

DERBY CITY LOCAL PLAN PART 1: CORE STRATEGY EXAMINATION
MATTERS, ISSUES AND QUESTIONS
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)

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?

The proposed amendments as set out in the Proposed Minor Modifications document (CD002) make Policy CP2 consistent with the WMS. However Policy CP3 (l) and paras 5.3.24 and 5.3.25 of the supporting text referring to fire sprinklers in residential properties are not considered consistent with national policy. The Deregulation Act specifies that no additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings should be set in Local Plans other than the nationally described space standard, an optional requirement for water usage and optional requirements for adaptable / accessible dwellings. The HBF concern is that whilst Bullet Point (l) of Policy CP3 only encourages its inclusion in the Local Plan may result in the introduction of a local standard / policy requirement for fire sprinklers because of the way in which it is interpreted and implemented in the making of development management decisions. Bullet Point (l) of Policy CP3 is considered unsound because it is unjustified and inconsistent with national policy. It is recommended that all references to fire sprinklers are deleted.

d) Has it been demonstrated that the Local Plan requirements for climate change mitigation measures would not threaten the viability of development?

It has not been demonstrated that cumulative effect of climate change mitigation measures, housing standards and affordable housing provision would not threaten viability. The original Strategic Viability Assessment Report dated March 2013 did not comply with the requirements of the NPPF (paras 174 and 175) for whole plan viability assessment because “*our viability assessment has not factored in any policy requirements ... The cumulative impact of the whole policy ask will need to be taken into account in the viability assessment and it is likely that some prioritisation and flexibility will need to be included in the emerging CS policies*” (paras 2.67 and 4.6). The latest viability evidence in the Derby HMA CIL Viability Assessment July 2014 which included costs associated with policy requirements for climate change mitigation measures, housing standards and affordable housing shows that “*In Derby City the viability results illustrate that in the low value zone no*

residential development is viable at any of the Affordable Housing targets tested based on the preferred tenure mix of the Council (small scale infill shows positive viability because no affordable housing is imposed). In the medium value zone greenfield development demonstrates viability up to 30% Affordable Housing delivery but brownfield development can only withstand about 15% Affordable Housing to maintain economic viability” (para 6.20). Therefore the policy requirements are set too high and the cumulative effect makes development unviable. Whilst it is accepted that developers may negotiate for non-policy compliant development on the grounds of viability the Council’s policy position is overly ambitious as a starting point for negotiations. The Council should trade off its policy requirements. It is unreasonable to expect the majority rather than the minority of development sites to be negotiated at the time of planning application submission. Such negotiations are often lengthy, costly and unnecessarily delay housing delivery.

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