	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	OBJ	Rep ID: 3539	<input checked="" type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

Pauline Latham MP has suggested that the development of the former Celanese site in Spondon could meet a 'large proportion' of the City's housing needs and avoid development on greenfield sites currently proposed in the Core Strategy. It is pointed out that the NPPF seeks to ensure that brownfield land is utilised as much as possible in the first instance.

It is agreed that the former Celanese site could contribute towards meeting some of Derby's housing 'needs' during the Plan period and therefore the Policy in the Core Strategy does not stop this from happening. However, the Council cannot rely on the site to contribute towards its housing 'requirement' as the NPPF requires Councils to be able to demonstrate that allocated housing sites are deliverable within the Plan period and are viable. At the current time there are too many uncertainties about the deliverability and viability of the site to be able to rely on it.

Even if the Council had greater certainty about deliverability and viability to satisfy the NPPF, the reality is that the site could accommodate somewhere in the region of 1,000 dwellings at most. This equates to around 6% of Derby's overall level of housing need during the Plan period. Derby's overall need for the 2011-2028 Plan period has been calculated at over 16,000. The City itself is only capable of accommodating 11,000 of its own 'need' and is therefore decanting residual needs to surrounding local authorities. On this basis, even if the former Celanese site was specifically allocated for 1,000 dwellings, Derby would still not be capable of meeting its own needs and therefore greenfield sites within the City would still need to be allocated. Whilst allocation could reduce the amount of need to be decanted to surrounding authorities, there is nothing to suggest that this would reduce the amount of housing being proposed in and

around Derby, with surrounding authorities potentially meeting more of their own needs in sustainable locations around the edge of the City.

The Core Strategy specifically allocates a number of brownfield sites and broad locations including Castleward, the former DRI, the Osmaston Regeneration Area and the city centre. These sites have been specifically allocated for housing as the Council is confident that housing is deliverable within the Plan period and is viable. Ultimately, the requirements of the NPPF in terms of demonstrating deliverability and viability need to be balanced against the objective of encouraging the effective use of brownfield land.

No change required.

AC14 Osmaston Regeneration Area

Individual Comments: 0 General / Misc: 0 Objections: 0 Supports: 0 from: 0 representors

☐ Legally Compliant

☐ General / Misc Comment

Rep Type:

Rep ID:

☐ Not Positively Prepared

☐ Not Justified

☐ Not Effective

☐ Not Consistent with National Policy

☐ Not Legally Compliant

☐ Sound

No representations

AC15 Land South of Wilmore Road, Sinfin (Infinity Park)

Individual Comments: 6 General / Misc: 1 Objections: 5 Supports: 0 from: 4 representors

50 Amec Foster Wheeler Environment & Infrastructure UK Ltd for National Grid

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: Com Rep ID: 3656 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

National Grid have highlighted that intermediate / high pressure gas pipes are located within the site boundary.

Comments are noted. This does not have any implications for the policy and can be addressed satisfactorily through normal development management processes.

No change required.

244 Derbyshire Wildlife Trust

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3877 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Derbyshire Wildlife Trust (DWT) have highlighted that parts of the area covered by AC15 are identified as a Regionally Important Geological site (RIGs), which the NPPF highlights as needing protection.

It is accepted that it would be appropriate for the policy to make reference to the RIGs designation.

Suggest modification to add an additional criterion to be added (I) to read:

(The Council will...) "require proposals to take appropriate account of the Local Geological Site designation covering the area"

262 Campaign for Better Transport

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3631 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Campaign for Better Transport have objected to AC15 on the basis that it makes no reference to accessing the site by public transport. They have suggested an additional criteria is added to the policy to ensure that the Council and developers are pro-active in providing public transport access by either modifying existing routes or providing

new ones.

It is acknowledged that it may be beneficial to include a statement in the policy about ensuring that the site is adequately served by public transport in the longer term. This will be an important issue in terms of the sustainability of the site.

Suggest a modification to add an additional criterion to the policy stating that:

(The Council will)...'work with developers, bus operators and other public transport providers to ensure that the site is adequately served by public transport, at an appropriate point in the phasing of development'.

918

Pegasus Planning Group LLP for Christ Church

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3970 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Respondent considers policy to be legally compliant.

Noted.

No change required.

918

Pegasus Planning Group LLP for Christ Church

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3971 ☒ Not Positively Prepared ☒ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Christ Church (Oxford) have suggested that there should be a reference in Policy AC15 that ensures that the detailed masterplan and layout of Infinity Park has due regard to the need to ensure that a future link road (SDITL) can be accommodated.

Criteria (k) of AC15 already seeks to ensure that the site is developed comprehensively and that development on one part of the site does not prejudice development of the remainder or its long term expansion. It is likely that the SDITL will be required to open up development of land south of Sinfin Moor Lane, both within the city and in South Derbyshire. Therefore, the principle of the SDITL is already protected by implication. It is also identified under criterion (j) and by Policy CP24.

No change required.

918 Pegasus Planning Group LLP for Christ Church

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3972 ☒ Not Positively Prepared ☒ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Christ Church (Oxford) have stated that they have agreed a Statement of Common Ground with South Derbyshire District Council (SDDC) which confirms that the potential extension land with the administrative area of SDDC is now a proposed allocation, rather than just being 'safeguarded'. It is suggested that Figures 28 and 29 are amended to reflect the proposed allocation.

The Statement of Common Ground refers to the land being 'identified' for employment development, as opposed to the wording of the SDCC policy which sought to 'protect(ed) against development that would compromise its use...'. This subtle shift in emphasis can be reflected in Figures 28 and 29, by changing the references in the respective keys to, 'Indicative area in South Derbyshire identified for future extension to site.'

Suggest an modification to the key in Figures 28 and 29 to refer to, 'Indicative area in South Derbyshire identified for future extension to site.'
For consistency, it is also suggested that the wording of paragraphs 4.10 and 4.31 is modified to replace the word 'safeguarded' with 'identified'.

AC16 Derby Aerospace Campus

Individual Comments: 0 General / Misc: 0 Objections: 0 Supports: 0 from: 0 representors

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

No representations

AC17 Sinfin Lane

Individual Comments: 0 General / Misc: 0 Objections: 0 Supports: 0 from: 0 representors

☐ Legally Compliant

☐ General / Misc Comment

Rep Type:

Rep ID:

☐ Not Positively Prepared

☐ Not Justified

☐ Not Effective

☐ Not Consistent with National Policy

☐ Not Legally Compliant

☐ Sound

No representations

AC18 Wragley Way

Individual Comments: 6 General / Misc: 2 Objections: 2 Supports: 2 *from:* 4 *representors*

16 AECOM for Highways England

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3610 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

The respondents consider that Wragley Way (AC18) is a sustainable location with the capacity to accommodate 2000 dwellings and has the potential to impact on the Strategic Road Network.

An option has been investigated by both the local authorities and Highways England into a possible new junction on the A50, which is referred to in the policy. A joint position statement has been produced and Highways England and the other partners agreed that before a new junction could be supported, a significant amount of agreed assessment and analysis would be required to ensure the deliverability, afford ability and to explore the measures required to address potential negative impacts on the scheme and consistency with Government policy.

The respondent broadly supports the policy and the support is welcomed

No change

222 Planning & Design Group for Hallam Land Management

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3706 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

The representor supports the proposed policy for the strategic allocation of the Wragley Way site (Policy AC18). They refer to a masterplan being in progress for the site as well as the fact that part of the site already has planning permission for 130 dwellings and that there is a further planning application for 50 dwellings submitted.

The respondents also make reference to a Joint Position Statement which was submitted to the South Derbyshire Examination and highlight a range of evidence that it includes to support the allocation of the site.

Support welcomed

No change

222 Planning & Design Group for Hallam Land Management

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3705 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

No representations

884 Harrold (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3429 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The representor feels that the Plan is not Effective as it does not properly consider the needs which will arise for school resources, facilities and infrastructure. There is already a large development underway circa 0.5 miles from this proposed development. Local schools are full and road infrastructure already struggles to deal with demand.

The housing allocation in the City is for 180 dwellings and 130 of these already have planning permission in Outline. A planning application for the residual 50 dwellings has been submitted and is pending determination. The impacts of these dwellings can be met by the existing local facilities and the impacts on traffic and highway safety have been evidenced as acceptable for this level of development.

The site forms part of a much larger cross boundary allocation into South Derbyshire. This larger part of the development in South Derbyshire is allocated in their emerging Plan with a requirement to provide on-site facilities including a primary school and new shopping facilities. Certain elements of these facilities will benefit people already living in the City and residents of the new housing which will be built in the Derby City element of the site.

A major traffic/highway mitigation scheme is in both Derby and South Derbyshire's Plans in the form of a new Strategic 'Southern Derby Integrated Transport Link' (SDITL). Traffic modelling for the wider area has identified that this new strategic road will form an acceptable mitigation for the increase in traffic from the cross boundary site.

The plan does, therefore, consider the infrastructure requirements of the development.

No Change

918

Pegasus Planning Group LLP for Christ Church

☒ Legally Compliant ☐ General / Misc CommentRep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent considers the policy is legally compliant.

Noted.

No change required.

918

Pegasus Planning Group LLP for Christ Church

☐ Legally Compliant ☐ General / Misc CommentRep Type: Rep ID: ☒ Not Positively Prepared ☒ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that Policy AC18 (Wragley Way) should make a firmer commitment to the development and delivery of the Southern Derby Integrated Transport Link (SDITL) Phase 1.

They feel that this new link road is necessary to mitigate the transport impacts on the allocated site and although the policy refers to contributions from the AC18 development towards the SDITL, the Plan will not be positively prepared or effective unless there is an actual requirement for the new road.

The policy meets the respondent's suggestion. It seeks to consider this site as a cross boundary sustainable urban extension to Derby. The vast majority of the site will be in South Derbyshire with only 180 dwellings in the City and the policy states that the Council will work with South Derbyshire District Council to ensure the development of or contributions towards the construction of the SDITL. There is no need to modify the policy to address their concerns.

No change

AC19 Manor Kingsway

Individual Comments: General / Misc: Objections: Supports: *from:* *representors*

Campaign for Better Transport

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Campaign for Better Transport have objected to the wording of criteria (d) in AC19 and suggested that it is not clear what is meant, or how signalisation of the A38 / A5111 junction relates to Highways England's grade separation proposals.

Criteria (d) states that the Council will require on site and off site road and junction improvements, including signalisation of the A38 / A5111 junction. Whilst it is acknowledged that signalisation of this junction is a condition of the outline planning permission covering the site, specific reference to the signalisation scheme has been added to the policy for clarity. The proposed grade separation will clearly have a significant impact on the operation of the A38 / A5111 junction, however signalisation may be required before the grade separation scheme is implemented. Therefore it is not required necessary to make reference to the grade separation scheme in the policy or supporting text.

No change required.

Planning Potential for Kier Partnership Homes

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☒ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Kier Homes have suggested that the most sustainable and practical use of the area of the Manor Kingsway site currently identified for employment use in the existing outline application is the creation of additional new homes. It is therefore suggested that AC19 is amended to remove the employment land requirement.

In order to justify the removal of the employment requirement, a market overview and assessment has been submitted which investigates the potential level of interest and uptake of new office premises in this location. The evidence suggests that there is already an oversupply of commercial floorspace in the city and no occupier appetite for such development at the Manor Kingsway site. On this basis they have questioned the viability of the proposed use(s).

Employment development has been proposed in one form or another in this location for a number of years. Most recently in the form of Policy AC19 which carries forward the principle of employment land in this location from the CDLPR (Policy R4) and reflects application 07/08/01081 and the adopted SPD covering the wider site.

Whilst acknowledging the conclusions of the submitted evidence in relation to the potential attractiveness of the proposed employment area from a market perspective, the Council continue to maintain an aspiration to see employment opportunities provided in this location. A number of the reasons for maintaining this approach are summarised below:

There continue to be logical sustainability reasons for locating job opportunities alongside areas of significant residential growth, particularly on the western side of the city, which is not traditionally well served by areas of employment land. The sustainability benefits of this approach have only increased since the CDLPR policy was adopted with the granting of a number of strategic residential sites on the western side of the city and the potential identification of the Newhouse Farm site in South Derbyshire;

The Council has resolved to grant planning permission for 21,600 sqm of B1 floorspace, as part of outline application 07/08/01081. Assuming that half of the office floorspace is utilised for general office floorspace and the other half as light industry, this level of floorspace has the potential to accommodate in excess of 2,000 jobs. Whilst 5 hectares of land is relatively small in comparison to a gross supply of 199ha, the potential for in excess of 2,000 jobs is a significant consideration. The Council has been actively engaged in driving forward job growth in the city and has utilised various funding streams to secure new investment and jobs. The Council are open to considering what options are available to help bring forward sustainable job growth in this area;

As noted in the supporting text of Policy CP10, it can be argued that Derby's net employment land supply is below the level of need suggested by the 'Labour Supply Policy On forecast'. Therefore, where possible, it is logical to maintain areas of good quality employment land such as this and for the Council to provide a wide portfolio of sites across the city to ensure that future needs are met, both quantitatively and qualitatively. It is also important to note that there has been a trend in recent years which has seen the loss of potential office sites in the CBD to alternative uses. For example second hand office is being utilised for residential use through permitted development whilst other sites have been utilised for educational use and student accommodation. This trend highlights the need to ensure that the Council identifies a range of employment locations;

The Council consider the site to be well located, with excellent access to the A38 and the City Centre. Access to the A38 will be further enhanced by the proposed Highways England grade separation works that will be completed during the Plan period;

The Council acknowledge that the proposed employment land in this location is unlikely to be an attractive commercial prospect, without implementation of large parts of the wider housing led development. The assumption has always been that development of the wider area and provision of associated facilities will help to create the right market conditions to make local employment opportunities viable in this location - particularly if the wider development is built to a high design standard. Whilst it acknowledged that some of the housing has been implemented, removal of the employment requirement before more of the wider site is completed is considered premature;

Whilst additional housing within the City is welcomed in principle, Derby's strategy to meet its housing requirement and achieve a 5 year supply does not

require the additional housing that would be released by the removal of the employment requirement.

No change required.

AC20 Rykneld Road

Individual Comments: General / Misc: Objections: Supports: from: [representors](#)

1043 The Poyser Family (Private Individual)

☐ [Legally Compliant](#) ☐ General / Misc Comment

Rep Type: Rep ID: ☒ Not Positively Prepared ☒ Not Justified ☒ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ [Sound](#)

The Poyser Family have objected to the provisions of Policy AC20, notably the requirement to deliver at least 2.4 ha of B1 development.

They have submitted evidence which suggests that there is no market demand for B1 development of the scale envisaged by the policy. On this basis, they have stated that as currently worded, Policy AC20 is ineffective and not consistent with national policy, as the employment element is not viable and is not therefore deliverable.

It is suggested that removal of the employment land will alternatively assist with the early delivery of much needed new homes, either independently of or in conjunction with wider landowners associated with the wider allocation. It is estimated that the Poyser Family landholding could provide in the region of 80-100 new homes.

As highlighted by the respondent in their submission, employment development has been proposed in one form or another in this location for a number of years. Most recently in the form of Policy AC20 which carries forward the requirement for 2.4ha of employment land from the CDLPR (Policy H9) and reflects application 01/11/0023 and the adopted SPD covering the wider site.

Whilst acknowledging the conclusions of the submitted evidence in relation to the potential attractiveness of the proposed employment area from a market perspective, the Council continue to maintain an aspiration to see local employment opportunities provided in this location. A number of the reasons for maintaining this approach are summarised below:

There continue to be logical sustainability reasons for locating local job opportunities alongside areas of significant residential growth, particularly on the western side of the city, which is not traditionally well served by areas of employment land. This approach was supported by the Inspector examining the CDLPR and the sustainability benefits of doing this have only increased in the intervening period with the granting of the Highfields Farm application in South Derbyshire and potential identification of the Newhouse Farm site also in South Derbyshire;

The Council has resolved to grant planning permission for 15,000sqm of B1 floorspace, as part of outline application 01/11/0023. Assuming that half of the office floorspace is utilised for general office floorspace and the other half as light industry, this level of floorspace has the potential to accommodate in the region of 800 jobs. Whilst 2.4ha of land is relatively small in comparison to a gross supply of 199ha, the potential for 800 jobs is a significant consideration. The

Council has been actively engaged in driving forward job growth in the city and has utilised various funding streams to secure new investment and jobs. The Council are open to considering what options are available to help bring forward sustainable job growth in this area;

As noted in the supporting text of Policy CP10, it can be argued that Derby's net employment land supply is below the level of need suggested by the 'Labour Supply Policy On forecast'. Therefore, where possible, it is logical to maintain areas of good quality employment land such as this and for the Council to provide a wide portfolio of sites across the city to ensure that future needs are met, both quantitatively and qualitatively. It is also important to note that there has been a trend in recent years which has seen the loss of potential office sites in the CBD to alternative uses. For example second hand office is being utilised for residential use through permitted development whilst other sites have been utilised for educational use and student accommodation. This trend highlights the need to ensure that the Council identifies a range of employment locations;

The Council consider the site to be well located, with excellent access to the A38, Toyota and the proposed East Midlands Intermodal Park (EMIP). The second phase of the South Derby Integrated Transport Link (SDITL) will also link the site to the A50 and Infinity Park in the future;

The fact that the wider site has been allocated for a number of years, but is yet to be developed is not a reason in itself to remove the employment requirement. There have been a number of issues related to land ownership and educational provision that have been holding back development, rather than any issues specifically related to the employment allocation as such. Therefore, it is unlikely that removal of the employment requirement will unlock the deliverability of the wider site;

In terms of viability, it is unhelpful to consider the merits of the employment land allocation in isolation of the wider development. The Council acknowledge that the proposed employment land in this location is unlikely to be an attractive commercial prospect, without the wider housing led development. The assumption has always been that development of the wider area and provision of associated facilities will help to create the right market conditions to make local employment opportunities viable. Removal of the employment requirement before we know whether this will be the case is considered premature;

The market commentary provided by the respondent appears to assume that all of the proposed employment land should be brought forward as a small business park / office campus. There is nothing in the adopted or emerging policy that requires the employment land to be developed in this manner. The employment floorspace could be developed as a combination of small office units and light industrial uses, serving a local catchment. Whilst the SPD shows the proposed employment uses being clustered in the north western corner of the eastern parcel, the development framework is purely indicative. Therefore, alternative options could be considered such as closer integration of the B1 elements with the proposed neighbourhood centre extension. There could be potential for a multi-functional centre, providing community facilities and local employment opportunities in one area of the site;

The respondent has stated that the NPPF prioritises the development of housing over and above employment uses. Whilst it is acknowledged that the presumption in favour of development (paragraph 14) sets a framework that gives priority to housing proposals, this is only the case where development plans are absent, silent or out-of-date (i.e. no 5 year supply). The Council is continuing to work closely with HMA partners to ensure that housing needs are met across

the HMA and specifically to make sure that Derby's residual housing needs are met in sustainable locations in and around the edge of Derby. Whilst additional housing within the City is welcomed in principle, Derby's strategy to meet its housing requirement and achieve a 5 year supply does not require the additional housing that would be released by the removal of the employment requirement.

No change required.

1043 The Poyser Family (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3968 ☒ Not Positively Prepared ☒ Not Justified ☒ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The Poyser Family own land at Rykneld Road, covered by Policy AC20. As part of their representations objecting to the inclusion of an element of employment land, they have also highlighted that their landholding could be developed independently of the remainder of the allocation and that a separate access to their land from Rykneld Road could be provided.

The Council has always intended for this site to be developed in a comprehensive manner to ensure that the site is brought forward in line with the vision set out in the adopted SPD. The level of growth in this area more generally requires the provision of a number of supporting facilities such as employment opportunities, an extension to the neighbourhood centre and a new primary school. In order to ensure that these facilities are provided in a timely and equitable manner, it is essential that the proposals are brought forward comprehensively rather than in a piecemeal manner.

The provision of an alternative access from Rykneld Road would also be contrary to the SPD, undermining the comprehensive vision for this area.

No change required.

Mickleover General

Individual Comments: 29 General / Misc: 1 Objections: 27 Supports: 0 from: 17 representors

535 Rostron (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3473 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that the emphasis on developing greenfield sites around the City, and in particular in the Mickleover area both in the City and South Derbyshire, is contrary to national policy. The NPPF encourages the effective use of land by using land that has been previously developed (brownfield) and seeks to minimise pollution and other adverse effects on the local or natural environment. Development in the Mickleover area will have severe adverse effects in terms of sustainability, traffic issues, over-subscribed local services, loss of wildlife and their habitat. it will also have a detrimental and negative effect on the community as a whole who still regard Mickleover as a "village".

It is suggested that the Plan places an excessive amount of new housing is concentrated on greenfield sites predominantly to the south and west of the city where future cross border development plans will most certainly increase the size of the initial proposed housing sites dramatically, creating massive urban sprawl with associated negative and severe impacts on existing communities.

The Core Strategy seeks to guide development, necessary to meet our need for housing, 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 a proportionate amount of cross boundary, sustainable urban extensions. In terms of the Derby allocations, including green wedge sites, the principles of retaining meaningful and functioning green wedges has informed the detailed policy requirements, which have been devised to protect character and amenity but not to prevent change.

To support this strategy, individual pieces of evidence base covering transport modelling, water/flooding and school places planning along with the Sustainability Appraisal have been used to identify potential impacts of additional housing and any mitigation, particularly in the form of new infrastructure they may be required to make development acceptable. The need for new infrastructure has also been informed by the infrastructure providers themselves and any infrastructure that is required, has been added to the relevant policies or identified in the IDP. For example, a new primary school is required by the policy on Hackwood Farm (AC21) and habitat protection measures are required on Land North of Onslow Road (AC22).

In addition, in recognition of the Strategy of meeting some of Derby's unmet need for housing on the edge of the City in the form of urban extensions; the Plan includes Policy CP1(b) containing placemaking principles for cross boundary growth. This includes mitigating transport impacts and delivering appropriate infrastructure delivered in a timely manner to meet the day to day needs of residents. The policy also sets out that the City Council will seek developer contributions to fund infrastructure and services in the City where this is justified.

The City Council continue to work with our Housing Market Authority partners in bringing forward our respective local plans under the Duty to Cooperate. SDDC have recently undertaken consultation on adding an additional strategic site at Land west of Mickleover in their Local Plan. The draft policy for the site seeks the provision of sufficient infrastructure, transport, new primary school, new district centre and consideration of a new GP surgery to mitigate the impact of development. The City council has responded to this consultation and will continue to work with SDDC to ensure that concerns relating to impacts on infrastructure, road network, character and integration along with the amenity of local residents are assessed and mitigated.

It is considered that the policies of the Core Strategy have addressed the infrastructure needs of the housing developments and seek to manage change in a positive way that seeks to create high quality development with a sense of place whilst protecting character and amenity.

No change required.

535

Rostron (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: ☐ OBJ Rep ID: ☐ 3474 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Excessive levels of growth on the edge of the City will undermine community cohesion. The centre of Mickleover based around Etwall Road is unable to expand due to size constraints, parking is at a premium with very few spaces available for current residents to be able to access local facilities and services (library, shops, health centre, post office, Tesco store etc.) and even the nearby Derby Royal where parking problems are an on-going concern.

See other response to Mr & Mrs Rostron (535).

No change required.

540

Hurn (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: ☐ OBJ Rep ID: ☐ 3863 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

With planning applications submitted to Derby, South Derbyshire and Amber Valley, the population of Mickleover is going to explode with these 'bolt ons' extensions which are not even considered as brownfield sites. Development at land to the west of Mickleover together with Newhouse Farm, Hackwood Farm and the newly built Langley Park are all going to add to already stated problems of traffic congestion around Mickleover as well as the wider area and infrastructure i.e.. shops, doctors and schools, all of which are stretched to capacity.

We understand that small developments such as the above and the other proposed sites, do not have to make provision for schools, doctors etc. in their plans, they simply

put money in

a pot for health and education. The question is, will this money be put into our area, and more importantly when? On the question of improving road infrastructure, most of the roads impacted are within Derby City, not South Derbyshire or Amber Valley so we cannot see that they will or indeed need to take responsibility for them.

See response to Mr & Mrs Rostron (535).

No change required.

541 Cooper (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3982 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

It is suggested that the details in the IDP on water supply are vague and no mention is made as to how Severn Trent are going to supply new houses at adequate pressure or how they will maintain supply more generally at a time when more water will be required as a result of climate change.

Severn Trent have a legal responsibility to provide adequate water supply and are aware of the growth strategy through discussions. They are working toward a solution to any issues this creates.

No change required.

541 Cooper (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: 3978 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent questions how the City has changed its position on land west of Mickleover in such a short time.

The site referred to is in South Derbyshire and thus the decision to allocate or not allocate the site is not in the City's control. South Derbyshire District Council have recently consulted on the potential allocation of an additional site and the City has provided comments on this. A decision will be made in due course.

No change required.

541 Cooper (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3983 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Concerns raised that existing infrastructure in Mickleover is deficient in coping with traffic congestion at peak times, parking for shopping, doctors surgeries and school places. This deficiency is not addressed in the plan.

No change required.

[See other responses on this issue.](#)

554

McCahey (Private Individual)

☐ [Legally Compliant](#) ☐ General / Misc Comment

Rep Type: [Com](#) Rep ID: [3444](#) ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ [Sound](#)

An assessment of the impacts of all the bolt-on housing in and on the edge of Mickleover (Derby and South Derbyshire sites) is badly required to understand the implications on traffic, schools, medical centres and retail outlets.

See response to Mr & Mrs Rostron (535).

No change required.

581

Huskins (Private Individual)

☐ [Legally Compliant](#) ☐ General / Misc Comment

Rep Type: [OBJ](#) Rep ID: [3694](#) ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ [Sound](#)

The respondent considers that Mickleover is being subjected to impositions from proposals in South Derbyshire's plan which appear to reflect a complete absence of cooperation at this critical stage in the plan making process, which cast doubt on the adequacy of the infrastructure in Derby City's plan; the two plans are now inconsistent and do not join together.

Mickleover and its village centre seems to be regarded as an infinite resource to be tapped by everyone, whether it's through SDDC reworking its local plan or determining some opportunistic planning application. Mickleover is basically full and the respondent would like that recognised and our neighbouring authority's advances to be dealt with appropriately.

See response to Mr & Mrs Rostron (535).

No change required.

597 Moore (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3695 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent does not believe that Derby City Council are working closely with SDDC to provide plans which meet these principles. At the consultation event for the Derby City Local Plan on 24th September, planners were asked what modelling and assessments had been carried out with reference to the 1650 houses on Land to the West of Mickleover which SDDC were intending to add to their local plan that evening. The respondent indicates that he was told that the officers had heard of the intention of SDDC only the previous day, when they had seen it in the agenda for the SDDC council meeting, and that no detailed assessment or joint modelling had been carried out of the effect on Mickleover village and its inhabitants or the traffic implications in the area. These houses together with the houses already in the draft plans will increase the houses requiring support by Mickleover, its roads and facilities by nearly 40%. Clearly, commitment to such a significant change should have had special treatment to meet the requirements of CP1[b].

No change required.

597 Moore (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3697 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Building such a large number of houses to the west of Derby would be expected to increase the already chaotic peak time traffic as commuters fight to find a non-congested way to work. Toyota is mentioned as an employment site linked to Derby, but on a recent visit there I was told that there were no plans for significant increase of employment on the site and therefore no need for new houses on this side of Derby.

See response to Mr & Mrs Rostron (535).

No change required.

716 Richards (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3470 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The local plan establishes that Mickleover's GP/health care provision is poor and new residents would need to travel in order to access health care. At present Mickleover cannot sustain any more developments as its infrastructure does not permit this. The Local Plan does not address this.

See response to Mr & Mrs Rostron (535).

No change required.

911 Wright (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3450 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

I acknowledge the government led drive to build more houses; however your Core Strategy should also incorporate the essential requirements for infrastructure to support growth, this appears to have been ignored.

Mickleover is under siege not only from housing allocations proposed in this plan (Hackwood Farm and Onslow Road) but also on sites in other local authorities surrounding the Mickleover boundary (Newhouse Farm - South Derbyshire and Langley Country Park - Amber Valley). The quantity of new housing without a reality check on traffic problems and lack of school places, GP's and shops will result in us being besieged by housing in other local authorities control whilst we bear the cost of the infrastructure to support it. Derby City cannot ignore this and it should form part of the Core Strategy.

See response to Mr & Mrs Rostron (535).

No change required.

958 Caborn (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3493 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The green spaces, trees, hedges and boundary fences around Mickleover provide habitat for wildlife. All of this makes Mickleover a desirable and pleasant place to live. How many trees will be felled, how many hedges and boundary fences torn up for these developments? Also how are the public rights of way going to be preserved? The council should be sympathetic in providing nature conservation for future generations.

See response to Mr & Mrs Rostron (535).

No change required.

958 Caborn (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3492 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The new developments would increase the risk of flooding due to the surface water and sewage. The land that the proposals cover is on clay, so surface water would not readily soak away. The area around Ladybank Road and the associated culvert cannot cope with sudden heavy downfalls without the road being flooded.

See response to Mr & Mrs Rostron (535).

No change required.

958 Caborn (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3494 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Mickleover already suffers from increasing electricity cuts and a drop in water and gas pressure due to the overload already placed on the amenities. Is there a proposal to provide an electrical sub-station, water pumping station and gas storage facility, together with a sewage treatment plant to deal with all the new housing?

See response to Mr & Mrs Rostron (535).

No change required.

958 Caborn (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3489 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Mickleover cannot accommodate the level of new housing being planned for, this would further burden the already overstretched infrastructure.

Congestion in Mickleover village and surrounding roads already grind to a standstill during rush hour, the A38 is similarly grid locked at most times of day. This level of traffic and congestion has led to an increase in vehicle accidents in these locations. The number of additional vehicles using the road network from the new development will lead to increased levels of congestion. Will provisions be made for disabled people to use the roads and pavements and what additional access will be provided for them.

Extra vehicles would result in more accidents, unacceptable noise pollution and increased air pollution. This could affect individuals due to poor air quality. These individuals would not be able to access local health care facilities which are full.

See response to Mr & Mrs Rostron (535).

No change required.

999

Clementson (Private Individual)

☐ Legally Compliant☐ General / Misc CommentRep Type: OBJ Rep ID: 3543 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

To contemplate the additional housing now being considered by both SDDC and Amber Valley is a step too far. If all the schemes within Mickleover, and those planned just outside the Derby City boundary, come to fruition; I can visualise a chaotic and completely unacceptable result for the residents of Mickleover. These proposed developments appear to rely on facilities, such as GPs and schools, which are located within Mickleover and are currently overloaded.

See response to Mr & Mrs Rostron (535).

No change required.

1007

Taylor (Private Individual)

☐ Legally Compliant☐ General / Misc CommentRep Type: OBJ Rep ID: 3457 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The plan is not sustainable as there is little evidence that neighbouring authorities intentions to build a significant number of houses on the edge of Mickleover have been taken into account. Local roads (Station Road, Radbourne Lane, Ladybank Road and Onslow Road) are already choked with queues in the morning and evening. Mickleover centre often gets grid locked with traffic and there is not sufficient parking for the number of shops. In addition, local amenities such as schools and doctors are at capacity.

The Core Strategy must take into account all the houses that are to built as part of other authorities plans. The level of housing planned is not sustainable without new access roads e.g. to connect the A38/A516/A52. The existing road network around station Road is not sufficient to sustain the magnitude of housing proposed.

See response to Mr & Mrs Rostron (535).

No change required.

1010

Taylor (Private Individual)

☐ Legally Compliant☐ General / Misc CommentRep Type: OBJ Rep ID: 3506 ☒ Not Positively Prepared ☒ Not Justified ☒ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

A plan can only be effective if it ensures life enhancement in a residential area. It should ensure that the area is inspiring. It cannot be inspiring if the planners destroy the very character of an area. Mickleover has already lost its village status. City planners decided to tarmac over the market place where, with a bit of imagination, parking and

an area of interest could have lived side by side.

A plan cannot be effective if it is a struggle to negotiate our roads. Mickleavever is often gridlocked on Station Road. Altering the junction at the Radbourne Lane end will not alter the fact that, if all the proposed developments are allowed, increased traffic will only add to the pressures.

See response to Mr & Mrs Rostron (535).

No change required.

1010	Taylor (Private Individual)	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	OBJ	Rep ID: 3509	<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input checked="" type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

The new residents of the developments will not only add traffic but also experience the pressures of trying to negotiate traffic which is already a problem all over Mickleavever.

See response to Mr & Mrs Rostron (535).

No change required.

1038	Anonymous 29 (Private Individual)	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	OBJ	Rep ID: 3464	<input checked="" type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

I do not feel that the local infrastructure has been fully assessed. Existing facilities in Mickleavever are already under pressure.

See response to Mr & Mrs Rostron (535).

No change required.

1039	Austin (Private Individual)	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	OBJ	Rep ID: 3497	<input type="checkbox"/> Not Positively Prepared <input checked="" type="checkbox"/> Not Justified <input type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

The proposed increased housing on the edge of Mickleavever will greatly increase the numbers of vehicles on the roads of Mickleavever. As it is, Ladybank Road and Station

Road are used as "rat-runs" at peak times. More traffic will only increase the risk of accidents.

I note that Core Strategy recognises the congestion on the City's roads now, it doesn't bear thinking about how congested these routes would be if these houses are given the go ahead. Yet I see nothing in the plan to suggest how they intend to address this chaos on the roads in and around Mickleover.

See response to Mr & Mrs Rostron (535).

No change required.

1039	Austin (Private Individual)	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	OBJ	Rep ID: 3496	<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input type="checkbox"/> Not Effective <input checked="" type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

The proposed lazy urban extensions will have a detrimental impact on local communities and amenities, particularly the ridiculous number of houses planned to be built on the edge of Mickleover. The houses will be built in South Derbyshire and will pay their Council Tax to SDDC but they will use Derby City facilities, paid for by us.

See response to Mr & Mrs Rostron (535).

No change required.

1039	Austin (Private Individual)	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	OBJ	Rep ID: 3499	<input checked="" type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

Our experience is that Doctors and Dental Surgeries in Mickleover appear to be operating beyond capacity Also the schools in Mickleover are at capacity and parking in the centre of Mickleover is limited and this can cause chaos at peak times. I see nothing in the Plan to address these matters.

See response to Mr & Mrs Rostron (535).

No change required.

1039	Austin (Private Individual)	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	OBJ	Rep ID: 3498	<input type="checkbox"/> Not Positively Prepared <input checked="" type="checkbox"/> Not Justified <input type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

The proposed developments will have a significantly negative impact on the residents of Mickleover. There is no effective buffer between the proposed housing and the established housing. Also the footpath between Mickleover and Radbourne, is heavily used and the additional housing will turn a walk into the countryside into a walk through a housing estate.

See response to Mr & Mrs Rostron (535).

No change required.

1046 Higginbotham (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3635 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The Newhouse and Richborough sites are so close to the facilities in Mickleover that it is inevitable the new residents will use them. Have the impacts on the roads and services in Mickleover been looked at? Existing primary schools have little or no spare places. Although primary school places will eventually be provided on the Hackwood and Newhouse developments, there is no further secondary school provision mentioned and, as far as the DC local plan goes, there doesn't seem to be further provision to the west of the city.

The funding for new houses to be built – and the council taxes they generate – will all go to SDDC, even though it is the DC infrastructure that will bear the brunt of the added pressure of the inhabitants of hundreds more households.

There is further pressure on this side of the city with developments that already have planning permission, such as at the Kingsway site. Yet ones such as Onslow Road at Mickleover are allocated, even before the impact of those already approved – and those with current planning applications – have been evaluated.

See response to Mr & Mrs Rostron (535).

No change required.

1054 Greenway (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3782 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The plan states that the areas Mickleover, Mackworth and Littleover retain a strong sense of identity. If all these developments to go ahead it would mean a complete blurring of boundaries and the three communities merging into one, which is unhealthy.

The developments around the western side of Mickleover means that the population of Mickleover will realistically rise by over 2000 people if 690 total dwellings at

Hackwood Farm are allowed to be built. The Hackwood Farm area will no doubt lose its appeal, especially around the farm and farm shop café, as this is considered by many as a sanctuary and place to relax and unwind. This would be a disappointment if this would be allowed to go ahead and definitely erode Mickleover's countryside feel.

Equally the area cannot sustain this amount of increase in the population of Mickleover, the area is so overcrowded now particularly on Station Road and the village centre, which has a very small Tesco supermarket. The quality of life would be seriously affected because of no significant infrastructure plan? The areas of Littleover on the edge of Mickleover where developments have already started, will also impact on the Mickleover facilities, and therefore again increase the overcrowding of the centre .

A complete rethink of any development of the developments in Mickleover is required. It is suggested areas around Allestree, Quarndon and Duffield have plenty of GREEN space to build on, also look at many of the brownfield sites that still exist in the City. The old site of Celanese for example, could be decontaminated quicker. Areas around Allenton , Shelton Lock, the fields around Roll Royce, all could be considered before irreversibly spoiling Mickleover.

See response to Mr & Mrs Rostron (535).

No change required.

1058	Opposing Development West of Mickleover	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment						
Rep Type:	OBJ	Rep ID:	3886	<input checked="" type="checkbox"/> Not Positively Prepared	<input checked="" type="checkbox"/> Not Justified	<input checked="" type="checkbox"/> Not Effective	<input checked="" type="checkbox"/> Not Consistent with National Policy	<input type="checkbox"/> Not Legally Compliant	<input type="checkbox"/> Sound

The IDP (page 5, paragraph 3) sets out that water supply is constrained. This makes serious reading in relation to the fields to the west of Mickleover where there is no mains water supply and foul water and sewerage are disposed of by way of soak away and cess pits. The land in question is 400ft above sea level? Water demand from modern housing is much greater now. Relying on repairing leaks and encouraging lower usage is not going to be sufficient to supply water to all the sites proposed on the edge of Mickleover. Before any planning consent is considered for these developments a full water resources survey is essential.

See response to Mr & Mrs Rostron (535).

No change required.

1058	Opposing Development West of Mickleover	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment						
Rep Type:	OBJ	Rep ID:	3885	<input type="checkbox"/> Not Positively Prepared	<input type="checkbox"/> Not Justified	<input type="checkbox"/> Not Effective	<input type="checkbox"/> Not Consistent with National Policy	<input checked="" type="checkbox"/> Not Legally Compliant	<input type="checkbox"/> Sound

In reference to land west of Mickleover now being considered by SDDC, having previously been dropped as a potential reserve site. The joint working between HMA

authorities is working to the detriment of Mickleover.

Derby City planners should be looking after Mickleover. Bolt-on suburbs are putting undue pressure on this suburb which now has a population of over 19,000 people. All new suburbs must provide their own infrastructure

See response to Mr & Mrs Rostron (535).

No change required.

AC21 Hackwood Farm

Individual Comments: 15 General / Misc: 1 Objections: 13 Supports: 1 from: 9 representors

145 Pegasus Planning for Miller Homes

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: OBJ Rep ID: 3766 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondents request a change to the supporting text of Policy AC21 (paragraph 6.21.8)

They state that the text seeks that opportunities should be taken to protect and enhance green infrastructure and biodiversity features where possible including hedgerows along Radbourne Lane.

The point out that the Policy requires 2 points of vehicular access and that a rewording is made to ensure the Plan is effective.

The wording should include the text "and unless required for access requirements, this should include"...the hedgerows along Radbourne Lane

This text is supporting text to the Policy. The Policy takes priority and, as pointed out, it requires two points of access. The supporting text states that these features will be protected "where possible". It is reasonable to leave the text as it is to ensure that "where possible" these important features are protected and enhanced. If the best access solution is to remove a small part of the hedgerow then neither the Policy nor the supporting text would preclude this in principle.

No change required.

145 Pegasus Planning for Miller Homes

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3762 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Confirm that Policy AC21 is Legally Compliant

145

Pegasus Planning for Miller Homes

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: SUP Rep ID: 3763
 ☐ Not Positively Prepared
 ☐ Not Justified
 ☐ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☒ Sound

Policy AC21 is supported by Miller Homes who control the proposed allocation site. The Policy is broadly considered to be Sound.

Support welcomed.

No change required.

145

Pegasus Planning for Miller Homes

☐ Legally Compliant
 ☒ General / Misc Comment

 Rep Type: OBJ Rep ID: 3765
 ☐ Not Positively Prepared
 ☐ Not Justified
 ☐ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

The respondents request a change to the supporting text for Policy AC21 at paragraph 6.21.4. They request that the text is amended to read "...the Council will expect the developers to contribute towards a new bridge across the Mickleover/Egginton Greenway...."

They feel that this will reflect the agreement that the bridge would most appropriately be delivered by Derby City Council.

Agreed that this change to the supporting text would make the policy more flexible and clarify the intent. However suggest that the text is amended slightly differently to their suggestion as 'contributions' may not be sufficient to ensure delivery.

Suggest a modification Amend paragraph 6.21.4 to read:

"If it is possible to do so, the Council will expect developers to fund a new bridge to be provided across the Mickleover/Egginton Greenway to allow pedestrians and cyclists to move between the new and existing developments."

145

Pegasus Planning for Miller Homes

☐ Legally Compliant
 ☒ General / Misc Comment

 Rep Type: OBJ Rep ID: 3764
 ☐ Not Positively Prepared
 ☐ Not Justified
 ☐ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

The respondents consider the policy to be Sound but suggest that in order to be effective the part of the Policy referring to Secondary School contributions is amended to say

"a new primary school is provided on site and, where there is insufficient capacity to accommodate the development, contributions are made to the provision of secondary school places.

The Plan should be read as a whole and there are other policies which would mean that such contributions would only be sought if they were needed. Policy MH1 (Making it Happen) deals with matters of implementation and covers this. Planning Obligations will only be sought to mitigate for the impacts of a development so if there is no need then no secondary school contributions will be required. The policy is fairly standard and must still be relevant should the current proposal not come forward and a new proposal come forward at a later date.

No change required.

262 Campaign for Better Transport

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3633 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The representor refers to the PGS which stated that the Hackwood Farm site was likely to lead to a car dependent development. They refer to their response in 2013 which stated that they saw no reason that this did not remain the case and that the inclusion of the site did not meet the requirements of points 7 and 12 of Policy CP23.

However, given that the site now has planning permission they consider that it seems pointless to continue to argue for the site's exclusion in the Plan.

Through the Plan making process the promoters of the site have provided more evidence to demonstrate that the site is a sustainable location. These include the provision of a primary school and local shops on site, a bus service to Micklegate, highway improvements on Station Road and an improved connection with the rest of Micklegate across the former Railway line. It is considered, therefore, that the earlier concerns with the site have now been resolved.

The site does now have planning permission in outline. The principle has, therefore, been established.

No change required.

535 Rostron (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3475 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The open countryside currently attracts residents of Derby to take exercise, walk, cycle, horse-ride, watch the animal and bird life and enjoy peace and quiet which is vital to the well-being of individuals and increases quality of life, but there will be no such incentive to come to the area and walk close to or in between housing developments, for recreation. If any new development was to go ahead, particularly at Hackwood Farm, then more not less (as suggested on Map Ref. 29 in Proposed Changes to Proposals Map) open green spaces and wide wildlife corridors planted with trees should be incorporated between mass areas of housing to prevent a continuous, unsightly urban sprawl.

Policy AC21 includes criterion to ensure that the sensitive edge of City location is recognised and any urbanising impact mitigated through landscaping, the

inclusion of a green buffer and the retention of landscape features which are also of biodiversity interest. The policy also seeks improved links across the site and between the site and the open countryside for walkers, cyclists and riders. Therefore the policy ensures that the extension of the urban area in this location is undertaken as sensitively as possible and new and improved links are provided through the site and beyond.

No change required.

541 Cooper (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3987 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Concerns have been raised that funding for the new primary school on Hackwood Farm has not been secured. This will mean that the new housing will not have a school in place, forcing parents to take their children to any school that can accommodate them. This will add to congestion and air quality problems. This is contrary to the NPPF.

Hackwood Farm now has a resolution to grant planning permission and the primary school provision required by the policy is being addressed through the S106.

No change required.

716 Richards (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3467 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent opposes the deletion of green wedge land for the allocation of a housing site at Hackwood Farm.

Only a small part of the Hackwood Farm allocation is in a Green Wedge. The vast majority of the site is on land which is not currently allocated for any specific purpose in the current local plan. It does not have any site wide presumption against development.

All of the green wedges have been reviewed in the process of preparing the Core Strategy. A relatively small part of the eastern end of the Hackwood Farm housing allocation is currently in the Mickleover/Mackworth Green Wedge.

The purpose of this wedge is to separate and create identity for the distinctive suburbs of Mickleover and Mackworth and to maintain an open character between them. The wedge also allows the countryside to penetrate into the City in this area and provide land for a variety of open uses.

Land to the west of Station Road performs this function to a very limited degree, partially because new housing development has already been established along Station Road. The Green Wedge Review identifies that there may be an argument to review the green wedge in this location (west of Station Road).

The Hackwood Farm housing site which was originally promoted included land right up to Station Road. Having considered the need for housing and the limited contribution of some of this land to green wedge function it was decided that a small amount of green wedge could be rolled back without significant harm. However some green wedge does still remain to the west of Station Road.

Part of the development which will take place where the wedge has been rolled back is a new primary school.

No change

716

Richards (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3469 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent states that at a recent Planning Committee meeting the Hackwood Farm site was refused planning permission as it was deemed not to be a suitable site for housing due to the nature of accessibility with poor transport and road links. He feels that the development of the Hackwood Farm site would create a severe impact on the community and that any material gain of housing would incur a more severe set of hardships which outweigh any economic, social or environmental benefits. The respondent points out that this in itself is a measure for rejection which is set out in the National Planning Policy Framework.

The respondent notes that a Planning Committee Member said that the Hackwood Farm site developments would result in a similar sized site to that at Oakwood. The Member reminded the Committee that Oakwood was only allowed to develop due to the provision of a new road (Acorn Way). Mickleover does not benefit from such a road.

The respondent is correct that applications for the development of up to 410 dwellings and supporting infrastructure at Hackwood Farm were refused planning permission prior to his response to the Core Strategy consultation. There were two separate applications for a total of up to 410 dwellings.

However, subsequently re submitted applications were approved subject to the signing of a Section 106 agreement. The original refusals were for reasons related mainly to increased traffic on Station Road. Although the Planning Committee refused those particular applications, the Core Strategy, including the Hackwood Farm allocation had been approved for consultation by Full Council. The Council had therefore deemed it an acceptable housing development site in principle. The Officer recommendation to the Planning Control Committee was for approval on both occasions.

In terms of the respondent's point comparing the Hackwood Farm proposal to the site at Oakwood, each application is determined on its own merits. However, Oakwood was a large scale strategic urban extension to the Derwent/Chaddesden areas. It was a greenfield extension and has delivered a highly desirable suburb of the City to live in. Oakwood is significantly larger than even the whole of the cross boundary Hackwood Farm site (circa 700 dwellings). It is probably 3-4 times the size of the Hackwood Farm Proposal and is not directly comparable in terms of infrastructure requirements.

No change

911

Wright (Private Individual)

☐ Legally Compliant ☐ General / Misc CommentRep Type: OBJ Rep ID: 3451 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent acknowledges the need for new housing but feels that the relevant and essential supporting infrastructure will not be provided to support the new homes. In particular, reference is made to the need for infrastructure improvements to roads, schools, GP surgeries and shops.

Generally, the Plan is supported by an Infrastructure Delivery Plan (IDP) which identifies the new infrastructure which will be required to support the growth strategy and how it will be delivered. There will be a number of strategic Infrastructure projects in and around the City to support the growth and to mitigate for any impacts of new housing. These include a new Southern Derby Integrated Transport Link Road (SDITL) which is a strategic transport proposal in both South Derbyshire's and Derby City's Plans. A new secondary school will also be provided to meet needs arising from growth on the periphery of the City.

Strategic Site allocation policies also identify specific infrastructure which must be delivered and require their delivery within the policy criteria.

The respondent goes on to identify concerns specifically about growth in and around Mickleover. Derby's Plan only identifies circa 600 dwellings to be built in Mickleover and South Derbyshire's Plan includes a further 290 dwellings extending the Hackwood Farm allocation in thief district. The other sites mentioned include a site which is under construction in Amber Valley on Radbourne Lane, a site recently granted on appeal at Newhouse Farm which was not part of South Derbyshire's strategy and another site which is the subject of an undetermined planning application.

The biggest site, which is the cross boundary site at Hackwood Farm, will provide about 700 dwellings and will be supported and mitigated by the provision of on-site shopping facilities and a new on-site primary school. Improved links to other services in Mickleover will be provided and transport mitigation will be provided in the form of a mini roundabout at the junction of Radbourne Lane/Station Road. Planning permission has already been granted in Derby for 410 dwellings at Hackwood Farm and the permission includes a new Primary School, a new pedestrian and cycle bridge, improved bus services, the roundabout and a new local shopping centre. This supporting infrastructure will create a sustainable urban extension to Mickleover.

No Change

999

Clementson (Private Individual)

☐ Legally Compliant ☐ General / Misc CommentRep Type: OBJ Rep ID: 3541 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The proposals to build on Hackwood are, in themselves, probably justified but will result in traffic management problems particularly on Station Road and Radbourne

Lane. Station Road is already badly congested during the morning and evening peak and these additional developments will exacerbate the problem unless some innovative solution is found to solve the traffic problems.

Local schools and GP surgeries are already at capacity and most GPs have now closed their patient lists. To ignore these issues will result in the quality of life of both new and existing residents being reduced.

Individual pieces of evidence base covering transport modelling and school place planning along with the Sustainability Appraisal have been used to identify potential impacts of additional housing and any mitigation, particularly in the form of new infrastructure that is required, has been added to the relevant policies or identified in the Infrastructure Delivery Plan (IDP). In terms of Hackwood Farm, planning permission has now been granted for housing development, a new primary school and other supporting infrastructure on-site. The requirements of the permission are that connections with Mickleover by non-car based travel will be improved, facilities will be provided on-site to reduce the need to travel and a new junction will be provided at the Radbourne Lane/Station Road junction to mitigate for traffic impacts.

In terms of GP provision, the CCG is currently developing a Strategic Estates Plan which will work with key stakeholders to identify key priorities and provide a process for supporting health care providers to meet the demands of changing population in the short, medium and long term.

No change

1010

Taylor (Private Individual)

☐ Legally Compliant☐ General / Misc Comment

Rep Type:

OBJ

Rep ID:

3503

☒ Not Positively Prepared☒ Not Justified☒ Not Effective☒ Not Consistent with National Policy☐ Not Legally Compliant☐ Sound

The respondent refers to fact that, in the past some hedgerows have been removed in the Mickleover area to enable development when they should not have been removed. She suggests that developers cannot be trusted to adhere to these policies.

Policy AC21 (Hackwood Farm) has a criterion (h) which seeks that as much of the hedgerow along Radbourne Lane is retained subject to highway access needs. The policy also allows for replacement hedgerows to be provided where existing ones are lost.

The policy allows the Council to require these measures through a condition on a planning application and the authority can take enforcement action if the developer fails to meet the requirement. The implementation, or perceived , of existing Local Plan policies is not in itself a reason to modify the policy.

No change required.

1010 Taylor (Private Individual) ☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3501 ☒ Not Positively Prepared ☒ Not Justified ☒ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent raises concerns about building houses on green wedges and destroying green infrastructure. She says that any green spaces created as part of new housing developments are not new as the land is already greenfield.

She objects to the loss of countryside and green belt for housing stating that these resources are precious land should be reserved for the future.

Unfortunately the significant need for housing in Derby means that greenfield sites are required to meet these pressing needs. The Council has not, however, identified any Green Belt land for allocation for housing use and the plan will continue to protect Green Belt as suggested by the NPPF.

Green Wedges are a local designation and the Green wedge review has been used to assess their role and function and identify areas where wedges can be narrowed to accommodate new housing development.

The representor seems to be particularly concerned about sites in Mickleover. She refers to a site on Radbourne Lane which is in Amber Valley and has planning permission and is under construction. Only a small part of the Hackwood Farm site in Mickleover is in a green wedge and because this land is to the west of Station Road it only performs the function to a limited degree and the need for housing outweighs it. This site has now been granted planning permission subject to the signing of a Section 106 agreement.

No change required.

1056 Derbyshire Branch of CPRE ☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3792 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that building on the site of Hackwood Farm and around Mickleover is on good agricultural land that should not be sacrificed for housing.

In order to meet as much of Derby's needs as possible within the City, Hackwood Farm has been identified as a strategic housing allocation. Careful consideration has been given to the pros and cons. If this site were not to be developed then more land would be required in South Derbyshire of Amber Valley which would most likely be agricultural land.

The site at Hackwood Farm has now been granted planning permission so the principle of housing development there has been established through the planning application process.

No change required.

AC22 Mickleover and Mackworth

Individual Comments: 17 General / Misc: 2 Objections: 11 Supports: 4 *from:* 9 *representors*

13 Natural England

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3518 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

Natural England welcome the inclusion of criterion (g) in Policy AC22 requiring new development to take full account of and mitigate potential impacts on the Mickleover Meadows LWS and also the ecological value of the ponds and hedgerows within the housing allocation which forms part of this designation.

Noted.

No change required.

13 Natural England

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3520 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

Natural England support the inclusion of paragraph 6.22.5 explaining that the hedgerows on the site may provide a suitable habitat for Great Crested Newts and that appropriate surveys will need to be carried out and suitable mitigation and/or compensation provided as part of any development proposal.

Noted.

No change required.

13 Natural England

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3519 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

Natural England welcome the inclusion of the accompanying text at paragraph 6.22.3 which advises that the nature conservation interest both within and adjacent to the LWS should be considered within the development.

Noted.

No change required.

50 Amec Foster Wheeler Environment & Infrastructure UK Ltd for National Grid

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: Com Rep ID: 3655 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

National Grid have highlighted that a low pressure gas pipe is within the site boundary of the former Mackworth College site.

Comment is noted. This does not have any implications for the policy and can be addressed satisfactorily through normal development management processes.

No change required.

137 Oxalis Planning for J S Bloor (Measham) Ltd

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3817 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The plan is considered to be legally compliant.

Noted.

No change.

137 Oxalis Planning for J S Bloor (Measham) Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3818 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

The allocation of Land North of Onslow Road for 200 new homes is strongly supported. Bloor Homes agree that the site could be released without compromising the function and intended purpose of the Mickleover/Mackworth green wedge overall.

The technical and masterplanning work undertaken thus far demonstrate that the site is suitable, sustainable and the fundamental approach of policy AC22 is deliverable and realistic. The site could be brought forward with minimal impact on the amenity of surrounding properties, mitigated through a high quality masterplan, sympathetic design solution and the retention of existing and provision of new landscape features, including the hedgerows and ponds on site.

Support for policy AC22 noted.

No change.

137 Oxalis Planning for J S Bloor (Measham) Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3820 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The need for development at Onslow Road to contribute to local infrastructure, including school places, is accepted. However, Bloor Homes object to any approach that implies that until a new primary school at the Hackwood farm site comes forward that Onslow Road may not be able to be developed. Such an approach, as set out at paragraph 6.22.9, would undermine the ability of Bloor Homes to deliver the planned housing, being reliant on the actions of others to determine when the site can be bought forward. Other measures such as interim solutions should be considered to address short term infrastructure needs rather than phasing of development.

There is limited capacity available in primary schools within this area of the City and some schools are not capable of further expansion. The long-term solution to meeting the primary school needs of this site is therefore very likely to be the new primary school on the Hackwood Farm site. Should the Onslow Road site come forward in advance of the school at Hackwood Farm Education colleagues have advised that they would have to meet their requirement under s.13 of the Education Act 1996 to provide pupil places but that any interim solution may not offer local provision, given capacity constraints. This would not remove the requirement for the Onslow Road development to contribute to the new primary school at Hackwood Farm which is likely to be the more sustainable solution both from an education and planning perspective.

Suggest modification to paragraph 6.22.9 to clarify intent with regard to primary school provision from the site and phasing.

137 Oxalis Planning for J S Bloor (Measham) Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3819 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Bloor Homes note that the site allocation boundary for policy AC22 has been more tightly drawn around the north-east edge of the site than in previous iterations of the plan. While the objective of limiting the impact on the wider green wedge is supported the site boundary as drawn does not relate to any feature on the ground. For the purposes of formal site allocation it would be more appropriate to identify the full site, as submitted in the SHLAA, with the wording of the policy (criterion f) and supporting text (particularly 6.22.1 and 6.22.8) providing clarity for all on how the north-eastern corner of the site is expected to be dealt with. Bloor Homes consider that this text alone would suffice without the need for the housing allocation boundary to identify a specific limit to built development within the site.

Such a change would allow a design led approach but would also reflect the impact on net-developable area of any on site infrastructure, such as providing linkages, new green space and mitigating impacts on existing habitats. The precise boundary of built form could then be determined through a masterplanning exercise in response to site constraints and the objectives of Policy AC22.

The boundary of the housing allocation does not stop the site boundary of any masterplan or planning application extending beyond what is shown in policy AC22 provided that those uses outside of the housing allocation boundary are acceptable in green wedge policy terms e.g. open space, areas of play, linkages to the wider green wedge, landscape features or other green infrastructure.

The boundary of the housing allocation indicates the extent to which the Council is comfortable with built development extending into the green wedge, ensuring that the width of the green wedge is not decreased to such an extent that the function of the green wedge in defining neighbourhoods is adversely affected. It is not intended that this be the limit of any planning application or 'conforming' development associated with the housing scheme. Existing field boundaries and other landscape features will continue to play a role in defining the totality of development and how the site is "read" in context.

This approach is consistent with those taken in respect of housing allocations policies (AC23, AC25 and AC26).

No change.

262 Campaign for Better Transport

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3634 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Support for the Onslow Road site as set out in policy AC22 is unjustified as the combined traffic impacts of this and the proposed housing allocation at Hackwood farm (AC21) have not been assessed. Campaign for Better Transport continue to believe that development west of the A38 should be put on hold until grade separation at the Markeaton junction on the A38 is complete.

In light of the confirmation that the Derby Junctions Scheme (A38 DJS), providing grade separation to the three A38 junctions in Derby will begin mid-way through the plan period, it is not considered that there is sufficient justification to limit or phase back developments within the local plan that fall to the west of the A38. The transport modelling undertaken to assess the impacts of the emerging local plan included both Hackwood Farm and Onslow Road sites and the overall impact - subject to the suggested mitigation - is considered acceptable in terms of the NPPF. Policy AC22 also includes a provision to secure highway improvements, if required.

No change.

716 Richards (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3468 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Both these sites are currently designated as green wedge, with proposals for their deletion from the green wedge in favour of housing. This should not be the case and we

oppose it.

The level of housing required in the City during the plan period means that we have had to consider allocating green wedge sites for housing as part of this plan. Even with these allocations, we are still having to rely on adjoining authorities to meet some of our housing needs outside the City.

The Green Wedge study assessed the impacts of both these development sites and acknowledges the impact these sites could have on narrowing of the existing wedge and on visual amenity. The study concludes that should both these sites have their boundaries redrawn to 'round-off' development, so that the impact on openness would be less and a functional and meaningful wedge could be retained. The site allocation for the two site reflect this rounding-off, meaning that the Green Wedge still functions by allowing the open countryside to penetrate into the City whilst reinforcing and defining the character of the two distinct suburbs of Mickleover and Mackworth.

No change required.

785

Lillie (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3447 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The plan proposes taking land out of the Green Wedge so that it can be used for housing. This will partly fill the gap between Mickleover and Mackworth which is not what anyone wants.

Policy AC22 releases small areas of land on either side of this edge of the Green Wedge for housing. However, the policy requires new development in this broad location to retain the principle of the Mickleover/Mackworth Green Wedge allowing the countryside to penetrate the City whilst reinforcing and defining the character and integrity of the two suburbs. The impacts on the Green Wedge are therefore considered to be mitigatable.

No change required.

785

Lillie (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3446 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Building houses to the north of Onslow Road will be detrimental to the occupiers of properties as well as wildlife and green areas.

Policy AC22 recognises the sensitive location of the sites and the policy includes criteria ensuring that any development should safeguard the amenity of nearby residents, protect the wildlife interest of the site and maintain the Mickleover/Mackworth Green Wedge.

No change required.

999 Clementson (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3542 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The proposals to build off Onslow Road are, in themselves, probably justified but will result in traffic management problems particularly on Station Road and Radbourne Lane. Station Road is already badly congested during the morning and evening peak and these additional developments will exacerbate the problem unless some innovative solution is found to solve the traffic problems.

Local schools and GP surgeries are already at capacity and most GPs have now closed their patient lists. To ignore these issues will result in the quality of life of both new and existing residents being reduced.

Individual pieces of evidence base covering transport modelling and school place planning along with the Sustainability Appraisal have been used to identify potential impacts of additional housing and any mitigation, particularly in the form of new infrastructure that is required, has been added to the relevant policies or identified in the Infrastructure Delivery Plan (IDP). In terms of Onslow Road, measures are included to control access points, secure off site highway improvements along with contributions towards extending education provision.

In terms of GP provision, the CCG is currently developing a Strategic Estates Plan which will work with key stakeholders to identify key priorities and provide a process for supporting health care providers to meet the demands of changing population in the short, medium and long term.

No change required.

1010 Taylor (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3510 ☒ Not Positively Prepared ☒ Not Justified ☒ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

If land of the back of Onslow Road is allowed to be developed, where does life enhancement come into being? The residents of Onslow Road will be looking, not at open fields, but houses quite close to the end of their gardens.

Policy AC22 contains criterion to safeguard the amenities of local residents from the impacts of the development.

No change required.

1010 Taylor (Private Individual) ☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3504 ☒ Not Positively Prepared ☒ Not Justified ☒ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

There is a requirement for developers to preserve hedgerows on these sites. Experience of the development at Radbourne Lane has shown that this cannot be trusted to be adhered to. The first action be developers was to rip out hedgerows along Radbourne Lane.

The policy requires developers, particularly of the Onslow Road development, to retain and design their scheme around the existing hedgerows which are of nature conservation interest. There are then various powers to protect the hedgerows through the development process and in perpetuity, namely via conditions on planning permission and the appropriate enforcement of these if necessary. It is therefore considered that appropriate measures are available to protect the hedgerows.

No change required.

1010 Taylor (Private Individual) ☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3502 ☒ Not Positively Prepared ☒ Not Justified ☒ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Building of houses on green wedges can never be life enhancing if green infrastructure is destroyed. The developers state that green space will be created but the green spaces are there at the moment. If planners allow the destruction of green belt, fields and agricultural land have gone forever. Precious land need to be preserved for the future.

The level of housing required in the City during the plan period means that we have had to consider allocating green wedge sites for housing as part of this plan. Even with these allocation we are still having to rely on adjoining authorities to meet some of our housing needs out side the City.

The Green Wedge study assessed the impacts of both these development sites and acknowledges the impact these sites would have on narrowing the extent of the existing wedge and on visual amenity. The study concludes that should both these sites have their boundaries redrawn to 'round-off' development, that the impact on openness would be less and a functional and meaningful wedge could be retained. The site allocation for the two site reflect this rounding-off, meaning that the green wedge still functions by allowing the open countryside to penetrate into the City whilst reinforcing and defining the character of the two distinct suburbs of Mickleover and Mackworth.

No change required.

1038 Anonymous 29 (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3465 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

There are high levels of traffic along Onslow Road, making it increasingly dangerous and difficult to drive and walk along. This will be exacerbated by the addition of the Hackwood Farm, Onslow Road and Mackworth College housing developments. There is no mention of any traffic calming facilities along Onslow Road.

Policy AC22 recognises that it would not be appropriate to access the land north of Onslow Road site from Onslow Road itself. Criterion (c) requires access to the site to be taken from Station Road. This criterion also requires developers to contribute to any necessary off-site highway works, which could include measures such as traffic calming, if the impacts of the development warrant this approach. It is therefore considered that the policy allows for appropriate highway mitigation.

No change required.

AC23 Boulton Moor

Individual Comments: 13 General / Misc: 0 Objections: 9 Supports: 4 *from: 4 representors*

55 The National Trust

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3621 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

This development site and associated land in South Derbyshire are located close to Elvaston Castle Registered Historic Park and Garden. National Trust welcomes the commitment at points (j) and (o) to improving access and protecting the setting of the heritage asset respectively.

Support for policy noted.

No change.

590 Boyer Planning for Clowes/Bellway

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3831 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Paragraph 173 of the NPPF states that the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their viability is threatened. Bullet point (g) of Policy AC23 should therefore be amended so that any package of sustainable transport measures is "appropriate and would read as follows:

g) As part of the comprehensive cross boundary development, an appropriate package of sustainable transport measures.

Willing to amend, if necessary as it would bring criterion (g) in line with criterion (h), which refers to appropriate on-site and off-site highway works. However, it is considered that criterion (e) of policy MH1 - Making it Happen allows for viability to be taken into account in the securing appropriate planning obligations.

Suggest a modification to amend criterion (g) to make it clear that transport measures will be 'appropriate'.

590

Boyer Planning for Clowes/Bellway

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: SUP Rep ID: 3833
 ☐ Not Positively Prepared
 ☐ Not Justified
 ☐ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☒ Sound

The provision of a new secondary school in the area is fully supported, as per bullet point (I) of the policy, which requires the development(s) at Boulton Moor to contribute towards.

Support noted.

No change.

590

Boyer Planning for Clowes/Bellway

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: OBJ Rep ID: 3830
 ☐ Not Positively Prepared
 ☒ Not Justified
 ☐ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

Bullet point (f) of policy AC23 requires the provision of appropriate shopping and community facilities to be provided as part of the 800 unit site, to complement the services and facilities to be provided as part of the development within SDDC. However, the existing planning application at Snelsmoor Grange does not propose any retail or community uses as this would affect the viability of many of the services concerned. Local shops within the Snelsmoor Grange development would also not in themselves be viable.

A new local centre and park and ride facility is being provided as part of a new community hub on the Boulton Moor development within SDDC , which could also serve the site subject of this representation. We have therefore suggested an alternative form of wording for the policy as we do not consider that the site is likely to need to, or require, further facilities spread over the site. A single new 'community hub' is in our opinion likely to be more successful than dispersing commercial activities throughout the site. It is also noted that there are existing facilities in close proximity to the site, with appropriate linkages to them.

The suggested wording is:

f) Appropriate new shopping and community facilities provided as part of the development in the urban extension in the form of a new District centre in South Derbyshire.

It is acknowledged that the preferred solution would be that the 800 unit site is served by an new district centre on land within SDDC. However, the Council has no control over the delivery of this key element of the wider urban extension. Should this fail to come forward, it would not be acceptable to have such a significant quantum of development without any retailing uses to meet the day to day needs of new and existing residents. This would significantly diminish the sustainability credentials of the site. It is also considered that the existing convenience retail offer found at existing small parades of shops on Bembridge Drive, Holbrook Road and Crayford Road is neither sufficient to meet the needs of residents of 800 new homes, or within a comfortable walking distance of the majority of the site.

No change required.

590 Boyer Planning for Clowes/Bellway

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3826 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

Policy AC23 refers to 200 new homes as an extension to Chellaston, north of Fellow Lands Way and 800 new homes as an urban extension south of Field Lane, Alvaston. The planning permission at Fellow Lands Way is for 190 dwellings. The current planning application at Snelsmoor Grange is for "up to 800 dwellings". One of the key themes arising in the NPPF is the need for greater flexibility within planning policies. For this reason, we support the reference in the policy to approximately 200 and approximately 800 dwellings respectively.

Support noted.

No change.

590 Boyer Planning for Clowes/Bellway

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3829 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Bullet point (d) refers to the creation of strategic landscape boundaries. The plan should define what strategic landscape boundaries are.

The remainder of criterion (d) sets out what the strategic landscape boundaries are required to achieve in the context of these two housing allocations; namely to mitigate the impacts of the new development upon the retained green wedge and the surrounding open countryside and to create new defensible boundaries to the green wedge. The finer detail of what form this takes "on the ground" can be detailed in the joint DFD, currently being prepared.

No change.

590 Boyer Planning for Clowes/Bellway

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3828 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Policy AC23, bullet point (c) refers to significant qualitative improvements to the Green Wedge and existing green spaces, including the creation of significant new green infrastructure to meet the existing unmet need for significant scale green space in the south of the city. It is suggested that what is considered to be 'significant' is open to debate and interpretation. The policy should be more specific with regards to the type and scale of significant improvements and green infrastructure and the scale of

green space needed in the south of the City.

Criterion (c) is deliberately high level and flexible to allow principles for the retained green wedge area between Chellaston and Alvaston to evolve, within the parameters set out in policy CP18 - Green Wedges. This will allow the land to define the character of the newly extended adjoining neighbourhoods, to meet the open space needs of the existing and new communities and to contribute to a network of interconnected green spaces envisaged for the City as part of the CP16. It is therefore considered that the Joint DFD, currently under preparation, is the appropriate place to add the level of detail sought on behalf of the developers.

No change required.

590 Boyer Planning for Clowes/Bellway

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3834 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The requirement for the provision of comprehensive cross boundary flood mitigation measures in bullet point (m) should address the fluvial and surface water issues relating to the Thulston Brook that arise from the development only.

This point is accepted. It may be appropriate to modify criterion (m) of policy AC23 to refer to mitigation relating to the impacts of the development alone. This would clarify the intention of the policy.

Suggest a modification to amend criterion (m) to make it clear that flood mitigation is related to the impacts of the development.

590 Boyer Planning for Clowes/Bellway

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3832 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Bullet point (j) requires the provision of pedestrian and cycle links within the site and to connect with existing and proposed links beyond the site, including the green wedge, Elvaston Castle and new / extended schools. The principle of providing such links is fully supported and the opening up of the green wedge to wider public use and the linkage across by public footpath is a common element of both planning applications submitted to DCC.

However, the respondents oppose the policy requirement to provide linkages with Elvaston Castle, which is located in the neighbouring district and across numerous other land ownerships. An alternative form of words relating to connection with the wider area is suggested as follows:

j) High quality pedestrian and cycle routes within the site and links between these and existing or proposed routes and green spaces beyond the site, including the green wedge and new /extended school.

The opening paragraph of the policy talks about the Council's ambitions for the wider urban extension, not just the site(s) in Derby. Therefore, reference to specific locations which are adjacent to the edges of the urban extension as a whole is considered appropriate. This does not mean that the developers of the Derby sites would be responsible for the delivery of these links in their widest extent but that they form part of the package of measures that the developers of the Derby site will be expected to contribute to. Further detail will be set out in the emerging joint DFD referred to in the policy.

No change.

590 Boyer Planning for Clowes/Bellway

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3827 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Clowes/Belway support the principle of a comprehensively planned masterplan covering the overall development in both DCC and SDDC. Our clients are working collaboratively with the owners of the adjoining land within SDDC to produce a Joint Development Framework Document. However the requirement for a plan of phasing for the delivery of the cross border site to be submitted with any planning application is not justified within the plan and difficult given the different ownerships and should be deleted.

It is agreed that, on reflection, the requirement may be too onerous. The inclusion of a phasing plan in the in the joint DFD, along with detail in respective outline permissions can be used to identify the trigger points for new infrastructure, which can then be secured in the respective legal agreements.

Suggest modification to amend criterion (a) to remove the requirement to include a phasing plan with an application and instead make it clear it should be included within the 'development framework document'.

913 Prosser (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3454 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The anti-car attitude and pursuit of efficient use of land by optimising development densities shown by the City Council on recent developments at Merrill School and Fellowlands Way has resulted in increased congestion and poorly design layouts, where people cannot park in front of their property.

Concerns noted. It is considered that the policy seeks to secure both high quality design solutions and appropriate transport mitigation, therefore this will allow the more detailed issue of parking strategy to be dealt with through the emerging DFD.

No change required.

1053 Barton Willmore for JSC Farming and Central Land Holdings Ltd ☐ Legally Compliant ☐ General / Misc Comment
Rep Type: OBJ Rep ID: 3852 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

JSC Farming and Central Land Holdings consider that Policy AC23 should also confirm that links through the urban extension will provide for public transport services and the main route for all vehicular movement within the development.

Whilst it is considered that the requirements for vehicular and public transport routes linking the sites that make up the wider urban extension is implicit on the overarching ambitions for the policy, alongside the requirements for comprehensive masterplanning and on-site and off-site highways works, is it acknowledge that this is not specifically referenced. Whilst this could be dealt with as part of the fundamental principles in the emerging DFD, if the Inspector considers the policy would benefit for this addition then criterion (h) could be suitably amended.

Suggest a modification to amend criterion (h) highlight the need for the provision of links within the site as well as improvements to the local highway network.

1053 Barton Willmore for JSC Farming and Central Land Holdings Ltd ☐ Legally Compliant ☒ General / Misc Comment
Rep Type: SUP Rep ID: 3851 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The requirements of Policy AC23 are generally supported, including the emphasis given to the provision of walking and cycling links through the urban extension.

Support noted.

No change required.

AC24 South of Chellaston

Individual Comments: General / Misc: Objections: Supports: from: representors

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☒ Not Justified ☒ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The Woodlands Farm site, including in policy AC24, lies adjacent to a scheduled monument. There is also the potential for non-designated archaeology. Historic England are therefore disappointed that no reference is made within the policy and its supporting text with regard to heritage assets here. Without such a reference, it is considered that the policy is unsound as it is not justified in excluding historic environment considerations within the criteria, it is not effective and deliverable against historic environment issues and does not comply with the NPPF which seeks the positive protection of the historic environment as part of ensuring development is sustainable.

In order to ensure soundness, Heritage England consider an additional criterion should be added, making reference to the protection of heritage assets.

A criterion dealing with the archaeological potential of the site was not included in the draft policy as the County Archaeologist had previously advised that the investigation of the archaeological potential of the site could be deferred until post-determination stage by attaching a condition to any relevant planning permission.

However, to ensure that the policy is NPPF compliant and therefore can be considered sound it is proposed that an additional criterion is added for completeness.

Suggest a modification to add a new criterion to read:

(j) protect and enhance the setting of heritage assets, including the Scheduled Ancient Monument to the south east of the site at Woodlands Farm.

AC25 Brook Farm

Individual Comments: 3 General / Misc: 0 Objections: 1 Supports: 2 *from: 2 representors*

420 Erewash Borough Council

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3856 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

The respondent supports the approaches taken in the policy to allocate Brook Farm (AC25) as a housing site. They particularly comment on the policy refer to the criteria which seek to protect and adverse impacts on the Green Belt in Erewash. The criteria which seek landscaping, high design standards etc. to mitigate any urbanising impact on the northern and eastern part of the site are particularly welcomed.

Support welcomed

No change

853 Turley Associates for Radleigh Group

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3488 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondents refer to Policy AC25 and its supporting text which relate to the allocation for a strategic housing site at Brook Farm, Chaddesden.

They state that the supporting text sets out that access to/from the site will not be permitted from Acorn Way on highway safety grounds and to ensure more direct traffic routing.

The response includes correspondence from transport consultants which they feel demonstrates that a new junction which is proposed in a revised planning application meets the full visibility requirements for the Design Manual for Roads and Bridges.

They also state that access from Acorn way would not lead to severe transport impacts within the meaning of paragraph 32 of the NPPF and object to Policy AC25. They feel that criterion f of the policy "that no vehicular access to the site will be taken from Acorn Way or Tennessee Road" is not justified, effective or consistent with national policy and should be removed.

The site at Brook Farm has got Planning Permission for up to 275 new homes and an access at Oregon Way. The applicants appealed the refusal of their

application for this approach and have now secured planning permission.

They have subsequently submitted a new application for a similar development but with access off Acorn Way. There are very serious concerns about the acceptability of this access and the Council's Highway Officer has raised objection to the application on grounds including safety.

This application will be determined in the very near future and it is therefore more pragmatic to await the decision before suggesting a modification to the plan. However at the current time the position remains that an access in this location is not acceptable.

No change required.

853

Turley Associates for Radleigh Group

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3487 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent is in control of the Brook Farm site and supports its identification as a strategic allocation (AC25)

Support welcomed.

No change required.

AC26 Land South of Mansfield Road, Oakwood

Individual Comments: 13 General / Misc: 1 Objections: 10 Supports: 2 from: 6 representors

406 Breadsall Parish Council

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3524 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☒ Not Legally Compliant ☐ Sound

Breadsall Parish Council consider that the Council have not met the Duty to Co-operate and accorded with the Statement of Community Involvement. They state that they haven't been informed of the allocation and the resultant loss of current allocations in the City of Derby Local Plan Review.

The City Council has corresponded with the Parish Council at all stages in the preparation of the Core Strategy. Indeed, the Parish Council has submitted representations to the Council at previous stages. Therefore, the Council considers that it has met the Duty to Co-operate and accorded with the Statement of Community Involvement.

No change required.

406 Breadsall Parish Council

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3525 ☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Breadsall Parish Council considers that the plan has not been positively prepared as the site assessments for this site are not objective, does not take account of unmet need in neighbouring authorities and does not consider the impact on Green Wedge, services and infrastructure.

The Core Strategy contains a mix of brownfield and greenfield sites which the Council consider is required to provide a flexible delivery strategy for housing over the plan period. The allocations on former Green Wedge sites have been informed by the Council's Green Wedge Study which has considered the impact development would have on the form and function of each wedge. In this case, it considers that the allocation would not have a detrimental impact. With regard to the impact on local services and infrastructure; the Council has, as part of the Duty to Co-operate and the development of the Infrastructure Delivery Plan, actively engaged with service providers at an early stage in the process to ensure that the impacts arising from the development can be mitigated.

Derby City Council is not in a position to accept any unmet need from neighbouring authorities. Indeed, both Amber Valley Borough Council and South Derbyshire District Council are taking some of Derby's unmet need.

No change required.

420

Erewash Borough Council

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: SUP Rep ID: 3857
 ☐ Not Positively Prepared
 ☐ Not Justified
 ☐ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☒ Sound

Erewash Borough Council notes that the site is only separated from the Green Belt by Mansfield Road. The Borough Council considers that it is positive that the policy recognises the sensitivity of the location and requires a high standard of design and comprehensive landscaping. It also supports the incorporation of a green corridor linking Chaddesden Wood with the Green Belt and surface water management measures and the intention to access the site from Mansfield Road.

The City Council notes and welcomes Erewash Borough Council's comments.

No change required.

727

Planning Design Group for JGP Properties Ltd

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: OBJ Rep ID: 3664
 ☒ Not Positively Prepared
 ☒ Not Justified
 ☒ Not Effective
 ☒ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

JGP Properties Ltd consider that Policy CP18 is not sound as it has not been positively prepared, is not justified, is not effective and is not consistent with national policy. Based on previous representations about the Green Wedge policy (i.e. that it is not in accordance with the NPPF and there is an unmet housing need in the area) the respondent considers that the allocation should be extended into the Green Wedge.

Also see comments on this issue on Policy CP18. It is considered that the solution in the Core Strategy, arrived at through discussions with the agent, is the most sustainable and logical solution to help meet the City's housing need, while ensuring that the form and function of the Green Wedge is maintained and to ensure that long-term viability of Chaddesden Wood. The allocation represents a sensible compromise position. Extending the allocation into the remainder of the wedge would clearly undermine its open and undeveloped character, close the 'mouth' of wedge and fundamentally challenge its continued value as a wedge. A modification to the plan would not be appropriate.

No change required.

727

Planning Design Group for JGP Properties Ltd

☐ Legally Compliant
 ☐ General / Misc Comment

 Rep Type: OBJ Rep ID: 3659
 ☐ Not Positively Prepared
 ☐ Not Justified
 ☒ Not Effective
 ☐ Not Consistent with National Policy
 ☐ Not Legally Compliant
 ☐ Sound

JGP Properties Ltd consider that the policy is not effective and seek an amendment to criterion (i) by including "where appropriate" at the end of the sentence.

Policy MH1 ensures that planning obligations will only be sought where they are justified in terms of the CIL regulations (or any regulations which supersede them). As such, it is not necessary to include this text in the policy. The plan should be read as a whole.

No change required.

727 Planning Design Group for JGP Properties Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3657 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

JGP Properties Ltd supports the allocation of the site as they consider that it is sustainable and deliverable and highlight that an outline application (DER/04/15/00449) has been submitted to the Council. The representation continues by highlighting that the application is commensurate with the policy.

The Council notes and welcomes the comments made by JGP.

No change to the policy is necessary.

727 Planning Design Group for JGP Properties Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3658 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

JGP Properties Ltd note the proposed allocation identified on the proposals map and highlight that it does not reflect the boundary provided in the outline application. They state that the application boundary is required to implement the necessary ecological, drainage and connectivity requirements. It is requested that the boundary on the proposals map is amended to reflect the application boundary and that the policy is amended to reflect the 250 dwellings proposed in the outline application.

Whilst the Council notes that the eastern boundary set out in the outline application extends further into the Green Wedge to support the necessary landscaping and GI requirements of the policy, it is determined to ensure that the built form of the development does not encroach further into the wedge itself. To do so would undermine the principle of the wedge in this location. The uses proposed outside the 'allocated' area in the wedge in the planning application are all Green Wedge compliant and do not need to be included within the allocation itself. The allocation is clear in that it shows the extent to which built development will be accepted. Therefore, the Council considers that the boundary on the proposals map should not be amended to reflect the boundary of the outline application.

With regard to the number of dwellings, the Council consider that 200 dwellings, as specified in the policy, is appropriate to the location given the sensitivity of the site. It notes that the outline application is for 250 dwellings but is reluctant to change the figure based on an outstanding outline application.

No change required.

808 Friends of Chaddesden Wood

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3804 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The Friends of Chaddesden Wood consider that the plan is not justified and not effective and request that the allocation is removed from the plan. They note that the plan recognises the important role Green Wedges play and highlight the plan's aspiration to protect existing biodiversity. Their representation continues by highlighting that the site in question is the only piece of arable farmland to the north of the City and raise concerns about the impact development would have on Chaddesden Wood, Derby's sole Ancient Woodland. They consider that the term 'principle' of the Green Wedge is weak and offers no reassurance that the important wildlife site will be protected. They conclude that only by removing the allocation can the principles of the plan be effectively be applied and that Green Wedges should be developed as the last resort.

The allocation of this site has been informed by the Council's Green Wedge Review which considered the form and function of the City's 13 wedges, assessing the impact development would have. In this instance, it considered that development to the west of the North Oakwood Green Wedge would narrow the mouth of the wedge but concludes that this would not affect its form and function. With regard to the impact development would have on Chaddesden Wood, the Council recognises the importance of the woodland its designation as both an Ancient Woodland and a Local Nature Reserve and considers that the requirements of the policy and the implementation of other policies in the plan will ensure the woodland's continued viability. The allocated area also does not adjoin the wood, which should alleviate some concerns in terms of impact.

A strategic aim of the plan is to utilise brownfield sites to help deliver sustainable growth over the plan period however, to ensure that the plan is flexible and can deliver a five year housing land supply, a number of greenfield sites have had to be released.

No change to the policy is required in this instance.

808 Friends of Chaddesden Wood

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3805 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The Friends of Chaddesden Wood consider that the site should be removed from the plan due to the impact of flooding should the site be developed.

The Council, through discussions with its Land Drainage Team and the publication of its Level 1 Strategic Flood Risk Assessment, is aware of the flooding issues experienced around this site. Criterion (h) of the policy requires a comprehensive surface water management scheme to be implemented which help address the flooding issues arising from this development. The Environment Agency have not objected to the plan and are satisfied with the approach taken in terms of

sequential test and mitigation.

No change required.

1018	Maloney (Private Individual)	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	OBJ	Rep ID: 3806	<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input checked="" type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

It is considered that the policy is not legally compliant as there is a covenant on the original Oakwood estate which states that development should not be seen from Allestree. In addition, it is stated that there is a 5m wildlife corridor shown on the plans which appears to use the land adjacent to the respondent's property who considers that this is not part of the development.

With regard to the first point raised by the objector; the Council is unaware of any covenant which ensures that development should not be seen from Allestree.

With regard to the 5m wide wildlife corridor; it appears that the comment is based on the plan submitted as part of the outline planning application (04/15/00449) rather than the Core Strategy policy. This Council considers that the Core Strategy process is not the correct vehicle to discuss the boundary of a planning application.

No change to the policy is required in this instance.

1018	Maloney (Private Individual)	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	OBJ	Rep ID: 3807	<input checked="" type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input checked="" type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

It is considered that the plan has not been positively prepared and is not effective. It is stated that Mansfield Road cannot cope at peak times and that it is quicker to walk into Derby. It is also stated that a roundabout should be created at the junction of Mansfield Road and Bishops Drive.

The Council notes the comments and highlights that it is the intention of the Core Strategy to implement more sustainable forms of transport; indeed, policy AC26 requires improved pedestrian and cycle links to the existing residential area. As part of the planning application process, the impact on the local road network will be assessed and the necessary mitigation measures will be implemented. At a strategic level, the impacts of the proposal have been considered and it is not considered that the scale of housing proposed would have an unacceptable impact on the transport network.

No change to the policy is required in this instance.

1018 Maloney (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3808 ☒ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

It is considered that the plan has not been positively prepared and is not effective. It was stated that surface water from this site will add to the flooding in Breadsall.

The Council, through discussions with its Land Drainage Team and the publication of its Level 1 Strategic Flood Risk Assessment, is aware of the flooding issues experienced around this site. Criterion (h) of the policy requires a comprehensive surface water management scheme to be implemented which help address the flooding issues arising from this development.

No change required to the policy in this instance.

1037 Clark (Private Individual)

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: Com Rep ID: 3462 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent notes that the housing allocation in this policy is located in a former Green Wedge and would like assurances from the Council that no future development would occur in the remaining wedge in the future.

The City's Green Wedges are an important, natural resource and the Council is seeking to ensure their long-term retention from inappropriate development. Policy CP18: Green Wedges will protect all of the City's wedges from inappropriate over the plan period.

No change required.

7. Making it Happen

Individual Comments: 8 General / Misc: 1 Objections: 5 Supports: 2 from: 5 representors

32 Derbyshire County Council

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3603 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Derbyshire County Council supported and welcomed the inclusion of the policy and its supporting text and the commitment to securing funding from new development towards infrastructure provision, using the full range of delivery mechanisms available.

The Council notes and welcomes the County Council's response.

No change required.

45 Home Builders Federation

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3906 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The HBF seeks confirmation from the Council that its proposals in the policy remain valid after the introduction of S106 pooling restrictions in April 2015.

The Council can confirm that these proposals remain valid. Whilst the infrastructure headings appear generic, in practice we secure contributions which are specifically related to the development in question which means we will not pool more than five contributions towards one infrastructure type or project. Nowhere does the policy suggest that it will not be CIL regulation compliant. No change is required.

No change to the policy is required in this instance.

78 Sport England - East Midlands

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3752 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Sport England considers that the policy is legally compliant.

The Council notes and welcomes Sport England's comment.

No change required in this instance.

78

Sport England - East Midlands

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3753 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Sport England is supportive of the inclusion of the policy that seeks to ensure that necessary and appropriate infrastructure, facilities, amenities and other planning benefits are provided to meet community needs, including public green space, sport and recreation facilities.

The Council notes and welcomes Sport England's comment.

No change required in this instance.

78

Sport England - East Midlands

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3754 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Although Sport England welcomes the flexible range of potential mechanisms for achieving the aims of the policy, they are concerned that without a robust and up-to-date evidence base it will be difficult to apply the policy effectively (see Sport England's comments for policies CP16, CP17 and CP21). They do conclude however, that they will be willing to withdraw their objection if the Council commits to prepare suitable evidence within an appropriate timescale.

In this instance, please refer to the Council's response to policies CP16, CP17 and CP21.

No change required.

541

Cooper (Private Individual)

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3986 ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent questions where funding will come from for the new secondary school. The plan is not credible without an answer to this question.

The new secondary school is not required in the first 5 years of the plan and thus there is time to address funding. As all new secondary have to be Academies or Free Schools, they will have access to funding streams from the Education Funding Agency on behalf of the Department for Education.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3957 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The objector does not support a policy which includes a clawback agreement as it would undermine the ability of developers to secure funding as it would lead to uncertainty and vulnerability.

The Council has operated the approach of seeking 'clawback' agreements on certain developments for some time. It is seen as an innovative and effective way of enabling 'unviable' development to proceed while giving some assurance that the mitigation required by policy has some chance of being provided over the lifetime of the development. Without such agreements, development which does not, for example, provide a reasonable level of affordable housing may be refused. The risk in this approach actually lies with the Council as it is accepting that the mitigation required by policy may not be provided at all. In any event, the policy does not require a clawback agreement in every case only where it would be appropriate. Clearly, some forms of mitigation secured through S106 would not be appropriate for such agreements.

No change required.

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3956 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Although welcoming the policy, it is considered that the 'shopping list' of requirements should not include Lifetime Homes (which is no longer mandatory) and Public Art (which is a luxury). Also, the policy should not require developers to provide pooled contributions.

In respect of Lifetime Homes and Public Art, please refer to other responses made by the Council.

It is accepted that a modification in relation to lifetime homes may be justified.

Suggest modification to MH1 to remove references to Lifetime Homes in line with changes to Government guidance.

8. Monitoring How we are doing

Individual Comments: General / Misc: Objections: Supports: *from:* *representors*

149 RPS for St Modwen Properties Plc

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☒ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

St Mowden agrees that it important to monitor the strategic components of the plan. They state that site allocations should be monitored as to why they are not coming forward rather than on the quantum of units or completed floorspace. They conclude that the indicators proposed by the Council are not necessary and will not enhance the implementation of the plan.

The Council considers that the monitoring indicators are necessary and will indicate how the plan is being implemented. St Modwen's suggestion is likely to lead to subjective and qualitative areas of debate, rather than something that is 'monitored'. No changes are necessary at this time.

No change to the monitoring indicators is necessary in this instance.

Appendices

Individual Comments: General / Misc: Objections: Supports: *from:* *representors*

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

No representations

Append A

Individual Comments: 0 General / Misc: 0 Objections: 0 Supports: 0 from: 0 representors

☐ Legally Compliant

☐ General / Misc Comment

Rep Type:

Rep ID:

☐ Not Positively Prepared

☐ Not Justified

☐ Not Effective

☐ Not Consistent with National Policy

☐ Not Legally Compliant

☐ Sound

No representations

Append B

Individual Comments: 1 General / Misc: 0 Objections: 1 Supports: 0 from: 1 representors

1045 Acres Land & Planning Ltd for British & Continental Co Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3940 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondent feels that the housing trajectory graph in appendix B appears unrealistic in terms of deliverability. They feel it sees the need for the delivery of dwellings numbers higher than has ever been achieved in Derby.

The trajectory graph reflects the need to achieve a five year supply of deliverable housing sites, something that the respondent has identified as being essential. In order to achieve a five year supply under delivery in the early years of the plan period must be made up in the first five years as well as the annual average requirement. As Derby has seen persistent under delivery it is required to add a 20% buffer brought forward from later in the plan period consistent with the NPPF.

The Council is also required to boost significantly the supply of housing, one of the main thrusts of the Framework. In order to achieve these aims it has released and identified deliverable sites. Prior to the crash in 2008, there were periods of delivery of well over 1,000 dwellings per year. It is possible, therefore, that such levels could easily be achieved again.

The graph represents the expected delivery rates. The strategy already includes a very wide and diverse range of site types, locations and sizes which should help to increase delivery. The plan does not need to be modified.

No change required.

Append C

Individual Comments: General / Misc: Objections: Supports: *from:* *representors*

☐ [Legally Compliant](#) ☐ General / Misc Comment
Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ [Sound](#)

No representations

Append D

Individual Comments: General / Misc: Objections: Supports: *from:* *representors*

☐ [Legally Compliant](#) ☐ General / Misc Comment
Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ [Sound](#)

No representations

Append E

Individual Comments: 0 General / Misc: 0 Objections: 0 Supports: 0 from: 0 representors

☐ Legally Compliant

☐ General / Misc Comment

Rep Type:

Rep ID:

☐ Not Positively Prepared

☐ Not Justified

☐ Not Effective

☐ Not Consistent with National Policy

☐ Not Legally Compliant

☐ Sound

No representations

Pre-Submission Policy Map Changes

Individual Comments: 7 General / Misc: 2 Objections: 3 Supports: 2 from: 4 representors

222 Planning & Design Group for Hallam Land Management

☒ Legally Compliant ☐ General / Misc Comment

Rep Type: Com Rep ID: 3707 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Hallam Land consider the changes to the Proposals Map to be legally compliant.

Noted and welcomed.

No change required.

222 Planning & Design Group for Hallam Land Management

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: SUP Rep ID: 3708 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

The respondent feels that the change the Proposals Map is consistent with and would help to ensure the delivery of residential development as anticipated in Policy AC18.

They point out that part of the proposed allocation already has planning permission and the other part has a planning application submitted

Support noted and welcomed.

No change required.

727 Planning Design Group for JGP Properties Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3661 ☒ Not Positively Prepared ☒ Not Justified ☒ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

JGP Properties Ltd consider that Map Reference 32 is not sound as it has not been positively prepared, is not justified, is not effective and is not consistent with national policy.

The respondent highlights that the key states that the site is allocated under Policy L4 of the 'saved' City of Derby Local Plan Review and indicates that this should be Policy

L5 instead.

The respondent continues that Policy L5: Proposed Leisure and Recreational Uses of an Open Nature would be unenforceable given that is private agricultural land. The comments continue by highlighting that the Council's PPG17 Study does not identify any open space deficiency in the area.

The Council acknowledges that there is an error in the key for Map 32.

Part of the site identified as L5 is allocated for residential development under Policy AC26. The proposed modification to the policies map is simply to reflect that areas not affected by this allocation would revert to the 'saved' policies of the CDLPR. Through the preparation of the Part 2 plan, the Council is proposing to undertake a review of all current and proposed open space allocations to determine whether sites are still required and/or deliverable. This review will be undertaken through consultation with landowners, agents and the public in-line with the Council's adopted SCI. As it stands, Map 32 is a fair reflection of the policy context for the site.

Suggest modification to Map 32 key to correct typo.

1049	Montagu Evans for Londonmetric Derby Ltd & Clowes	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment
Rep Type:	OBJ	Rep ID: 3846	<input type="checkbox"/> Not Positively Prepared <input type="checkbox"/> Not Justified <input type="checkbox"/> Not Effective <input type="checkbox"/> Not Consistent with National Policy <input checked="" type="checkbox"/> Not Legally Compliant <input type="checkbox"/> Sound

Proposals Map Change 41 is not legally compliant as it has introduced an allocation that was not previously included in any stages of the plan preparation process. Therefore, there has been no opportunity to comment on the allocation throughout the development of the plan. Such a significant allocation should not be made at such a late stage, especially as it appears to override any existing allocation. The respondents would like there to be more extensive consultation and more reference to the work already undertaken by the Council in relation to land required for the A52 scheme. They also wish to see the Fireplace Workshop site identified under CP13 in order to ensure that there is a satisfactory land use planning context after completion of the A52 scheme. It should also be made clear on the map that the A52 allocation is in addition to the retail park allocation.

Firstly, the change proposed on Map 41 is not an 'allocation'. The description is clear that it is a 'broad indication of the location of works to A52/Wyvern junction'. It is not intended to replace any existing 'saved' policies on these sites. It merely helps the reader of the plan understand at which part of the A52 (a fairly long road running through the City) where the works are intended to take place. There is nothing in Policy CP24 which suggests that development which does not prejudice the delivery of the scheme would be precluded by this indicative 'blob'. The concerns over consultation and the stage at which this has been included are not valid.

At the time of the preparation of the plan (and consultation) work was continuing on the exact nature and land take requirements of the A52 proposal. As such, it would not have been possible to accurately identified the definite allocation. This issue can be addressed, if necessary, through the Part 2 plan.

Secondly, it does not follow that the Fireplace Workshop site should be identified within the S8/CP13 policy area. This allocation is not designed to simply be a reflection of what is on the ground. Rather, it is a reflection of the long standing Council strategy of consolidating out-of-centre retail into a number of defined locations. No evidence has been provided as to why this site should be included in the allocation or why new retail should be permitted. Until such evidence is provided, there is no justification to amend the allocation.

No change required.

1049 Montagu Evans for Londonmetric Derby Ltd & Clowes

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: OBJ Rep ID: 3847 ☐ Not Positively Prepared ☒ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The respondents do not believe that Map 41 is 'sound' as it is not justified. They argue that there is no justification for protecting such a significant area of land when the scheme will have been implemented ten years before the expiry of the plan. They do not consider that the 'allocation' is necessary. They wish to see the 'allocation' redrawn to better reflect the proposed land take already identified by the Council.

They also consider that there is a need for a second allocation reflecting current and future land uses, namely that the Fireplace Workshop site be identified under Policy CP13. They consider that as drafted this will leave no specific allocation following the implementation of the works and that this is not satisfactory. It should be made clear that this is a dual allocation.

Also see comments on 'legal compliance'.

As noted elsewhere, this is not a protectionist allocation; it is an identification of a broad location of development - purely as an aide to the readers of the document. Nowhere does it say that development within this area will not be permitted unless it is associated with the A52. Equally, there is no suggestion that - at this time - the existing allocations in the 'saved' plan will be replaced by this 'blob'. The only restriction identified by CP24 is that development which would prejudice the implementation of the road scheme will be resisted. Clearly, this does not preclude development that does not prejudice the delivery of the road. In terms of the timing of the scheme and the plan, if the road has been implemented then the 'non-prejudicial' element of CP24 would no longer be invoked.

It is also presumptuous to assume that the 'future' use of the site will be retail (over and above the existing operations on the site). No justification has been provided as part of the consultation to suggest that an allocation would meet the tests in the NPPF and CP13 is not simply a policy to identify what is 'on the ground'. As such, reallocating this site into CP13 is not justified.

It is not considered that the respondent's concerns are valid.

No change required.

1050	Nathaniel Lichfield & Partners for Intu Properties Plc	<input checked="" type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment						
Rep Type:	Com	Rep ID:	3670	<input type="checkbox"/> Not Positively Prepared	<input type="checkbox"/> Not Justified	<input type="checkbox"/> Not Effective	<input type="checkbox"/> Not Consistent with National Policy	<input type="checkbox"/> Not Legally Compliant	<input type="checkbox"/> Sound

No representations

1050	Nathaniel Lichfield & Partners for Intu Properties Plc	<input type="checkbox"/> Legally Compliant	<input type="checkbox"/> General / Misc Comment						
Rep Type:	SUP	Rep ID:	3671	<input type="checkbox"/> Not Positively Prepared	<input type="checkbox"/> Not Justified	<input type="checkbox"/> Not Effective	<input type="checkbox"/> Not Consistent with National Policy	<input type="checkbox"/> Not Legally Compliant	<input checked="" type="checkbox"/> Sound

Intu support the removal of 'primary frontage' from areas within the shopping centre.

Support noted and welcomed.

No change required.

Pre-Submission Sustainability Appraisal

Individual Comments: General / Misc: Objections: Supports: *from:* *representors*

Derbyshire Wildlife Trust

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☒ Sound

DWT note that they agree with the conclusions of the HRA and have no further comment.

Comments are noted and welcomed.

No change required.

Planning Design Group for JGP Properties Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type: Rep ID: ☒ Not Positively Prepared ☒ Not Justified ☒ Not Effective ☒ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

The objector suggests that the Council should reconsider the findings of the SA as the Green Wedge Study is out-of-date and should be reviewed in light of five year supply and the need to decant growth to neighbouring authorities. They argue that recent appeal decisions demonstrate that the protection of Green Wedge is not as compelling as the need for more housing.

The Green Wedge Study is not considered out-of-date. In any event, the assessment is of the role and function of individual Green Wedges. The objector appears to imply that an increased housing need would change the results of the assessment. This is not the case. The study is objective and looks at the role and function of the wedge; this role and function does not change as a result of different targets. The City's housing requirements are not considered to be a reason to undermine and all important sustainability considerations. The constraints on the city's capacity have been considered at length by the Council and neighbouring authorities and it is accepted that the potential impact on Green Wedges is a relevant and acceptable consideration in limiting the scale of development within the City.

Assessing the impact on the role and function of Green Wedge remains a legitimate part of appraising the sustainability credentials of a site. Green Wedges have been found to be relevant in terms of the NPPF and thus can be considered a 'sustainability' issue. The Inspector's comments on the recent Brook Farm appeal are taken somewhat out of context. In this case, the Council had concluded that the site could be released from Green Wedge without significant harm to the function of the wedge. This was based on the Green Wedge study to which the Inspector gave considerable weight. In that case, he accepted that the

benefits of housing outweighed the impact on the wedge (essentially accepting the Council's view). When read as a whole, it is clear that the Inspector was not implying that housing needs outweigh Green Wedges in all cases.

The process undertaken is robust and there is no need to amend the SA.

No change required.

1052

WYG for Catesby Estates Ltd

☐ Legally Compliant ☐ General / Misc Comment

Rep Type:

OBJ

Rep ID:

3850

☒ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Catesby do not consider that the assumptions made by the Council with regards to Amber Valley's application of the jointly agreed distribution strategy are incorrect and unsound and that further work is needed to rectify these anomalies.

It is considered that the SA presents a fair reflection of the aligned strategies and assesses the impacts appropriately. It must be remembered that the SA for Derby cannot assess development outside the City; it can only consider cumulative impacts - which it does. It is considered that this is a matter more suited to Amber Valley's Examination than the City's.

No change required.

Pre-Submission IDP

Individual Comments: 3 General / Misc: 2 Objections: 0 Supports: 1 from: 2 representors

16 AECOM for Highways England

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: SUP Rep ID: 3611 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

Highways England is satisfied that the Infrastructure Delivery Plan provides a robust evidence base to support the Local Plan and welcomes the fact that previous comments and suggested amendments have been incorporated into the latest version.

The Council notes and welcomes the comments made by Highways England.

No change required.

149 RPS for St Modwen Properties Plc

☐ Legally Compliant ☒ General / Misc Comment

Rep Type: Com Rep ID: 3777 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

St Modwen states that the Infrastructure Delivery Plan needs to give greater consideration of how proposed allocations or income sources will contribute towards meeting identified infrastructure.

St Modwen continue by highlighting that the IDP has yet to consider is how the infrastructure projects will be delivered in line with the Community Infrastructure Levy(CIL) Regulations 2010. These Regulations specify that Councils can collect contributions towards identified infrastructure projects. However this pooling is limited to 5 per item. The IDP currently identifies a number of complex projects and will need to be satisfied that each of the items identified can be met without breaching the CIL Regulations.

The Council notes the comments made by St Modwen about the Infrastructure Delivery Plan. Although the document does not identify how contributions will be pooled to meet the CIL Regulation, the Council is satisfied that the CIL Regulations will not be breached. It will not always be possible to do this as the IDP represents a snapshot in time. This will be addressed through the implementation of the NPPF and Policy MH1. No change is necessary.

No change is required to the Infrastructure Delivery Plan in this instance.

149

RPS for St Modwen Properties Plc

☐ Legally Compliant ☒ General / Misc CommentRep Type: Com Rep ID: 3778 ☐ Not Positively Prepared ☐ Not Justified ☐ Not Effective ☐ Not Consistent with National Policy ☐ Not Legally Compliant ☐ Sound

St Modwen consider that the infrastructure requirements for each of the sites in the Core Strategy has not been fully explored and highlights one allocation in particular. The representation continues by focusing on Policy AC11: The Derwent Triangle which indicates that the site is linked to the restoration of the Derby and Sandiacre Canal. St Modwen considers that the infrastructure costs associated with enabling the development have not been considered as part of the Infrastructure Delivery Plan.

The Council notes the concerns raised by St Modwen but considers that the infrastructure requirements have been considered as part of the IDP. The route of the Derby and Sandiacre Canal runs along the southern boundary of the site and criterion (g) ensures that future proposals for the site do not adversely affect the delivery and the route of the canal. The policy does not expect the developers of AC11 to contribute to the delivery of the canal and thus it does not form part of the viability assessment for that site. While it does have an impact on the amount of land available on the site, it should also be recognised that the aspiration to deliver the restoration is a long standing policy objective that has been in successive local plans. It is not considered necessary to modify the plan at this time.

No change.