

Inspector - Mrs S Housden
c/o Programme Officer – Louise St John Howe

Your Ref:
Our Ref: LP/ED2
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Date: 27 March 2019

Dear Mrs Housden,

NORTH EAST DERBYSHIRE LOCAL PLAN EXAMINATION: Council's Response to Initial Findings

I refer to your letters of 18 February 2019 and 21 March 2019, in which you outline your initial findings following the hearing sessions in November and December 2018 and March 2019; and set out a series of points requiring further action from the Council.

The Council welcomes the indication that you have no specific concerns in relation to legal compliance and the Duty to Co-operate, noting that this is without prejudice to your final conclusions once the examination is complete. However, the Council is disappointed with your conclusions in respect of the overall strategy of the Plan and release of sites from the Green Belt in order to deliver land for housing around two of the Districts most sustainable settlements. Whilst you are clear that you are not inviting comments on these matters, the Council has some concerns over the implications of some of your findings, both for this and future Local Plans and wishes to ensure you are fully apprised of these. I set out below the Council's response to the issues and action points you raise.

Employment Land - Site WC1

The Council welcomes your support for the retention of this site to meet the employment needs of Dronfield and accepts your findings that modifications are required to the Plan to reflect the timescale for delivery of this site which is likely to extend beyond the plan period. The Council will therefore prepare modifications to Tables 6.1 and 6.2 and supporting text of the Plan to reflect this.

However, whilst Paragraph 4 of your letter dated 18 February clarifies that the employment land supply in Table 6.2 is 40.44ha (based upon the modification set out in the Council's Main Matter 3 Hearing Statement (paras 3.8.23 & 3.9.3); this does not take account of other changes to the supply arising from amendments to the employment land elements of the strategic sites:

- A reduction to the B uses employment requirement for the Biwaters Strategic Site (Policy SS4) from 8ha to 5 ha, as set out in the Statement of Common Ground ED46.
- Amendments to Table 6.2 in relation to employment provision on:

- Markham Vale site area reduced from 4.7ha to 4ha to take account of road infrastructure; and
- Avenue Strategic Site (Policy SS3) reduced from 5ha to 4 ha to align with the minimum level referenced in Policy SS3 (criterion 2 c.).

These changes reduce supply to 35.74, whereas take-up (3.49ha) and losses (0.81) for the period 2014-17 give a net change of 2.68ha. Together these provide a total supply of 38.42ha indicating a shortfall of some 4.24ha against the Plan target of 42.66ha. Whilst it is anticipated that the Coalite Priority Regeneration Area covered by Policy SS6 has the potential to deliver employment land within the plan period, this is not guaranteed. It is therefore the Council's intention to adopt a similar approach to that suggested for ensuring housing land supply and propose a main modification to the plan that commits to a plan review in the event that there is a shortfall in employment land supply.

Spatial Strategy (Policy SS2)

I can confirm that the Council will amend the wording of Policy SS2 to remove reference to the specific 50% figure and to indicate that the four towns and strategic sites should be the focus for new development. This will be prepared as a Main Modification to the Plan.

Green Belt Review and Sites DR1, DR2 & EC1

Paragraph 8 of your letter dated 18 February suggests that the spatial strategy should have been revisited in light of the lack of site options following the initial Green Belt Assessment. Whilst there is some logic to this approach, it does not recognise the events that led to the decision to undertake the Green Belt Review in the first place. Work on the plan up to September 2015 sought to accommodate the housing requirement on land outside of the Green Belt. However, consultation on a draft Part 1 Plan and schedule of potential housing sites demonstrated significant uncertainties over the deliverability of the strategy, due to insufficient sites in sustainable locations. The land supply situation in 2016 when the results of the Green Belt review were available, was little different, making it unlikely that any meaningful change from the strategy could have been considered, particularly given the position of neighbouring authorities which were struggling to meet their own needs. It is therefore difficult to see that there were other reasonable options open to the Council at these key points in the preparation of the Plan.

Paragraph 9 of your letter sets out that the benefits of meeting housing need must be weighed against Green Belt and other harms and goes on to conclude that exceptional circumstances have not been demonstrated to justify certain sites. The Council has always recognised that the removal of these sites would be harmful to the Green Belt; but considered that the need to provide housing at these principal and sustainable towns along with the lack of sites in these towns and elsewhere in the District, provided the exceptional circumstances. I note your view on these sites and the harmful impacts of development in these locations. However, it would have been helpful to understand how you have weighed this against housing supply and whether the changes in the land supply over the past 12 months have had a bearing on your decision.

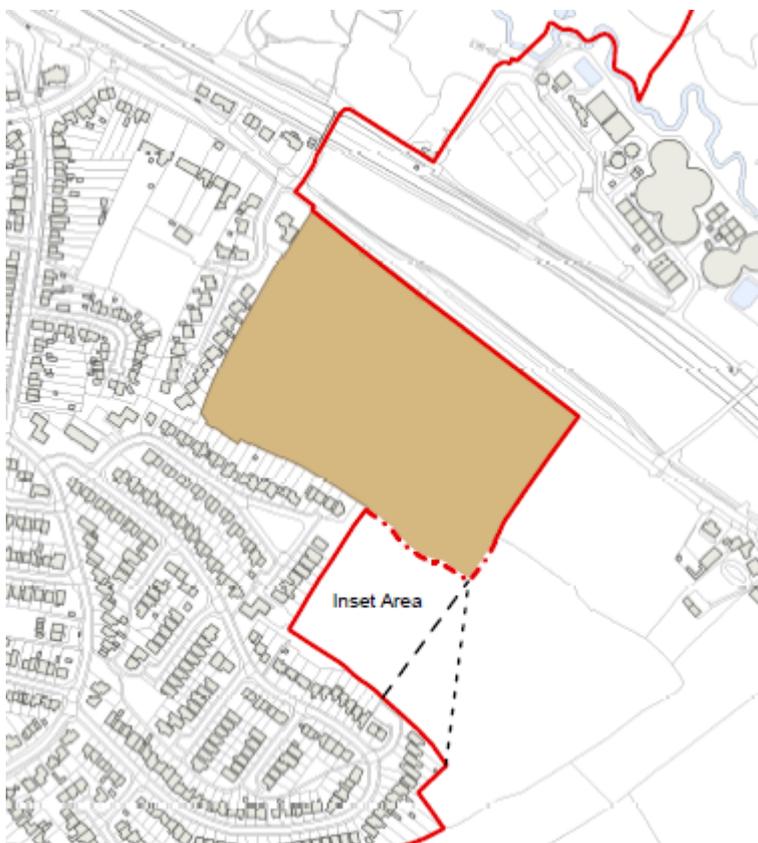
You acknowledge in your letter that a consequence of deleting the Green Belt sites from the Plan will reduce the overall housing land supply which in turn may necessitate an early review of the Plan. The Council has concerns over this approach. In preparing the Plan the Council has taken difficult decisions in the interests of securing a plan that covers the full 15 year time horizon post plan adoption, advocated by the 2012 NPPF (para 157); and

providing certainty for all stakeholders. It is feasible that work on a review could commence within 5 years, with a high level of certainty that this would require further consideration of land within the Green Belt, which would also be contrary to advice in the 2012 NPPF (para 83) and 2019 NPPF (para 136) which seek to ensure that Green Belt boundaries endure beyond the plan period. The Council has taken a robust approach to the Green Belt Review so it is likely that the same sites would resurface for consideration as part of a future plan review, leading to continuing uncertainty and distress to all interested parties. An alternative to the short term approach of deleting these sites from the current plan could be to identify them as Safeguarded Land. I would request your advice on whether this is a reasonable option for the Council to pursue through the modifications process.

Notwithstanding the above, and in the interests of securing an adopted Local Plan at the earliest opportunity, the Council will put forward Main Modifications to the Plan to delete sites DR2, EC1 and part of DR1 and will make consequential changes to the Policies Maps.

Site DR1

Paragraph 15 of your letter dated 18 February refers to a reduced site area for site DR1, restricted to the northern fields fronting Chesterfield Road. The image below illustrates our understanding of the area to be retained within the allocation. However, the Council is concerned that this would leave an inset area bounded on three sides by development, which would not serve a strong Green Belt function and would continue to be subjected to development pressure at future plan reviews. The Council considers that a new boundary that takes a clear line as indicated by either of the black dotted or dashed lines, would create a stronger and more defensible long term boundary in this location.



In terms of access arrangements, the site promoters have provided the Council with an illustrative layout that shows how the revised site area could be accessed (see attached). Whilst the County Highway Authority has not been consulted on this particular scheme, it is understood from their earlier comments that critical visibility splays can be achieved across the Chesterfield Road frontage.

Land Supply

The Council accepts the need to update the housing completions and commitments data and this will inevitably result in changes to the housing trajectory. The data contained within the table at Q.11.5 of the Council's Main Matter 11 statement contained completions and commitments data at 31 March 2018, with additional commitments data for major sites only at 22 October 2018. Given we are approaching the end of the current year's monitoring period (31 March 2019) when a full review of annual completions and commitments would ordinarily be undertaken; it is proposed that the Council adopts its usual monitoring approach. This work is underway and is scheduled for completion by the end of April 2019.

It is unlikely that that this timeframe would unnecessarily delay plan production. The purdah period associated with May's local elections commenced on 22 March 2019, which in effect prevents consultation on modifications taking place until early June 2019 (allowing time for committee approval post-election).

Affordable Housing Definition

The Council had suggested that it would like to replace the definition of affordable housing in the Plan glossary in line with the new definition at Annex 2 of the 2019 NPPF. However, having considered your observations on this and other matters, the Council wish to rely upon the existing definition as set out in the 2012 NPPF. There is already a need to undertake an early plan review to address issues of housing and possibly employment land supply over the lifetime of the Plan, and this could simply be expanded to cover any other changes to policies arising from the 2019 NPPF, such as the new definition for affordable housing.

Infrastructure

You have requested further information in respect of the deliverability of improvements to the A61 Bowshaw roundabout approaches and B6057 Green Lane/Callywhite Lane junction in Dronfield. Derbyshire County Council as highway authority acknowledge that whilst the Transport Evidence Base identified some concerns regarding Chesterfield Road Green Lane / Callywhite Lane, Dronfield together with the approaches to A61 Bowshaw Roundabout, this was based upon a significantly higher quantum of development. They also acknowledge that the likely traffic impact associated with the reduced level of allocations around Dronfield and Eckington will be substantially less than that considered in the Transport Evidence Base (EB-TRA7). This is illustrated in the table below which outlines the difference in trip generation anticipated in 2017 and current levels taking account of your initial findings, shown in brackets.

Trip Generation for Housing and Employment Development in the Northern Zone (Based on Table 4.7 from Transport Evidence Base EB-TRA7 & taking account of the Inspector's Initial Findings).

Location	Housing (Units)	AM (0800 – 0900hrs)		PM (1700 – 1800hrs)	
		Arrivals Trip Rate* 0.229	Departures Trip Rate 0.522	Arrivals Trip Rate 0.479	Departures Trip Rate 0.27
Dronfield	665 (190)	152 (44)	347 (99)	319 (91)	180 (51)
Eckington	505 (112)	116 (26)	264 (58)	242 (54)	136 (30)
Killamarsh	689 (471)	158 (108)	360 (246)	330 (226)	186 (127)
Renishaw	270 (0)	62 (0)	141 (0)	129 (0)	73 (0)
Total Housing Units	2,129 (773)				
	Employment (Ha)	Arrivals Trip Rate** 1.066	Departures Trip Rate 0.363	Arrivals Trip Rate 0.206	Departures Trip Rate 0.853
Dronfield	6 (0)	256 (0)	87 (0)	49 (0)	205 (0)
Total Trips		744 (178)	1,199 (403)	1,069 (371)	780 (208)
Overall Trips					3,792 (1,160)

*Trip rate per housing unit

** Trip rate per 100 sqm

This table clearly shows a 69% reduction in overall trips across the northern part of the District and an 82% reduction in Dronfield alone. On this basis the Council and Derbyshire County Council Highway Authority consider that residual offsite traffic impacts within Dronfield are likely to be limited and, although Transportation Assessments will still be required in support of applications for the individual sites, it is not necessarily the case that these will necessitate junction improvements-

On this basis the Council considers that the provision of additional evidence at Local Plan stage to show detailed and costed highway mitigation works would be unduly onerous and disproportionate.

Next Steps – Ensuring a Five Year Housing Land Supply

Of the options presented at paragraph 22 of your letter dated 18 February, the Council has a clear preference for selecting Option 1 and agrees to include a Main Modification in the Plan to secure a plan review to ensure a five year supply of deliverable sites throughout the plan period.

The specific timing for a plan review will depend upon the outcome of the updated housing trajectory, which in turn relies upon updates to the housing land supply data in the context of completions, commitments and changes to the allocations. This work is programmed to be completed by the end of April 2019. At this point it will be evident at what point the supply of specific deliverable sites will fall short of the required 5 years. A plan review timetable will then be prepared to dovetail with the trajectory and ensure a continuous five year supply of specific and deliverable housing sites. This will be set out as a Main Modification to the Plan.

Traveller Site Provision

Your letter of 21 March 2019 deals specifically with the matter of Traveller Site Provision. The Council accepts your findings in relation to the four potential sites and will prepare Main Modifications on this basis. The Council welcomes your pragmatic approach to meeting the full need for pitches at this point in time; and confirms that arrangements are underway to update the evidence base, which in turn will inform the need for a plan review.

Main Modifications

The Council is preparing a draft schedule of Main Modifications covering the issues addressed to date through the Local Plan hearing sessions. However, in addressing your initial findings there are a number of further Main Modifications that will be required and which will not be available until the end of April. As explained above the Council has local elections scheduled for 2 May 2019 and is subject to purdah which commenced on 22 March 2019, meaning that any consultation on Main Modifications could not take place until June 2019.

I trust the above clarifies the Council's position and I look further to hearing from you further in respect of the above matters.

Yours faithfully



Helen Fairfax
Planning Policy Manager

Illustrative Access Arrangements for Site DR1

