Dear Mrs. Housden,

North East Derbyshire District Council Local Plan Examination – interim report

As the Member of Parliament covering the majority of North East Derbyshire District, I am writing in response to your interim report to Helen Fairfax at North East Derbyshire District Council (NEDDC) on 18 February 2018 as part of the Local Plan examination.

I have received a huge amount of correspondence from residents in my constituency regarding the interim report. It has also been a recurring topic at my recent public meetings and surgeries. Some elements of the report have been positively welcomed but there remain considerable concerns over other issues from the NEDDC Local Plan, not least of all the proposals to remove land from the green belt.

Having reviewed the interim report and NEDDC’s Local Plan, I welcome the following changes to the plan proposals:

- The removal of green belt site allocation EC1 – Eckington South;
- The removal of some of the green belt site allocation DR1 – Land off Shakespeare Crescent & Sheffield Road, Dronfield, and;
- The removal of green belt site allocation DR2 – Land North of Eckington Road, Coal Aston, Dronfield.

However, there are outstanding concerns with the Local Plan green belt site allocations that have either not been addressed in your interim report or not, in my opinion, gone far enough to convince many of my constituents and I that the Plan is sound and justified:

- Remaining green belt site allocation DR1 - Land off Shakespeare Crescent & Sheffield Road, Dronfield, and;
- Green belt site allocation KL1, which is not addressed in the interim report – Land at Westthorpe, Killamarsh.

I wrote to you in April 2018 to outline my concerns for the Local Plan as a whole, and I want to reiterate why the remaining green belt allocations are unjustified and prevent the plan from being sound:

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- The justification for the removal of green belt land appears unproven, certainly not exceptional, and alternatives have not been fully explored;
- The evaluation of sustainability and infrastructure appears to disregard relevant and necessary information, and;
- The calculations used to determine house-building requirements are both excessive in their starting point and arguably calculate their composition incorrectly.

Firstly, paragraph 83 of the NPPF makes it clear that “Green Belt boundaries should only be altered in exceptional circumstances”. As demonstrated by Gallagher v Solihull BC [2014], the preparation of a local plan is not, in itself, an exceptional circumstance for altering boundaries.¹ This current draft of the local plan is deficient in regards to justifying exceptional circumstances.

In order to justify NEDDC’s proposals to remove land from the green belt, the local authority have decided to test their proposals against caselaw; Calverton Parish Council V Greater Nottingham Councils [2015] EWHC 10784.² This test, however, is not approved by Planning Practice Guidance or the NPPF, and therefore, NEDDC has decided to pick and choose their own assessment to justify proposals for green belt development.

Furthermore, on the Government’s list of alternatives to green belt development that should be considered before an exception can be made is suitable brownfield regeneration.³ NEDDC, however, has not fully explored the use of brownfield and strategic sites elsewhere in the District, which contravenes the 2017 statement from the then Department for Communities and Local Government. There is also little evidence the Council have considered under-used land, densification or estate regeneration.

Taken together, the local authority cannot demonstrate that exceptional circumstances are justified and the plan cannot be considered sound in its current state or following the interim report proposals.

Secondly, NEDDC has not demonstrated that the district has the necessary infrastructure to support the further economic jobs growth they predict in their regeneration scenario. In the Employment Land Review Update 2017, Lichfields’ report shows limitations to further infrastructure that would be required for the creation of new jobs.⁴

For example, no assessment of Dronfield rail station capacity or commuter projections have been conducted. Despite this, the Sustainability Appraisal lists the station as one of advantages of nearby development: “Prospective residents are anticipated to be able to reach the station quite conveniently via bus.”⁵ No further consideration has been given to how the prospective residents would travel to the station (no plan is set out for increasing car parking capacity at the station or assessment of bus timetables).

¹ Gallagher Homes Ltd v Solihull Borough Council [2014] EWHC 1283 (Admin), Hickinbottom J
² NEDDC Green Belt Topic Paper (2018), para. 4.5
³ http://www.parliament.uk/written-questions-answers-statements/written-question/commons/2017-10-11/107174
⁴ Employment Land Review Update (2017), para. 4.7
⁵ NEDDC Sustainability Appraisal (2018), para. 1.9.1
No assessment has been made of the road capacity in Killamarsh, too, which is suffering from growing congestion problems on Sheffield Road. There is no evidence of cooperation with Derbyshire County Council to address this issue, despite the proposed increase of nearly 400 houses on the KL1 green belt allocation site. Furthermore, NEDDC’s own sustainability appraisal showed that there is limited capacity for water treatment works in Killamarsh, and no additional capacity in Dronfield. Altogether, the infrastructure in Killamarsh and Dronfield (as well as elsewhere in district) simply cannot cope with the level of pressure that will be put upon it in the event that the KL1 and full DR1 green belt site allocations are realised.

Thirdly, the Local Plan housing requirement of 6,600 houses is excessive and, therefore, the need to remove sites from the green belt, such as KL1 and DR1 are unjustified. This estimate was based on the growth job-led scenario which estimated 332 houses per annum - 66% higher than the smallest estimate of 199 houses per annum.

This growth job-led scenario predicts extreme job growth that requires 33% more houses than required by demographic need. The projections were based on discussions with NEDDC officers with no public information about the meetings, so it is unknown how exactly these projections were made and it is difficult to assess the objectivity of these conclusions. NEDDC also rejected jobs growth projections by Oxford Economics and Experian, although the local authority knows these projections are highly reputable. Another issue with the regeneration scenario is the inconsistency in calculating housing supply.

The need for such excessive housing requirement is, therefore, entirely unjustified and unproven, which would also suggest that the green belt site allocations DR1 and KL1 are, likewise, inappropriate.

I hope you consider carefully the concerns that I have raised on behalf of my constituents. I have enclosed my original submission to you as part of the Local Plan consultation from last April for reference.

The removal of the green belt site allocations DR2, EC1 and for parts of DR1 are strongly welcomed and we regret that NEDDC could not come to this conclusion themselves. Nevertheless, many of my constituents and I are clear that the sites KL1 and the remaining DR1 site are a bridge too far. There are no exceptional circumstances to remove land from NEDDC’s green belt and the amended proposals following the interim report are, although better, still wholly unjustified.

Many thanks,

Lee Rowley
Member of Parliament for North East Derbyshire