

DERBY CITY LOCAL PLAN PART 1: CORE STRATEGY EXAMINATION

MATTERS, ISSUES AND QUESTIONS (1 Mar 2016)

References to policies in brackets indicate against which main issue (or issues) they will be mainly considered. In some cases policies are relevant to more than one hearing session. Any issues relating to the Local Plan supporting text, evidence base or other documents will be considered as appropriate under the relevant main matter.

Legal Compliance

Has the Council complied with the Duty to Co-operate:

- a) Has the Council engaged constructively, actively and on an ongoing basis on strategic matters with neighbouring authorities and other prescribed bodies in the preparation of the Local Plan?
- b) Has the Council made every effort to secure the necessary co-operation on strategic cross boundary matters before the Local Plan was submitted for examination?

Has the Local Plan complied with other legal requirements:

- c) Has the Local Plan been prepared in accordance with the Local Development Scheme?
- d) Is the Local Plan in general accordance with the Statement of Community Involvement and public consultation requirements?
- e) Has the Local Plan been subjected to Sustainability Appraisal?
- f) Has the Local Plan had regard to national policy?
- g) Has a Habitat Regulations Assessment been prepared?
- h) Does the Local Plan comply with the 2012 Regulations (as amended), particularly in terms of consultation arrangements?

Matter 1: Overall Development Strategy (Policies CP1(a), CP1(b), CP5, CP6, CP10)

Main issue - Whether the overall strategy has been positively prepared and is soundly based and justified, presenting a clear spatial vision for the City in accordance with national policy.

- a) Does the Local Plan contain an appropriate spatial vision and objectives?
- b) Do the policies in the Local Plan reflect the identified spatial vision and objectives?
- c) Have reasonable alternatives to the overall development strategy in terms of the scale and distribution of development been considered? Has it been demonstrated that the plan is the most appropriate strategy?

- d) Is there a clear audit trail showing how and why the preferred overall development strategy was arrived at?
- e) Is the overall strategy sufficiently flexible to respond to an unexpected change in circumstances?
- f) Does the strategy provide for a sustainable pattern of development in terms of the relative locations of employment and housing sites?
- g) Has the timescale of the Local Plan to 2028 been justified and, if not, how should the plan be changed in this regard?
- h) Does the Local Plan (particularly Policy CP1(a)) adequately reflect the presumption in favour of sustainable development in national policy?
- i) Is it appropriate for the Local Plan to include Policy CP1(b) relating to development outside the plan area?

Matter 2: Housing (Policies CP6, CP7, CP8)

Main issue 2(i) – Whether the housing strategy has been positively prepared and whether the overall level of housing provision and its distribution are justified and appropriate. (Policy CP6)

- a) Has an appropriate approach been taken to defining the housing market area?
- b) What are the full, objectively assessed needs for market and affordable housing in the housing market area and the City? Is the Council's methodology appropriate and justified?
- c) How does the objectively assessed need for affordable housing relate to the overall scale of housing provision? Would an increase in the total housing figures in the housing market area help deliver the required number of affordable homes and, if so, has this consideration been given appropriate weight in determining the overall level of housing provision?
- d) Has appropriate account been taken of employment trends in the housing needs assessment?
- e) Has appropriate account been taken of market signals in the housing needs assessment?
- f) Has the housing needs assessment appropriately addressed the needs for all types of housing and of different groups, including the private rented sector, self-build, family housing, housing for older people, households with specific needs and student accommodation?
- g) Is there reasonable certainty that the objectively assessed needs for the housing market area as a whole will be met?
- h) Does the withdrawal of the Amber Valley Local Plan Part 1 have any implications for meeting objectively assessed needs for the housing market area?
- i) Has the limit of 11,000 additional dwellings in the City in the plan period, which is less than its own objectively assessed needs, been justified? In particular:
 - i. Does the evidence base support the retention of existing Green Belt boundaries?
 - ii. Does the evidence base support the boundaries of the Green Wedges? Are they a justified constraint on development?

- iii. Has the potential for redevelopment of brownfield sites in the plan period been appropriately taken into account? Does the plan provide appropriate guidance for new housing development on previously developed land?
- iv. Does the evidence base demonstrate that there are no other developable sustainable sites within the plan area during the plan period?
- j) Is the distribution of new housing within the plan area in accordance with the overall spatial strategy?
- k) Have reasonable alternatives to the distribution of housing development been considered?
- l) Is the housing strategy sufficiently flexible to adapt to rapid change or to respond to new circumstances?

Main Issue 2(ii) - Whether the Local Plan would assist in boosting significantly the supply of housing in terms of both a 5-year housing land supply and sufficient sites to achieve the plan requirement (Policy CP6)

- a) Does the Local Plan assist in providing a continuous supply of specific deliverable sites sufficient to provide 5 years worth of housing against the housing requirement with an appropriate buffer? Are the sites identified by the Council viable, are they available now, do they offer a suitable location for development now and are they achievable with a realistic prospect that housing will be delivered within 5 years?
- b) Is there evidence of persistent under delivery of housing that would justify the buffer being 20% as proposed?
- c) Should any past shortfall in new housing in the early part of the plan period be addressed in the 5-year housing land supply or be spread over the plan period as a whole?
- d) Have appropriate assumptions been made about the contribution of windfall sites to the 5-year housing land supply?
- e) Has appropriate allowance been made for some current planning permissions to lapse when calculating the 5-year housing land supply?
- f) Is the Local Plan likely to result in an appropriate supply of specific deliverable sites or broad locations for growth in the plan period beyond 5 years? Are the sites in a suitable location with a reasonable prospect that they are available and could be viably developed at the point envisaged?
- g) Does the housing trajectory provide an appropriate illustration of the expected rate of housing delivery for the plan period?
- h) Is there a clear housing implementation strategy for the full range of housing, describing how the Council will maintain delivery of a 5-year supply of housing land to meet the housing target?
- i) Is the intention for non-strategic housing allocations to be a matter for the Part 2 Local Plan justified? Is the allowance for this of 1,294 dwellings justified? How does it relate to the separate assumption about windfall sites? Is there reasonable certainty that the Part 2 Local Plan will be able to deliver the sites required?

Main issue 2(iii) – Whether the Strategic Site Allocations are justified and deliverable (Policies AC1, AC6, AC14, AC18, AC19, AC20, AC21, AC22, AC23, AC24, AC25, AC26)

- a) What is the basis for the selection and rejection of strategic sites? Is this process supported by robust evidence?

Individual sites (the following questions b) to i) apply as appropriate to each of the Strategic Site Allocations listed below)

- b) Where a site is currently within a Green Wedge, has its removal from this designation been justified?
- c) Has the overall amount and mix of development proposed at the site been justified by the evidence base? (For the City Centre (AC1), has it been demonstrated that there are sufficient developable sites for the amount of development proposed in the plan period to be achieved? For Rykneld Road, Littleover (AC20) is the requirement for 2.4 ha of B1 employment land justified and deliverable?)
- d) Have all the infrastructure implications of the development of the site been identified in sufficient detail and supported by the evidence base?
- e) Is it sufficiently clear who is going to deliver the required infrastructure and by when? Which infrastructure is critical to the delivery or rate of development of the site?
- f) Are the transport implications of the development and the measures to address them sufficiently clear and deliverable?
- g) Are the education implications of the development and the measures to address them sufficiently clear and deliverable?
- h) Have the flood risk implications of the development been appropriately assessed and taken into account? Has the sequential test been applied appropriately, where relevant?
- i) Is there sufficient viability evidence at this stage to have reasonable certainty that the development proposed will be deliverable within the plan period in the context of affordable housing provision, necessary infrastructure and other Local Plan requirements?

- City centre (AC1)
- Castleward (AC6)
- Former Derbyshire Royal Infirmary (AC6)
- Osmaston Regeneration Area (AC14)
- Wragley Way, Sinfin (AC18)
- Former Manor/Kingsway Hospitals (AC19)
- Rykneld Road, Littleover (AC20)
- Hackwood Farm, Mickleover (AC21)
- Onslow Road, Mickleover (AC22)
- Former Mackworth College (AC22)
- Boulton Moor East (AC23)
- Boulton Moor West (Fellow Lands Way) (AC23)
- South Chellaston Sites (AC24)
- Brook Farm, Chaddesden (AC25)
- South of Mansfield Road (AC26)

- j) Has the Local Plan taken appropriate account of proposed housing developments outside the City Council boundary – for example to the west of Mickleover?

'Omission' sites

- k) Would the Local Plan be unsound if any of the additional or alternative 'omission' sites promoted in representations were not included? If so, are these sites soundly based and deliverable in the plan period and have they been subject to sustainability appraisal?

- Land West of Moorway Lane, Littleover
- Land at North of Allan Avenue/Pritchett Drive, Littleover
- Land at Mansfield Road, Breadsall Hilltop
- Land at Rough Heanor Farm, Mickleover
- Land at Acorn Way/Derby Road, Spondon
- Land at North Abbey, Darley Avenue

Main Issue 2(iv) - Whether the Local Plan makes appropriate provision for a range of housing in terms of affordability, mix and type (Policies CP7, CP8)

- a) Does the Local Plan provide sufficient guidance on the mix, size, type, tenure and range of housing that is required?
- b) Have the requirements in terms of the threshold and percentage for affordable housing in Policy CP7 been justified by the evidence base?
- c) Are the indicative targets for the size split and the approach to affordable housing tenure justified and appropriate?
- d) Has the effect of affordable housing provision on the overall viability of development been appropriately considered?
- e) Do changes in the level of social rent announced in the Summer Budget of 2015 have any implications for the viability of development?
- f) Do the other requirements of Policy CP7 accord with national policy? In particular, is the provision for Lifetime Homes and wheelchair adaptable dwellings appropriate in the light of national policy following the Housing Standards Review and the Written Ministerial Statement of March 2015?
- g) Does the Local Plan appropriately address the need for starter homes?
- h) Does the Local Plan give sufficient encouragement to people who want to build their own homes?
- i) Does the Local Plan appropriately address the need for student accommodation?
- j) Has the Local Plan adequately addressed the accommodation needs of gypsies and travellers? Is it appropriate for the amount of any provision required to be considered in the Part 2 Local Plan?
- k) Are the criteria in Policy CP8 appropriate and consistent with national policy?

Matter 3: The Economy and Regeneration

Main issue – Whether the Local Plan would proactively drive and support sustainable economic development. (Policies CP5, CP9, CP10, CP11, AC11, AC12, AC13, AC14, AC15, AC16, AC17)

- a) Does the Local Plan set out a clear economic vision and strategy for the area which proactively encourages sustainable economic growth? Is the strategy realistic as well as aspirational?
- b) Have the objectively assessed needs for economic development in terms of land or floorspace been appropriately identified and justified?
- c) Does the Local Plan assist in providing a supply of land for economic development that is sufficient and suitable to meet the identified needs?
- d) Is the supply of employment land consistent with the amount of housing development proposed in the City or housing market area?
- e) Is the approach to the protection or release for redevelopment/change of use of existing employment land in Policy CP10 consistent with national policy?
- f) Are the Local Plan employment policies sufficiently flexible that they could accommodate needs not anticipated in the plan?
- g) Does the Local Plan make appropriate provision for office development?

Individual employment sites (the following questions h) to m) apply as appropriate to each of the strategic employment allocations listed below)

- h) Has the overall amount of development proposed at the site been justified by the evidence base?
- i) Has the possibility of some housing development at the site been considered?
- j) Have all the infrastructure implications of the development of the site been identified in sufficient detail and supported by the evidence base?
- k) Is it sufficiently clear who is going to deliver the required infrastructure and by when? Which infrastructure is critical to the delivery or rate of development of the site?
- l) Are the transport implications of the development and the measures to address them sufficiently clear and deliverable?
- m) Is there sufficient viability evidence at this stage to have reasonable certainty that the amount of development proposed will be deliverable within the plan period?
 - The Derwent Triangle (AC11)
 - Derby Commercial Park, Raynesway (AC12)
 - Land South of Wilmore Road, Sinfin (Infinity Park Derby) (AC15)
- n) Have the regeneration priorities in Policy CP5 been justified?
- o) Do policies for the following regeneration areas provide an appropriate basis for their redevelopment or enhancement? Do they provide sufficient clarity as to the mix and amount of development, including

provision for housing? Would redevelopment of these areas be viable and deliverable?

- Former Celanese Acetate Site, Spondon (AC13)
- Derby Aerospace Campus (AC16)
- Sinfin Lane (AC17)

Omission site

p) Would the Local Plan be unsound if the additional or alternative 'omission' employment/commercial site promoted in representations was not included? If so, is this site soundly based and deliverable in the plan period and has it been subject to sustainability appraisal?

- Chaddesden sidings/quarry

q) Should the Local Plan include a policy for telecommunications development?

Matter 4: City Centre, Other Centres and Town Centre Uses

Main issue – Whether the Local Plan sets out an appropriate strategy and policies for the City Centre, other centres and town centre uses which are positively prepared, justified, effective and consistent with national policy. (Policies CP12, CP13, CP14, CP15, AC1, AC2, AC3, AC4, AC5)

- a) Do Policies AC1 and AC2 provide an appropriate strategy for the City Centre that is justified and consistent with national policy?
- b) Is the definition of different parts of the City Centre based on their role and function an appropriate basis for policies for City Centre regeneration and environmental improvement? Have the boundaries of these areas been designated correctly?
- c) Is the treatment of the Core Area as the preferred location for new retail development (rather than the City Centre as a whole) justified and consistent with national policy?
- d) Is the transport strategy for the City Centre deliverable and is it consistent with the aims of reinforcing the Centre's economic, cultural and social role?
- e) Are the restrictions on the use of redevelopment sites in the Central Business District for public parking in Policy AC4 justified and consistent with national policy?
- f) Does Policy CP12 define a hierarchy of centres that is resilient to anticipated future economic changes?
- g) Is the strategy for retail uses based on an appropriate objective assessment of needs? Is the strategy consistent with its conclusions and with national policy?
- h) Is the Local Plan likely to be effective in supporting the viability and vitality of Centres?
- i) Is the approach to retail and leisure development outside defined Centres in Policy CP13 consistent with national policy?

- j) Is the approach to Primary and Secondary Shopping Frontages in Policy AC3 justified by the evidence base?
- k) Are the changes to Primary Shopping Frontages justified by the evidence base?
- l) Is the strategy for tourism, culture and leisure in Policy CP14 based on an appropriate objective assessment of needs? Is the strategy consistent with its conclusions and national policy?
- m) Is Policy CP15 on food, drink and the evening economy justified and consistent with national policy?

Matter 5: Infrastructure and Implementation

Main issue – Whether the infrastructure requirements for the Local Plan are soundly based and deliverable and whether the development proposed is viable with clear mechanisms for implementation and monitoring?
(Policies CP3, CP21, CP22, CP23, CP24, AC4, MH1)

General

- a) Which of the items of infrastructure identified in the Local Plan or the Infrastructure Delivery Plan are critical to the delivery of the Local Plan?
- b) Have the items of critical infrastructure been justified by the evidence base?
- c) What would be the consequences for the strategy if any of the critical infrastructure was not delivered? Is there sufficient clarity about the funding sources for this infrastructure? Is there sufficient commitment at this stage from the relevant organisations responsible for delivery?
- d) Is it clear what infrastructure is required for the first 5 years of the plan and who is going to fund and provide it?

Transport

- e) Have the overall transport implications of the Local Plan been adequately assessed, including any traffic congestion effects? Will the identified infrastructure requirements be effective in addressing those impacts? Is it clear how the infrastructure will be delivered?
- f) Does the Local Plan facilitate the use of sustainable modes of transport?
- g) Are proposals for transport improvements in Policy CP24 justified and deliverable?
- h) Would the Local Plan be unsound if the Policies Map did not make a more specific allocation for the A52/Wyvern junction improvement?
- i) Should the Local Plan include reference to Strategic Rail Freight Interchanges?
- j) Do Policies CP23 and AC4 and Appendix C accord with national policy for local parking standards, including the amendments in this regard in the Written Ministerial Statement of March 2015?

Other infrastructure and services

- k) Has the Local Plan taken appropriate account of water resources? To what extent is water supply a constraint on development?
- l) Have the implications of the Local Plan for waste water infrastructure been appropriately identified and justified?
- m) Have the education infrastructure implications of the Local Plan been appropriately identified? Is the infrastructure deliverable and are there effective mechanisms for implementation?
- n) Have the implications of the Local Plan for other community facilities been appropriately identified? Are any necessary additional facilities deliverable and are there effective mechanisms for implementation?
- o) Does Policy CP22 make appropriate provision for higher and further education?
- p) Is it justifiable to include public art in Policy MH1 as necessary and appropriate infrastructure? Is the approach to securing public art in Policy CP3 justified and appropriate?

Implementation

- q) Has the overall viability of development been appropriately assessed? Would the requirements of the policies in the Local Plan put the viability of its implementation as a whole at risk?
- r) Have appropriate allowances been made for infrastructure requirements in terms of s106 contributions, the CIL or other mechanisms and the climate change mitigation requirements of the Local Plan in assessing the overall viability of development?
- s) Does the approach to infrastructure requirements comply with CIL Regulation 122 where they would be sought by means of planning obligations?
- t) Do the limitations on the pooling of s106 contributions have any implications for the delivery of critical infrastructure, particularly prior to the adoption of a CIL?
- u) Is it appropriate for Policy MH1 to include the possibility of 'clawback' agreements in planning obligations with the intention of increasing contributions should the viability of development improve?
- v) Is it appropriate for Policy CP3 to include encouragement of sprinkler systems in new residential development?
- w) Does the reference to compliance with Supplementary Planning Documents in Policy CP21 reflect legal and national policy requirements?
- x) Does the Local Plan include clear arrangements for managing and monitoring its implementation?

Matter 6: Natural and Built Environment

Main issue - Whether the Local Plan makes appropriate provision for the protection, conservation and enhancement of the natural and built environment and the achievement of good design. (Policies CP3, CP4, CP19, CP20, AC7, AC9, AC10)

- a) Has it been demonstrated that the Local Plan would have no likely significant effects upon internationally important nature conservation sites?
- b) Does Policy CP19 accord with national policy? In particular, does it make an appropriate distinction between the hierarchy of designated wildlife sites so that protection is commensurate with their status?
- c) Does the Local Plan include robust and comprehensive policies that set out the quality of development that will be expected for the area?
- d) Do the placemaking and character policies provide an appropriate degree of detail in seeking to achieve high quality design?
- e) Does the Local Plan include a positive strategy for the conservation and enjoyment of the historic environment?
- f) Does the approach to heritage assets in Policy CP20 accord with national policy?
- g) Does Policy AC7 provide a justified and effective strategy for the management of development in the River Derwent Corridor?
- h) Is there a sound approach to the protection and enhancement of the Derwent Valley Mills World Heritage Site in Policy AC9?
- i) Does Policy AC10 provide an appropriate basis for the development of the Darley Abbey Mills Complex?

Matter 7: Climate Change, Flood Risk and Pollution

Main issue - Whether the Local Plan makes appropriate provision to address climate change, flood risk and pollution. (Policies CP2, CP23, AC7, AC8)

- a) Does the Local Plan contain a proactive strategy to mitigate and adapt to climate change?
- b) Does Policy CP2 reflect a positive strategy to promote energy from renewable and low carbon sources? Does it contain an appropriate balance between maximising renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily?
- c) Is policy CP2 consistent with national policy following the Housing Standards Review and the Written Ministerial Statement of March 2015, particularly in terms of sustainable design and construction?
- d) Has it been demonstrated that the Local Plan requirements for climate change mitigation measures would not threaten the viability of development?
- e) Does the approach to flood risk in Policy CP2 accord with national policy and would it be effective?
- f) Does the 'Our City, Our River' programme provide an appropriate basis for managing flooding and development in the River Derwent corridor? Does Policy AC8 provide an effective framework for considering small scale development in this area?
- g) Has the requirement in Policy CP2 for developments to incorporate Sustainable Drainage Systems justified and consistent with national policy?
- h) Has the effect of the Local Plan policies on air quality been appropriately assessed?

- i) Are there any implications for the Local Plan arising from the DEFRA Air Quality Plans for nitrogen dioxide, December 2015?

Matter 8: Green Infrastructure and Open Space

Whether the Local Plan provides a sound strategy for the provision, protection, enhancement or designation of green infrastructure and open space (CP16, CP17, CP18)

- a) Does the Local Plan appropriately address development in the Green Belt in the context of national policy?
- b) Do the criteria in Policy CP18 provide an appropriate basis for the consideration of proposals for development in Green Wedges?
- c) Should Policy CP18 include a commitment to review Green Wedge boundaries in the Part 2 Local Plan in the context of the need to provide non-strategic housing allocations?
- d) Is the green infrastructure strategy in Policy CP16 justified and deliverable?
- e) Are the standards for the provision of public green space in Policy CP17 and Appendix D justified?
- f) Is the Local Plan based on an appropriate assessment of the need for new sports facilities? Does the Local Plan, and Policy CP17 in particular, provide an adequate framework for the protection and development of sports and recreation facilities?