Mr D Swaine & Cllr M Thacker  
Chief Executive  
North East Derbyshire District Council  
District Council Offices  
2013 Mill Lane  
Wingerworth  
Chesterfield  
S42 6NG

2 August 2019

Dear Mr Swaine and Councillor Thacker,

**North East Derbyshire Local Plan Examination**

Thank you for your letter of 12 July 2019.

I acknowledge the benefits of having a robust and up to date plan in place for North East Derbyshire. Whilst I have sought to conduct the Examination in a pragmatic and constructive manner, your request that I give consideration to further amendments to the Plan presents some difficulties given the advanced stage of the Examination.

The Council submitted for Examination what it considered to be a sound Plan and requested in its letter of 30 August 2018 that I recommend any main modifications necessary to address issues that would otherwise make the Plan unsound or not legally compliant. The main modifications that I consider necessary to address soundness issues have been discussed by the Council, myself and other participants at the hearing sessions held in November and December 2018 and March this year, albeit that their detailed wording has yet to be finalised. At this stage, no further hearing sessions are necessary or planned and the usual process would be for the drafting of the main modifications to be finalised and subject to consultation before my final report.

Whilst your letter suggests that there has been a change in the circumstances that should inform my assessment of whether ‘exceptional circumstances’ exist to justify the removal of sites from the Green Belt for development, I am not aware of any alterations to the evidence base which underpins the submitted Plan. The Plan’s strategy for economic and housing growth is supported by a number of important documents including the North East Derbyshire Growth Strategy (2014), the Employment Land Review Update and Economic Growth Analysis, the North Derbyshire and Bassetlaw Strategic Housing Market Assessment and Objectively Assessed Need Update. The release of sites from the Green Belt for housing development has been informed by the North East
Derbyshire Green Belt Review. The Plan is also supported by a Sustainability Appraisal and Habitats Regulations Assessment. I am not aware of any changes to this evidence base to justify any re-consideration or review of the main matters and issues that were covered at the hearing sessions.

I requested an update of the housing land supply information to provide the most up to date position to inform the housing trajectory over the plan period and the five year requirement on adoption. Notwithstanding that recent monitoring has established a greater supply from permissions, Policy SS2 is clear that the 6600 dwelling requirement figure is a minimum figure and does not represent a ‘ceiling’ or limit on development. Representors have not yet had an opportunity to review or comment on the most recent monitoring data produced by the Council.

The spatial strategy in Policy SS2 seeks to direct the majority of new housing development to the District’s Level 1 Towns of Dronfield, Killamarsh, Eckington and Clay Cross and to the strategic sites at Wingerworth and Clay Cross. I have sought a main modification to remove specific reference to the 50% figure in Policy SS2 as submitted, but the focus for development would continue to be the more sustainable settlements in the District, informed by the Settlement Hierarchy Study Update (2017). Whilst I have concluded that sites EC1, DR2 and part of DR1 would not be soundly based for the reasons outlined in my letter of 18 February 2019, I am satisfied that the remaining housing allocations would be necessary and justified to provide a range and choice of housing sites to deliver the Plan’s spatial strategy in Policy SS2 and to boost the supply of housing, including affordable housing, as required by the National Planning Policy Framework.

It is not clear from your letter what evidence would justify allocating fewer sites for housing. Your letter refers to sites KL1 and the remaining area of DR1 but there are other Green Belt deletions for housing in the submitted Plan (sites DR3 and KL2). If you wish to advance different changes to the plan to those previously considered you would need to provide a full justification for them, including through revisions to the evidence base (this is likely to need to include a revised Sustainability Appraisal and Habitats Regulations Assessment).

The Council’s revised position and evidence base would then need to be consulted upon and further hearing sessions held. Only at the end of that process would I be able to reach a conclusion after considering the evidence, representations and hearing discussion. This process would take some time and there can be no guarantee at the end of it that I would be able to conclude that what is now being proposed by the Council would lead to a sound Plan. I do not consider that a commitment to an early review would obviate the need for this work.

In the circumstances, there are three options for the Council to consider going forward:

1. Proceed with the Examination on the basis of the submitted Plan and the main modifications that have been considered to date, subject to finalising their detailed wording. It would also be necessary to invite written representations on the updated land supply information from relevant
representors before consultation on the main modifications as was originally intended. A revised timescale for consultation on the main modifications would need to be agreed.

2. Review the evidence base informing site allocations, re-consult on the Council's revised evidence base and proposals and conduct further hearing sessions. A programme and timetable for the work would need to be agreed.

3. Withdraw the plan from the Examination.

I realise that the Council’s aim is to have an up to date Plan in place as soon as possible. However, the options for moving forward are limited by the stage that the Examination has reached and the need to ensure a robust, fair and open process for all representors.

I would be grateful for your response to this letter at your earliest convenience but if you have any queries in the meantime, please let me know via the Programme Officer.

Yours sincerely

Sarah Housden

INSPECTOR