

**NORTH EAST DERBYSHIRE LOCAL PLAN EXAMINATION  
HEARING SESSIONS FOLLOW UP ITEMS**

**WEEK 2 - MAIN MATTERS 7 - 11**

<b>NO</b>	<b>ITEM</b>	<b>RESPONSE/ACTION</b>	<b>NOTES/DOC REF</b>
1	Note of planning applications in Dronfield to be submitted by representor	DGBRG has submitted a note on Green Belt Planning Applications – the document has been added to the list of examination documents.  The Council does not consider that the information in this document is of any relevance to the Local Plan Examination.	<b>ED48</b>
2	Note to be submitted by the Council re implications of allowed appeal for residential development at Deerlands Road, Wingerworth	The Council has prepared a note on the implications of recent appeal decisions in relation to residential development at Deerlands Road, Wingerworth and Mansfield Road, Winsick, Hasland (ED58)  Week 1 follow-up item 8 refers to a site at Pilsley and whether the settlement development limit should be modified. Although the Council still maintains its answer to question 8, the issue raised does have a wider impact on the overall Plan housing land supply. The site is at Lower Pilsley (level 3 settlement) and had a live outline permission at 31st March 2018, due to a pending reserved matters application. It was however missed from the	<b>ED58</b>

		permissions table (EB-HOU8c) and the Council's response to Main Matter 11, question 11.5. 32 dwellings should therefore be added to the large developable sites with permission at 31/03/2018 – not allocated. This brings the total to 5,038 + 32 = 5,070 dwellings completed or permitted.	
3	Update HS2 text at para 9.34 of the plan	Agree. The Council will update para 9.34 as set out in NEDDC pre-hearing suggested change in ED7.	Schedules of Proposed Modifications
4	Policy ID1 – remove cross reference to Policies ID2 to 9	Agree. The Council will delete cross references to Policies ID2 – ID9 in Policy ID1.	Schedules of Proposed Modifications
5	Policy ID3 – review wording of criteria 2c 'prioritising the need of pedestrians above the car' and reference to 'as a last resort' in criteria 3.	Agree. The Council will amend criteria 2c and 3 of Policy ID3.	Schedules of Proposed Modifications
6	Council to consider whether a 'stand alone' policy on density requirements is necessary for soundness	The Council considers that policy SDC12, criterion 2h, sufficiently addresses density requirements. Housing densities should be considered on a case by case basis, and are likely to be different in different locations. It will be more appropriate to have higher densities in and around town centres, and lower densities at edge of settlement locations. The Council therefore supports a flexible approach to the consideration of density, where the characteristics of the site and surrounding area provide the basis for	Schedules of Proposed Modifications

		<p>determining what is appropriate, whilst encouraging optimising densities in town centre locations and locations with good public transport.</p> <p>The supporting text should however include further explanation of the Council's approach to densities and net developable area (new paragraph between existing paragraphs 8.56 and 8.57). The Council proposes to include the general assumptions as set out in the Council's Hearing Statement to Matter 8, but clarifying that the basis for determining the most appropriate density is the characteristics of the site and surrounding area.</p>	
7	Policy SS3 – route to be safeguarded for link road from A61 to A617 to be identified on the Policies Map	The Council is awaiting feedback from Derbyshire County Councils Highways Team.	
8	Review wording of criteria relating to heritage assets in Policies SS4, SS5 & SS6 to secure consistent wording	Agree. The Council will amend the wording of the criteria relating to heritage assets in Policies SS4, SS5 & SS6 to ensure consistency both between policies and with the NPPF.	Schedules of Proposed Modifications
9	Council to review whether the Callywhite Lane regeneration area (Policy WC1) should feature within the employment land availability in Table 6.2	The Council has reviewed whether Callywhite Lane regeneration area (Policy WC1) should feature within the employment land availability in Table 6.2. It has been decided to remove the Callywhite Lane regeneration area from the Employment Land supply.	Schedules of Proposed Modifications

		This, along with revisions to employment land areas during the hearings has resulted in a reduction in supply, and will be incorporated into the modifications to the Plan.	
10	Council to supply wording of conditions used to secure 'local' employment opportunities	This information has been supplied to the Inspector see examination document <b>ED64</b> .	<b>ED64</b>
11	Council to confirm which Primary Care Trust/Clinical Commissioning Group consulted as part of plan preparation	As set out in the Council's Consultation Statement <b>SubD4a</b> (pages 6-8, para 2.3) the Council consulted with the following Clinical Commissioning Groups: <ul style="list-style-type: none"> <li>• NHS North Derbyshire Clinical Commissioning Group; and</li> <li>• NHS Hardwick Clinical Commissioning Group</li> </ul>	<b>EB-SD4a</b> (page 6-8, para 2.3)
12	Council to review traffic data for Eckington having regard to Mr Kenyon's hearing statement on MM7	The Council has reviewed the traffic data in Mr Kenyon's hearing statement on Main Matter 7, and other than one error in relation to the baseline flows for the A6135 which should read '821' not '812', the data is as stated in the evidence base <b>EB-TRA7</b> .  The Transport Evidence Base ( <b>EB-TRA7</b> ) examined the likely traffic impacts of the LP development by estimating trips from the LP development sites based upon industry standard software and then manually assigning the resultant traffic to the highway network i.e. based upon prediction of the most likely	No further action.

		<p>route for traffic between sites and key destinations.</p> <p>As shown in the Tables for the Northern Zone after page 72 in <b>EB-TRA7</b>, traffic increases are forecast to varying degrees on the B6052, B6056, B6058, and A6135 at Eckington . However, none of these increases are considered to be so significant having regard to baseline flows, as to be likely to require mitigation measures on the basis of cumulative traffic impacts.</p> <p>In terms of the section of the B6056 between Coal Aston and the B6052, the evidence found negligible increases in traffic along this route on the basis that this route would not be the natural choice between the LP development sites and key destinations i.e. Chesterfield and Sheffield.</p> <p>In conclusion, based upon the evidence in <b>EB-TRA7</b> the Council remains of the view that the cumulative traffic impacts of the LP development on the local highway network at Eckington would not be severe as to make development unacceptable in this location.</p>	
13	<p>MM10 Housing sites:</p> <p>DR1 – incorporate reference to public right of way within site allocation policy.</p>	<p>Subject to the delineation of the site boundaries (in light of the Inspector’s letter dated 18 February 2019),</p>	<p>Schedules of Proposed Modifications</p>



	<p>Council to consider representations which indicate an earlier commencement to development on specific housing sites and review housing trajectory accordingly</p>	<p>However, on further reflection, this would result in the dwellings completions after the 31st March 2018 not being counted anywhere, as they would not feature in the 2014-2018 completions, nor within the allocated sites.</p> <p>The Council will however review the need for any changes to completed sites as the examination progresses (refer to Council's response to Inspector's follow up questions from Week 3, in relation to modifications to Policies Maps, item 3).</p> <p>The Council considers the Revised Housing Trajectory (<b>ED18</b>) to be realistic.</p> <p>For sites without permission, such as the Green Belt sites, to which the earlier commencement representations relate, the Council's trajectory generally projects the first completions in year 5. This is considered a reasonable approach, acknowledging the site promoters' commitment to submitting a planning application, whilst applying a level of realism to lead-in times.</p> <p>The deliverability of some sites were challenged by representatives at the hearing session considering Matter 11 (at some occasions contradicting their statements at Matter 10, which indicate earlier development commencement than the Council's projections). They have provided additional information on these in</p>	
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		<p>their hearing statements and are seeking to submit further information to the examination.</p> <p>However, the Council does not agree with these arguments and maintains the position as set out in the trajectory at ED18.</p>	
14	<p>Policy LC2:</p> <p>Delete 'at least' in criteria 1 and 2</p> <p>Threshold to be set at '10 or more dwellings' in criteria 1 and 2</p> <p>Criteria 4 – re-locate criteria b elsewhere within the policy as it does not relate to financial viability.</p> <p>Consider whether criteria c is required.</p>	<p>Policy LC2:</p> <p>Agree. Delete the words 'at least' in criteria 1 and 2 of Policy LC2.</p> <p>Agree. Amend the threshold to read '10 or more dwellings, or a site area of 0.5 hectares or more' in criteria 1 and 2 of Policy LC2 to accord with 2018 NPPF – Paragraph 63.</p> <p>Agree. Re-locate criterion b to stand alone new criterion 4, and re-number subsequent existing criterion.</p> <p>The Council considers that policy LC2, criterion 4c, should be deleted, as explained below.</p> <p>Policy LC2 criterion 4a and paragraph 5.72 explain the circumstances where the Affordable Housing percentage may be negotiated down. The last two sentences of paragraph 5.72 subsequently explain that a re-assessment of the affordable housing provision may be required where delivery is likely to extend over a longer period. The reasoning is that market conditions may improve over a longer period, so that the 20% or 30% requirement may be met at</p>	Schedules of Proposed Modifications



		<p>this stage. If there were to be an uplift in values, this should go towards meeting the affordable housing requirements. An agreed phasing plan should set out when these re-assessments should take place.</p> <p>The Council considers that paragraph 5.72 needs to be amended to clarify that the re-assessments relate to meeting the affordable housing requirement in the policy, in circumstances where they may have been negotiated down at planning application stage on viability grounds.</p> <p>Policy LC2, criterion 4c should be deleted and reference added to criterion 4a to explain that where a lower provision has been negotiated and delivery of the site may extend over a long period, a re-assessment of affordable housing will be required in line with an agreed phasing plan. The requirement would not extend above the percentages in this policy.</p>	
15	<p>Policy LC4:</p> <p>Include reference to tenure in paragraph 1</p> <p>Delete cross reference to Policy SS9 in criteria 2</p>	<p>Agree. Add 'tenure' to criterion 1.</p> <p>The Council considers that removing the reference to policy SS9 from Policy LC4 would result in specialist housing proposals which meet one or more of the categories set out in policy SS9 still having to meet the criteria set out within policy LC4 part 2. This was not the intention of policy LC4 part 2. The Council's intention is that the criteria set out in policy LC4 part 2 only need</p>	Schedules of Proposed Modifications

	<p>Council to identify the evidence justifying the 20% requirement in criteria 3 of the policy – has a local assessment been done?</p>	<p>to be demonstrated where the proposal does not comply with other relevant policies in the Local Plan. For example, where a proposal for specialist housing consists of the redevelopment of a previously developed site (policy SS9e), it would not need to show an identified need for specialist housing (as set out in policy LC4 part 2).</p> <p>The policy is meant as an exception type policy for specialist housing, similar to policy LC3 for affordable housing. Supporting text at paragraph 5.88, last sentence, refers to this, but the Council agrees that this could be clarified. The Council will therefore add further explanation at paragraph 5.88, as a proposed modification.</p> <p>The Council’s Hearing Statement on Matter 11, question 11.4 explains that chapter 8 of the SHMA Update (EB-HOU4) includes the evidence justifying the requirement for accessible and adaptable homes in part 3 of Policy LC4. It draws on a range of statistics, including those suggested in the Planning Practice Guidance. Paragraph 11.4.5 of the Council’s Hearing Statement summarises the key findings.</p> <p>In general the District has a higher level of elderly people and a higher level of disability when compared to other areas. At 2015 the older population in the</p>	
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		<p>District is 23.7% and 28.6% of the District's households contain someone with a long-term health problem or disability. The Council has rounded these figures down to a requirement of 20% of homes to be accessible and adaptable.</p> <p>The viability appraisal (EB-IV2) also finds that the cost impact associated with this policy is minimal, as explained in the Council's Hearing Statement on Matter 11, paragraph 11.4.7.</p> <p>The evidence from the SHMA and viability appraisal provides the majority of the local assessment to justify the requirement in this policy. However, it is acknowledged that no information is provided regarding the accessibility and adaptability of existing housing stock. There is no readily available information regarding the level of accessible and adaptable dwellings of the existing stock.</p> <p>The Council has accessed data recommended by the Government's Guide to available disability data, March 2015. The recommended data on existing stock relates to social housing statistics on the Government's CORE website. This shows the number of socially rented properties which were let to new tenants during a certain year and how many of these were wheelchair adaptable. In 2017/18 none of the 546 Local Authority</p>	
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		<p>re-lets and 22 of the 82 Private Registered Provider re-lets were wheelchair adaptable. No data is available regarding further adaptations.</p> <p>The Council has also received information from its Arms-Length Management Organisation for Council properties, Rykneld Homes, regarding data they hold on accessibility and adaptability of existing Council stock. At December 2018, the Council has a stock of 7,846 properties; of these, 130 meet Building Regulations 2010 M4(1) criteria, 11 meet M4(2) criteria and 1 meets M4(3) criteria. Overall this is 1.8%. All these properties are recent new build developments. Rykneld Homes themselves also own 71 properties, 6 of which meet M4(1) and 2 meet M4(3); this is 11%.</p> <p>The above data shows that the accessibility and adaptability of the existing stock is very low. This, together with the SHMA data and viability assessment findings is considered to provide the justification for the 20% requirement in Policy LC4, part 3.</p>	
	Complete final sentence of paragraph 5.86 of supporting text	Agree. Add reference to the increase in the number of people with a long-term health problem or disability at paragraph 5.86.	
16	Policy LC6:  Delete `or by rearranging duties and responsibilities	Agree. At criterion 1a, delete the words `, or by rearranging duties and	

	<p>between workers' in criteria 1a</p> <p>Check reference to dwellings in criteria 2</p>	<p>responsibilities between workers'</p> <p>Agree. At criterion 2, delete 's' from dwellings.</p>	<p>Schedules of Proposed Modifications</p>
17	<p>Council to review table re take up at Markham Vale submitted by Wilson Bowden for continued session on employment held on 24.1.18</p>	<p>Table has been considered and no issues arise. The Council do not contest the information therein. It is agreed that the wider Markham Vale Area is a good strategic location for employment development in market terms.</p>	
18	<p>Policy WC2:</p> <p>include within policy text to indicate how proposals for non B1, B2 &amp; B8 uses would be dealt with</p>	<p>Agreed. The Council will amend the wording in order to make the policy clearer.</p>	<p>Schedules of Proposed Modifications</p>
19	<p>Policy WC3:</p> <p>Delete footnote 28 Include definition of employment uses in plan glossary Title of policy to be 'General Employment Areas'</p>	<p>The Council has agreed to delete footnote 28, include a definition of 'employment uses' in the plan glossary and change the title of the policy to be 'General Employment Areas'.</p>	<p>Schedules of Proposed Modifications</p>
20	<p>Policy WC4:</p> <p>Council to review wording of para 1 to ensure greater clarity Delete 'viable' in criteria 1c Delete para 2</p>	<p>Agreed. The council will review the wording of para 1, and make changes to clarify the status of the use and its relationship to the principal uses on the application site or on adjoining, possibly related, employment uses.</p> <p>The council will also delete para 1(b); the requirement that the proposal maintain</p>	<p>Schedules of Proposed Modifications</p>

		<p>jobs and maximise skills is considered by the Council to be onerous in these circumstances, where the use supports existing employment uses.</p> <p>The Council will delete 'viable' from para 1(c) and reword the sentence to refer to the viability of existing uses</p> <p>The Council will delete para 2.</p>	
21	<p>Policy WC5:</p> <p>Review overall wording to secure a more positive approach including: Re-locate criteria 5 as part of the overall approach at the top of the policy. Review wording of criteria 3b to secure a more positive approach. Review criteria 7 – how would proposals for the loss of shops within the locations in the retail hierarchy be treated?</p>	<p>Agreed. Changes will be made to the Policy to give a clearer and more rational order and priority in order to establish the hierarchy, and will refer then to development in centres and then retail development outside centres, including an amended thresholds sub-paragraph.</p>	<p>Schedules of Proposed Modifications</p>
22	<p>Policy WC6:</p> <p>Definition of 'countryside' – does this mean outside settlement limits – review wording to secure greater clarity</p>	<p>Agreed. The Council will provide a definition of 'countryside' in the glossary of the Plan.</p> <p>For clarity the term Countryside (or 'countryside locations') consists of all locations in the Plan area outside Settlement Development Limits as shown on the Policies Map (as defined at paragraph 4.57 of the Plan).</p>	<p>Schedules of Proposed Modifications</p>

23	Consider whether Policy SS2 should include a category relating to countryside/locations outside settlement development limits	Agreed. The Council will amend Policy SS2 to include a category relating to countryside	Schedules of Proposed Modifications
24	Policy WC7:  Delete criteria 1a	Agree. The Council will amend Policy WC7 to remove criteria 1a & 1b.  Supporting text at paras 6.49 & 6.51 will be amended as appropriate.	Schedules of Proposed Modifications