

North East Derbyshire Local Plan Examination

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Ms Helen Fairfax
Planning Policy Manager
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Dear Ms Fairfax,

North East Derbyshire Local Plan Examination

1. I am writing to indicate my initial findings following the hearing sessions in November and December 2018 and to indicate options for the progress of the Examination. I emphasise that the Examination is not yet complete pending the scheduled hearing sessions on gypsy and traveller provision in March and consultation on Main Modifications. Consequently, the comments in this letter are made without prejudice to my final conclusions on the legal compliance and soundness of the plan overall. The detailed reasons for my findings on the following matters will be in my final report which will also cover other matters that have arisen during the Examination but which are not dealt with in this letter. I am not inviting comments from the Council or anyone else on the matters raised in this letter except where I have indicated the need for a further response from the Council.
2. At this stage I have no specific concerns in respect of the statutory requirements arising from the DtC but cannot I reach a final conclusion on this matter until the Examination is complete including the hearing sessions in March.

Employment Land - Site WC1

3. A suitable means of access to Site WC1 Dronfield Regeneration Area will only become clearer as the programme for HS2/electrification progresses. As the availability of local employment opportunities is important for the sustainability of the town, the allocation of Dronfield Regeneration Area within Policy WC1 is justified. However, as the site may not contribute to supply it should be removed from Tables 6.1 and 6.2 reducing the overall employment land supply by 6 hectares. Main modifications to Tables 6.1 and 6.2 and the supporting text would be necessary.

4. Whilst this would result in a reduction in the available employment land supply, the resulting figure of 40.44 hectares would be only marginally less than the requirement in Policy SS2 of 42.66 hectares¹ and this would not materially affect the soundness of the plan's approach to employment land.

Spatial Strategy (Policy SS2)

5. Whilst the spatial strategy in Policy SS2 appears to be broadly appropriate, it is not clear from the evidence nor from discussions at the hearing sessions how the specific requirement in criteria 3 that 'the majority' (over 50%) of new housing development should be focused on the four level 1 towns and strategic sites was arrived at. Whilst the Council has sought to demonstrate that the 50% figure was tested 'by default' through the testing of different spatial options, that specific figure and alternatives to it have not been tested.
6. As matters stand, the inclusion of the specific 50% figure within Policy SS2 is not justified by the evidence and is not soundly based. The approach in the spatial strategy should be less prescriptive, identifying the four level 1 towns and strategic sites as the priority locations for new development with the remainder of housing development taking place in the level 2 settlements. A main modification is necessary for the soundness of Policy SS2 to achieve that.

Green Belt Review

7. The Green Belt Functionality Study concludes that the first three Green Belt purposes set out in paragraph 80 of the NPPF most closely mirror the overarching aim of the North East Derbyshire Green Belt to prevent urban sprawl and settlement coalescence. The Green Belt Review included an initial assessment of sites followed by a supplementary assessment to 'top up' the potential sites for removal in level 1 settlements to support their sustainability and move towards the 50% figure set out in the spatial strategy.
8. I acknowledge the challenges in achieving a more sustainable pattern of development in the District over the plan period and in meeting housing needs including for affordable housing. However, the lack of site options following the initial Green Belt assessment indicates that the spatial strategy should have been 're-visited' with particular regard to the precision of the 50% requirement as referred to above.
9. Whilst the plan's strategy to meet housing need including affordable housing need in the northern towns is, in principle, a justified one, the benefits of this approach must be weighed against Green Belt and other harms. For the reasons detailed below, I conclude that exceptional circumstances have not been demonstrated to justify the alteration of the Green Belt boundaries and the removal of land for development on Sites DR2 and EC1 nor for the proposed alterations to the boundary to remove

¹ As proposed to be modified in the Council's Main Matter 3 hearing statement

Site DR1 in its entirety. Consequently, the submitted plan is unsound in this regard and main modifications will be required to rectify this.

Site DR2

10. Development of this site would result in a prominent extension of the built up area of Dronfield into open countryside and would have a significant urbanising effect along Eckington Road. The changes to the character and appearance of the site arising from built development, the new access road and changes to vegetation and landform would cause material harm to the character and appearance of the Moss Valley Conservation Area and the landscape character of the Nottinghamshire, Derbyshire and Yorkshire Coalfield Wooded Hills and Valleys Landscape Character Area.
11. Insufficient weight has been attributed to the harmful impact that development would have on the strategic function of the Green Belt in this location, identified in the Functionality Study as 'clearly defining settlement extent and in places maintaining expansive vistas between these urban areas'. Development of site DR2 would cause material harm to Green Belt openness and would fail to preserve or enhance the character or appearance of the Moss Valley Conservation Area. I conclude that at a site level, exceptional circumstances have not been demonstrated to justify the alteration of Green Belt boundaries in this location to remove the site for development. A main modification is necessary to delete the site allocation together with a change to remove the allocation from the Policies Map.

Site EC1

12. Whilst the existing development on Ash Crescent to the north is visible from longer distances to the south, it extends along an elevated ridgeline creating a distinctive west - east axis to the built up area. In contrast, the proposed site allocation would extend in a north-south direction down the hillside with a new access off Chesterfield Road opening up views of the development. The new dwellings, access road and changes to vegetation and landform would be readily visible due to the topography of the site. Development would cause material harm to Green Belt openness and would constitute a significant incursion of the built up area into the open countryside to the south of Eckington.
13. I conclude that at a site level, exceptional circumstances have not been demonstrated to justify the alteration of Green Belt boundaries in this location to remove the site for development. A main modification is necessary to delete the site allocation together with a change to remove the allocation from the Policies Map.

Site DR1

14. The site forms part of the open countryside separating Dronfield from Unstone to the south east. Whilst the existing development on Burns Drive and Shakespeare Crescent breaks the skyline due to its elevated position, it is seen at a distance from Chesterfield Road. Development on the southern field parcel of Site DR1 would be visible to the rear of Unstone Farm,

eroding the undeveloped gap between Dronfield and the scattered development on the edge of Unstone. This would be harmful to the Green Belt purposes to check unrestricted sprawl and prevent settlement coalescence.

15. I conclude that at a site level, exceptional circumstances have not been demonstrated to justify the alteration of Green Belt boundaries in this location to remove the entirety of the site for residential development. However, a smaller scale development on the two field parcels bounded by development on Southfield Mount to the north west, Burns Drive to the south west and Chesterfield Road to the north east would relate more closely to the existing built up area of Dronfield and would enable sufficient space to be retained to maintain the identities of Dronfield and Unstone as separate settlements. The submitted plan did not include specific access arrangements for this site which were to be assessed through a transport assessment and details at the planning application stage. The access arrangements should be identified in order to ensure that the site would be deliverable.

Land Supply

16. During the course of the Examination, two schemes have been allowed on appeal at Wingerworth (outline permission for up to 180 dwellings) and Hasland (full/reserved matters permission for 160 dwellings). Whilst the Council has indicated that these should be regarded as flexibility within the housing supply, taken together, these developments represent a significant scale of development and should feature as part of the housing land supply.
17. The Council's response to Main Matter 11 indicated that there would be a five year supply of deliverable and developable housing land on adoption, based on the latest trajectory in ED19. The sites proposed for deletion above were not anticipated to contribute to the five year land supply until year 5, 2023/24. As such, a five year supply would continue to be available on adoption. However, there would be a reduction in supply from year 5. Having regard to the fact that the latest 5 year supply position (Council's response to Main Matter 11) already shows a less than 5 year supply from years 5 to 11, the options that the Council may wish to consider to address this are outlined below.
18. As the hearing sessions will not finish until mid-March, it would be appropriate to update completions and commitments from the position at 22.10.18 which was set out in the Council's Main Matter 11 hearing statements. A 'cut off' point of 31.12.18 may be appropriate with anticipated completions up to 31.3.19, but I would ask the Council to confirm this having regard to the availability of monitoring data. It may be necessary to invite comments on this additional information in advance of the consultation on Main Modifications but I will address that after I have received the Council's response.

Affordable Housing Definition

19. The Council has also indicated that it would like to replace the definition of affordable housing in the plan glossary with the definition in Annex 2 of the 2018 Framework, with the exception of discount for sale which the Council considers would not constitute affordable housing based on house prices and local incomes. This matter has not, however, been covered as part of the Matters, Issues and Questions and from my reading of the evidence base, the impact of these models of affordable housing on scheme viability has not been assessed. In addition, it is not clear what evidence would support the Council's position in respect of discounted market sales housing and the omission of discount for sale within the definition would not be justified.
20. Whilst incorporating the revised Framework definition would be a forward looking approach, the plan is being examined against the 2012 NPPF under the transitional arrangements. Main modifications can only be recommended to rectify matters of soundness. As the plan is being examined against the 2012 NPPF including its definition of affordable housing, I would invite the Council to indicate which test of soundness would be addressed by a main modification to use the revised definition. In addition, evidence of the impact of the different models of affordable housing on scheme viability would also be required.

Infrastructure

21. Main Matter 7 covered the infrastructure necessary to support new development, including highway schemes. The Infrastructure Delivery Plan includes improvements to the approaches to the A61 Bowshaw Roundabout and at the B6057 Green Lane/Callywhite Lane junction in Dronfield but the deliverability and cost of the required junction improvements are not clear. This creates considerable uncertainty over the scale of developer contributions that would be sought with individual planning applications and the impact on scheme viability. I would like the Council to confirm with the necessary evidence that these schemes are deliverable with likely costs.

Next steps

22. The Council should establish the five year land supply position over the lifetime of the plan, taking into account the proposed deletion of the sites identified above. Depending on the outcome, there are two options for the Council to consider to address any loss of supply arising from the deletion of Sites DR2, EC1 and part of DR2:
 1. Do not identify any replacement sites. Whilst the Council's approach has been to meet need in full by allocating specific sites over the plan period, the Framework is clear that plans should identify a supply of specific developable sites for years 6 to 10 but only where possible for years 11 – 15 (my emphasis). The process of plan review would establish future housing requirements and land supply and a specific timescale and commitment to this would need to be included as a main modification.

2. Identify replacement sites to contribute to land supply over the plan period having regard to the spatial strategy in Policy SS2 as amended in line with my comments above. This would, however, be likely to delay the Examination given the need for additional consultation and sustainability appraisal and depending on the location of the sites chosen, Habitats Regulations assessment.
23. In summary, the points requiring further action are:
- Main modification to remove Dronfield Regeneration Area from Tables 6.1 and 6.2 of the plan with consequential amendments to the supporting text;
 - Main modification to Policy SS2 to remove reference to the specific 50% figure and alternative wording to indicate that the four towns and strategic sites should be the focus for new development;
 - Main modifications and consequent change to the submission Policies Map to delete sites DR2, EC1 and part of DR1 subject to identifying suitable access arrangements for this site;
 - Update to completions, commitments and the housing trajectory;
 - Assess whether the proposed change to the definition of affordable housing would be likely to have any implications for the viability of development;
 - Establish the deliverability of improvements to the A61 Bowshaw roundabout approaches and B6057 Green Lane/Callywhite Lane junction;
 - Depending on the option chosen by the Council, a main modification to secure a plan review to ensure a five year supply of deliverable housing sites beyond 2023/24.
24. Please let me know via the Programme Officer if there are any queries on the contents of this letter. It would be helpful to receive an indication of the Council's preferred option to progress the Examination and the timescale necessary for the work to address the points outlined above.

Yours sincerely

Sarah Housden

INSPECTOR