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Our Ref: PINS/C1055/429/1

Date: 21 November 2016

Dear Nicky,

DERBY CITY COUNCIL'S LOCAL PLAN PART 1: FINAL REPORT

Thank you for your letter, providing your comments in response to the fact check of the Inspector's report on the Council's Local Plan Part 1.

The Inspector has corrected the errors that have arisen and made the amendments to the report where appropriate, and I enclose your final report.

Clearly it is now for the Council to adopt the Document at its discretion. The Inspectorate maintains a national database of Local Plans progress on the Planning Portal (and a submissions database) and we would be grateful if you can advise the Plans Team when you adopt in order that your plan status can be updated.

We will contact you shortly to provide us with a Purchase Order Number so that we can include it on your invoice. Both the fees and expenses will be payable for all duties carried out in examining your Local Plan.

The Council should consider whether adoption could have any effect on appeals currently being considered by the Planning Inspectorate. As you know, appeals must be determined on the basis of the development plan as it exists at the time of the Inspector's (or the Secretary of State's) decision, not as it was at the time of the Council's decision. If adoption changes the policy position, the relevant Inspector(s) will need to take that into account. In addition, please ensure that your new policy position is clearly explained when submitting your Questionnaire in relation to future appeals received after adoption.

If the above circumstances apply, it would be very helpful if the Council could contact the relevant Case Officer(s) in the Planning Inspectorate dealing with any outstanding case(s) at the time of adoption.

Yours sincerely

Bartosz Bartkowiak

Plans Team



Report to Derby City Council

by Mike Moore BA(Hons) MRTPI CMILT MCIHT

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 05 December 2016

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO THE DERBY CITY LOCAL PLAN PART 1: CORE STRATEGY

Document submitted for examination on 18 December 2015

Examination hearings held between 26 April and 5 May 2016

File Ref: PINS/C1055/429/1

Abbreviations Used in this Report

AA	Appropriate Assessment
AQMA	Air Quality Management Area
CBD	Central Business District
CIL	Community Infrastructure Levy
EA	Environment Agency
ELR	Employment Land Review
HMA	Housing Market Area
IDP	Infrastructure Delivery Plan
LDS	Local Development Scheme
LP	Derby City Local Plan – Part 1 Core Strategy
MM	Main Modification
OAHN	Objectively assessed housing need
OCOR	Our City, Our River Masterplan
PM	Policies/Proposals Map
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SFRA	Strategic Flood Risk Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SNHP	Sub-National Household Projections
SNPP	Sub-National Population Projections
SPD	Supplementary Planning Document
VA	Viability Assessment
WHS	World Heritage Site
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the Derby City Local Plan Part 1: Core Strategy provides an appropriate basis for the planning of the City, providing a number of main modifications (MMs) are made to it. Derby City Council has specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared a schedule of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. In some cases I have amended their detailed wording or added a consequential modification where necessary. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The main modifications can be summarised as follows:

- Amend approach to previously developed land for consistency with national policy;
- Amend policies to ensure compliance with the outcome of Government's housing standards review and Written Ministerial Statement;
- Include commitment to consider further amendments to Green Wedge boundaries in the Part 2 plan;
- Clarify approach to existing uses in Green Wedges;
- Clarify approach to development in neighbouring Council areas;
- Clarify approach to a housing implementation strategy;
- Amend affordable housing policy;
- Amend gypsy and traveller policy to reflect approach to the Part 2 plan;
- Amend references to relationship between the plan and supplementary planning documents or other reports and strategies;
- Clarify requirements for or approach to some Strategic Site Allocations;
- Clarify approaches to sequential test for retail and other town centre uses, to city centre strategy and to small shops;
- Amend approach to Friar Gate Goods Yard;
- Amend approach to local parking standards for consistency with national policy;
- Clarify approach to provision of sprinkler systems;
- Amend approach to the hierarchy of wildlife sites so that protection is commensurate with their status;
- Clarify approach to heritage assets to ensure compliance with national policy;
- Clarify flood risk exception test and circumstances where sustainable drainage systems would be appropriate;
- Clarify approach to provision of sports facilities; and
- Clarify approach to green infrastructure network.

Introduction

1. This report contains my assessment of the Derby City Local Plan Part 1: Core Strategy in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted Derby City Local Plan – Part 1 Core Strategy: Pre-Submission (August 2015) (LP) which is the same as the document on which consultation took place between August and October 2015.

Main Modifications

3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The main modifications that are necessary for soundness and/or legal compliance all relate to matters that were discussed at the Examination hearings. Following these discussions, the Council prepared a schedule of proposed main modifications and carried out sustainability appraisal and this schedule has been subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report. In this light I have made some amendments to the detailed wording of the main modifications and added a consequential modification where these are necessary for consistency or clarity. None of these amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.

Policies Map

5. The Council must maintain an adopted Policies Map (referred to by the Council as a Proposals Map – PM) which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission PM showing the changes to the adopted PM that would result from the proposals in the submitted local plan. In this case, the submission PM comprises the set of plans identified as 'Local Plan Part 1: Core Strategy

- Proposed Changes to Proposals Map’ (August 2015) as set out in document CD030.
- 6. The PM is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, some of the published MMs to the LP’s policies require further corresponding changes to be made to the PM.
- 7. These further changes to the PM were published for consultation alongside the MMs in ‘Amendment to the Policies Map as a consequence of the Main Modification relating to the Friar Gate Goods Yard’ (September 2016).
- 8. When the LP is adopted, in order to comply with the legislation and give effect to the Plan’s policies, the Council will need to update the adopted PM to include all the changes proposed in document CD030 and the further changes published alongside the MMs.

Consultation

- 9. Concerns have been expressed by some parties that they were not consulted on the submission plan in relation to matters that affected them. However, the evidence indicates that the Council acted in accordance with its Statement of Community Involvement (SCI). I am satisfied that a robust and fair consultation process was in place for each stage of the development of the plan.
- 10. After the hearings were concluded the Office for National Statistics published new 2014-based sub-national population projections (SNPP), the South Derbyshire Local Plan Part 1 was adopted following the receipt of the Inspector’s report and the Court of Appeal judgement was issued in *Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 44*. Subsequently the Department for Communities and Local Government published 2014-based sub-national household projections (SNHP). The views of consultees on the implications for the LP of all these matters were sought and have been taken into account in this report.

Assessment of Duty to Co-operate

- 11. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan’s preparation.
- 12. The duty to co-operate is not a duty to agree but local planning authorities should make every effort to secure the necessary co-operation on strategic cross boundary matters before they submit their local plans for examination. The Council has summarised its approach in a Duty to Co-operate Compliance Statement (December 2015) which sets out the other relevant bodies that it has worked with, identifying actions and outputs.
- 13. The Council has worked closely with Amber Valley Borough Council, South Derbyshire District Council and Derbyshire County Council in the context of

the Derby Housing Market Area (HMA). It was agreed that the authorities would produce aligned Core Strategies and a Joint Advisory Board consisting of HMA Councillors advised by senior officers has been established to co-ordinate this process. This has been supported by an officer HMA Co-ordination Group.

14. The Councils have agreed that Derby City Council cannot meet its objectively assessed housing needs within its administrative area and that both Amber Valley and South Derbyshire will make provision so that the overall needs of the HMA are met. The distribution of housing has been agreed between the Councils and incorporated in a Statement on Continued Joint Working, signed by all the authorities and confirmed most recently in February 2016. The agreed distribution has been reflected in the South Derbyshire Core Strategy which, with modifications, has recently been found sound at examination and adopted. Although Amber Valley's Core Strategy was withdrawn from examination in December 2015, that Council has indicated that it remains committed to its contribution in the February 2016 Statement.
15. There are several other specific examples of joint working between the HMA authorities, including various reports on objectively assessed housing needs, Green Belt, a water cycle study, employment land, green energy, transport modelling and viability. A joint Gypsy and Traveller Accommodation Assessment (GTAA) was commissioned by all the Derbyshire Councils, East Staffordshire Borough Council and the Peak District National Park Authority.
16. The other neighbouring authority, Erewash Borough Council, and some other prescribed bodies have observer status on the Joint Advisory Board. Although not part of the HMA, Erewash has been a partner in some joint working and assisted in the development of the Infrastructure Delivery Plan that supports the LP. On the basis of the details in the Compliance Statement, there has been an appropriate degree of engagement between the City Council and other prescribed bodies.
17. The evidence indicates that there has been positive, continuous partnership working on issues that extend beyond the local planning authority's area. On the basis of these considerations I am satisfied that the Council has co-operated constructively, actively and on an on-going basis with relevant bodies on strategic matters. As such, it has maximised the effectiveness by which the Local Plan has been prepared. The minimum legal requirements of the duty to co-operate under the Planning and Compulsory Purchase Act 2004 (as amended) have therefore been met.

Assessment of Soundness

Preamble

18. In accordance with the Local Development Scheme (LDS), the Part 1 LP is intended to include priorities for regeneration and growth, allocations for

strategic housing and employment sites, development management policies, key infrastructure requirements and the broad strategy for the city centre. Matters relating to additional housing and employment sites, a target and sites for gypsies and travellers and a review of various designations are included for subsequent consideration in a 'Part 2' plan. I have made my assessment of soundness of the Part 1 plan in that context.

Main Issues

19. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified eight main issues upon which the soundness of the Plan depends.

Issue 1 – Overall Development Strategy

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.

Spatial vision and objectives

20. The LP contains an appropriate spatial vision, describing the sort of place that the Council would want Derby to be by the end of the plan period, 2028. It also includes a series of spatial objectives that indicate how it is expected that the vision will be achieved. These contain reference to the approach to previously developed land and to Lifetime Homes that do not accord with national policy. However, the Council's suggested main modifications (**MM1** and **MM2**) would remedy this. The LP policies generally carry forward the identified spatial vision and objectives.

Alternatives and flexibility

21. The Framework requires that the plan should be the most appropriate strategy when considered against the reasonable alternatives. In this context, the Sustainability Appraisal (SA) (August 2015) sets out the way in which the overall strategy has been reached in terms of the scale and distribution of development. The Council's view is that the SA report meets legal requirements, appraising a number of alternative strategies.
22. The SA relates solely to the plan area and it has been suggested that this should have encompassed the HMA as a whole. The Inspectors examining the South Derbyshire and Amber Valley Local Plans were concerned at one point that it was not clear upon what basis the unmet housing need for Derby was being divided between the neighbouring authorities. They asked for a clear audit trail of joint SA examining a spread of reasonable alternatives for this apportionment. This was subsequently resolved to their satisfaction, including details of the 'capacity cap' in the City. My examination is limited to the LP but it is evident that consideration has been given to options for the scale and overall distribution of development in the HMA.
23. From the various consultation documents and the SA it is clear how the LP

was derived from a positive process of considering alternatives, narrowing down to a preferred option. The SA records consideration of options for the scale of growth and the spatial distribution of development as well as alternative strategic sites. It summarises the basis on which the preferred strategy was selected and the alternatives discounted.

24. The main modifications have been subject to further sustainability appraisal but this does not alter my conclusions on the consideration of alternatives to the overall strategy. It is evident that reasonable alternatives in terms of the scale and distribution of development have been considered. There is a clear audit trail showing how and why this strategy was arrived at, demonstrating that with the main modifications the plan is the most appropriate strategy.
25. In terms of the flexibility of the strategy, the Council indicates that options within the City boundary have been limited by the extent of the existing built-up area and other constraints. The capacity of the City to accommodate additional development and the evaluation of site allocation alternatives are considered later in this report. However, notwithstanding those considerations, any significant change in circumstances will inevitably require joint working with the neighbouring authorities. On the basis of my conclusions on the duty to co-operate, the mechanisms are in place whereby this could be addressed. The strategy is therefore sufficiently flexible to respond to such a change.

Timescale

26. The National Planning Policy Framework ('the Framework') states that Local Plans should be drawn up over an appropriate time scale, preferably a 15-year time horizon. In this case, the LP has an end date of 2028 which means that on adoption it would have a time span of 11 or 12 years. The Council is also committed to the Part 2 plan that would include additional, non strategic sites for development and is not programmed for adoption until early 2018 in the LDS.
27. The two stage approach to a comprehensive Local Plan may not necessarily be that which would be commenced now in the context of national policy. However, the LP has been the result of a joint approach with the other HMA authorities, all working to a common time horizon. To extend this would require significant further joint working and would inevitably cause substantial delay in adopting the LP. There has been significant progress in taking forward a number of the strategic allocations and the Part 2 plan will enable further sites to be identified. 15 years is a preference not a requirement. Provided that a 5-year housing land supply can be maintained and that there is a commitment to review the LP at an early stage, the time horizon is acceptable and justified. In this regard the Council's suggested main modification (**MM70**) highlights the need to roll forward the plan period, identifying that this is likely to commence soon after Part 2 is adopted and with a commitment for this to occur should the land supply position fall short. This is necessary for the plan to be effective and consistent with national policy.

Sustainable development

28. The LP's strategic employment allocations are to the south and east of the city while a number of the strategic housing sites are to the north and west. However, there are significant housing allocations to the south that straddle or are adjacent to the boundary in South Derbyshire. Derby is a compact city, providing employment opportunities for a wider catchment area. On that basis the relative distribution of strategic employment and housing sites proposed would provide a sustainable pattern of development. The Council has proposed a main modification to the summary of the strategy in the LP relating to the approach to brownfield sites (**MM3**) that is necessary for it to be consistent with national policy.
29. Policy CP1(a) includes the Council's approach to the presumption in favour of sustainable development in the Framework. This is worded very slightly differently to a model policy that had been advanced by the Planning Inspectorate but is nonetheless consistent with national policy.

Development outside the plan area

30. A number of the Council's proposed strategic development allocations form part of larger cross boundary sites. Policy CP1(b) sets out a series of principles that development either wholly or partly within the administrative area of another authority are expected to comply with. However, there is no express statutory power for a Council to include policies in its plan relating to the area of another authority. Nevertheless, the co-ordination of development and its impacts across boundaries is a necessary and laudable planning objective. The Council has suggested a main modification so that the policy would be setting out the basis on which it would work collaboratively with its neighbours. With a further minor change for consistency, this is necessary for the policy to be effective (**MM4**).
31. Subject to the main modifications identified above, I conclude that 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.

Issue 2 – Housing

32. The housing main issue is in four parts relating to the overall level of provision, land supply, Strategic Site Allocations and housing mix. These are each considered in turn below.

Whether the housing strategy has been positively prepared and whether the overall level of housing provision and its distribution are justified and appropriate

33. The Framework seeks to boost significantly the supply of housing. To that end local planning authorities should use their evidence base to ensure that their local plan meets the full, objectively assessed needs (OAHN) for market and affordable housing in the housing market area (HMA), as far as is consistent with the policies in the Framework.

Housing market area

34. The Derby HMA has been defined as comprising the administrative areas of the City Council, Amber Valley Borough Council and South Derbyshire District Council. It was originally derived from work undertaken to inform the former East Midlands Regional Plan. However, the basis for its continuing use is set out in the Derby Strategic Housing Market Assessment Update (July 2013) (SHMA). Derby's HMA has taken a different form in the past and there is a view that parts of Erewash should be included. Nevertheless, the relationship between Derby and settlements in Erewash has been recognised in the SHMA. There will inevitably be issues relating to boundaries and the geography of Erewash is such that much of its population looks towards Nottingham. On the available evidence the HMA used for the purposes of the LP (and for emerging plans in the other two authorities) is appropriately defined and justified.

Objectively assessed housing needs

35. The LP is based on a need for 33,388 new homes in the HMA between 2011 and 2028, with 16,388 being that for Derby. However, the provision in Derby is for 11,000 dwellings on the basis that there is a capacity constraint, the neighbouring authorities accommodating the unmet needs. The Council's Interim Housing Position Statement records the process by which these figures have been derived.
36. The national Planning Practice Guidance (PPG) indicates that the household projections published by the Department for Communities and Local Government (DCLG) should provide the starting point estimate of overall housing need. In this context, the 2013 SHMA took account of the 2011 Census and 2011-based sub-national population and household projections. Three projections were undertaken in the SHMA based on trends, economic forecasts for the HMA authorities and the sub-national projections. It concludes that the trend-based projection is the most appropriate resulting in a demographic requirement for 30,630 dwellings in the HMA and 14,612 in Derby between 2011 and 2028.
37. The Amber Valley Local Plan Inspector asked for further sensitivity testing of these figures which resulted in an additional report in March 2014 (Housing Need in the Derby HMA – Sensitivity Testing Analysis). It found that this did not undermine the previous conclusions. However, the Inspector preferred an updated projection that tracked the mid-point between the household formation rates used in the 2008- and 2011-based sub-national projections. He considered that this would temper the suppression of formation rates in recent trends due to under-supply and worsening affordability. Accordingly, he concluded that there should be an uplift of about 9% to give the HMA total of 33,388 dwellings.
38. Following the publication of the 2012-based SNPP, a review of their implications (November 2014) supported a slightly lower level of need (32,142 dwellings). However, in December 2014 both the Amber Valley and South Derbyshire Inspectors agreed that 33,388 new homes represented the best estimate of objectively assessed housing need for the

HMA. While the Amber Valley plan has been withdrawn, I note that the South Derbyshire Inspector remained of that view in her final report to the Council.

39. In response to the publication of the DCLG 2012-based SNHP the HMA authorities' consultants, G L Hearn, confirmed that based on this the HMA need figure would be 32,207 in the plan period. This would not be materially different to that produced in the context of the earlier SNPP and the Councils did not press for an alternative to that previously accepted by the two Inspectors.
40. The 2014-based SNHP, published in July 2016 and based in part on 2014-based SNPP published in May 2016, indicate household growth for the HMA in the plan period that is not significantly different to those with a 2012 base. Local plans should be kept up-to-date. The PPG indicates that a meaningful change in the housing situation should be considered in this context, but this does not automatically mean that housing assessments are rendered outdated every time new projections are issued. In this case the differences are not so substantial that they could be regarded as meaningful. They do not justify a further reassessment of the OAHN for the HMA.
41. The PPG indicates that the housing need number suggested by household projections should be adjusted to reflect appropriate market signals as well as other market indicators of the balance between the demand for and supply of dwellings. Both the SHMA and the November 2014 review considered the range of signals suggested by the PPG. Prices and rents in the HMA are generally lower than the national average. In terms of affordability, price growth relative to incomes has been modest compared with other parts of the country. The uplift relating to household formation should assist in addressing overcrowding, concealed households and shared households. While levels of overcrowding in Derby are above national and regional benchmarks, the additional provision in the neighbouring authorities in the context of this uplift should enable this to reduce.
42. Little evidence was put before me that would counter the Council's conclusions on market signals. Overall there is not a demand-supply imbalance within the HMA that would justify a higher housing figure based on market signals.
43. In terms of the relationship with employment trends, the SHMA alternative economic-led projections show a significantly lower level of housing need than those on which the LP is based. These were reconsidered in the November 2014 Review which projected an HMA increase in working population of about 22,800 people between 2013 and 2028. This compares with a job forecast by Oxford Economics of around 8,600 in this period. While there are uncertainties about the link between jobs and residents in employment, this indicates that the projected population increase would not be a barrier to economic growth. There has been no persuasive other evidence presented to me that would justify an upward adjustment to housing provision in the HMA for economic reasons.

44. Although the Framework requires that both market and affordable housing needs should be met, the PPG sets out a methodology for calculating affordable needs which is different to the demographic-based approach used above. This entails adding together the current unmet housing need and the projected future needs and then subtracting it from the current supply of affordable housing stock. Having said that, there is an element of affordable need that is included in the demographic calculation. In this context, the SHMA identifies an affordable housing need of 10,117 dwellings in Derby and 19,012 in the HMA between 2012 and 2028. This amounts to 63% of the total HMA need and 74% of that for Derby.
45. The PPG states that an increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes. The LP seeks 30% affordable housing on sites of 15 or more dwellings. Although it is intended that Derby's overall unmet needs would be met by the neighbouring authorities, the scale of the HMA affordable needs is very significant when set against the total housing figures.
46. The SHMA concluded that, taking account of the potential role of the private rented sector as well as affordable housing in meeting housing need, the demographic projections would be capable of meeting the needs of all households over the plan period. The November 2014 review endorsed this conclusion, finding that the affordable housing needs analysis per se did not provide a basis for adjusting upwards the overall assessment of housing need. However, private rented accommodation is not included in the definition of affordable housing.
47. I note that the South Derbyshire Inspector concluded on the evidence before her that with the affordable housing target proposed there and with other measures the optimum level of affordable housing would be achieved. An uplift in the overall housing requirement was not necessary. With the withdrawal of the Amber Valley plan the position there has not been established. However, in Derby itself, if the presence of a capacity limit on further housing is justified (considered below), then allocating more land within the City boundary would not be an option so any additional provision would have to be made in the neighbouring authorities. On the basis of these considerations, an uplift in the City LP would not help to deliver more affordable homes.
48. Having regard to the approach to accommodation for gypsies and travellers (considered below) the SHMA has appropriately assessed the needs of different groups in the population. Overall an appropriate and justified methodology has been used in deriving the OAHN. In the light of the above considerations, I am satisfied that 33,388 new homes represent the OAHN for the HMA with 16,388 for Derby.
49. South Derbyshire's Local Plan Part 1 has been adopted, incorporating its agreed share of housing provision. That for Amber Valley was withdrawn from examination in December 2015. However, through the Statement of Continuing Joint Working Amber Valley remains committed to the agreed housing figure with an indicative target to achieve an adopted plan by

March 2018. While the neighbouring Council has some ground to make up, no conclusive evidence has been presented that would suggest that it cannot deliver its contribution in the plan period. As such, the circumstances at Amber Valley do not amount to persuasive reasons as to why the overall HMA OAHN should not be achieved.

Capacity to accommodate objectively assessed housing needs

50. The Council considers that there is insufficient capacity to meet all of the City's OAHN within the plan area, based on an assessment of a range of constraints and opportunities. The constraints relate to the viability or sustainability of sites and include the Nottingham/Derby Green Belt and Green Wedges.
51. The Framework indicates that an essential characteristic of Green Belts is their permanence. Once established, boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. The most recent review of the Green Belt took place in 2006. However, in 2012 a Technical Assessment of the Derby Principal Urban Area Green Belt Purposes was undertaken. It focussed on areas on the periphery of the urban area when considered against the five Green Belt purposes set out in the Framework.
52. The Green Belt extends around the northern and eastern edges of the City but there are only very limited areas within its administrative boundary. The Technical Assessment concluded that only to the south east was there scope for an adjustment to the Green Belt. Most of the area considered in this regard is outside the City boundary. The Green Belt also has a limited area in South Derbyshire and, although it is more extensive in Amber Valley, there is no evidence that the development needs of the HMA as a whole cannot be accommodated. Overall, there is not a compelling case, amounting to exceptional circumstances, for the release from the Green Belt of areas within the City.
53. The Green Wedges are thirteen areas of predominantly open land that penetrate the City from the surrounding countryside. They first featured formally in local policy in 1989 and are incorporated in the current Local Plan, adopted in 2006. Their primary function is identified in the LP as being to define and enhance the urban structure of the City as a whole.
54. There are no references to Green Wedges in the Framework. However, taking account of the different roles and character of different areas is part of a core planning principle underpinning national policy. The Wedges play an important role in defining the character of Derby as a city. They contribute to local distinctiveness and identity by maintaining areas of open land between neighbourhoods. In principle therefore they are consistent with national policy. I note that this view was shared by other Inspectors in determining recent planning appeals in the City (Ref: APP/C1055/W/15/3003445, APP/C1055/W/14/3001441, APP/C1055/W/15/3132386).
55. The current Green Wedge policy and that in the LP in Policy CP18 are

similar to Green Belt in terms of the restrictions applied but do not have its permanence. The designated areas are not as extensive and are set within rather than around the urban area. The Council has undertaken a Green Wedge Review (2012) to inform the LP. This has resulted in some adjustments to boundaries, such that sites for around 2,000 dwellings have been identified in the LP on land previously within Green Wedges. It is the Council's intention in Part 2 of the plan to consider whether further amendments to boundaries would be necessary to achieve the housing requirement on sites not yet identified. In part, **MM40** clarifies this possibility and is necessary for the plan to be effective in this regard.

56. Overall, The Green Wedge Review has provided a robust basis for supporting the principle of the designation and shown that, while some adjustments and further flexibility are possible, it is an important and justified constraint on development.
57. The extent of the existing built up area within the City boundary is such that there are limited options outside the Green Belt or Green Wedges for further housing land. The LP has allocated some previously developed land for housing and made assumptions about potential windfall development. There is flexibility so that some existing employment sites can provide an element of housing if current uncertainties over viability or deliverability can be addressed. There is no persuasive evidence that the plan has materially underestimated the role that previously developed land can play in meeting OAHN. It is not the intention of the Part 1 LP to allocate all the sites necessary to achieve the plan requirement. Other developable sustainable sites can be identified in Part 2.
58. The Council has agreements in place with its neighbours that aim to meet full OAHN for the HMA as a whole. Having regard to this and the other factors identified, I conclude that it has been demonstrated that the adverse impacts of meeting the City's full OAHN within the LP area would significantly outweigh the benefits when considered against the policies in the Framework taken as a whole. Accordingly, the minimum provision of 11,000 new homes in Policy CP6 has been justified.

Distribution and overall conclusion

59. The distribution of housing development within the plan area broadly accords with the overall spatial strategy. As considered above in that context, the alternatives to this distribution and the flexibility to take a different approach to the housing strategy are limited. The LP has therefore been based on a reasonable consideration of these matters.
60. In the light of these considerations, I conclude that, with the main modification proposed, the housing strategy has been positively prepared and the overall level of housing provision and its distribution are justified and appropriate.

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

Five year land supply

61. The Framework requires that the Council should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements with an additional appropriate buffer. It goes on to indicate that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable sites. Bearing in mind that the LP does not seek to allocate all the sites needed in the plan period, it should establish an appropriate strategy that with the Part 2 plan would deliver an on-going 5-year supply.
62. The Council's position on submission of the LP was that it had a 5.55 years supply as at April 2016. This included meeting a shortfall from the early years of the plan period in the 5-year land supply requirement (the 'Sedgefield method') and a 20% buffer to reflect a past record of persistent under delivery. However, the buffer was not applied to the shortfall. When that was done the supply reduced to 5.28 years. In the light of more up-to-date information, including on house completions in 2015/16, and the possibility that the plan might be adopted towards the end of 2016 the Council also produced a supply calculation for April 2017. This shows a 5.22 year supply at that date with the buffer applying to the shortfall. However, for April 2016 the same data would result in only a 4.78 year supply.
63. In the light of comments made about the methodology, some assumptions and the likely delivery rates of some sites, the Council revisited the basis for the land supply calculation after the hearings. This did not alter its view that April 2017 was the appropriate point for the supply to be calculated but that in the light of some revised assumptions this amounted to 5.39 years (and 5.02 years in 2016). The views of parties on the results were sought and have been taken into account.
64. The evidence base supports the use of a 20% buffer and this is correctly applied to the shortfall. Using the 'Liverpool' method of meeting the shortfall across the plan period would result in a 6.08 year supply in 2017 (and 5.63 years in 2016). However, current local circumstances do not justify a departure from the PPG's preference for 'Sedgefield'. The Council has provided compelling supporting evidence on the allowances for windfalls and development on small sites. The assumptions about completions in 2016/17 appear robust. There is no requirement to include housing stock losses in the supply calculation. In this context, I am satisfied that the broad methodology and overall assumptions that result in the 5.39 (or 5.02) year supply are appropriate.
65. Turning to the sites that make up the supply, for these to be considered deliverable they must be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years and in particular that the development of the site is viable. On the basis of the general evidence and the justification for individual sites considered elsewhere in this report those identified are suitable and available.

66. In terms of achievability, about one third of the supply does not have planning permission. However, the great majority of the strategic housing allocations have been subject to planning applications. Sites with planning permission should be considered deliverable until permission expires unless there is clear evidence that schemes will not be implemented within 5 years. The PPG indicates that allocations can also be included as deliverable sites on this basis. Over 10% of the supply is brownfield land where delivery may be more difficult.
67. The Council has based its assessment of likely delivery on discussions with site developers where possible. Although these can be optimistic and must be treated with caution, assumptions on lead times and build out rates will vary according to local circumstances. I note the conclusions of other Inspectors at planning appeals elsewhere in which they have not been persuaded by the local planning authority's case on site deliverability. For the LP the Council has addressed in detail the comments made by others and taken as a whole the evidence indicates that appropriate assumptions have been made.
68. Since the land supply was calculated by the Council it has resolved to grant planning permission, subject to planning obligations, on two greenfield sites for a total of 310 dwellings. These were not included in the 5-year supply. However, they are controlled by developers and could reasonably be expected to contribute materially. The Part 2 plan will provide the opportunity to allocate more sites. Overall, the position is likely to be tight initially but there is sufficient evidence to conclude that there is a reasonable prospect that on adoption of the LP the City would have a 5-year land supply and that this would be maintained going forward.

Housing trajectory and allocated sites

69. The LP provides for almost 7,000 new dwellings on 15 strategic housing sites. However, it does not allocate all the sites needed to meet the total plan provision figure. Sites for 1,294 dwellings are to be identified through the Part 2 plan and there is an assumption of 900 dwellings as windfalls.
70. The SHLAA includes sites which may have the potential to be Part 2 allocations. Over 400 dwellings are already identified as being on developable sites. **MM40** includes the commitment to consider further amendments to Green Wedge boundaries. Along with this change there is sufficient evidence to have reasonable certainty that the required further allocations can be found. The windfall allowance is modest compared with past rates and relates to small sites under 10 dwellings which would not normally be allocated in the plan. Double counting between windfalls and Part 2 allocations is therefore not a significant concern.
71. The Framework requires the identification of a supply of specific deliverable sites or broad locations for growth in years 6-10 and, where possible, for years 11-15. To be considered developable, sites should be in a suitable location with a reasonable prospect that they are available and could be viably developed at the point envisaged. My reasoning on individual LP strategic housing sites is set out below. Having regard to my conclusions on those and the Part 2 plan provision, the Framework requirements in this

respect have been satisfied.

72. The LP includes a housing trajectory illustrating expected delivery over the plan period. **MM71** makes it clear that it includes both market and affordable housing. It does not include any allowance for the Part 2 allocations. However, while it does not give a full picture, such trajectories should be updated as new information becomes available and the approach taken here is acceptable.

Implementation and conclusion

73. The Council intends that its Annual Monitoring Report should fulfil the requirements of the Framework in setting out a housing implementation strategy for the full range of housing, describing how it will maintain delivery of a 5-year supply of housing land to meet the housing target. **MM17** is proposed to clarify this approach and is necessary for the LP to be effective in this respect.
74. Having regard to all these considerations, I conclude that, with the Part 2 plan in due course, the LP 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.

Whether the Strategic Site Allocations are justified and deliverable

General

75. About 6,975 dwellings of the housing requirement are provided for on Strategic Site Allocations. The Council indicates that it had been the intention to include only large strategic sites in the Part 1 plan but some smaller deliverable sites have also been included in order to assist with providing a 5 year land supply. However, the intention is that smaller non-strategic sites, generally in the region of 10 to 100 dwellings, will be identified in the Part 2 plan as established in principle in the LDS.
76. The Framework requires that each local planning authority should produce a Local Plan for its area with any additional development plan documents only being used where clearly justified. In this case the HMA Councils had agreed an approach based on each producing a Part 1 plan or Core Strategy. For the City Council to have changed course to produce a plan containing all new allocations would have entailed delay and would not have been in the interests of boosting the supply of housing.
77. The SA sets out the basis on which reasonable alternatives for strategic sites were generated from those identified in the SHLAA. These included sites with the capacity to deliver over 150 dwellings, including those in the Green Belt and Green Wedges. The SA clearly sets out the results of the appraisal, indicating on what basis sites have been selected or rejected. The Interim Housing Position Statement and the Site Summary Compendium: Update both provide detailed evidence on the basis for site selection, while the Green Wedge Review examines sites within that designation. Factors such as deliverability as well as sustainability have been taken into account. Overall, the process of site selection is supported by robust evidence.

Individual strategic site allocations

78. Policy AC1 supports the delivery of a minimum of 2,200 homes in the *City Centre*. This includes a minimum of 800 dwellings at *Castleward* and 400 dwellings at the *former Derbyshire Royal Infirmary site* (Policy AC6), in both cases as part of regeneration initiatives on brownfield land. Both these sites have planning permission for this amount of development and are developable in the plan period. About 1,000 new dwellings would therefore be needed on other sites. The Council has provided details of the potential supply of sites which is well in excess of this requirement. There is therefore a reasonable prospect of the overall amount of housing in the City Centre being achieved.
79. *Castleward* is envisaged as a mixed use area, including commercial, leisure and community uses. Subject to a main modification (**MM58**) to clarify the approach to office development adjacent to Traffic Street, Policy AC6 provides an appropriate framework for the redevelopment.

80. The *Osmaston Regeneration Area* (Policy AC14) is a mainly residential location but with a number of existing or former employment sites providing potential redevelopment opportunities. A minimum of 600 homes is envisaged. The main provision for 400 dwellings will be at the former Rolls-Royce Main Works site which has been cleared for redevelopment. Policy AC14 provides a suitable context for the general enhancement of the area and there is reasonable certainty that the amount of development can be achieved over the plan period.
81. *Wragley Way, Sinfen* (Policy AC18) is a greenfield location on the edge of the urban area. A minimum of 180 homes are proposed within Derby as part of an urban extension of 2,000 dwellings most of which is provided for in the South Derbyshire Local Plan. There is an outline planning permission for 130 dwellings with a current application for the remaining 50, indicating that the site is likely to be deliverable. The policy includes appropriate references to the delivery of the South Derby Integrated Transport Link.
82. The *former Manor and Kingsway Hospitals* (Policy AC19) are allocated for a minimum of 700 homes with a business park (B1 uses) of no less than 5ha and a neighbourhood centre. There is outline planning permission for some 600 dwellings, including offices, retail and business units, and a full permission for 100 dwellings. However, based on a market assessment it has been suggested in representations that the provision of offices here is not viable as there is an oversupply in the City. As such, that part of the allocation should also be for housing.
83. There are benefits from an employment allocation to the west of the City, close to new residential developments, with good access to the A38 and city centre. However, the Framework seeks to avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of them being developed for this purpose. In this case the site as a whole was allocated for mixed use in the existing Local Plan adopted in 2006. Nevertheless, the planning permissions have only recently been granted. Some housing has been built but the total amount of development will take some years to achieve, and as it establishes it is more likely that it would be attractive to employment uses. No evidence has been presented of any marketing of this aspect so far. In this context, it is too early to conclude that the business element of the proposed allocation would not be achieved. Policy AC19 is therefore an appropriate framework for the development of the site.
84. Land on both sides of *Rykneld Road, Littleover* (Policy AC20) is allocated for a minimum of 900 new homes as part of a larger growth area including the development of 1,200 dwellings on adjacent land in South Derbyshire. The LP also includes provision for a new primary school, the expansion of Heatherton Neighbourhood Centre and at least 2.4ha of B1 employment uses on land adjacent to the enlarged Centre.
85. In representations a similar case has been made to that for the previous site for the employment element to be removed from the Policy with provision being made for further housing instead. It is considered not to be

viable or deliverable, with evidence presented on the commercial property market in Derby.

86. In the past there was a significantly larger employment allocation here that was marketed but never realised. More recently, the 2006 Local Plan allocated the site for a similar proposal to that in Policy AC20 with housing as the main component. However, it was not until 2013 that the Council resolved to grant an outline planning permission for 800 dwellings, which does not cover the whole of the allocated area but includes provision for B1 business units. The permission has not been issued as a s106 agreement has not been concluded. The Council indicates that this is due to ownership and education provision issues but that these are close to resolution. There has been no evidence that would refute this. Given the uncertainty about the wider site it is unsurprising that there has not been recent progress with the B1 aspect.
87. Although the allocation would be small it could still provide a significant number of local jobs. The site is well related to the A38. There are clear benefits from providing some employment close to a major cross boundary new housing allocation. Notwithstanding the other offers in the employment land supply in Derby, in this context it would be premature to delete the employment uses from the allocation. It cannot be concluded that there is no reasonable prospect of it being used for that purpose.
88. The site is shown on the PM as a single allocation with no distinction between the different proposed uses. In 2008, the Council produced a Supplementary Planning Document (SPD) that provided a Development Brief for the site, showing particular areas where the different land uses would be located, including the B1 element.
89. Policy AC20 does not require the development of the site to accord with the SPD. However, it is referred to in supporting text. In the light of the requirements of the 2012 Regulations concerning the content of SPD the Council has proposed a modification that would delete this reference. With the inclusion of a further minor change to the modification so that subsequent supporting text is consistent with this approach, this is necessary to ensure that the policy context for development is clearly focused on the criteria in Policy AC20 (**MM62**).
90. Representations have been made, supported by technical evidence, that if the land proposed for employment purposes in the SPD was used for housing it could be served by an independent access to Rykneld Road. The Council accepted that this was achievable. However, Policy AC20 provides for two access points to each part of the site in addition to off-site highways improvements. This is not expressed as a limitation on further access points if appropriate. The policy is not unsound in this regard as currently worded.
91. *Hackwood Farm, Mickleover* (Policy AC21) is a greenfield allocation for an urban extension of a minimum of 400 dwellings which would be part of a larger development of at least 690 dwellings including land in South Derbyshire. A part of the site is within a Green Wedge as defined by the

existing Local Plan. This area would be small and not crucial to the overall purpose of the Green Wedge. The Policy also proposes some enhancements to the Green Wedge, including the provision of new public green space and the overall effect on the designation here would be acceptable. Although there has been concern at the loss of agricultural land this must be balanced against the need for housing. The Council has granted outline planning permission for 410 dwellings and there is no evidence to suggest that the necessary infrastructure required cannot be delivered.

92. Two sites between Mickleover and Mackworth are proposed in Policy A22. That north of *Onslow Road*, Mickleover would provide for up to 200 homes while that at the site of the former *Mackworth College* would provide for up to 221. Both sites are within a Green Wedge. However, a significant gap would remain between them and the Green Wedge Review is robust in concluding that there is scope to release land here without undermining its overriding principle. Subject to a modification (**MM63**) that would clarify the relationship of the development to further primary school provision, the Policy is justified and provides an appropriate framework for the development of the sites.
93. *Land at Boulton Moor* (Policy AC23) is intended to provide about 1,000 homes comprising some 200 as an extension to Chellaston to the north of Fellow Lands Way and about 800 to the south of Field Lane, Alvaston. The latter would be part of a strategic urban extension with a further 1,950 dwellings being built on land within South Derbyshire. The Derby sites are within an existing Green Wedge and the Policy provides for a retained area between the two component parts where significant new green infrastructure would be provided. Although the Wedge would narrow, this would be a substantial benefit contributing to unmet needs for green space in this part of the City. The detail of this can be appropriately addressed through the proposed masterplanning of the site.
94. As worded the Policy provides an appropriate degree of flexibility towards new shopping and community facilities depending on whether a new district centre comes forward in the South Derbyshire part of the development.
95. Part of the site is within Flood Zone 2. However, the development would assist in mitigating flood risks from surface water run-off and from the Thulston Brook watercourse. The Council has addressed the flood risk in accordance with national policy and the Environment Agency has not objected to the proposals. With a modification for clarity (**MM65**) the approach is justified. A further modification (**MM64**) is necessary to clarify the access points into and routes through the proposed urban extension.
96. A further urban extension is proposed to the *South of Chellaston* (Policy AC24) with two sites contributing around 100 new homes to a development that overall would provide some 750 dwellings including land in South Derbyshire. Both sites have full planning permission following the recent approval of reserved matters. The Woodlands Farm site is adjacent to a Scheduled Monument and, at the request of Historic England, the Council has suggested a modification to add an additional criterion to the Policy to

safeguard its setting (**MM66**). This is necessary for the Policy to be effective in this regard and sound overall.

97. *Brook Farm, Chaddesden* (Policy AC25) would provide up to 275 dwellings and the Council has resolved to grant planning permission for this amount. The site is in the existing Green Wedge but makes only a limited contribution to urban structure. The Policy requires that no vehicular access be taken from Acorn Way. However, the planning permission would include an access from that road. The Council's suggested main modifications (**MM67, MM68**) would include the possibility of an appropriate access and are necessary for the policy to be effective and therefore sound.
98. *Land South of Mansfield Road, Oakwood* (Policy AC26) would provide up to 200 homes. This is also a Green Wedge site and is adjacent to the Green Belt. There would be some narrowing of the 'mouth' of the Wedge from the countryside but given the relationship to existing development on Foxglove Drive this would not be so significant that the principle of the designation would be materially harmed.
99. The Policy provides for contributions to the enhancement and maintenance of Chaddesden Wood Local Nature Reserve which is close to the allocation. As such, the nature conservation interests would be safeguarded. Appropriate flood risk mitigation measures could be achieved. Outline planning permission has been granted for up to 250 dwellings on a slightly larger site and the evidence indicates that the allocation is deliverable.

Implications of allocations in neighbouring plans

100. It is evident from the above that a number of the proposed allocations are part of larger urban extensions that include land in a neighbouring authority. The infrastructure implications of these sites have been assessed satisfactorily. However, there is also a significant new allocation to the west of Mickleover for around 1,650 dwellings in the South Derbyshire Local Plan Part 1 that is adjacent to the common boundary. This emerged during the course of the examination of that plan and was recommended as a modification by the Inspector. There are separate strategic allocations in the LP in the Mickleover area. There are concerns that the cumulative effects of all these developments on infrastructure would be unacceptable.
101. The City Council did not object to the west of Mickleover allocation but raised traffic impact concerns and the related issue of air quality. The impact of the west of Mickleover allocation was considered in detail by the South Derbyshire Local Plan examination Inspector. The City Council is confident that with the requirements included in the South Derbyshire plan the allocation will not impact on Derby's strategy. It considers that any further mitigation will not add to the burden of sites and will address impacts within the City. I have seen no persuasive evidence that would lead me to a different conclusion.

Omission sites

102. A number of additional sites, all of which are in the existing Green Wedges, have been promoted in representations. In the light of my conclusions on the 5-year housing land supply there is no compelling reason in principle why further sites should be included in the LP. Furthermore, a number of the omission sites are small in comparison with the Council's criteria for strategic allocations and more appropriate for consideration in the Part 2 plan.
103. *Land at Mansfield Road, Breadsall Hilltop and to the North of Allan Avenue/Pritchett Drive, Littleover* are both sites that the Review identified as having some potential for development but where there were unresolved issues. There have been outline planning applications for 230 and 80 dwellings respectively which the Council has resolved to approve subject to s106 agreements. These could be included as non-strategic housing allocations in the Part 2 plan. Their addition to the LP is not necessary for it to be effective in achieving the amount of housing required.
104. *Land at Acorn Way/Derby Road, Spondon* has been the subject of a planning application for up to 125 dwellings with a neighbourhood park and extension to a local nature reserve. An appeal relating to this was dismissed in April 2016. The Inspector concluded that the openness of the site was crucial to the function of this part of the Green Wedge. The evidence before me does not lead to a different conclusion.
105. *Land at Rough Heanor Farm, Mickleover* was not promoted or considered in the Green Wedge Review. There is a planning application for up to 80 dwellings with roadside service facilities. The site would require the re-alignment of slip roads on to the A38 and there is insufficient information as to whether this would be feasible or viable.
106. *Land West of Moorway Lane, Littleover* as promoted would introduce development in a significant part of a Green Wedge in an area where the Council has sought to provide a city park in the existing Local Plan. It is appropriate for this to be considered as part of a review of open space in the Part 2 plan.
107. *Land at North Avenue, Darley Abbey* could accommodate about 45 dwellings. The site cannot be regarded as strategic and could be considered under the Part 2 plan.

Conclusion

108. In the light of these considerations, the inclusion in the LP of the promoted omission sites is not necessary for soundness. I conclude that with the identified main modifications the Strategic Site Allocations are justified and deliverable.

Whether the Local Plan makes appropriate provision for a range of housing in terms of affordability, mix and type

Mix

109. Policy CP6 requires an appropriate mix of housing having regard to the

most up-to-date SHMA. It seeks to ensure that a mix of size, tenure and density is provided which meets needs and is appropriate to the area. This is consistent with the Framework requirement, while providing flexibility to deal with changing circumstances, and is sound in that regard.

Affordable housing

110. The Framework requires that policies should be set for meeting affordable housing needs on site. In this context Policy CP7 requires that on sites of 15 or more dwellings there should be 30% affordable housing. This threshold is above the minimum level at which such provision can be made set in the Written Ministerial Statement (WMS) of 29 November 2014. There is no persuasive evidence that would justify the use of a different threshold level.
111. The LP is supported by a Derby HMA CIL Viability Assessment (VA) (July 2014), with an Addendum, that amongst other things, examine the effects of different levels of affordable housing on the viability of development in each of the three constituent local authority areas. In the context of setting potential Community Infrastructure Levy (CIL) rates it has examined 5 generic development scenarios and a range of affordable tenure mixes and percentages. House sale values in Derby are at the low or medium part of the price range in the HMA as a whole. The VA and Addendum show that, in the low value areas in particular, 30% affordable housing could adversely affect viability. However, there is a mixed picture depending on the development scenarios or whether a site is greenfield or brownfield.
112. The Council has pointed to an analysis of actual amounts of affordable housing secured on sites between 2012 and 2014. These vary considerably with 28% achieved in some cases. More recently 30% has been agreed in granting planning permission for two of the strategic housing sites. Main modification **MM18 (part)** would make it clear that the 30% figure is a maximum. Both Policy CP7 and the supporting text provide for viability considerations to be taken into account. It is evident that the maximum figure can be achieved in some circumstances and that the Council is prepared to negotiate a lower level of provision.
113. It is unlikely that the imposition of vacant building credits will have a significant effect on affordable housing delivery in the context of the LP's general approach to viability. **MM19 (part)** would nonetheless be necessary for effectiveness as it would provide clarity that this should be taken into account in applying Policy CP7.
114. It is appropriate that the tenure split for affordable housing should be informed by the latest SHMA and other evidence on a site by site basis. This should also be the basis for any targets for affordable housing by size and in that context the removal of indicative figures by **MM25** and **MM26** is necessary for effectiveness.
115. Changes to the level of social rent will have an effect on schemes that include such provision. However, the social rented requirement in Derby is not as significant as in some areas and the flexibility in Policy CP7 will assist with ensuring that the delivery of new housing is not constrained by viability

concerns.

116. Having regard to these considerations, the percentage of affordable housing being sought has been justified and its effect on the overall viability of development has been appropriately considered.

Specialist housing

117. In the light of the WMS of March 2015 following on from the Housing Standards Review the Council has proposed main modifications that would remove references to Lifetime Homes and wheelchair adapted dwellings. While it is likely that the optional standards under the Building Regulations Part M would be less onerous in terms of their effect on viability than the requirements of Policy CP7, the WMS requires that they must address a clearly evidenced need. Although there is general evidence of an ageing population in the SHMA, having regard to the PPG this does not amount to the justification required for the LP to include the optional standards and the specific proportion of Part M4(2) dwellings. This is a matter that could be addressed through the Part 2 plan. Main modifications are therefore necessary to achieve consistency with national policy (**MM16, MM18 (part), MM20, MM21, MM22, MM24, MM27, MM28, MM48, MM69**).
118. Until it is clear exactly how the Government intends to carry forward its starter homes proposals following consultation, it is not practical in this particular instance for the LP to include specific provisions. Policy CP7 provides encouragement for those wishing to build their own homes by providing in principle support. Detailed consideration of both these matters could be addressed if necessary in the Part 2 plan. The evidence in the SHMA supports the conclusion that the requirement for student accommodation would be unlikely to result in a need for additional housing over and above the overall household projections.

Gypsies and Travellers

119. The LDS provides for a target and sites for gypsy and traveller accommodation to be included in the Part 2 plan. A joint Gypsy and Traveller Accommodation Assessment (GTAA) was published in June 2015 and the Council indicates that work is underway in terms of considering site options. In that context, LP Policy CP8 includes criteria by which potential site allocations or planning applications will be assessed. The National Federation of Gypsy Liaison Groups has agreed with the Council a statement of common ground indicating support for a number of main modifications to the LP and the approach to the Part 2 plan. These modifications are necessary for consistency with national policy or to refer to the GTAA context (**MM29 to MM33**). With these changes the LP would adequately address the accommodation needs of gypsies and travellers.
120. Overall, with the main modifications identified, the LP makes appropriate provision for a range of housing in terms of affordability, mix and type.

Issue 3 – The Economy and Regeneration

Whether the Local Plan would proactively drive and support sustainable

economic development

Overall strategy and employment land needs

121. The LP spatial vision and the strategy in Policy CP9 encourage sustainable economic growth and reflect the strengths and opportunities for the local economy. They are realistic as well as aspirational.
122. The Derby HMA Employment Land Review: Forecasts Update (March 2013) (ELR) has based the likely employment requirements for the HMA on housing needs. A need for 21,300 additional jobs between 2008 and 2028 has been identified, subsequently increased to almost 22,000 in the light of OAHN changes. The plan period has been rebased since that figure was calculated, but given the uncertainties associated with the relationship between population and job change it remains a reasonable guide to the magnitude of likely growth. The HMA gross employment land requirement resulting from this growth of about 276ha between 2008 and 2028 is an appropriate basis on which to plan the provision of sites.
123. Splitting the land requirement proportionately between the three HMA authorities according to the share of housing provision is an acceptable and sustainable approach, giving the Derby Urban Area a gross land requirement of 150.5ha over the plan period. The LP provides for about 199ha but allowing for necessary infrastructure this reduces to some 128ha net on strategic sites allocated in the plan, mixed use sites and other existing allocations to be reviewed in the Part 2 plan. However, taking account of the 30ha in South Derbyshire as an extension to the land south of Wilmore Road in the City (Policy AC15), the range of sites involved and the size of the flexibility margin (29%) built into the need forecast, the total provision for the Derby Urban Area would be sufficient to meet needs. The flexibility margin would provide significant headroom to accommodate needs not anticipated in the plan.

Strategic employment allocations

124. In addition to the Central Business District (CBD), considered under Issue 4, the LP identifies three strategic employment locations. The VA indicates that speculative commercial development is generally not viable in Derby. However, many forms of commercial development are undertaken directly by occupiers.
125. *The Derwent Triangle* site is adjacent to the recently developed Pride Park and the Wyvern Retail Park. Significant remediation and site raising of this former mineral working have already taken place. However, there are necessary local highways infrastructure and flood mitigation measures that would impact on development viability. To assist with viability an element of housing has been suggested but this might be difficult to accommodate given the surrounding uses. Policy AC11 sets out possible alternatives to Class B uses that might assist its redevelopment. The LP also indicates that the Council will consider evidence on the need for alternative uses to help deliver the site and will balance their impacts against the benefits.

126. *Derby Commercial Park, Raynesway* is adjacent to the A6 and has outline

planning permission for a storage and distribution park. The significant investment needed in highways and flood alleviation works has already taken place and some warehouse units have been constructed.

127. *Land South of Wilmore Road, Sinfin* is a greenfield site allocated as a business park. The Infinity Park Derby part of the site has Enterprise Zone status. The first phase will be an 'Innovation Centre' as part of a wider 'Innovation Hub' with key involvement from a consortium of universities. The necessary key infrastructure is being delivered. Main modifications (**MM59, MM60, MM61**) are necessary to ensure that Policy AC15 is effective by ensuring that the development takes account of the South Derby Integrated Transport Link and the Local Geological Site and that the approach to public transport services is clarified.
128. These locations are clearly justified by the evidence. Having regard to the above considerations they should be capable of delivery within the plan period.

Regeneration

129. Policy CP5 sets out a justified series of priority areas for regeneration, including older commercial and residential sites and District Shopping Centres. A number of the LP strategic allocations are on previously developed land that is or was in industrial use.
130. The *Former Celanese Acetate Site, Spondon* was a chemical factory. It is a substantial site but with significant contamination, access and flood risk issues. Although it is next to a railway station it is otherwise relatively isolated. Policy AC13 supports continued use for employment but also recognises that development viability is an issue. It sets out the Council's willingness to work with the landowner to agree an appropriate comprehensive development scheme. The Part 2 plan could provide further guidance in the light of additional information. There is concern that the site should be used for housing, but in the light of the constraints and current uncertainties the approach in the policy is justified.
131. The *Derby Aerospace Campus* comprises the main facilities of Rolls-Royce, the largest employer in the City. Policy AC16 supports the rationalisation and enhancement of the site to form a modern campus. There is outline planning permission for the site.
132. The existing employment land at *Sinfin Lane* has previously been subject to proposals for housing which the Council has supported in principle. However, these have not come to fruition. Policy AC17 supports continued employment use or comprehensive redevelopment for housing.
133. These policies provide an appropriate basis for the redevelopment or enhancement of these areas. They take account of the current circumstances of the sites providing an appropriate degree of flexibility on the mix and amount of development.

Other matters and conclusion

134. Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect that the site would be used for that purpose. In this context, some of the LP housing and regeneration sites were formerly in commercial use. Policy CP10 sets out criteria by which some areas of existing employment land could be redeveloped for other uses but seeks to protect various key sites. It is intended that the existing supply of employment land will be reviewed in the Part 2 plan. The LP is therefore consistent with national policy in this regard.
135. Policy CP11 makes appropriate provision for office development, with the preferred location being the CBD while there is scope to consider alternative options outside this area on a sequential approach basis.
136. The LP does not include a policy on telecommunications development. However, the Framework provides some guidance on this area. Such a policy does not necessarily have to form part of the LP and further

consideration can be given to it in the Part 2 plan.

137. Provided that the main modifications are made I conclude that the LP would proactively drive and support sustainable economic development.

Issue 4 – City Centre, Other Centres and Town Centre Uses

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

City centre

138. Policies AC1 and AC2 provide the main context for the city centre strategy. The CBD is the preferred location for major new business, leisure, hotel or conferencing development with a smaller Core Area as that for retail development. The Framework requires that the LP should define the extent of town centres and the primary shopping area. In this case the former is the CBD and the latter the Core Area. In applying the sequential test for retail development, national policy defines edge of centre as being 300m from the primary shopping area. The approach in the LP is therefore consistent with the Framework. However, given the different terminology used, modifications **MM34** and **MM37** are necessary to clarify which are the sequentially preferable locations for retail and other town centre uses.
139. Friar Gate Goods Yard is a significant edge of City Centre site containing a number of heritage assets. It has been derelict for some time with various planning permissions having been granted but none implemented. The size and shape of the site are such that some parts of it are some distance from the CBD and Core Area. However, given the importance of regenerating the site and the issues of viability, I agree with the Council that part of the site should be shown on the PM as being within the CBD. Modifications to the LP (**MM54, MM56**), including an appropriate reference to heritage assets, are necessary to clarify its priority status and to ensure that the plan would be effective in achieving an appropriate mixed use redevelopment.
140. Further modifications to Policy AC2 and supporting text (**MM51, MM52, MM53, MM55**) are necessary to ensure that an appropriate and effective context is provided for different detailed aspects of the City Centre strategy.
141. Policy AC2 defines a number of character areas with different priorities for regeneration and environmental improvement, reflecting their specialist roles and functions. These have been appropriately justified and there is no evidence that their boundaries have been designated incorrectly.
142. Policy AC4 sets out a transport strategy for the City Centre. It includes limitations on the use of redevelopment sites for public parking. This would encourage previously developed land being brought forward for development in accordance with national policy. In general the strategy is deliverable and consistent with the aim of reinforcing the Centre's economic, cultural and social role.

143. Overall, the LP provides an appropriate strategy for the City Centre that is justified, effective and consistent with national policy.

Hierarchy of centres

144. In addition to the City Centre, Policy CP12 defines a hierarchy that includes District and Neighbourhood Centres. It entails some flexibility of approach and is likely to be resilient to anticipated future economic changes. This flexibility will also assist with supporting the viability and vitality of centres.

Retail and other town centre uses

145. The LP retail policies are supported by the Derby Retail and Leisure Study (2009) and a Retail Capacity Partial Update (2015). Together they amount to an appropriate objective assessment of needs. They support the general LP approach of not allocating sites for major retail development other than identifying the Core Area as a broad location. Nonetheless, Policy CP13 supports development outside defined centres where it can help to meet identified needs and deficiencies. It introduces to the sequential approach the consolidation of existing out-of-centre provision ahead of the establishment of new locations. Given the character of the urban area of Derby and the likelihood that established locations would offer the possibility of linked trips and sustainable transport, this approach does not conflict with national policy.
146. The Council has clarified that the intention in Policy CP13 is for the out-of-centre provision to relate to small shops and other town centre uses. With main modifications (**MM35, MM36**) to address this point (including a minor change to reflect comments made during consultation) the policy would not conflict with the Framework. In the context of the Council's recent experience of a number of smaller retail proposals that could have cumulative impacts a floorspace threshold for retail impact assessments of 1,000sqm is justified.
147. Notwithstanding recent changes to permitted development rights, the approach to Primary and Secondary Shopping Frontages in Policy AC3 is supported by the evidence base. Changes to defined Primary Frontages on the PM are justified either as they reflect a contraction of retail function in recent years and support a more diverse range of uses in the deleted areas or as they reflect different circumstances in established shopping centres.
148. The Visitor Economy Strategy 2011-2016 provides a context for the tourism aspects of Policy CP14. There is evidence to support the aims of the policy in enhancing the quality of the tourism offer and increasing participation in cultural and leisure activities.
149. Policy CP15 provides a justified approach to dealing with proposals for food, drink and other evening economy uses, consistent with national policy.

Conclusion

150. In conclusion, I consider that as proposed to be modified the LP would set out an appropriate strategy and policies for the City Centre, other centres and town centre uses that are positively prepared, justified, effective and

consistent with national policy.

Issue 5 – Infrastructure and Implementation

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

General

151. The LP is supported by an Infrastructure Delivery Plan (December 2015) (IDP) that identifies the infrastructure required by the development proposed, the likely timescale, cost and sources of funding. The Council has clarified which of these are critical to delivery, comprising mostly transport, education and flood alleviation measures. These are justified by the evidence base. Subject to detailed considerations, below, the IDP gives comfort that there is reasonable certainty about the funding, providers and delivery of the critical infrastructure.

Transport

152. The evidence base includes transport modelling for the HMA as a whole as well as specific testing of the A38 Grade Separation proposals and potential sites for the LP. Overall these provide an adequate assessment of the transport implications of the LP, including on traffic congestion. Various mitigation measures are included in the IDP and Policy CP24. Taken as a whole they are justified and will assist with the continued functioning of an already constrained network.

153. Local mitigation measures will be delivered through development. The A38 Grade Separation scheme will be funded by Highways England with a start by 2019/20. The South Derby Integrated Transport Link and some other schemes will be delivered through a mixture of developer and public funding. There is no indication of a significant risk that critical schemes will not be delivered.

154. The proposed A52/Wyvern junction improvement is shown indicatively on the PM. This scheme has recently been granted planning permission and the process of acquiring the necessary land has commenced. There is concern that more precision on the PM would assist with proposed development adjacent to the junction. However, given the stage reached and the possibility that if necessary a further change to the PM could be included with the Part 2 plan, the LP is not unsound with the scheme shown in its current form.

155. The promotion of sustainable transport is key to the LP strategy in Policy CP23 and has been a criterion in the strategic site selection process. Most of the strategic site policies include sustainable transport measures.

156. The Council's proposed main modifications (**MM49, MM50, MM57**) would ensure that the approach to local parking standards accords with the Framework and the WMS of February 2015.

157. The possibility of strategic rail freight facilities was considered in the

preparation of the plan. A study by the East Midlands Development Agency concluded that the only site in the HMA with potential as an interchange was in South Derbyshire. No specific site in Derby has been promoted in response to the submitted LP and the absence of a reference to such infrastructure does not make the plan unsound.

Education

158. The scale of development proposed will require the provision of a number of new primary schools as well as the expansion of existing facilities. With strategic sites straddling the boundary with South Derbyshire some of the new provision will be in the neighbouring authority. There will also be a need for further secondary school places, including a new school in South Derbyshire. There is robust evidence supporting these conclusions.
159. The additional facilities are intended to be funded by developer contributions or on site provision. This has taken account of the statutory limitations on the pooling of s106 contributions. There are therefore effective mechanisms for implementation.
160. Policy CP22 makes appropriate provision for higher and further education, seeking to support further growth and development of the sector in the City.

Other infrastructure and services

161. Policy CP21 provides an appropriate strategy for the retention, improvement and provision of community facilities. The LP and IDP do not provide a detailed breakdown of the additional facilities required but in the context of a compact urban authority where the enhancement of existing facilities may be an option the flexible approach is appropriate.
162. The Derby HMA Water Cycle Study (2010) provides a suitable basis for the consideration of water resource and waste water matters. Pressure on water resources has been addressed in Seven Trent Water's Water Resources Management Plan and appropriate new infrastructure is programmed. Similarly Seven Trent Water is addressing waste water sewerage capacity to the south of Derby. The Environment Agency (EA) has not objected to the LP and these factors should not be a constraint on development.
163. Policies CP3 and MH1 include public art as appropriate infrastructure. However, while this is encouraged there is no requirement for it to be delivered as a matter of course. In that context, the approach to public art is acceptable. The use of a planning obligation to secure public art would nonetheless have to meet the tests in the Framework and the provisions of CIL Regulation 122.
164. For consistency with national policy **MM15** is necessary to explain that, while Policy CP3 encourages the installation of sprinkler systems in residential development, this is not a requirement of the plan.

Viability and implementation

165. The PPG indicates that evidence should be proportionate to ensure that plans are informed by a broad understanding of viability. Assessing the viability of plans does not require individual testing of every site and site typologies may be used. This is the approach that has been taken in the VA and Addendum and is an appropriate methodology. The effect of affordable housing on viability has been considered above. Having regard to the other requirements in the plan, including possible s106 contributions, and the flexibility of the plan policies, the viability of its implementation as a whole would not be put at risk.
166. The Council is not currently pursuing a CIL in the context of the conclusions of the VA. Although it is keeping the position under review, this means that it would be reliant on developer contributions under s106 in the context of the statutory limit on the number that can be pooled to fund a project. Many requirements in the IDP are site specific and agreements are already in place on several of the strategic allocations. There is no compelling evidence that the limitations on pooling would have any significant implications for the delivery of critical infrastructure. The overall approach to securing infrastructure requirements through planning obligations in the plan complies with CIL Regulation 122 and the policy requirements of the Framework.
167. The Council has operated for some time the approach of seeking 'clawback' agreements from developers whereby necessary developer contributions are reduced in some cases where development would otherwise be unviable but may be increased in the future should viability improve during the lifetime of the development. This is included in Policy MH1. The risk with the approach is that the mitigation required may not be provided at all. However, it is justified and appropriate as a way of ensuring that necessary development takes place. The approach has been applied in particular in relation to the provision of affordable housing and in part **MM19** and **MM23** are necessary for this aspect to be most appropriately addressed in Policy CP7.
168. **MM47** is necessary to ensure that Policy CP21 reflects legal and national policy requirements in terms of the role of SPDs in relation to the development plan.
169. Section 8 sets out a monitoring framework for the LP that will be kept under review to ensure that it remains effective. Overall, the LP provides sufficient clarity over the arrangements for managing and monitoring its implementation.
170. I conclude that the infrastructure requirements for the LP are soundly based and deliverable. With the main modifications the development proposed is viable with clear mechanisms for implementation and monitoring.

Issue 6 – Natural and Built Environment

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

Nature conservation

171. There are no internationally designated nature conservation sites within or adjacent to the plan area. The Habitat Regulations Assessment screening Report (August 2015) has considered possible effects on the River Mease Special Area of Conservation (SAC) which is to the south of Derby. As no discharges to the River Mease catchment would occur as a result of proposed development it concludes that there would be no likely significant effects on the SAC. No evidence has been presented that would conflict with this conclusion and Natural England has raised no objections to the plan.
172. Policy CP19 applies the same degree of protection to all nature conservation sites, irrespective of whether they are of international, national, regional and local importance. The Council has suggested possible main modifications to that policy (**MM41, MM42**) that would ensure that protection is commensurate with their status. These are necessary for the Policy to be consistent with the Framework in this respect.

Built environment

173. Policies CP3 and CP4 set out the principles for placemaking and for development to make a positive contribution towards local character, distinctiveness and identity. Overall, these policies in particular provide a robust and comprehensive approach to the quality of development that will be expected in the area. They avoid unnecessary prescription or detail in the LP as it is the Council's intention to produce separate supplementary design guidance.
174. The Council has suggested main modifications to Policy CP20 and its supporting text (**MM43 to MM46**) that seek to clarify the position concerning the setting of heritage assets and the balancing exercise in terms of any public benefits. These are supported by Historic England. Although alternative wording has been suggested by other parties, with the Council's suggested modifications the approach to heritage assets in Policy CP20 would be consistent with national policy. Overall, the LP includes a positive strategy for the conservation and enjoyment of the historic environment.

River Derwent

175. The River Derwent is an asset to the City, playing an important part in its identity and containing heritage, green infrastructure and biodiversity features. There are opportunities for riverside regeneration and the exploitation of these assets. In this context, Policy AC7 provides a justified and effective strategy for the management of development in the River Derwent Corridor. Policy AC9 provides a sound approach to the protection and enhancement of that part of the Derwent Valley Mills World Heritage Site (WHS) that is within the plan area. While it refers to the effect on monitored views into and out of the WHS without specifying which these are, this is not necessary for the policy to be effective as it is an aid to implementation rather than a policy outcome. More specifically,

Policy AC10 is an appropriate basis for the development of the Darley Abbey Mills Complex.

176. With the main modifications indicated above, I conclude that the LP would make appropriate provision for the protection, conservation and enhancement of the natural and built environment and the achievement of good design.

Issue 7 – Climate Change, Flood Risk and Pollution

Whether the Local Plan makes appropriate provision to address climate change, flood risk and pollution

Sustainable construction and renewable energy

177. Policy CP2 contains a proactive strategy to mitigate and adapt to climate change. As part of this it includes a strategy to promote energy from renewable and low carbon sources. However, following the Government's Housing Standards Review and the WMS of March 2015, some elements of the approach to sustainable design and construction and renewable energy no longer accord with national policy. The Council has suggested some main modifications to the policy and supporting text that are necessary in order to address this (**MM5, MM6, MM9, MM11**).
178. With the proposed modifications the Policy would achieve an appropriate balance between maximising renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily. **MM10** would clarify the position on the relationship between viability and deliverability and the requirements for renewable or decentralised energy. Overall, having regard to the intended flexibility concerning the appropriate form of carbon reduction in a development, the LP requirements for climate change mitigation measures would not threaten viability.

Flood risk

179. With the Council's suggested main modifications to Policy CP2 and supporting text (**MM7, MM12, MM13**) that clarify the position on the 'exception test' and the potential sources of flooding, the approach to flood risk would accord with national policy. The policy has the support of the EA in terms of its effectiveness in managing development and flood risk. A number of the Council's strategic development sites have been shown in the Strategic Flood Risk Assessment (SFRA) to have parts that are at a higher risk of flooding. The Council's Water and Flooding Position Statement (August 2015) indicates how the sequential and exception tests have been applied to these sites. The EA is satisfied that these have been applied in an appropriate manner and there is no persuasive evidence that would lead me to a different conclusion.
180. The 'Our City, Our River' Masterplan (July 2012) (OCOR) sets out a programme, agreed jointly by the Council and the EA, for managing flood risk in the River Derwent Corridor in the City, while enabling the regeneration of the river frontage, including the enhancement of heritage assets and ecological features. The implications of this for development within the affected area are included in Policy AC8.
181. The IDP identifies an overall cost of the alleviation measures of £90.2 million and indicates that there is a £42.6 million funding gap. However, most of the stand-alone flood defences are underway. The OCOR

programme will take some 15 years to deliver and the Council is proactive in securing further funding, including through new development. The EA is confident of the Council's commitment to secure the necessary funding. Concern has been expressed at the possibility that smaller developments might be required to contribute towards implementation in an inequitable way. However, the main focus of Policy AC8 is to ensure that the new and realigned flood defences carry forward or do not compromise the OCOR programme. There is some flexibility within the Policy and some matters relating to developer contributions are to be addressed in the Part 2 plan. Overall, Policy AC8 is both justified and effective in providing a framework for reducing flood risk from the River Derwent while regenerating or enhancing the river corridor in the context of other LP policies including AC7, AC9 and AC10.

182. In areas of flood risk the Framework requires that development gives priority to Sustainable Drainage Systems (SUDS). In the light of the WMS of 18 December 2014 and the PPG, SUDS should be provided for all developments of 10 homes or more unless it is demonstrated that this would be inappropriate. The SFRA and the Derby HMA Water Cycle Study both provide support for the use of SUDS as part of wider flood alleviation measures, amongst other things.
183. In this context, LP Policy CP2 requires developments to be designed and laid out to incorporate SUDS and to ensure that water run-off is directed to areas where it does not cause harm to people or property. It is supported by the EA. However, notwithstanding the clear benefits of SUDS, neither the evidence base nor national policy prescribes their use in all cases. There may be instances where such an approach is simply not achievable. For the LP to be justified and consistent with national policy in this regard there is a need for main modifications to Policy CP2 and supporting text (**MM8, MM14**) to provide a degree of flexibility in that regard.

Air quality

184. There are a number of Air Quality Management Areas (AQMAs) in Derby. While there has not been a specific air quality assessment, the principal concern is traffic emissions with nitrogen dioxide as the main pollutant. Traffic growth has been modelled as part of the evidence base and gives a good indication of where impacts on air quality may occur. Air quality has been a factor taken into account in the SA and locating new development in areas away from the AQMAs a consideration in developing the strategy. Measures in the LP to promote walking, cycling and public transport will assist in minimising the adverse impacts from emissions. Overall, the effect of the LP policies on air quality been appropriately assessed and taken into account.

Conclusion

185. I conclude that the LP makes appropriate provision to address climate change, flood risk and pollution, provided that the main modifications are made as specified.

Issue 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

Green Belt and Green Wedges

186. Policy CP16 seeks to apply national policy towards the Green Belt and is therefore consistent with it. The approach to Green Wedges is in Policy CP18, setting out a series of criteria similar to those in Green Belt in order to maintain their openness. They provide an appropriate basis for the consideration of development proposals in those areas in the context of the commitment to consider whether boundaries should be amended to allocate further housing sites in the Part 2 plan (**MM40**).
187. *Land at Chaddesden Quarry/Sidings* is within the Lower Derwent Valley Green Wedge. It includes operational railway land and a mineral working subject to a restoration condition. This entails aggregate recycling operations and controlled tipping of non-toxic waste to fill and raise levels until 2019. It is very likely that permission will be sought to extend the operations beyond this date. In this context, adjustments to the Green Wedge boundary have been promoted in representations with some land being released for employment, leisure or railway operational needs.
188. There are various issues to be addressed, including possible redevelopment of adjacent sites, access and biodiversity, and the land is currently in Flood Zones 2 and 3. Main modification **MM40** also includes a commitment to consider further amendments to Green Wedge boundaries as part of the process of identifying non-strategic employment sites in the Part 2 plan. It clarifies the position of existing operations or uses within Green Wedges and indicates that an extension to the time limits for the existing aggregate recycling facility would not be prejudiced by being within a Green Wedge. This is an effective way of dealing in the LP with these matters which are more appropriately addressed in detail in the Part 2 plan.

Green infrastructure

189. Subject to a main modification to clarify that green infrastructure includes the ecological network (**MM38**) the LP, and Policy CP16 in particular, contains a justified and deliverable strategy in this respect.
190. The standards for the provision of public green space in Policy CP17 and Appendix D are based in part on an Open Space Study undertaken in 2010. They carry forward an overall standard of 3.8ha per 1,000 people from the existing Local Plan but widen the types of open space which can contribute to it. A review of open space allocations is proposed for the Part 2 plan and, while the evidence base for the standards is a little dated, the Council indicates that this would be an opportunity to sense check the standards. In a statement of common ground Sport England has agreed that a main modification (**MM39**) that includes an intention to update the Council's

Outdoor Sports Strategy would address its concerns that Policy CP17 is not supported by a suitable evidence base. On this basis, the standards in the LP are justified. There is an adequate framework for the protection and development of sports and recreation facilities.

191. Overall, with the incorporation of the main modifications the LP provides a sound strategy for the provision, protection, enhancement or designation of green infrastructure and open space.

Assessment of Legal Compliance

192. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Local Plan Part 1 is identified within the approved LDS (March 2016) which sets out an expected adoption date of December 2016. There may be a little slippage in this due to the time taken for the examination but overall the Local Plan's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in January 2007 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM).
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (August 2015) sets out why AA is not necessary.
National Policy	The Local Plan Part 1 complies with national policy except where indicated and modifications are recommended.
2004 Act (as amended) and 2012 Regulations.	The Local Plan Part 1 complies with the Act and the Regulations.

Overall Conclusion and Recommendation

193. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out

above.

194. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Derby City Local Plan Part 1: Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

M J Moore

Inspector

This report is accompanied by the Appendix containing the Main Modifications