

Appendix – Main Modifications

Issue 4 – May 2016

The modifications below are expressed either in the conventional form of ~~striketrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

The reference number of the modifications are those from Issue 1 (EX012), unless it is a new modification in which case it has been given a new reference ending with a letter, for example MM1a.

Amended versions of modifications published in Issues 1, 2 and 3 are marked with an asterisk (*).

Ref	Page	Policy / Paragraph	Main Modification
MM1a	11	Objective 5	<i>Amend Objective 5:</i> To give priority to making <u>make</u> the best use of previously developed land...
MM1	11	Objective 6	<i>Delete second bullet point, referring to lifetime homes</i>
MM2	14	4.23	<i>Amend final sentence:</i> The housing strategy continues to prioritise <u>gives great importance to</u> brownfield regeneration sites...
MM3a	20	CP1(b)	<i>Amend first paragraph of policy CP1(b):</i> The Council will expect <u>work collaboratively on</u> proposals for development on the edge of the City, either wholly or partly within the administrative boundary of a neighbouring authority to <u>ensure schemes.....</u>
MM4	21	CP2	<i>Amend criterion (i):</i> support and encourage developers to move towards Government targets to deliver low and zero carbon homes and commercial and public buildings and to maximise carbon reduction on site
MM5	21	CP2	<i>Amend criterion (j):</i> require developers to deliver appropriate forms of carbon reduction including renewable and decentralised energy within their development. The Council will consider the emerging approach to the provision of 'allowable solutions' to deliver carbon

			reductions off-site where they cannot be incorporated as part of the development. The Council will seek to identify appropriate schemes and projects which could secure off-site carbon savings and could be implemented through 'allowable solutions
MM6	21	CP2	<i>Amend final sentence of criterion (l):</i> When considering compliance with the sequential test, the Council will take account of the availability and suitability of alternative sites, <u>and where appropriate, apply the exception test in line with national policy.</u>
MM8	21	5.2.1	<i>Delete last sentence of the paragraph</i>
MM9	23	5.2.16	<i>Add sentence to the end of the paragraph:</i> <u>In requiring the most appropriate forms of renewable and decentralised energy, the Council will take account of viability and delivery.</u>
MM10	23	5.2.17	<i>Delete paragraph</i>
MM7	22	5.2.20	<i>Amend final sentence of paragraph:</i> The Council will apply the sequential <u>and exception tests</u> when considering developments in areas of flood risk, <u>in-line with national policy.</u>
MM10a	27	5.3.25	<i>Add sentence to end of paragraph:</i> <u>The Council recognises that it is not able to require sprinklers as part of any development, but wishes to highlight this important corporate priority through the Local Plan.</u>
MM11*	35	CP7	<i>Amend criterion (b):</i> require the provision of a maximum of 30% affordable housing and lifetime homes standard housing within on residential developments on sites of 15 or more dwellings. Where this threshold is met developers will be required to provide 30% affordable homes and 20% lifetime homes on site. Lifetime Homes, as defined by this policy, may be provided as part of the affordable housing provision. The following factors will also be considered in applying the policy:
MM11a	35	CP7	<i>Amend criterion (b) point 2:</i> site size, suitability and economics of provision <u>taking into account any 'Vacant Building Credits'</u> . <u>Where a developer can provide robust evidence that it is not viable to provide the maximum provision, the Council will negotiate lower percentages of affordable housing provision. In such cases, the Council may require developers to enter a 'clawback' agreement which will</u>

			<u>allow contributions to be increased in the future should higher levels become achievable.</u>
MM12*	35	CP7	<i>Delete criterion (b), point 5</i>
MM13*	35	CP7	<i>Delete criterion (b), point 6</i>
MM14	35	CP7	<i>Amend first sentence of criterion (c):</i> support the provision of housing which is capable of meeting the needs of the aging population <u>and people with disabilities</u> and which....
MM13a	35	CP7	<i>Delete first paragraph after criterion (e)</i>
MM14a	35	5.7.3	<i>Delete paragraph</i>
MM14b	36	5.7.8	The Council will have regard to the most recent Strategic Housing Market Assessment (SHMA) in considering applications for housing development. It will seek to ensure that an appropriate mix of tenures and house sizes are delivered in order to meet identified affordable housing needs. The 2013 SHMA Update identifies a need to provide more smaller 1 and 2 bedroomed affordable homes. The assessment recommends indicative targets for the size split of affordable homes based on the recommendations set out in Table 3.
MM14c	36	Table 3	<i>Delete Table 3</i>
MM15	36	5.7.12	<i>Amend sub-heading:</i> <u>Lifetime Homes Accessible, Adaptable and Wheelchair User Homes</u>
MM16*	36-37	5.7.12-5.7.19	<i>Delete paragraphs 5.7.12 – 5.7.18 and replace with:</i> <u>The 2015 Building Regulations include 'optional' standards for accessible and adaptable homes (Part M4(2)) and for Wheelchair User Dwellings (Part M4(3)). Homes built to these standards can meet the special requirements of people with mobility problems including elderly or infirm people, people with disabilities and wheelchair users.</u> <u>The Council will assess the needs for such housing within the City and the viability of provision through the preparation of the Part 2 plan and, as a result, consider whether an additional policy for this type of development will be appropriate. Up to this point, standard building regulations will be in force.</u>
MM21	38	CP8	<i>Amend first sentence of criterion (b):</i> subject to evidence of need, provide site(s) to meet

			the future accommodation needs of ...
MM22	38	CP8	<p><i>Amend criterion (1):</i></p> <p>well related to the existing built up area, have <u>capable of having access</u> to essential services such as mains water, electricity supply, drainage and sanitation; and allow convenient access, <u>preferably pedestrian, cycle or by public transport as well as private car, to schools, shops, medical and other local key facilities</u></p>
MM23	38	CP8	<p><i>Add new criterion after (6):</i></p> <p><u>located outside of the Green Belt</u></p>
MM24	38	5.8.3	<p><i>Amend paragraph:</i></p> <p>To reflect these requirements and ensure our policies remain up to date, including understanding the need for additional permanent and transit pitches arising from growth in the existing population, the current a <u>new</u> Derby and Derbyshire Gypsy and Traveller Accommodation Assessment (GTAA), published in 2008, is being refreshed <u>has been undertaken</u> to provide a n updated position on <u>guide as to</u> the number of new pitches required.</p>
MM25	39	5.8.4	<p><i>Amend paragraph:</i></p> <p>This evidence <u>The 2014 GTAA (published in August 2015)</u> will inform the preparation of the Local Plan, Part 2 and/or development management decisions. This work is <u>has been</u> being jointly undertaken with other Derbyshire authorities, <u>The Peak District National Park Authority, East Staffordshire Borough Council and the Derbyshire Gypsy Liaison group</u> which helps us plan effectively for the needs of Gypsies, Travellers and Travelling Showpeople across local authority boundaries.</p>
MM25a*	48	CP12	<p><i>Amend third paragraph:</i></p> <p>The City Centre is the focus for comparison retail for the City but its catchment exceeds the City boundaries. The focus for new comparison retail is the Core Area <u>and this is the sequentially preferable location for the application of the sequential test as set out in CP13.</u> The City Centre is also the sub-regional focus for commerce, culture, leisure and the visitor economy. <u>The CBD is the sequentially preferable location for office and leisure development.</u></p>
MM26*	51	CP13	<p><i>Amend second paragraph:</i></p> <p>The Council will support <u>permit</u> the provision of <u>small shops, leisure and other...</u></p>

MM26a	51	5.13.1	<p><i>Add to end of paragraph</i></p> <p><u>Small shops will normally be considered to be below 500 sqm and will only generally serve localised 'walk-in' catchment areas.</u></p>
MM26b*	51	5.13.3	<p><i>Add to end of paragraph</i></p> <p><u>As stated in CP12, when considering retail development, the 'Core Area' of the City Centre will be considered to be the sequentially preferable location for this type of use. For office, leisure and other non-retail town centre uses, the extent of the CBD will be considered as sequentially preferable.</u></p>
MM27	57	5.16.1	<p><i>Add new bullet point to bottom of list:</i></p> <p><u>The ecological network linking the above elements</u></p>
MM27a	61	5.17.8	<p><i>Amend paragraph:</i></p> <p><u>Given the important role playing pitches and outdoor sports facilities play in promoting the physical and mental well-being of the community, the Council will work closely with Sport England and other partners to ensure that any future decision on the provision of sports facilities is based on a robust and up-to-date evidence base. To assist with this, it is the intention of the Council to update the current Outdoor Sports Strategy during the next 12 -24 months to help underpin effective policy application. generally resist the loss of pitches. With this in mind, and recognising that demand for playing pitches and outdoor sports facilities will increase as the City's population grows, the Council has commissioned an Outdoor Sports Strategy which assesses current provision, surveys and population projections. Informing future provision and proposes recommendations.</u></p>
MM28*	63	5.18.5	<p><i>Add new paragraphs after 5.18.5:</i></p> <p><u>To prepare the Part 1 plan, the Council carried out an extensive review of Green Wedge boundaries to help identify strategic housing sites. The Part 2 plan will consider further amendments to green wedge boundaries as part of the process of identifying non-strategic housing and employment sites, address the implications of existing or planned development on current boundaries and to take full account of all other issues and opportunities raised in the Green Wedge Review (2012). Any review of boundaries will be taken within the context of maintaining the principles of Green Wedge as set out in this policy and the objectives of the plan.</u></p> <p><u>Any existing 'non-conforming' operations or permitted uses within Green Wedges will not be prejudiced by</u></p>

			<p><u>this policy. This will include the consideration of any renewal of permission, variation of conditions and any reserved matters applications. An example of this is the existing aggregate recycling facility at Chaddesden Sidings which was in use prior to the designation of the Green Wedge. Any extension of timescales associated with this use will not be prejudiced by being within a Green Wedge.</u></p>
MM28a	64	CP19	<p><i>Amend the Policy:</i></p> <p>Development proposals that would have a direct or indirect adverse effect on:</p> <ul style="list-style-type: none"> ● Internationally important sites ● Nationally Important Sites (such as Sites of Special Scientific Interest) ● Regionally Important Sites (such as Local Geological Sites and Local Nature Reserves) ● Locally identified wildlife sites ● Ancient woodlands, veteran trees and hedgerows ● Priority habitats and species <p>will only exceptionally be permitted if:</p> <p><u>All development should ensure the protection, conservation, and where possible, enhancement of biodiversity. Designated international, national and local sites of biological or geological importance for nature conservation will be offered protection commensurate to their status within the established hierarchy.</u></p> <p><u>Sites of international nature conservation importance will receive the highest levels of protection. No development will be permitted which may have an adverse effect on such sites, either alone or in combination with other plans or projects.</u></p> <p><u>Proposed developments which would adversely affect a Nationally Designated Site such as a Site of Special Scientific Interest (SSSIs) (individually or cumulatively) will not be permitted. Exceptions will only be made where the benefits of the development on the particular site clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts.</u></p> <p><u>Proposals for development in, or likely to have an adverse effect (directly or indirectly) on a Locally Designated Site such as a Local Nature Reserve, a Site of Nature Conservation Importance (including ancient</u></p>

			<p><u>woodlands, veteran trees and hedgerows or wildlife corridors, priority habitats and species) or a Regionally Important Geological/Geomorphological Site will only be exceptionally permitted if:</u></p> <ol style="list-style-type: none"> 1. they cannot be located on alternative sites that would cause less or no harm; 2. the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and 3. adequate mitigation or, as a last resort, compensation measures are provided.
MM29	64	5.19.3	<p><i>Add new sentence to end of paragraph:</i></p> <p><u>Designated national and local sites of biological or geological importance for nature conservation will be offered protection commensurate to their status within the established hierarchy of designations and the designation of further protected sites will be pursued.</u></p>
MM32	66	CP20	<p><i>Amend third paragraph:</i></p> <p>Development proposals that would detrimentally impact upon the character, significance and / or setting of a heritage asset will be resisted</p>
MM30	66	CP20	<p><i>Amend criterion (c):</i></p> <p>require proposals for new development that have the potential to impact upon the <u>significance</u> of heritage assets (<u>including through development affecting setting</u>) and / or their setting to be of the highest design quality to preserve and ...</p>
MM31	66	CP20	<p><i>Amend criterion (f):</i></p> <p>ensure that development within the city does not adversely affect the setting <u>significance</u> of heritage assets located outside of the city boundary, within adjoining local authority areas, <u>particularly through impacts upon the setting of assets</u></p>
MM33	68	5.20.12	<p><i>Add new sentence to end of paragraph:</i></p> <p><u>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.</u></p>
MM33a	70	CP21	<p><i>Amend final paragraph of policy:</i></p> <p>Developments that increase the demand for community facilities and services will be required to</p>

			make contributions towards, or provide for, new or improved facilities as set out in the 'Making it Happen' chapter and the Planning Obligations SPD or any subsequent replacement.
MM34*	70	5.21.4	<i>Delete final sentence</i>
MM34a	73	CP23	<i>Amend first sentence of criterion 15:</i> ... having regard to the maximum standards set out in in Appendix C.
MM34b	74	5.23.10	<i>Amend paragraph:</i> Appendix C sets out maximum parking standards that should be used as a guide for all non-residential development in the city. These have been carried forward from the City of Derby Local Plan Review (2006) and should be used until reviewed as part of the 'Part 2' document. The standards are <u>expressed as a 'maximum' level and are considered a reasonable starting point for considering what may be a suitable level of parking for commercial development...</u>
MM36	83	AC2	<i>Amend second bullet point in list under 'The Cathedral Quarter' sub-heading:</i> <u>Mixed-use regeneration Implementation of the St James' Yard retail scheme</u>
MM35	83	AC2	<i>Add bullet point to end of list under 'The Cathedral Quarter' sub-heading:</i> <u>Redevelopment of the Assembly Rooms</u>
MM37	83	AC2	<i>Add bullet point to end of list under the 'Riverside' sub-heading:</i> <u>The appropriate regeneration of the remaining land within the Riverlights complex</u>
MM37a	84	AC2	<i>Add to end of policy:</i> <u>Friar Gate Goods Yard</u> <u>The Goods Yard Site has the opportunity to deliver a vibrant mix of residential, retail, leisure and business uses including offices, including the re-use of and responding positively to the presently neglected railway heritage assets on site.</u> <u>Improved connections with The Cathedral Quarter to strengthen the overall offer in the western part of the City Centre should be explored, including the potential to utilise Friar Gate Bridge.</u> <u>The Council will encourage schemes that:</u>

			<ul style="list-style-type: none"> • <u>Conserve and enhance the heritage assets by securing their appropriate and viable reuse, including retail but only where justified through an impact assessment on the vitality and viability of defined centres</u> • <u>Deliver a vibrant mix of other uses including residential, leisure and offices</u> • <u>Ensure development is in accordance with a comprehensive, long term strategy and masterplan for the site</u>
MM38	84	6.2.7	<p><i>Amend penultimate sentence:</i></p> <p>... the implementation of the stalled mixed-use regeneration of the St James' Yard site, retail-led scheme and the implementation of a new office schemes on Cathedral Road and the regeneration of the Assembly Rooms</p>
MM38a	85	6.2.20	<p><i>Add new paragraphs after 6.2.20</i></p> <p><u>Friar Gate Goods Yard is one of the most important regeneration priorities within the City Centre. It is home to a number of important heritage features, including the prominent listed Bonded Warehouse, Engine Shed and Friar Gate Bridge. The site provides opportunities for a mix of uses that can help to meet the wider objectives of the plan, including supporting the City Centre as a new residential neighbourhood and the sustainable growth of its economy.</u></p> <p><u>Development schemes should pay full attention to the important conservation issues presented by this site. The Bonded Warehouse and Engine Shed are important heritage features on the site, for which new uses must be found as part of any development scheme. It is recognised that in order to secure the long term future of these important buildings, and the comprehensive delivery of any regeneration scheme, it may be necessary to allow higher value uses such as retail. However, any such development will still have to be subject to an assessment of impact on the vitality and viability of the City Centre.</u></p> <p><u>Uncertainty over the final land use mix and delivery of the site means that it is not currently appropriate to make a specific allocation. However, this is something that will be considered in Part 2. Until this time, AC2 will provide some guidance as to the importance of the site and what the Council expects.</u></p>
MM38b	88	6.4.5	<p><i>Amend second sentence to read:</i></p> <p>New development should not always, therefore,</p>

			require the maximum amount of spaces that could be permitted <u>would be suggested</u> by the standard set out in Appendix C.
MM39	91	AC6	<i>Amend criterion (b):</i> new office and commercial uses, including major office development adjacent to Traffic Street. <u>Land immediately adjacent to Traffic Street is considered particularly appropriate for major office development</u>
MM39a	110	AC15	<i>Amend criteria (k):</i> (k) <i>seek 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, <u>or implementation of the 'South Derby Integrated Transport Link'</u></i>
MM40	110	AC15	<i>Add new criterion to end of policy:</i> (l) <u>require proposals to take proper account of the Local Geological Site designation covering the area</u>
MM41	110	AC15	<i>Add new criterion to end of policy:</i> (m) <u>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</u>
MM41a	122	6.20.2	<i>Delete first sentence of paragraph and amend second sentence:</i> The Council has produced a Supplementary Planning Document (SPD) for this site which sets out a detailed vision for the area. Following the adoption of the SPD, Planning Control Committee resolved to grant an outline planning application for this site in 2013.
MM41b	126	6.22.9	<i>Amend paragraph as follows:</i> Development in this location will be required to contribute towards <u>new</u> Primary School provision in the local area <u>given the lack of capacity at existing primary schools</u> . New development to the north of Onslow Road may need to be appropriately phased to ensure that primary needs can be met by new schools developed as part of other new developments in the wider area. Contributions towards secondary provision will also be required from both sites.
MM42*	128	AC23	<i>Amend criterion (i):</i>

			<p>New access points to be created a) to serve the 200 home development off Fellowlands Way and b) to serve the 800 home development with main an <u>access point off Snelsmoor Lane and access routes linking the individual sites within the urban extension, with and secondary an additional limited access off Field Lane, delivering well-connected, high quality multi-modal routes within the wider development.</u></p>
MM43*	128	AC23	<p><i>Amend criterion (m):</i></p> <p>Provision of comprehensive cross-boundary flood mitigation measures to address the <u>impacts of development</u> on fluvial and surface water issues relating to the Thulston Brook watercourse and ground water levels. A cross-boundary flood risk assessment shall be submitted with any application.</p>
MM44	130	AC24	<p><i>Add new criterion to end of policy:</i></p> <p>(j) <u>protect and enhance the setting of heritage assets, including the Scheduled Monument to the south east of the site at Woodlands Farm</u></p>
MM45	132	AC25	<p><i>Amend criterion (f):</i></p> <p>(f) that no vehicular access to the site be is taken from Acorn Way or Tennessee Road and that <u>any vehicular access taken to the site from Acorn Way is subject to appropriate conditions to ensure that safe and suitable access is secured</u></p>
MM46	132/3	6.25.4	<p><i>Delete paragraph and replace with:</i></p> <p><u>Any highway access to the site from Acorn Way will be subject to appropriate conditions to ensure highway safety. Acorn Way is a fast, rural road and it is important that any vehicular access is designed and implemented in a way which ensures that the junction and adjacent stretches of Acorn Way are safe. Any access to Acorn Way should be designed in a way which minimises any adverse impacts on the open countryside including the nearby Green Belt.</u></p>
MM47	136	MH1	<p><i>Amend first bullet point under third paragraph:</i></p> <p><i>Affordable housing and lifetime homes</i></p>
MM47a	138	8.1	<p><i>Add new paragraphs after 8.1:</i></p> <p><u>The Part 1 Plan will be supplemented by a Part 2 Plan which will be combined to form a single local plan for the city. The Part 2 Plan will identify additional sites for development and will consider further amendments to</u></p>

		<p><u>green wedge boundaries if necessary.</u></p> <p><u>An early review of the local plan will be necessary to roll forward the plan period beyond 2028. It is likely that this will need to be aligned in some way with those of neighbouring local authorities as it is again unlikely that Derby will be able to meet its objectively assessed needs in full within its administrative boundaries. Whilst this work is likely to commence soon after adoption of the Part 2 Plan, we will in any event begin the review should we fail to demonstrate a 5 year supply of housing land (measured at the end of March each year) for 2 consecutive years after adoption of the Part 2 Plan.</u></p>
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