



Acres Land & Planning Ltd

'Acres of space'

British & Continental Co. Ltd
Respondent No. 1045
Matter 1: Overall Development Strategy

DERBY CITY LOCAL PLAN PART 1: CORE STRATEGY EXAMINATION

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?

We broadly support the Spatial Vision. However, in some respects it is not so much a 'Vision' but more a prelude to the Plan itself. In terms of housing for example, the 'Vision' tends to pre-judge rather than explain the policies which follow. It sets out a 'vision' that 'a minimum of 11,000 new homes will have been built throughout the City' – without explaining how the 11,000 figure was reached - (although in terms of recent delivery the 11,000 target looks less like a vision and more like a dream!)

Furthermore, some of the Spatial Objectives within the Local Plan seem to be contradictory and conflicting. For example, paragraph 3.6 points out that the Council has a vision to keep Derby 'compact' and 'liveable' – a laudable objective – which also appears as Spatial Objective No 1. Yet the Green Wedge policy, which remains unchanged since 1989, has the opposite effect in deflecting development beyond the City boundaries thereby undermining its compactness.

The achievement of critical mass should be a key objective of a major city in order to maximise the use of infrastructure (No. 12 of the Spatial Objectives) and to make Derby a vibrant, accessible and attractive City of Regional importance (No. 15). Yet the 'green wedge' policy, although important in satisfying other objectives, for example in protecting green infrastructure (Spatial Objective No. 9), tends to undermine the compactness the Council is trying to achieve.

Spatial Objective No.3 refers to a drive for more sustainable patterns of development to reduce climate change (something which is a challenge to achieve within the City) and yet (Spatial Objective No. 8) refers to enhancing the role of Derby's Green Wedges which is likely to deflect development elsewhere to less sustainable locations outside the City.

Spatial Objective No.5 suggests giving priority to development on previously developed land, which goes well beyond government policy in the NPPF (which refers to encouraging previously used land).

b) Do the policies in the Local Plan reflect the identified spatial vision and objectives?

We have taken it as read that the Council's Core principles (CP) together with the Areas of Change (AR) represent the policies of the plan. That being so, we welcome the Council's policies for a presumption in favour of development (**Policy CP1a**) and the policy which promotes collaborative working with neighbouring Councils (**Policy CP1b**). We also welcome (**Policy CP4**) which promotes development which enhances the Character and Context of the City and (**Policy CP5**) which promotes the regeneration of Communities. These are all consistent with the vision and objectives of the Local Plan – though largely 'motherhood and apple pie' policies.

Policy CP2 Responding to Climate Change: This is an ambitious and very complicated policy which creates an illusion that climate change can be influenced within a defined area, in part by deflecting development to somewhere else. We believe the policy will prove to be a nightmare to implement (for the Council) and to adhere to (for the developer) since it is a mixture of vague objectives and outdated policy requirements some of which have since been reversed by the changes in national policy on Housing Standards and Allowable Solutions and changes in subsidy on renewable energy. This policy needs to be fundamentally reviewed and simplified. The Council has a particularly confused approach towards addressing climate change. It assumes that climate change objectives will be met by protecting Green wedge sites within the City, but ignores the wider climate change implications of deflecting development onto sites in other local authority areas more distant from the City where there are likely to be longer journeys to work and less sustainable patterns of living. Climate change by definition is global – not just local.

Policy CP6 Housing Delivery: The Council places an emphasis on 'delivering growth' within the Strategy section but limits housing development to a minimum of 11,000 dwellings, without properly explaining how this figure was reached.

Paragraph 1.24 of the Local Plan suggests that Derby is already tightly built up to its boundaries and in Chapter 2 (Derby in Context) the 'Natural Environment' section suggests that *'Much of the greenfield land within the City itself is currently protected as Green Belt, Green Wedge or public open space'*. Paragraph 4.3 states that *'the Spatial Strategy identifies the opportunities for Derby to grow within its environmental limits'* and paragraph 4.13 of the Strategy section states that *'the Green belt will be maintained'*, and that *'a strategic network of Green Wedges, public open spaces, wildlife corridors and recreational routes will be identified and maintained'*. Indeed it goes on to say that *'Appropriate extensions or improvements to this will be sought as part of new development'*. Then under the Housing section, paragraph 4.19 states that *'The City Council's target of 11,000 reflects evidence of a finite capacity for the City to meet its needs within its administrative boundaries on brownfield sites and other areas'*.

In practice therefore Derby City has imposed an artificial limit on new development and deflected the residue to other authorities as part of a clear political strategy with the aim, no doubt, of extending their administrative boundaries in due course.

So in essence, Derby's strict green belt and green wedge policy, steers housing out of the City and delivers growth elsewhere! Yet there is no evidence to show how those environment limits have been defined, other than through the 2012 Green Belt Green Wedge and reviews, which intentionally maintain tight boundaries.

In practice the Council appears to have adopted a position where having agreed to a 'capacity' figure of 11,000 dwellings, on the strength of internally determined housing land supply estimates (and with only a nominal review of green wedge boundaries) it can now afford to sit back and rely on South Derbyshire and Amber Valley to 'pick up' the 5,388 balance of housing provision needed to reach the 16,388 housing requirement target identified by the GL Hearn report. This means that less suitable sites in South Derbyshire and Amber Valley will be developed at the expense of more suitable sites in Derby City itself.

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?

The Council produced an Options Document in January 2010 and subsequently an Options for Housing Growth paper in July 2011. These looked at alternative strategies, ranging from tight urban concentration to wider dispersal (including the option of a new settlement) but concluded in October 2012 (with the Preferred Options Document) that the preferred choice would be a middle-course option of focusing as much development as possible on brownfield land, but allowing some limited incursions into Green wedges (3 sites), but preventing more development through strict restraint on green wedge and green belt land.

We consider that the broad approach towards finding the Preferred Option was appropriate, albeit using the tried and tested method of pursuing 2 unrealistic options at either end of the spectrum – and then choosing the preferred middle-course option. However, we have three main concerns about the process:-

Firstly, it has all taken far too long. A 7 year gestation period from the 'Issues and Options' stage to the EIP is simply unacceptable in providing a framework for local communities and developers. Time has moved on. Policies have moved on. The Plan originated before the abolition of the EMRSS and 3 years before the NPPF. Decisions taken in the 2012 Green Belt Review and the 2012 Green Wedge Review are no longer relevant or consistent with the national policy pressures for more housing,

Secondly, the emphasis within the chosen option is too heavily focused on protecting the Council's own green wedge land when (as explained above), Green Wedges have no formal status in the NPPF. The plan is far too politically motivated in protecting Derby City's green land at the expense of other greenfield land elsewhere,

Thirdly, both the Green Belt Review and the Green Wedge Review were officer –led documents without any external independent input. Therefore there would have been inevitable pressure on officers to protect green wedges treasured by members.

Furthermore, the Green Belt and Green Wedge Reviews were simply presented as 'evidence base' documents, not as part of the formal consultation exercise at the Preferred Options stage. Consequently, those respondents objecting to the Preferred Plan arguing for development on specific sites within green wedges were simply rejected on grounds that their proposals were contrary to the Green Wedge Review. This is completely unacceptable.

d) Is there a clear audit trail showing how and why the preferred overall development strategy was arrived at?

There is a helpful story-line within Figure 1 of the Local Plan which explains the long saga from the Issues and Ideas Plan in February 2009 to the Pre-submission Plan in August 2015 – though few people have lasted the course from the beginning. This gives a helpful explanation of the content of each of the documents.

However, some of the key facts, such as how the 11,000 target was reached and in what form the overspill 'agreement' between the authorities exists is sadly lacking. The truth lies in a series of Examination in Public letters emerging from the South Derbyshire and Amber Valley EIP's. so it would appear that Derby City's housing target has effectively evolved by default.

Although a joint HMA Sustainability Appraisal was requested by the Inspectors, this has not in fact been done (despite the SA consultants for the Derby and Amber Valley Local Plans being the same). This means that the strategies and allocations policies for the three authorities cannot be directly compared.

e) Is the overall strategy sufficiently flexible to respond to an unexpected change in circumstances?

No. I don't believe that it is. Decisions about limiting green belt release and restricting development on green wedges – other than the three areas where adjustments have been made, are regarded as 'permanent' within the timescale of the Local Plan period and are not treated as being flexible by the City Council. They have therefore deliberately constrained the scope for change and flexibility within the City Council boundary with the only flexibility to expand growth occurring beyond the city boundary.

In practice, the Council view flexibility as being delivered through windfall development – albeit this is already built-in to the figures. The Council is already falling well behind its current target of 11,000 dwellings and hence it has very limited flexibility to 'boost significantly the supply of housing' which it is required to do to be in accordance with paragraph 47 of the NPPF.

Should the Council face a recession, the flexibility will need to occur through adjustments to viability assessments to facilitate growth within the City without the high levels of financial contributions to the Authority.

f) Does the strategy provide for a sustainable pattern of development in terms of the relative locations of employment and housing sites?

In terms of the overall scale of housing versus employment, it has been noted in other representations that the assessment of the OAN within the GL Hearn report omitted reference to any specific economic uplift to reflect employment growth arising from the Local Plan proposals. This suggests that there is likely to be an overall imbalance in housing compared with employment resulting in a worsening of the commuting imbalance.

In terms of the location of employment proposals versus housing allocations, it is evident from the proposals map that the majority of the large new employment sites are located to the north of the City (on the A52 corridor) specifically at Celanese, Derwent Triangle, Wyvern Business Park and Raynesway, whereas the housing proposals are largely to the south and west, at Littleover, Chellaston, Mickleover and Mackworth all of which are some distance from the City Centre – creating the likelihood of significant cross-commuting.

This is likely to exacerbate the current trend whereby existing employment is largely located at Pride Park, the Derwent Valley and the A52 corridor to the north and east, whilst the established and growing residential areas are largely to the south and west.

My client's proposal for 125 dwellings at Chaddesden/Spondon to the north east of the City (which is accepted as being sustainable and lies close to a wide range of employment opportunities and within walking distance of a supermarket, two local centres and frequent bus routes into the City) albeit sits within a corner of the Spondon/Chaddesden Green wedge is currently awaiting an appeal decision.

g) Has the timescale of the Local Plan to 2028 been justified and, if not, how should the plan be changed in this regard?

The NPPF maintains that Local Plans should be drawn up over an appropriate timescale, (preferably 15 years) which, on adoption, will mean that the Derby City Local Plan as drafted (once adopted in 2017) would only have 11 years to run. This is not acceptable and could only be allowed if accompanied by an early review mechanism which did not fix the Green Belt and Green wedge boundaries. However, since the Council is asking for their 2012 Green Belt and Green Wedge reviews to be endorsed as part of this plan, for the Plan to be adopted in its current form would not provide the Council with the flexibility they need to plan beyond 2028.

Since the draft reviews of the Green Belt and the Green Wedges have yet to be approved (through this plan), an alternative option would be to conduct a more thorough review of the Green Belt and/or Green Wedge now, to allow the Plan to stretch out over a longer timescale. It would be completely unacceptable to allow the City Council to prescribe the amount of available development land through the drawing of rigid boundaries which could endure for many years to come.

h) Does the Local Plan (particularly Policy CP1(a)) adequately reflect the presumption in favour of sustainable development in national policy?

Whilst this may not reflect word for word the text in the NPPF, we support the policy as it is written in that it provides a positive gesture towards working with developers and getting things done.

i) Is it appropriate for the Local Plan to include Policy CP1(b) relating to development outside the plan area?

Although Derby City cannot have any jurisdiction neighbouring authorities, we welcome the introduction and wording of this policy in promoting co-operation across City boundaries and an encouragement of joint working.

John Acres

March 2016