

## 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.*

**a) Has it been demonstrated that the Local Plan would have no likely significant effects upon internationally important nature conservation sites?**

There are four statutory international nature conservation designations:

**Special Protection Areas (SPA):** designated under the EU Birds Directive these are the most important areas in Europe for rare and migratory birds;

**Special Areas of Conservation (SAC):** designated under the EU Habitats Directive these are the most important areas in Europe for habitats and non-bird species' listed in the Directive as being of European importance;

**Ramsar sites:** designated under the Ramsar Convention, these are the most important areas for wildfowl and/or wetland ecosystems; and

**Biosphere Reserves:** designated by UNESCO, these are terrestrial and coastal ecosystems that promote solutions to reconcile the conservation of biodiversity with its sustainable use.

None of these designations are either in or adjacent to the City. As a result, the Council is confident, therefore, that there would be no significant impacts on any internationally important nature conservation site.

**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?**

The Council considers that the approach taken in Policy CP19 is consistent with the requirements and objectives of Paragraph 113 of the NPPF. Indeed, representations received from Natural England and Derbyshire Wildlife Trust, who support the policy, have indicated that they believe the policy to be NPPF compliant and that appropriate protection is provided in the policy for wildlife. The requirement to consider the nature and extent of any impact enables issue of 'commensurate weight' to be taken into account. As is currently the case, any cross referencing between the policies map and document will make it clear what designation a feature is.

While the Council does not necessarily feel it is necessary to repeat national guidance, if the Inspector were of the view that the issue raised could be more clearly reflected in the plan, then additional wording could be added to the supporting text. The suggested wording, which will also be added to the Modifications Schedule, is as follows:

To be added as part of the supporting text (after 5.19.3):

"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."

**c) Does the Local Plan include robust and comprehensive policies that set out the quality of development that will be expected for the area?**

Achieving high quality development and good design are threads that run through the entire document, from the vision and objectives, through policy CP3 and into detailed and site specific policies.

Policy CP3 is both a reflection of the different strands of policy that make 'place' and a comprehensive starting point for developers to understand the broad design principles against which all proposals will be assessed. The 'placemaking principle' approach seeks to strike a balance between providing sufficient detail to encourage high quality development and providing an appropriate framework to resist poorly designed development. In line with NPPF, paragraphs 59 and 60, it is not overly prescriptive or likely to restrict innovation.

This policy is specifically complemented by Policy CP4 which provides more detailed City-wide guidance on how the Council will assess development proposals and AC5 which focuses on the quality of the City Centre environment and the priorities for development in that location. As noted above, however, policies on green infrastructure, heritage, community facilities, transport and sites themselves all contribute and give guidance on what the Council considers to be fundamental to the creation of high quality development and a high quality place.

**d) Do the placemaking and character policies provide an appropriate degree of detail in seeking to achieve high quality design?**

Policy CP3 sets out the broad principles against which development proposals will be assessed, whilst CP4 provides further detail on how impacts on character will be assessed. As noted above, the NPPF advises against overly prescriptive requirements in terms of design policy. Therefore, the identification of principles, supplemented by a guidance document is considered to be an appropriate approach in terms of the level of detail provided.

**e) Does the Local Plan include a positive strategy for the conservation and enjoyment of the historic environment?**

The Council is confident that it has an appropriate strategy for the conservation and enjoyment of the historic environment. It has liaised closely with heritage bodies throughout the plan making process to ensure that the policies are fit for purpose and consistent with national guidance and relevant legislation.

The Council is particularly pleased with the level of support given to its heritage policies by such bodies as Heritage England who support and welcome the contents of the Plan. They consider that the numerous references to the protection of the historic environment throughout the whole of the document meet the requirements of paragraph 126 of the NPPF for a positive strategy for the protection and enhancement of the historic environment. The policies on historic environment have also been given support by the National Trust. Their support of the plan would suggest that the strategy is sound.

**f) Does the approach to heritage assets in Policy CP20 accord with national policy?**

As noted above, Heritage England is satisfied that CP20 sets out a positive strategy for the conservation and enjoyment of the historic environment, which is a key requirement of the NPPF. The policy seeks to avoid impacts on heritage assets in the first instance, by resisting proposals that would detrimentally impact upon the significance of a heritage asset.

However, this policy should be read in the context of paragraphs 133 and 134 of the NPPF which require impacts to be balanced against the public benefits of any proposal. Proposed modification CS48 (CD002) seeks to make this point clearer in the supporting text of the policy. The approach set out in CP20 (as modified) is considered to accord with national policy.

**g) Does Policy AC7 provide a justified and effective strategy for the management of development in the River Derwent Corridor?**

Policy AC7 broadly reflects the objectives of the Our City Our River (OCOR) programme, but applies them to the full extent of the River Corridor, as opposed to solely the defined OCOR area. A wider - but complementary - approach is obviously justified within the local context of Derby and the importance of the River Derwent. Proposals will be assessed against the various criteria set out in AC7 to determine the extent to which they contribute towards the achievement of the various objectives and ultimately the Council's vision for the River Corridor. This initial assessment will provide decision makers with a clear indication of how to react to the principle of a proposal, in line with paragraph 154 of the NPPF.

The objectives set out in AC7 should be read in conjunction with the site / location specific policies (AC8-AC13) within the River Corridor chapter. The combined approach of an initial objective based policy supplemented by site specific policies and allocations is considered to be an effective strategy for the management of 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?**

Policy AC9 has been prepared with the objective of protecting the Outstanding Universal Value (OUV) of the internationally recognised asset. The wording of the policy seeks to resist inappropriate development that would not preserve, protect and enhance the OUV of the area. It also seeks to ensure that proposals exploit opportunities to deliver revitalisation, enhance biodiversity and promote the significance of the WHS and its assets.

In terms of national policy, the NPPF (paragraph 132) is clear that the greater the importance of an asset, the greater weight should be given to its conservation. It goes on to note that substantial harm to or loss of heritage assets of the highest significance (including World Heritage Sites) should be wholly exceptional. The importance of the asset justifies a strong policy position on proposals which are not considered to meet the criteria set out in the policy (in particular criterion a).

The Derwent Valley Mills World Heritage Site Partnership (DVMWHSP) has confirmed that they consider the policies contained in the Local Plan to be well considered and fit for purpose, whilst Heritage England greatly welcome the inclusion of a dedicated strategic policy (AC9) for the World Heritage Site. They consider that the policy provides excellent and appropriate detailed guidance on

what will or will not be permitted in the WHS area and fully accords with the relevant paragraphs of the NPPF. This suggests the approach is sound.

**i) Does policy AC10 provide an appropriate basis for the development of the Darley Abbey Mills complex?**

Policy AC10 seeks to highlight the Darley Abbey Mills Complex as a potential flagship conservation-led regeneration project within the Derwent Valley Mills World Heritage Site (DVMWHS). The key priority in this area is the conservation and enhancement of the listed buildings, particularly those considered to be 'at risk'. Sustainable conservation and enhancement is only likely to happen through finding an ongoing use for the buildings, long term occupation and investment in the vacant buildings. The policy seeks to create a positive environment to attract new investment that will help secure conservation and enhancement, taking forward many of the objectives and recommendations of the Darley Abbey Mills Regeneration Strategy / Masterplan which was approved by Council Cabinet in 2010.

The policy is flexible in terms of appropriate uses in order to ensure that opportunities for new investment are not missed. Instead, the policy sets out a series of objectives, against which proposals will be assessed. This initial assessment will provide decision makers with a clear indication of how to react to the principle of a proposal, in line with paragraph 154 of the NPPF. Again, Heritage England greatly welcomes and supports the inclusion of this policy. This should provide further comfort as to its suitability.