

North East Derbyshire Local Plan

**Issues and Options (Regulation 18) Consultation
on Strategic Approach to the Location of
Development and Refined Sites**

Derby Diocesan Board of Finance

Professional memberships and accreditations



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1. Introduction

- 1.1. These representations are prepared by Fisher German on behalf of our client, Derby Diocesan Board of Finance, in respect of their land interests at Langer Lane, Wingerworth and Park House Road, Lower Pilsley.
- 1.2. The sites were submitted to the Council during the 2025 Call for Sites exercise and have since been the subject of Representations submitted to the initial Regulation 18 consultation carried out between June and August 2025
- 1.3. The Council are now consulting on its latest material as part of the Issues & Options stage of Local Plan production. Specifically, the current consultation is focussed on the strategic approach to the location of development and a refined schedule of sites all of which have passed through both the initial desktop screening, and further detailed stages of assessment. Included within this refined schedule is our client's site identified as '**45201 – Land East of Langer Lane, Wingerworth**' within the consultation document. To note, we expect the reference to 'east' is mistaken and thus refer to the site as Land west of Langer Lane, Wingerworth within these representations.
- 1.4. We acknowledge that our client's additional site at Lower Pilsley (ref. 45205) – which was included in the previous call for sites and Issues and Options representation submissions – is not included within the schedule. We would like to reiterate through these representations however that the site remains available and we consider also a logical option for the Council to consider, should it be required.
- 1.5. The NPPF and Standard Method were published on 12th December 2024 and the updated Local Housing Need for the district has significantly increased from 224 dwellings per annum (dpa) to 605 dpa. The Council will be required to allocate sufficient residential sites to deliver the housing need. The land off Stretton Road, Morton offers a site in a sustainable village not constrained by Green Belt designation. Green Belt release is expected if North East Derbyshire is to meet its development needs in full, however Green Belt remains a Footnote 7 protection and logically use of non-Green Belt land should be prioritised in the first instance.

2. Representations

45201 – Land West of Langer Lane, Wingerworth

- 2.1. The consultation invites specific comments on sites which have been the subject of further testing and been included within the refined schedule. This section seeks to provide site specific commentary in relation to land west of Langer Lane, Wingerworth, to promote its onward selection as a future allocation and this includes a consideration of relevant evidence base work carried out by the client to inform site strategy.

Site overview

- 2.2. The site comprises agricultural land accessed from Swathwick Lane. The site is bordered by The Old Rectory, which includes a commercial use, to the north, Swathwick Lane/ Langer Lane to the east and agricultural land to the south and west. The site is located immediately adjacent to the settlement boundary of Wingerworth. Wingerworth is identified as a 'Level 2' settlement with a good level of sustainability within the adopted Local Plan.

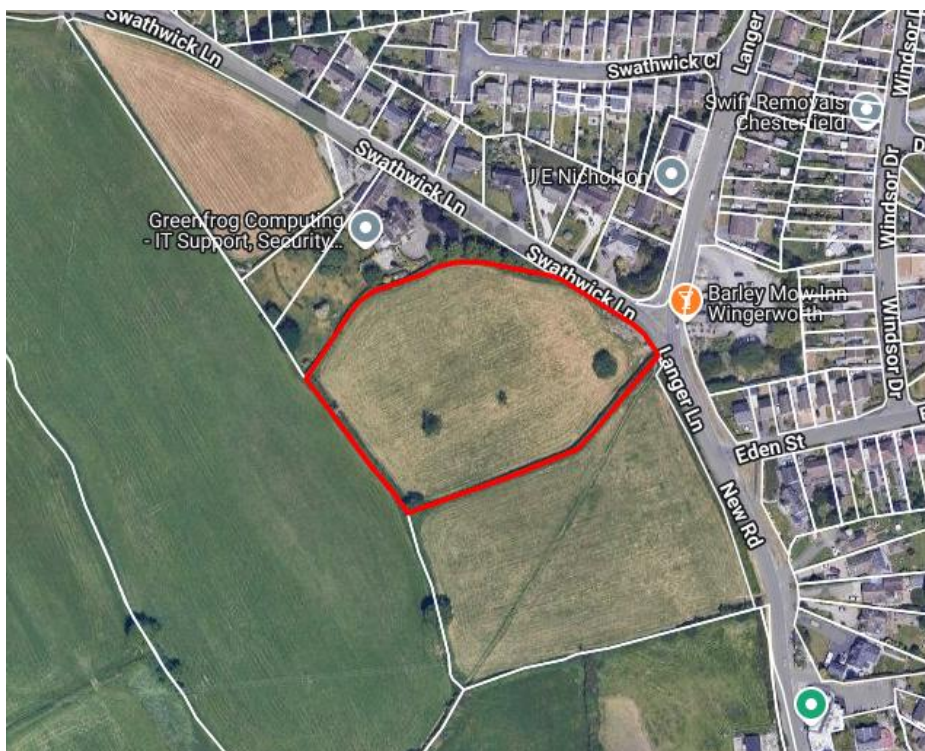


Figure 1: The site west of Langer Lane, Wingerworth

Site feasibility

- 2.3. Access to the site would be achieved directly from Swathwick Lane. The site is relatively unconstrained being located within Flood Zone 1 (low probability of flooding from rivers and seas) and not within or in close proximity to any heritage assets or Conservation Areas. The Wingerworth Parish Neighbourhood Plan identifies that the site is located in an important view – 180 degree views south west from the junction of Swathwick Lane and Hill Top Road. The Neighbourhood Plan requires that ***“Development proposals should take account of the visual significance of the important views and vistas [as identified] and ensure that the impact of development on these views and vistas is carefully controlled”***. An appropriate masterplan for the site can respond to the view identified in the Neighbourhood Plan by implementing a sensitive design approach in relation the layout of buildings, landscaping and planting.
- 2.4. The site is approx. 1.3ha in size and would be able to accommodate c.27 dwellings, assuming a 70% net developable area and accommodating 30dph. The intention would be to establish a high-quality residential development in a sustainable location and at a commensurate scale to expand sensitively upon the existing

community. As part of this, the site could deliver a mix of house types and policy compliant levels of affordable housing alongside amenity green open space and BNG.

Site constraint – landscape impact

- 2.5. We note the Council's position that the site retains some strength of local landscape character and that the site has a moderate impact on landscape character. Our client is committed to undertaking required evidence base work, including landscape and visual impact assessment, alongside the development of detailed proposals on the site, subject to the Council being minded to select the site as a potential allocation to ensure the site appropriately and proportionately responds to its landscape setting.

Site constraint – access

- 2.1. Noting comments of the Local Highway Authority who question whether satisfactory access can be achieved, our client has sought expert highways input at this stage to demonstrate access is possible. The plan at Figure 2, also submitted alongside these representations, demonstrates how access would be achieved.

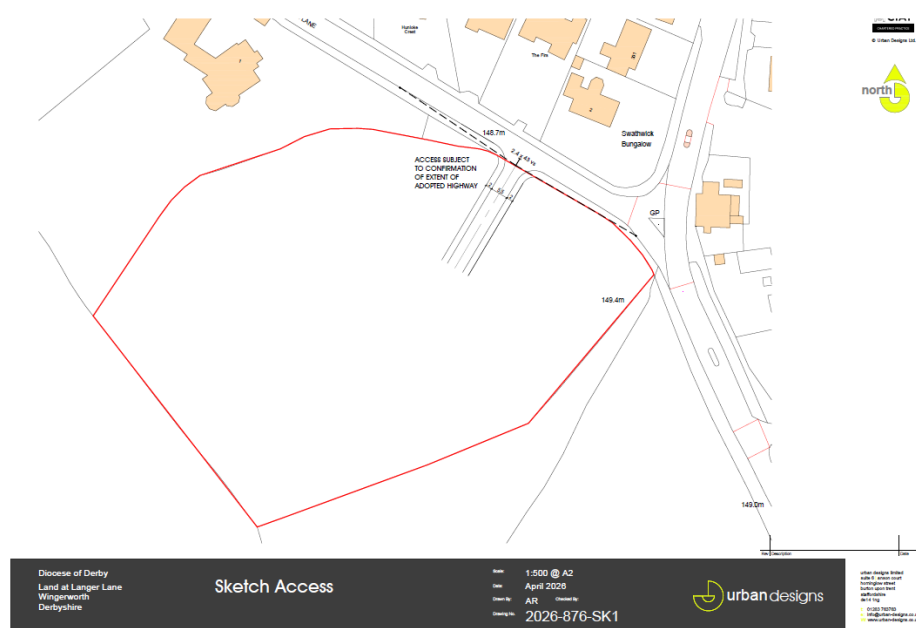


Figure 2: Extract of sketch access plan produced

- 2.2. The existing site access is via an agricultural gateway at the northeastern corner of the site, which egresses onto Swathwick Lane at the junction. Swathwick Lane and Langer Lane have a 30mph speed limit in the vicinity of the site. Visibility splay requirements are defined within Manual for Streets for type B, C and D roads. For a roads with a 30mph speed limit, visibility splay requirements amount to 2.4m (X distance) x 43m (Y distance).
- 2.3. The proposed access as shown at Figure 2 is located approximately 50m to the west of the Swathwick Lane and Langer Lane junction. The drawing, which is based upon Ordnance Survey Mapping, indicates that the visibility requirements can be achieved within the highway verge and site ownership boundaries. The location of the junction has also been positioned at the furthest possible location away from the existing junction, which provides in excess of the 43m stopping distance between the proposed access and existing junction. The proposed access is indicated with a 5.5m carriageway and 2m footways either side, which would be sufficient for a development parcel of this size.

Site constraint – surface water flooding

- 2.4. The site is wholly within Flood Zone 1. A very small area of surface water flood risk is identified adjacent to the western perimeter of the site. Onward site promotion and evidence to inform a planning application would include a Flood Risk Assessment and any development of the site would be underpinned with an

approach which avoided any potential areas identified to be at risk of surface water flooding, else the provision of suitable mitigation measures where this is not possible, not least supported by a comprehensive Sustainable Urban Drainage Strategy. The presence of the very limited area of surface water flood risk is not, therefore, a constraint on development or on the site being suitable for allocation.

Additional site - Land Northeast of Park House Road, Lower Pilsley/ North Wingfield (45205)

- 2.5. We acknowledge that our client's site at Lower Pilsley (ref. 45205) – which was included in the previous call for sites and Issues and Options representation submissions – is not included within the refined schedule of sites, however we would like to reiterate that the site remains available and we consider also a logical option for the Council to consider, should it be required.
- 2.6. Direct correspondence with Council officers has indicated that the primary cause for the site's exclusion is its location within a Local Settlement Gap as identified on the 2014-2034 Local Plan Proposals Map. In that correspondence, it is highlighted that the Council anticipates undertaking a review of Local Settlement Gaps and, as such, the site may be re-considered in the future. With this in mind, we would like to reiterate our client's willingness to work with the Council and our contention that the site represents a logical option to accommodate growth commensurate with its location. Given the potential for the site to be re-considered, these representations include an overview of the site and its characteristics, below, including its relationship with the Local Settlement Gap and potential for related mitigation.



Figure 3: Land northeast of Park House Road, Lower Pilsley (North Wingfield)

- 2.7. The site comprises agricultural land accessed from Seanor Lane. The site is bordered by residential development at its southeast corner, Parkhouse Road to its southwest beyond which is a collection of farm buildings and agricultural land and further agricultural land to its north and east.
- 2.8. The site is physically attached to Lower Pilsley but, given its close proximity to North Wingfield (approximately 120m between the site and Little Morton Road with scattered agricultural development between), it is clear that the site is well related to Wingerworth in equal measure to Lower Pilsley and in accordance with NPPF Paragraph 83 which states ***"where there are groups of smaller settlements, development in one village may support services in a village nearby"***, development in one will be able to support the other and vice versa. Notwithstanding this, a notable landscape gap would remain between the two settlements, centred on Locko Brook, ensuring that the settlements would not merge.
- 2.9. The site is relatively unconstrained being located within Flood Zone 1 (low probability of flooding from rivers and seas) and not within or in close proximity to any heritage assets or Conservation Areas.

- 2.10. As discussed and the key driver for the site's exclusion from the refined schedule of sites, the site falls within the Local Settlement Gap defined by Policy SS11 of the adopted Local Plan. The policy is clear that developments will be permitted where they "**a) maintain the functionality and undeveloped character of the Local Settlement Gap; b) Do not result in the coalescence of historically distinct settlements; and c) do not result in the erosion of the existing settlement separation and identify created by the undeveloped character of those spaces**". Notwithstanding the close relationship the site benefits from to both North Wingfield and Lower Pilsley, a clear gap between both settlements would remain (centred on the highly defensible Locko Brook) even when developed and as such the function of the existing Settlement Gap would remain. An appropriate masterplan for the site can further sensitively respond to its setting within the Local Settlement Gap by implementing a sensitive design approach in relation the layout of buildings, landscaping and planting.
- 2.11. Lower Pilsley is identified as a 'Level 3' settlement (settlement with limited sustainability) within the adopted Local Plan. Developments which are commensurate in scale should therefore be encouraged, particularly with regard to sustaining the existing service offer provided by Lower Pilsley, Pilsley and North Wingfield. North Wingfield is identified as a 'Level 2' settlement (settlement with good level of sustainability) in the adopted Local Plan and, as discussed, is in close proximity to the site and well related. New residents of the site would in reality make use of this group of settlements and their service offer, and equally would support the vitality and viability of them (NPPF Paragraph 83).
- 2.12. The site is approx. 1.04ha in size and would be able to accommodate c.21 dwellings, assuming a 70% net developable area and accommodating 30dph. The intention would be to establish a high-quality residential development in a sustainable location and at a commensurate scale to expand sensitively upon the existing community. As part of this the site could deliver a mix of house types and policy compliant levels of affordable housing alongside amenity green open space and BNG.

Green Belt

- 2.13. A significant proportion of the District is designated Green Belt. Paragraph 146 of the NPPF confirms that meeting housing needs represents exceptional circumstances justifying Green Belt release (unless there is clear evidence that doing so would fundamentally undermine the purposes of the Green Belt, taken together). However, Green Belt does remain a Footnote 7 protection and therefore logically, the use of non-Green Belt land should be prioritised in the first instance. Both our client's land interests offer an opportunity to prioritise non-Green Belt land in sustainable locations for the delivery of much needed housing.

Summary

- 2.14. These representations confirm that our client's land interests at both Wingerworth and Lower Pilsley are available. In relation to the land at Lower Pilsley, we await the Council's position following a review of Local Settlement Gaps and we welcome feedback and ongoing engagement.
- 2.15. In relation to land at Wingerworth which has been included on the Council's refined schedule of sites, we would stress the suitability of the site particularly when taking account of the information provided above (particularly in relation to access). The site occupies a sustainable location, strongly related to Wingerworth and the services it provides with all potential constraints surmountable. It represents a logical and proportionate extension to Wingerworth.
- 2.16. Critically, both sites are without Green Belt constraint which effects a large proportion of the District.

Development needs - Housing

Option 1 – Standard Method

- 2.17. The NPPF is clear at Paragraph 62 that "to determine the number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning practice guidance"; effectively, the housing need informed by the standard method is the 'policy-off' assessment of the minimum number of homes needed in an area. Plugging this into a consideration of wider environmental, economic and social factors, policies and constraints then determines the housing requirement. The NPPF is clear that "the overall aim should be to meet an area's identified housing need".

There has to be a well evidenced and compelling argument set out by a plan making authority to justify planning for a lower housing requirement than the housing need identified using the Standard Method. The NPPG makes clear there are some 'specific circumstances' whereby this might be justified. The specific circumstances set out at Paragraph 014 of the NPPG do not apply in the case of North East Derbyshire, and we do not consider that any insurmountable constraints exist within the District to justify the pursuit of a housing requirement which diverges negatively from the Standard Method informed housing need. Such an approach we consider would be found to be unsound.

- 2.18. In view of the above, as an absolute minimum, Option 1 as set out within the current consultation document should be pursued. In fact, as considered in more detail below, there is evidence in favour of planning for above the Standard Method derived housing need figure.

Option 3 – above Standard Method

- 2.19. Whilst the NPPF is clear that the overall aim of strategic policies relating to the delivery of a sufficient supply of homes should be to meet an area's identified housing need, it is also clear that a Standard Method derived housing need will identify the *minimum* number of homes needed. The NPPF empowers local planning authorities to apply a 'policy-on' approach which should factor in local and strategic ambitions (including economic) as well as general affordability pressures to inform their housing requirement, which may justify pursuit of an increased requirement. Such an approach is closely aligned with the latest Government ambitions to significantly boost the supply of new homes nationally.
- 2.20. North East Derbyshire is strategically well placed adjacent to Sheffield (the 4th largest city in England) and Chesterfield. Both Sheffield and Chesterfield are the focus of significant growth ambitions set out in their respective Combined Authority economic plans and from this a growth in a wide range of employment sectors is targeted. Long term ambitions for these cities places North East Derbyshire perfectly to benefit and, as part of this, react to likely further increase in demand for new homes. Given the spatial relationship between North East Derbyshire and these large settlements, the housing requirement eventually promoted should take into account these regional ambitions which indicate a need to advance beyond the Standard Method derived minimum.
- 2.21. As with the overall Standard Method derived housing need, affordable housing need has also significantly increased since adoption of the current Local Plan. The Housing Needs Assessment (2024) identifies an overall need of 356 affordable dwellings per annum – over 58% of the overall need – and makes clear that *"provision of new affordable housing is an important and pressing issue in the area"*. The new Local Plan could be proactive in addressing this, by planning to deliver more than the Standard Method derived housing need.

Mix of scale and type of housing sites should be sought

- 2.22. The refined schedule of sites evidences that the Council intend to include within the new Local Plan a range of site sizes, also commensurate with the level of sustainability of the varied locations for growth also being supported. We support this approach in principle; the NPPF is clear at Paragraph 72 that *"planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability"*. The provision of a range of site allocations sizes will help to boost housing delivery by limiting the reliance on large strategic sites which in turn will support flexible and phased delivery from a range of providers. Critically, the provision of a range of site allocation sizes across multiple locations is a major factor in sustaining a robust and deliverable housing pipeline and five-year housing land supply. Our client's site is a relatively small site, and would be in a position as a result of this to contribute directly to the Council's five-year housing land supply in the immediate term.
- 2.23. Linked to this also, we continue to support an approach which seeks to allocate a range of types of sites. Although not a topic of this consultation, the 2025 consultation identified seven site type options which between them would provide a varied range of potential impacts (eg. sites within the Green Belt, sites with some landscape harm and higher density sites). Development in any location, by its very nature, will result in some level of impact on its immediate context. However the key, in our view, is to focus on delivering housing in the locations where it is most needed whilst minimising impacts and maximising potential

benefits. We agree therefore with the findings of the Sustainability Appraisal (June 2025) which, at paragraph E20 summarises that *"it is likely that a combination of different site type options will allow for the most sustainable development strategy, informed by a robust evidence base to determine the capacity of different locations in the district to accommodate proposed growth that is aligned with the relative scale and character of existing settlements"*.

Development needs - employment

2.24. As set out in our previous representations, the new Local Plan should be aspirational and a key component of this will be the district's ability to accommodate ambitious employment growth. As such, the Council should plan for the district's employment land requirements at the upper end of the 15-31 ha as recommended in the Employment Needs Assessment (Option 2 in the current consultation document). The upper end of the estimate quite rightly takes account of the 'policy on' scenario, recognising the district's local economic growth aspirations and key growth sectors of the economy. Given the significantly increased Standard Method derived housing need for the district and the need for it to be met as a minimum, it is also correct that labour supply resulting from new housing is taken into account when identifying the quantity of employment land that will be required to service the district going forward. Not adopting this approach risks artificially constraining economic growth which would be in direct contravention of NPPF ambitions, particularly its call for the planning system to build a strong, responsive and competitive economy. We do not consider the district to be so constrained that the identified quantum of employment land within the upper estimate would be undeliverable, particularly when considering its relationship with the economic growth ambitions of the wider area, including neighbouring Sheffield.

Spatial distribution of development

2.25. In principle we support the Council's proposed approach to the location of development. Specifically, that the level of priority of location for accommodating growth correlates with the level of sustainability and role of the settlement. We agree that 'Priority 1 Locations' should include as indicative locations those listed i.e. the edge of Chesterfield/ Sheffield, new settlement/ strategic sites and level 1 settlements – main towns. It is notable that the Sustainability Appraisal (June 2025) does not envisage any major negative effects from accommodating development at the main towns. Indeed, providing growth to the main towns represents a sustainable growth strategy which would, critically, leverage existing infrastructure and services provided by the them, support the vitality and viability of their centres and facilitate access to enhanced sustainable transport options they provide.

2.26. However, it is also critical that smaller settlements are able to accommodate commensurate levels of growth to support their own need for housing and existing and onward viability and vitality and with this in mind we agree with the proposed 'cascade' approach. Through this approach, the higher priority locations are likely to receive higher levels of growth which is logical and supported in evidence, albeit the Council will need to remain cognisant of factors which may determine slight divergence from this if necessary, for example in providing for strongly evidenced localised need or responding to key constraints which, for example, may determine that lower priority locations, at least in some scenarios, represent the more suitable location for growth. We note that the consultation responses received are largely in favour of such an approach also.

2.27. In our previous representations we highlighted that we considered options to focus growth around Sheffield and Chesterfield as not being the most sustainable approach. We considered that such a focus would fail to address the localised need evidenced across the district and undermine local opportunity within the district. We consider that the approach now put forward by the Council – specifically to dilute this focus into a broader 'Priority 1 Locations' level alongside, in particular, level 1 settlements – main towns as a sustainable and well-balanced approach. Such an approach alleviates concerns we had that the future distribution of growth would be directed overwhelmingly toward Sheffield and Chesterfield at the expense of other settlements across the district, and this we consider would have been an unsound approach.

Settlement hierarchy

- 2.28. We agree with the principle of the approach taken by the Council to identify and group together settlements with similar levels of sustainability which perform similar roles, amounting to a settlement hierarchy. We agree this should feed directly into deciding the spatial distribution of development discussed above.

Wingerworth as a location for growth

- 2.29. We agree with the findings of the Settlement Role and Function Study (March 2026) which identifies Wingerworth as the most sustainable settlement outside of the four principal towns. It establishes that Wingerworth continues as an equivalent 'Level 2' settlement - one with a 'good level of sustainability' - as per the existing Local Plan and should accommodate proportionate growth accordingly. It identifies that Wingerworth continues to provide a good range of services and facilities, and its specific location also benefits from strong transport links to nearby larger settlements including Chesterfield via the A61 corridor. As outlined above, a strategy which proportionately allocates growth to settlements within and across the district based on their level of sustainability represents a sustainable strategy for growth.
- 2.30. The Housing Needs Assessment identifies some dynamic housing market issues to address within Wingerworth Parish. Wingerworth suffers from high under-occupancy levels likely driven by a larger older population who do not necessarily require the size of properties they occupy. It is clear from this that Wingerworth needs to be afforded opportunity to address (through 'rightsizing') most likely through the provision of smaller properties on future housing developments. This is linked closely with Wingerworth's significant proportion of owner occupiers (90.3%) which is the most significant in the district, also suggesting that a range of private and affordable rented properties would be of benefit to re-balancing the market locally.
- 2.31. Simultaneously, there is a demand for 3-4 bedroom detached properties in Wingerworth. This is likely appealing to the need to provide suitable family homes in an area which is generally well stocked with larger – and currently inaccessible – properties, linked back to the identified under-occupation and significant owner-occupation considered above. There is also a strong demand for self/ custom-build plots within Wingerworth (8) with only Dronfield and Ashover within the district experiencing higher specified demand. In summary, a range of issues in relation to the supply of housing require addressing within Wingerworth and as a sustainable location for growth it is well placed to achieve this.
- 2.32. We agree with the findings of the Sustainability Appraisal (June 2025) which anticipates a major positive against Objective 13 (Housing and Equality) for Option D (growth around the larger villages) due to the regenerative benefits associated with new development as a result of the associated improved accessibility of job opportunities and affordable housing.

Strategic sites and new settlements

- 2.33. Whilst we do not object to the principle of identifying strategic sites and new settlements as part of 'Priority 1 Locations' for growth, we maintain reservations around the suitability of strategic site 'Duckmanton Moor' (now merged from previous sites 45227 and 45541) which is expected to be able to accommodate 2000-3000 dwellings.
- 2.34. The southern element of the strategic site (45227) does not directly relate to any existing settlement form and as such would represent an illogical and significant intrusion into the open countryside at this location. The nearest settlement – Arkwright Town to the north – is distant from this element of the site without any sense of continuity. Similarly, whilst technically attached to Arkwright Town to its north west and Long Duckmanton to its north east, the northern element of the site (45541) would result in an illogical and incongruent built form exclusively to the south of A632, awkwardly conjoining both settlements with notable impacts on the countryside at this location including its openness and any landscape value.
- 2.35. Both Arkwright Town and Long Duckmanton offer limited provision of services, facilities and employment as highlighted also by the previous Settlement Hierarchy Study and more recently the Settlement Hierarchy Topic Paper, with a significant number of settlements rated as being more sustainable locations for growth. Whilst settlements such as Arkwright Town and Long Duckmanton could accommodate some growth (and,

indeed, a distribution of growth across the district we consider to be a sustainable approach), the scale of growth being considered through the delivery of this newly merged strategic site would be entirely at odds with their scale and offer and such an approach we consider to be unsustainable.

- 2.36. A significant proportion of the site is occupied by established woodland and this represents a substantial development constraint. Given the likely ecological value of the woodland area, its inclusion within the site will establish a considerable BNG baseline to address which has the potential to undermine viability of the site as a whole. Retention of the asset would significantly reduce the actual developable area provided by the potential allocation and limits the extent to which the site could contribute to delivering the district's housing needs. Reducing the extent of the site to exclude the woodland area would result in the same outcome, preventing the delivery of a critical mass of dwellings required to fund and maintain new service provision necessary to make new free-standing communities viable and sustainable, particularly in this location where existing infrastructure provision is so limited.

Sustainability Appraisal (SA) Addendum March 2026

- 2.37. The SA Addendum has been produced to assess 271 reasonable alternative sites for residential use which have been identified by the Council – following a comprehensive assessment and filtering process – as being genuinely capable of being selected as allocations within the emerging Local Plan. This assessment does not take into account any mitigation, which of course, as explored in more detail above for our client's site, can and will be forthcoming where required.
- 2.38. Whilst we have not carried out an exhaustive review of the SA Addendum, we are surprised to see a negative rating has been applied to the site west of Langer Lane, Wingerworth (Ref. 45201) in relation to 'Ancient Woodland'.
- 2.39. It is notable that the nearest such designation is located 240m southwest of the site, well beyond the 15m buffer extent as recommended by Natural England and Forestry Commission – referred to directly within the SA itself. The SA refers to the assessment methodology acknowledging that impacts can occur at greater distances, but this broad point does not clearly inform why a negative rating is warranted for a site 240m away from the nearest relevant asset. The SA states that a minor negative rating can be applied where a site is over 15m from an ancient woodland "*but with potential for indirect or minor adverse impacts*". It is not clear what is meant by this however elsewhere in the SA there is mention of potential for increased recreational pressures and pollution impacts. Given that the site does not connect directly with either of the nearby Ancient Woodlands – such as via Public Rights of Way, and the distance between them is considerable, we do not consider that the negative rating is justified.

Conclusion

- 2.1. These representations confirm that our client's land interests at Wingerworth and Lower Pilsley remain available. We await the Council's position following a review of Local Settlement Gaps in relation to the site at Lower Pilsley, and we welcome feedback and ongoing engagement. In relation to land at Wingerworth which has been included on the Council's refined site schedule, we emphasise the site's suitability, particularly in light of the access information provided above. It is sustainably located, strongly related to Wingerworth and its services, with all constraints capable of being addressed. It forms a logical and proportionate extension to the settlement. And, importantly, neither site is affected by Green Belt designation which constrains much of the District.