

**Representations on  
North East Derbyshire Local  
Plan (2014-2034) Publication  
Draft for Consultation**

**April 2018**

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# 1. EXECUTIVE SUMMARY

- i. This submission provides written representations on the North East Derbyshire Local Plan Publication Draft (2014-2034).
  - ii. We have previously been involved in the preparation of the Local Plan and are actively promoting a site at Renishaw for residential development within the District.
  - iii. These representations concern the following matters:
    - National Planning Policy / Housing White Paper
    - Duty to Cooperate
    - Sustainability Appraisal
    - Vision & Key Objectives
    - Spatial Strategy & Distribution
    - Strategic Housing Site Allocations
    - Green Belt Review
    - Local Settlement Gap
    - Housing Allocations
    - Exception Sites for Affordable Housing
    - Housing Trajectory
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## 2. INTRODUCTION

### 2.1 Context

2.1.1 This submission provides our representations on the North East Derbyshire Local Plan Publication Draft.

2.1.2 Through this submission we have highlighted a number of significant issues with the North East Derbyshire Local Plan in its current form. We critically submit that the Plan fails to fully meet the housing needs of North East Derbyshire.

2.1.3 To ensure a sufficient supply of deliverable and developable sites and to meet North East Derbyshire Council's objectively assessed housing needs in full, we submit that the Plan should be seeking to identify additional sites, and that the process for identifying the sites currently within the plan is critically flawed.

2.1.4 This submission also promotes the removal from the Green Belt of the land situated to the east of Hague Lane at Renishaw, as set out in Section 8 of the submission, and its inclusion as a residential allocation in Publication Draft Local Plan.

2.1.5 The National Planning Policy Framework (NPPF) sets out four tests that must be met for Local Plans to be considered sound. In this regard we submit that in order to prepare a sound plan it is fundamental that it is:

- **Positively Prepared** – The Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
  - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base.
  - **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
  - **Consistent with National Policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.
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## 2.2 Previous Submissions

2.2.1 We have made previous submissions in response to consultations undertaken by the Council in the preparation of the North East Derbyshire Local Plan, as set below:

- Schedule of Potential Housing Sites – Consultation (March 2015)
- Strategic Policies and Initial Site Allocations (March 2015)
- Response to Council’s letter dated 20<sup>th</sup> October 2016
- North East Derbyshire Local Plan – Consultation Draft (April 2017)

Copies of these representations are appended to the present submission.

## 2.3 Overview of Soundness

2.3.1 Due to the significant issues raised through this submission, and summarised in Table 1 below, we consider it necessary to be given the opportunity to discuss our representations further at the Examination Hearings.

Table 1: Summary of Policy Soundness

<b>Policy</b>	<b>Sound / Unsound</b>	<b>Reason</b>	<b>Evidence</b>
<b>SS2: Spatial Strategy &amp; Distribution</b>	Unsound	The Plan does not meet the full objectively assessed housing needs for North East Derbyshire.	Response to Publication Draft Plan
<b>SS3: Strategic Housing Allocation – Avenue Site</b>	Unsound	There are concerns over the speed of delivery of the Strategic Allocation which will lead to a lack of housing supply in the early part of the Plan period and a shortfall of supply across the entire Plan. This needs to be addressed with further allocations.	NPPF
<b>SS4: Strategic Housing Allocation – Former Biwater Site</b>	Unsound	We consider the Strategic Allocation will not deliver units as quickly as the Council expects and therefore further housing sites will be required to be allocated to deliver in the short term.	NPPF
<b>SS10: Green Belt Review</b>	Unsound	The approach to establishing the removal of land from the Green Belt is not adequately justified and will arbitrarily restrict sustainable development.	Response to Publication Draft Plan and response to the Green Belt Topic Paper which will be submitted by the deadline date of 03/05/18.
<b>SS1: Local Settlement Gap</b>	Unsound	The approach to establishing the local settlement gaps arbitrarily restricts sustainable development.	NNPF

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<b>LC1: Housing Allocation</b>	Unsound	We consider the housing allocations have not been justified through the Council's proportionate evidence base. The policy places an unduly restrictive requirement on development.	NNPF
<b>LC3: Exception Sites for Affordable Housing</b>	Unsound	The policy places an unduly restrictive requirement on development.	NPPF
<b>ID1: Infrastructure Delivery &amp; Developer Contribution</b>	Unsound	There are concerns over the speed of delivery of the necessary infrastructure which will restrict the housing supply brought forward in the early part of the Plan period that will lead to a shortfall of supply across the entire Plan. This needs to be addressed with further allocations.	NPPF
<b>Duty to Co-Operate</b>	Unsound	There are concerns this has not been fully undertaken.	Response to the Duty to Co-operate Statement of Compliance to be submitted by the deadline date of 03/05/18.
<b>Sustainability Appraisal</b>	Unsound	It does not appraise housing allocations put forward in the Consultation Draft Plan which have since been discarded in the Publication Draft Plan.	This is clearly in direct conflict with the PPG (ID11-018) and therefore cannot be considered robust.

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## 3. NATIONAL PLANNING POLICY

### 3.1 National Planning Policy Framework and Planning Practice Guidance.

3.1.1 The NPPF has been with us now for over four years and the development industry has experience with its application and the fundamental changes it has brought about in relation to the way the planning system functions. The NPPF sets out the Government's goal to '**significantly boost the supply of housing**' and how this should be reflected through the preparation of Local Plans. In this regard it sets out specific guidance that local planning authorities must take into account when identifying and meeting their objectively assessed housing needs:

***"To boost significantly the supply of housing, local planning authorities should:***

- Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area***
- Identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements..."***
- Identify a supply of specific, developable sites or broad locations for growth, for years 6-10, and where possible for years 11-15" (Paragraph 47)"***

3.1.2 The starting point of identifying objectively assessed housing needs is set out in paragraph 159 of the NPPF, which requires local planning authorities to prepare a Strategic Housing Market Assessment (SHMA), working with neighbouring authorities where housing market areas cross administrative boundaries. It is clear from the NPPF that the objective assessment of housing needs should take full account of up-to-date and relevant evidence about the economic and social characteristics and prospects of the area, with local planning authorities ensuring that their assessment of and strategies for housing and employment are integrated and take full account of relevant market and economic signals (paragraph 158).

3.1.3 Once a local authority has identified its objectively assessed needs for housing these needs should be met in full, unless any adverse impacts would significantly and demonstrably outweigh the benefits of doing so (paragraph 14). Local planning authorities should seek to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Adverse impacts on any of these dimensions should be avoided.

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Where adverse impacts are unavoidable, mitigation or compensatory measures may be appropriate (paragraph 152).

3.1.4 As the Council will be aware the Government published its final suite of Planning Practice Guidance (PPG) on the 6<sup>th</sup> March 2014, clarifying how specific elements of the NPPF should be interpreted when preparing their Local Plans. The PPG on the Housing and Economic Development Needs in particular provides a clear indication of how the Government expects the NPPF to be taken into account when Councils are identifying their objectively assessed housing needs. Key points from this document include:

- Household projections published by the Department for Communities and Local Government should provide the starting point estimate of overall housing need
- Plan makers should not apply constraints to the overall assessment of need, such as limitations imposed by the supply of land for new development, historic underperformance, infrastructure or environmental constraints.
- Household projection based estimates of housing need may need adjusting to reflect factors affecting local demography and household formation rates which are not captured by past trends, for example historic suppression by under supply and worsening affordability of housing. The assessment will need to reflect the consequences of past under delivery and the extent to which household formation rates have been constrained by supply.
- Plan makers need to consider increasing their housing numbers where the supply of working age population is less than projected job growth, to prevent unsustainable commuting patterns and reduced local business resilience.
- Housing needs indicated by household projections should be adjusted to reflect appropriate market signals, as well as other market indicators of the balance between the demand for and supply of dwellings.

3.1.5 The more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (e.g. the differential between land prices), the larger the improvement in affordability needed, and the larger the additional supply response should be.

3.1.6 The total affordable housing need should be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in the total housing figures included in the local plan should be considered where it could help to deliver the required number of affordable homes.

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## 3.2 Housing White Paper – Fixing our broken housing market

The Government published the Housing White Paper in February 2017 for consultation. Whilst it is a White Paper, it nevertheless represents a very clear direction of travel and clear indication of the Government's intent. The Council will need to consider the emerging Plan against the points raised within the White Paper, and monitor the progress of the consultation as the proposals within it materialize as potential reforms to the planning system.

- 3.2.1 The title of the White Paper makes apparent that the Government considers the housing market to be broken, it is also clear from the document forward by the Prime Minister that the cost of housing is a key part of why the housing market is considered broken. In the foreword the Prime Minister states:-

**“Today the average house costs almost eight times average earnings – an all-time record.”**

**“In total, more than 2.2 million working households with below-average incomes spend third or more of their disposable income on housing.”**

**“We need to build many more houses, of the type people want to live in, in the places they want to live. To do so requires a comprehensive approach that tackles failure at every point in the system.” (Foreword from the Prime Minister)**

- 3.2.2 The second foreword from the Secretary of State adds further to the governments thinking, particularly on the need to build new homes now, it states:-

**“This country doesn't have enough homes. That's not a personal opinion or a political calculation. It is a simple statement of fact.**

**“Soaring prices and rising rents caused by a shortage of the right homes in the right places has slammed the door of the housing market in the face of a whole generation.”**

**“That has to change. We need radical, lasting reform that will get more homes built right now and for many years to come”**

The White Paper outlines further potential reforms to the plan making process, OAN methodology, and Green Belt consideration and housing delivery tests, amongst others. The Council will need to consider the emerging Plan against the points raised within the White Paper, and monitor the

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progress of the consultation as the proposals within it materialize as potential reforms to the planning system.

- 3.2.3 The Government White Paper ('Fixing our Broken Housing Market') issued in February 2017 is a very clear statement from Government on the importance of the delivery of housing to the wider economy. The Government are in no doubt that the housing market in Britain is broken which, according to the Prime Minister, is one of the greatest barriers to progress in the country today.
- 3.2.4 The reason for this crisis is that the country is simply not building enough homes and has not done so for far too long. The consensus is that we need from 225,000 to 275,000 or more homes per year to keep up with population growth and to start to tackle years of under-supply.
- 3.2.5 Everyone involved in politics and the housing industry therefore has a moral duty to tackle this issue head on. The White Paper states quite unequivocally that *"the housing shortage isn't a looming crisis, a distant threat that will become a problem if we fail to act. We are already living in it."*
- 3.2.6 Tackling the housing shortage is not easy. It will inevitably require some tough decisions. But the alternative, according to the White Paper, is a divided nation, with an unbridgeable and ever-widening gap between the property haves and have-nots.
- 3.2.7 The challenge of increasing supply cannot be met by Government alone. It is vital to have local leadership and commitment from a wide range of stakeholders, including local authorities, private developers, housing associations, lenders and local communities.
- 3.2.8 The starting point is building more homes. This will slow the rise in housing costs so that more ordinary working families can afford to buy a home and it will also bring the cost of renting down. We need more land for homes where people want to live. All areas therefore need a plan to deal with the housing pressures they face.
- 3.2.9 Currently, over 40 per cent of local planning authorities do not have a plan that meets the projected growth in households in their area. All local authorities should therefore develop an up-to-date plan with their communities that meet their housing requirement based upon an honest assessment of the need for new homes.
- 3.2.10 Plans should be reviewed regularly, and are likely to require updating in whole or in part at least every five years. An authority will also need to update their plan if their existing housing target can no longer be justified against their objectively assessed housing requirement.
- 3.2.11 Policies in Local Plans should also allow a good mix of sites to come forward for development, so that there is choice for consumers, places can grow in ways that are sustainable, and there are opportunities for a diverse construction sector including opportunities for SME housebuilders to
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deliver much needed housing.

- 3.2.12 In terms of rural areas, the Government expects local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the need to provide homes for local people who currently find it hard to live where they grew up. It is clear that improving the availability and affordability of homes in rural areas is vital for sustaining rural communities, alongside action to support jobs and services. There are opportunities to go further to support a good mix of sites and meet rural housing needs, especially where scope exists to expand settlements in a way which is sustainable and helps provide homes for local people. This is especially important in those rural areas where a high demand for homes makes the cost of housing a particular challenge for local people.
- 3.2.13 The Government has made it clear through the White Paper that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people.
- 3.2.14 The White Paper is the cornerstone of future Government policy on fixing the broken housing market. It provides the direction of travel the Government is intending to take and is a clear statement of intent that this Government is serious about the provision of the right number of houses in the right places. The North East Derbyshire Local Plan therefore needs to consider these policy intentions now in order to ensure that it fulfils the Government's agenda and provides the homes that its local communities need.
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## 4. DUTY TO CO-OPERATE

4.1.1 The Duty to Cooperate is a legal requirement established through Section 33(A) of the Planning and Compulsory Purchase Act 2004, as amended by Section 110 of the Localism Act. It requires local authorities to engage constructively, actively and on an ongoing basis with neighbouring authorities on cross-boundary strategic issues throughout the process of Plan preparation. As demonstrated through the outcome of the 2012 Coventry Core Strategy Examination and the 2013 Mid Sussex Core Strategy Examination, if a Council fails to satisfactorily discharge its Duty to Cooperate, and this cannot be rectified through modifications an Inspector must recommend non-adoption of the Plan.

4.1.2 Whilst we recognise the Duty to Cooperate is a process of ongoing engagement and collaboration, as set out in the PPG it is clear that it is intended to produce effective policies on cross-boundary strategic matters. In this regard North East Derbyshire must be able to demonstrate that it has engaged and worked with neighbouring authorities, alongside their existing joint working arrangements, to satisfactorily address cross boundary strategic issues, and the requirement to meet any unmet housing needs. This is not simply an issue of consultation but a question of effective cooperation.

4.1.3 Further the PPG reflects on the bodies which are subject to the Duty to Cooperate. It contains a list of the prescribed bodies. The PPG then goes on to state that:

**“These bodies play a key role in delivering local aspirations, and the cooperation between them and local planning authorities is vital to make Local Plans as effective as possible on strategic cross boundary matters.”**

4.1.4 On 22<sup>nd</sup> March North East Derbyshire Council published for consultation the Duty to Co-operate Statement of Compliance as background evidence to the Publication Draft Local Plan. The Council has invited comments on the statement by 3<sup>rd</sup> May.

4.1.5 Along with the present submission we will also be submitting representations on the Duty to Co-operate Statement of Compliance. At this point in time it is our view that there are significant failings in the duty to co-operate, but reserve the right to express more detailed comments in the representations we submit to the Council before 3<sup>rd</sup> May. For this reason we consider the policy is not justified and therefore unsound.

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## 5. SUSTAINABILITY APPRAISAL

### 5.1 Overview

5.1.1 In accordance with Section 19 of the 2004 Planning and Compulsory Purchase Act, policies set out in Local Plans must be subject to Sustainability Appraisal (SA). Incorporating the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, SA is a systematic process that should be undertaken at each stage of the Plan's preparation, assessing the effects of the Local Plan's proposals on sustainable development when judged against reasonable alternatives.

5.1.2 Critically, the National Planning Policy Framework at Paragraph 165 sets out that:

***“a sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors.”***

Following this the Planning Practice Guidance (PPG) requires that different realistic and deliverable options for policies within the Plan are tested, setting out:

***“they must be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made”***

The SA is required to set out why those reasonable alternatives were chosen. In terms of housing policies for the Plan this means the need to test:

- i. Reasonable alternatives on the quantum of development (i.e. the housing requirement); and,
- ii. Reasonable alternatives on the distribution of development (i.e. the spatial strategy and combination of site allocations to be made)

5.1.3 We remind the Council that there have now been a number of instances where the failure to undertake a satisfactory SA has resulted in a local plan failing the test of legal compliance at Examination or being subjected to legal challenge

### 5.2 North East Derbyshire Local Plan

5.2.1 The North East Derbyshire Local Plan should ensure that the results of the SA process clearly justify its policy ~~has~~ In meeting the development needs of the area, it should be clear from the results of the assessment why some policy options have been progressed, and others have been rejected.

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5.2.2 Undertaking a comparative and equal assessment of each reasonable alternative, the North East Derbyshire decision making and scoring should be robust, justified and transparent.

5.2.3 The SA for the Publication Draft Local Plan sets out the following options for the Spatial Strategy in North East Derbyshire:

- **Level 1 Settlements (Towns)** – including Clay Cross, Dronfield, Eckington and Killamarsh . A total housing provision across these four settlements of 2,024 new dwellings.
- **Strategic Sites** – including the Avenue and the former Biwaters site. A total housing provision across these 2 locations of 1,541 new dwellings.
- **Level 2 Settlements (Large Villages)** – A total housing provision across these 11 settlements 2,517 new dwellings, as set out in the table below

<i>Settlement</i>	<i>Housing Provision 2014-2034</i>
<b><i>Level 2 Settlements (Large Villages)</i></b>	
<i>Calow</i>	<i>73</i>
<i>Grassmoor</i>	<i>272</i>
<i>Holmewood</i>	<i>519</i>
<i>Morton</i>	<i>129</i>
<i>North Wingfield</i>	<i>131</i>
<i>Pilsley</i>	<i>129</i>
<b><i>Renishaw</i></b>	<b><i>6</i></b>
<i>Shirland</i>	<i>192</i>
<i>Sonebroom</i>	<i>96</i>
<i>Tupton</i>	<i>370</i>
<i>Wingerworth</i>	<i>600</i>
<b><i>Large Villages Total</i></b>	<b><i>2,517</i></b>

- **Remaining Area** – a total housing provision 539 new dwellings for this category
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- 5.2.4 We have specific concerns that the Sustainability Assessment undertaken by Lepus on behalf of the Council, and published in February 2018 to accompany the Publication Draft of the North East Derbyshire Local Plan, does not include assessments of those housing allocations identified in the previous Draft Local Plan, but not carried forward into the present Publication Draft such as the previously proposed housing site “ai” at Renishaw. This points to a serious flaw in the SA which means it is not robust for plan-making. Those flaws need to be addressed in order to draw robust conclusions on the nature and location of housing development across the District. This is clearly in direct conflict with the PPG (ID11-018) and therefore cannot be considered robust.
- 5.2.5 In paragraph 2.6.2 of the Lepus report where it refers to the Council’s preferred approach to deliver 330 dwellings per annum in the four main towns, strategic sites and eleven level 2 settlements. However in footnote 35 it mentions that Renishaw no longer includes any allocations. The SA does not however then provide an assessment to accompany this decision by the Council.
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## 6. OBJECTIVELY ASSESSED HOUSING NEED

### 6.1 Background

6.1.1 The process of undertaking an OAN is clearly set out in the NPPF principally in Paragraphs 14, 47, 152 and 159 and should be undertaken in a systematic and transparent way to ensure that the plan is based on a robust evidence base.

6.1.2 The starting point for this assessment requires local planning authorities to have a clear understanding of housing needs in their area. This involves the preparation of a SHMA working with neighbouring authorities where housing market areas cross administrative areas as detailed in Paragraph 159 of the NPPF. The NPPF goes on to set out the factors that should be included in a SHMA including identifying

**“the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:**

- **Meets household and population projections taking account of migration and demographic change;**
- **Addresses the need for all types of housing including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and**
- **Caters for housing demand and the scale of housing supply necessary to meet this demand.”**

6.1.3 Key points that are worth noting from the above is that the objective assessment should identify the full need for housing **before** the Council consider undertaking any process of assessing the ability to deliver this figure. In addition, Paragraph 159 specifically relates to catering for both housing need and housing demand within the authority area. It is worth pointing out that any assessment of housing need and demand within a SHMA must also consider the following factors; falling household formation rates, net inward migration, the need to address the under provision of housing from the previous local plan period, the results of the Census 2011, housing vacancy rates including the need to factor in a housing vacancy rate for churn in the housing market, economic factors to ensure that the economic forecasts for an area are supported by sufficient housing to deliver economic growth, off-setting a falling working age population by providing enough housing to ensure retiring workers can be replaced by incoming residents, addressing affordability and delivering the full need for affordable housing in an area.

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6.1.4 Of particular importance is the need to consider market signals. The consideration of market signals is one of the core planning principles considered in Paragraph 17 of the NPPF, which states:

**“..Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities”**

6.1.5 Of critical importance is what the NPPF goes on to say in Paragraph 158 in the section discussing Plan Making. It states here:

**“Local planning authorities should ensure that their assessment of land strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals.”**

6.1.6 Market signals are therefore at the very core of what the NPPF is trying to achieve in promoting sustainable development and boosting the supply of housing land.

6.1.7 The formal publication of the Planning Practice Guidance (PPG) in March 2014 gives further explanation to what the NPPF means with regard to market signals, and sets out, in a range of paragraphs, the way in which local planning authorities should go about factoring in relevant market signals in arriving at their OAN. Paragraphs 17, 19 and 20 of the PPG gives guidance on what market signals should be taken into account and how plan makers should respond to these market signals. The below extracts identify some particularly pertinent points.

**“The housing need number suggested by household projections (the starting point) should be adjusted to reflect appropriate market signals, as well as other market indicators of the balance between the demand for and supply of dwellings. Prices of rents rising faster than the national/local average may well indicate particular market undersupply relative to demand.”**

6.1.8 The paragraph goes on to indicate that these factors would include, but should not be limited to, land prices, house prices, rents, affordability, rates of development and overcrowding. However, given what the NPPF says at Paragraph 17, quoted above, it seems clear that particular consideration should be given to affordability.

6.1.9 In order to consider how market signals should be taken forward, Paragraph 20 identifies some key concepts:

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**“Appropriate comparisons of indicators should be made. This includes comparison with longer term trends (both in absolute levels and rates of change) in the: housing market area; similar demographic and economic areas; and nationally. A worsening trend in any of these indicators will require upward adjustment to planned housing numbers compared to ones based solely on household projections.”**

- 6.1.10 It is clear therefore that where market signals are apparent (in any of the indicators assessed) there is an absolute and clear direction that an upward adjustment to housing numbers is required. It is also clear that both the absolute level of change and the rates of change are considerations, and that local planning authorities need to carefully benchmark themselves against other areas. This should not simply be a case of considering neighbouring authorities but should look at, as well as these, local authorities on a national basis, if the demographic and economic indicators are relevant. We are firmly of the view that considering comparisons purely against neighbouring authorities is not sufficiently robust and does not address the underlying issues which both the NPPF and PPG are trying to tackle with regard to housing.
- 6.1.11 Also of importance when considering these issues is the period of time analysed when considering both relative and absolute change. It has become apparent that many local authorities choose to look at periods of time which are not fully representative of the depth of the housing crisis which we are currently experiencing.
- 6.1.12 Authorities should assess, as a constituent part of their OAN, how they can improve affordability over the life time of a plan to a point where affordability is more in line with average earnings and affordable mortgage lending rates. Only through planning for significant housing growth can local authorities realistically tackle market signals in the way advocated by the PPG and tackle the affordability and housing crisis.
- 6.1.13 The need to identify the full OAN before considering any issues with the ability of a Local Planning Authority to accommodate that level of development has been confirmed in the High Court. Most notably in *Solihull Metropolitan Borough Council v (1) Gallagher Homes Limited (2) Lioncourt Homes Limited* where it was considered that arriving at a housing requirement was a two stage process and that first the unconstrained OAN must be arrived at. In the judgement it was stated:

**“The NPPF indeed effected a radical change. It consisted in the two-step approach which paragraph 47 enjoined. The previous policy’s methodology was essentially the striking of a balance. By contrast paragraph 47 required the OAN [objectively assessed need] to be made first, and to be given effect in the Local Plan save only to the extent that that would be inconsistent with other NPPF policies. [...] The two-step approach is by no means barren or technical. It means that housing need is**

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clearly and cleanly ascertained. And as the judge said at paragraph 94, “[h]ere, numbers matter; because the larger the need, the more pressure will or might be applied to [impinge] on other inconsistent policies”.

6.1.14 Therefore, following the exercise to identify the full OAN for housing in an area,

**“Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued.” (NPPF para 152)**

6.1.15 This statement clearly sets out that local planning authorities should seek to deliver the full OAN and that this should be tested through the evidence base. Only where the evidence shows that this is not reduced or eliminated by pursuing these options. If this is not possible then they should test if the significant adverse impacts could be mitigated and where this is not possible, where compensatory measures may be appropriate.

6.1.16 The final stage of the process is outlined in Paragraph 14 of the NPPF and involves a planning judgement as to whether, following all of the stages of the process outlined above,

**“Local Plans should meet OAN, with sufficient flexibility to adapt to rapid change**

6.1.17 In light of the above comments we consider there are serious failings in the Publication Plan which are unjustified and therefore unsound.

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## 7.0 NORTH EAST DERBYSHIRE LOCAL PLAN – Publication Draft

### 7.1 Vision & Objectives

- 7.1.1 The vision for the District is set out within paragraph 3.1 of the Publication Draft Plan. Whilst we are fully supportive of the ambitious nature of this vision for a **“vibrant and sustainable North East Derbyshire”**, it is critical the plan provides the policies which are capable of delivering this vision.

### 7.2 Policy SS1 – Sustainable Development

- 7.2.1 We are fully supportive of the sentiment expressed in paragraphs 4.3 and 4.4 that:

**“The Local Plan’s vision and objectives are centred on sustainable growth, which means encouraging sustainable development as means of .... Growing the District’s economy, and supporting the health and wellbeing of the District’s communities.”**

**“Achieving sustainable development to create more sustainable patterns and forms of development in the district is the fundamental principle underpinning each policy of the Local Plan.”**

- 7.2.2 This affirms the Local Planning Authority’s commitment to making local planning decisions based on a presumption in favour of sustainable development. It provides assurance of a local approach to planning that will proactively seek to improve the social, environmental and economic well-being of the area by ensuring that development demonstrably contributes to the specific strategic and local vision and objectives of the Local Plan. The ethos of sustainable development is the key to assessing planning proposals. It is the golden thread running through the NPPF.

### 7.3 Policy SS2 – Spatial Strategy and Distribution of Development

#### Housing Target

- 7.3.1 In paragraph 4.7 of the plan it refers to the methodology being similar to the Government’s proposed standard methodology but remains silent on explaining the differences which could well be critical at arriving at the appropriate OAN figure. The lack of transparency on this point is worrying and must call into the doubt the final figure that has been calculated.
- 7.3.2 In paragraph 4.8 of the plan the Council is apparently dismissive of the combined effect of the Sheffield City Region and D2N2 Local Enterprise Partnerships on the growth of population and housing in the Housing Market Area. We consider the Council should be required to place greater emphasis in clarifying the position rather than stating it is **“difficult to determine”** and then leaving the matter.
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We consider this has the potential to require a significant increase in the OAN figure required.

7.3.3 In paragraph 4.9 of the plan it states the Council's Regeneration Scenario takes into account the potential for higher growth in certain key sectors reflecting the Council's and wider LEP's Economic Development Strategies, but then states the **"assumption used is somewhat conservative"**

7.3.4 We consider the statement made in paragraph 4.24 is too generalised a District wide comment

**The housing and economic evidence presented above indicates that the proposed employment land provision and housing provision are well balanced, the latter providing sufficient population to support growth in the economy"**

7.3.5 We consider the proposed housing target of 330 dwellings a year and 6,600 over the plan 2014-2034 is not sufficient. In light of our overarching comments expressed in section 6 of these representations and the comments set out above we object to Policy SS2 in that it fails to identify the full need for housing across the HousingMarket Area (HMA) which is unjustified and therefore unsound.

### **Balancing Housing and Economic Growth**

7.3.6 We consider the statement made in paragraph 4.24 that is too generalised a District wide comment

**The housing and economic evidence presented above indicates that the proposed employment land provision and housing provision are well balanced, the latter providing sufficient population to support growth in the economy"**

7.3.7 It does not reflect local cases where the proposed employment land provision and housing provision are not well balanced. A good example of this is in the case of the settlement of Renishaw which is a Level 2 sustainable settlement with a proposal for 2.5 hectares of employment land but the plan makes no provision for new housing over the life of the plan period to 2034.

### **Distribution of Growth & the Settlement Hierarchy**

7.3.8 With regard to Policy SS2, we support in general terms the provision made under the heading Housing, Item 4, that

**"The remaining housing development will be focused on the District's other most sustainable settlements defined as Level 2 settlements in the Settlement Hierarchy at Table 4.2."**

7.3.9 We also support the reference in Settlements, Item 8b and c to

**"Regenerate towns Level 2 settlements with identified needs."**

and

**"Maintain the role of settlements by supporting their ability to sustain services and facilities through new development that is appropriate in scale and reflects their position in the Settlement Hierarchy."**

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- 7.3.10 Arbitrarily In the case of the sustainable Level 2 settlement of Renishaw the Plan makes no new housing provision which we consider is not justified and unsound. This is set out in further detail of section 8 of this submission.
- 7.3.11 The proposed housing distribution for the Plan is shown in Table 4 – Housing Distribution by Level 1 & Level 2 Settlements. This indicates that for the sustainable Level 2 settlement of Renishaw a provision of only 6 dwellings is proposed in the period 2014 to 2034 even though in Policy WC2 Principal Protected Employment Areas and Table 6.2 it refers to the protection 2.5 hectares of employment land at the Renishaw Industrial Estate for employment use. With such an important employment allocation it is clear there will be considerable local economic pressures for the settlement to grow which have not been catered for in the Publication Plan. Currently the settlement is severely constrained in planning policy terms by being contained on all sides by Green Belt which thwarts much needed expansion on the edge of the settlement. This will have a significant and harmful effect on the ability of the settlement to regenerate and cater for these new requirements, including affordable housing. For this reason we consider the present Policy SS2 and Policy SS10 (Green Belt) is not justified and therefore unsound.
- 7.3.12 We believe the best way in which to ensure the delivery of housing targets is to ensure all settlements within the Level 2 settlement category receive a sufficient housing provision to cater for development pressures over the plan period. Whilst the new strategic allocations will help meet housing demands in the medium/long term, the level of infrastructure required to deliver the ~~ses~~ is costly and substantial it is therefore likely to take time to implement. We would contend however that a greater percentage of should be directed to Level 2 settlements to ensure they meet their short and medium term housing needs.
- 7.3.13 It is our view the spatial strategy needs to give further consideration for the release of other land from the Green Belt plus the identification of safeguarded sites in order to sufficiently meet the present housing target and spatial strategy and cater for pressures in the future.
- 7.3.14 Without the release of further land from the Green Belt, the identification of safeguarded areas for the provision of housing in the future, and the provision of further housing allocations at sustainable Level 2 settlements such as Renishaw, we consider that it would be problematic for the proposed spatial strategy to deliver housing needs. We therefore consider Policy inconsistent with National Policy and not justified or effective and as such unsound.
- 9.1.1 We are concerned that the formulated strategy does not to support the future housing needs of each settlement within the Level 2 settlement category or the needs of those communities in terms of the of local facilities in either quality or quantity. As in the case of Renishaw which has a wide range of facilities including a primary school, local doctor's surgery, food shops, public house and Post office, church, village hall and recreation ground plus several bus services (No: 71, 73, 74, 131 and
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9.1.2 231), providing access to wider services and sources of employment at Barlborough and Killamarsh It also has extensive local employment opportunities at Renishaw Park with a further 2.5 hectares of land available for expansion to accommodate more new businesses.

7.3.15 In the absence of further justification, we submit that the spatial strategy and distribution of development outlined in the Plan has not been justified as is therefore unsound.

## **7.4 Policies SS3 & SS4 Strategic Housing Allocations**

7.4.1 We note the proposal for two strategic housing allocations at the Avenue and the former Biwater site. We are however concerned that the scale, complexity and development requirements is such that their anticipated deliverability is questionable and consequently considers that the Plan contains unrealistic expectations for the delivery of new housing in such developments.

7.4.2 We considers there must be some degree of uncertainty as to whether the two strategic housing sites will deliver the anticipated number of new homes that the Plan expects to be delivered within the plan period which will be significantly less than set out in the policy.

7.4.3 The need for a considerable amount of infrastructure to be provided plus significant lead-in times associated with each site calls into question the ability to deliver 1,541 units by 2034 from this source.

7.4.4 Policies SS3 and SS4 also set out a comprehensive and detailed list of requirements which will need to be provided as part of each strategic housing site, including 30% affordable housing, employment provision, a package of transport improvements, new healthcare facilities, new district and neighbourhood centres, a secondary school, primary schools and early-years facilities amongst other requirements.

7.4.5 This raises the question of development viability, cash flow in financing the sites and in the ultimate deliverability. The legal agreements associated with any planning proposals for the site will similarly be lengthy and complex which will add significantly to the lead-in times associated with the site.

7.4.6 Faced with this undoubted housing shortfall, additional sites will be required in the short to medium term to ensure housing delivery is maintained and a 5-year housing land supply can be demonstrated across the plan period. We are therefore of the view that realistic delivery assumptions should be applied to the delivery of strategic sites and that these allocations are supplemented by increased provision from sustainable Level 2 settlements in the settlement hierarchy, such as Renishaw, so as to support the sustainability of settlements and in doing so bolster

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the ability to demonstrate a robust housing land supply.

## **7.5 Policy SS3: The Avenue**

7.5.1 We are concerned that the scale, complexity and development requirements is such that the anticipated deliverability is questionable and consequently considers the Plan contains unrealistic expectations for the delivery of new housing at this location. A Framework Plan has still to be prepared which will require provision for 4 hectares of employment land provided and provision of a new primary school, sport and recreational facilities, provision of a new link road from A61 to A617 and new pedestrian and cycle links.

7.5.2 Given this site was a major housing allocation in the 2005 Adopted North East Derbyshire and District Local Plan and did not deliver one new dwelling we consider there must be a high degree of uncertainty as to whether it will deliver the anticipated number of 700 new homes that the Plan expects to be delivered within the plan period. It is also likely any development scheme will encounter local market resistance due to it well known legacy of extensive contamination on the site.

## **7.6 Policy SS4: Former Biwater Site, Clay Cross**

7.6.1 Again we are concerned that the scale, complexity and development requirements is such that their anticipated deliverability is questionable and consequently considers that the Plan contains unrealistic expectations for the delivery of new housing at this location. A Framework Plan has still to be prepared which requires a comprehensive remediation and mixed use development, including 8 hectares of employment land, range of small shops, provide new sports and recreational facilities. Provide new pedestrian and cycle links and provide a new through road from the A61 to A617.

7.6.2 Given this site was a major housing allocation in the 2005 Adopted North East Derbyshire and District Local Plan there must be a high degree of uncertainty as to whether the anticipated number of 825 new homes that the Plan expects to be delivered within the plan period will be significantly less than set out in the policy.

## **7.7 Policy SS10: North East Derbyshire Green Belt Green Belt Review**

7.7.1 We agree with the sentiment expressed in paragraph 4.66 of the Plan when explaining the background to the present review of the Green Belt undertaken as part of the preparation of the new local plan for North East Derbyshire:

**“However over time there have been unintended impacts such as localised unmet housing**

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**housing prices and affordability pressures in those towns and villages constrained by the Green Belt”**

- 7.7.2 We previously submitted comments on the same point as part of our representations to the Schedule of Potential Housing Sites – Consultation document published by the Council in March 2015. A copy of this representation is set out in Appendix A. A good example of the pressures referred to above is demonstrated by the settlement of Renishaw. It is identified as a Level 2 settlement in the settlement hierarchy and therefore a sustainable location which is capable of accommodating more growth. Currently the settlement is severely constrained on all sides by Green Belt. The allocation of 2.5 hectares of employment land in the settlement further increases the growth pressures and contributes to the compelling view that **“exceptional circumstances”** exist for the release of land from the Green Belt in this location, and its allocation for housing, in order to cater for these immediate growth pressure in a sustainable manner. It is essential that the Plan is formulated on an approach that seeks to meet the housing needs of such sustainable communities in a manner that will support community infrastructure and increase affordability.
- 7.7.3 Careful consideration needs to be given to release further land from the Green Belt on the edge of sustainable Level 2 settlements where there is an expressed policy intention in the Publication plan to direct new housing. A good example of this would be the Level 2 settlement of Renishaw where currently the Plan makes no provision for new housing growth to the end of the plan period in 2034.
- 7.7.4 On 22<sup>nd</sup> March the North East Derbyshire Council published for consultation the Green Belt Topic Report as background evidence to the Publication Draft Local Plan. The Council has invited comments on the report by 3<sup>rd</sup> May.
- 7.7.5 Along with the present submission we will also be submitting representations on the Green Belt Topic Report. At this point in time it is our view that there are significant failings in the appraisal methodology used for the release of land from the Green Belt, but reserve the right to express more detailed comments in the representations we submit to the Council before 3<sup>rd</sup> May. For this reason we consider the policy is not justified and therefore unsound.

## **Safeguarded Land**

- 7.7.6 We support the comment in paragraph 4.71 of the plan that states:

**“The identification of safeguarded land between the urban area and the Green Belt can help to meet longer-term development needs that extend beyond the current plan period, thereby avoiding the need for a review of the Green Belt with Local Plan review”**

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- 7.7.7 We are therefore confused by the subsequent assertion by the Council that due to the uncertainty of accurately predicting developments needs beyond the plan period it is difficult to say how much land would be required and whether the locations selected now would be appropriate in the future.
- 7.7.8 We consider the decision reached by the Council not to provide any safeguarded land is arbitrary and not justified and therefore makes the plan unsound. In the absence of such safeguarded sites it will undermine robustness of the plan to cater for futures pressures caused during the plan period by the slow delivery of new dwellings from the strategic allocations at the Avenue and Former Biwater sites plus other key sites.
- 7.7.9 Notwithstanding our strong view that the land located to the east of Hague Lane on the southern edge of Renishaw should be taken out of the Green Belt now and allocated for housing, as explained in more detail in section 8 of this submission, if this view was not accepted by the Inspector then we believe there would still be substantial merit in planning terms to identify the land as safeguard site for possible housing development in the future so as to cater for changed economic or planning circumstances that requires additional housing. In such circumstances, if it was considered more desirable to reduce the size of the safeguarded area, from that previously proposed in the Consultation Draft Plan, it could be reduced to smaller area covered by the red edged line shown on the aerial photograph set out below.



## 7.8 Policy SS11: Local Settlement Gaps

- 7.8.1 We consider the proposed Policy SS11 for Local Settlement Gaps on open countryside land situated on the edge of Level 1 and 2 settlements located in the south of the District combined with the blanket Green Belt designation in the north, with currently no proposed safeguarding areas, will severely restrict the ability of the plan to cope and cater with development pressures that may occur in the plan period particularly if the strategic housing allocations and other key allocations do not deliver new dwellings at the predicted rate.
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7.8.2 Clearly this will have a major impact on the robustness of the plan and therefore we consider it has not been fully considered and justified and is therefore unsound.

## 7.9 Policy LC1: Housing Allocations

7.9.1 We have serious concerns with regards to the Housing Allocations Policy LC1. Our issues with the overall housing requirement are set out in Section 7.3 that deals with Policy SS2 – Spatial Strategy and Distribution of Development. It is therefore not necessary to repeat these here.

7.9.2 The Plan places undue reliance upon the two Strategic Housing Allocations for housing delivery. These are forecast to contribute 1,541 new dwellings, which accounts for 23% of the total housing provision. The strategy should provide for a rapid uplift in housing completions over the Plan period, having regard to the need for a 5 year supply of housing to be demonstrated upon adoption of the plan and demonstrating the ability to maintain a rolling 5 year housing land supply over the plan period. There is therefore a need for additional housing allocations to be included in the plan.

7.9.3 It is apparent that the Housing Trajectory at Appendix B of the Plan, in demonstrating a five year supply of housing land, relies on the early delivery of the strategic allocations at the Avenue and Former Biwater sites plus a number of other key sites which do not have the benefit of planning permission. We consider these timescales to be unrealistic as they fail to take into account the likely lead in times including the preparation and adoption of new site specific Development Plan Documents, outline planning applications, legal agreements, reserved matters applications, discharge of pre commencement conditions, site preparation and the construction of site enabling infrastructure.

7.9.4 The process that the Council has undertaken in selecting non-strategic sites for housing allocation is opaque. There is no documentary evidence of any appraisal that has been undertaken by the Council to provide a comparative assessment of the sustainability and suitability of potential sites for housing development that were identified in the Consultation Draft Plan (March 2017), but not carried forward in to the Publication Draft Plan. An example of this being site reference “Renishaw a1” on land to the east of Hague Lane, Renishaw. In the absence of such evidence the Local Plan cannot be considered to be sound.

7.9.5 We have serious concerns that no housing allocation is proposed for the sustainable Tier 2 settlements of Renishaw which is classed as large village in the settlement hierarchy. It is the only Level 2 settlement not to receive a housing allocation in the local plan.

7.9.6 The NPPF is clear of the need to support rural communities is a core planning principle that should inform plan-making and decision making.

7.9.7 The PPG provides further advice as to how local planning authorities should support sustainable rural communities. It states that:

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*“It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages ...A thriving rural community in a living, working countryside depends, in part on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.”*

## **7.10 Policy LC3: Exception Sites for Affordable Housing**

7.10.1 While in general terms we welcome the intention of Policy LC3 in respect of exception sites for affordable housing we consider the restriction placed on the policy in the case of schemes with an element of market housing in the Green Belt is both unnecessary and counterproductive in bringing forward much needed affordable housing.

7.10.2 We submit the restriction placed on the policy has not been justified as is therefore unsound.

## **7.11 Policy WC2: Principal Protected Employment Areas**

7.11.1 In general we support Policy WC2 which seeks to protect those sites identified for office, light industrial and research and development, general industry and storage and distribution employment in the Plan area and in particular the 2.5 hectares of land at Renishaw Industrial Estate (Ravenshorn Commercial Park). We consider the Industrial Estate provides important local employment opportunities and is important for the continued growth and regeneration of the settlement of Renishaw.

## **7.12 Policy ID1:Infrastructure Delivery and Developer Contributions**

7.12.1 We have serious concerns with regards to the Infrastructure and Developer Contributions Policy ID1. Our issues with the overall housing requirement are set out in Section 7.3 that deals with Policy SS2 – Spatial Strategy and Distribution of Development. It is therefore not necessary to repeat these here.

7.12.2 It is apparent that the Housing Trajectory set out in Appendix B of the Plan, in demonstrating a five year supply of housing land, relies on the early delivery of the two strategic housing allocations and other key sites which do not have the benefit of planning permission. We consider these timescales to be unrealistic as they fail to take into account the likely lead in times including the preparation and adoption of new site specific Development Plan Documents, outline planning applications, legal agreements, reserved matters applications, discharge of pre commencement conditions, site preparation and the construction of site enabling infrastructure.

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7.12.3 We consider the infrastructure provision is not justified and therefore makes the plan unsound.

## 7.13 APPENDIX A: Housing Provision

7.13.1 In the Housing Provision Table set out in Appendix A of the Publication Plan it includes a list of the sustainable Level 2 settlements. In case of Renishaw 6 dwellings are proposed over the plan period to 2034 of which 4 dwellings have already been completed in the period 2014 to 17 and the remaining two dwellings have an existing permission. The Table highlights that going forward no further housing provision has been made for Renishaw.

7.13.2 Faced with the existing restrictive Green Belt boundaries that abut all boundaries of the settlement the Plan makes no provision for housing growth in this very sustainable location over the extended life of the plan period.

7.13.3 Renishaw is the only Level 2 settlement not to receive any new housing provision in the plan period to 2034. Set out below is an extract taken from Table 4.3: Housing Distribution by Level 1 & Level 2 Settlements on page 43 of the Publication Plan. This bring into stark contrast the provision made to other Level 2 settlements when compared with Renishaw. The highlighting of the Renishaw line in the table is our emphasis.

Extract of Table 4.3: Housing Distribution by Level 1 & Level 2 Settlement

<b>Settlement</b>	<b>Housing Provision 2014-2034</b>
<b>Level 2 Settlements (Large Villages)</b>	
Calow	73
Grassmoor	272
Holmewood	519
Morton	129
North Wingfield	131
Pilsley	129
<b>Renishaw</b>	<b>6</b>
Shirland	192
Sonebroom	96
Tupton	370

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Wingerworth (+ the Avenue Strategic Site)	600 (+716)
<b>Large Villages Total</b>	<b>2,517</b>
<b>Remaining Area</b>	<b>537</b>

7.13.4 We consider that settlement boundaries should not be arbitrarily used to restrict otherwise sustainable development from coming forward. The NPPF is clear that development which is sustainable should be approved. The use of settlement boundaries to restrict sustainable development coming forward, including sites on the edge of settlements, does not accord with the positive approach to growth required by the NPPF.

7.13.5 Planning Practice Guidance (Rural Housing) advises that:

***“all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided”.***

7.13.6 We submit the minimal housing provision for the Level 2 settlement of Renishaw is arbitrary and has not been justified as is therefore unsound.

## **7.14 APPENDIX B: Housing Trajectory**

7.14.1 The housing trajectory contained in Appendix B of the plan provides a breakdown of the sites that have potential to contribute towards meeting this minimum housing requirement. We would raise concerns that there are insufficient sites within this trajectory to meet the objectively assessed housing needs in full over the plan period.

7.14.2 We consider the timescales for the allocation to be unrealistic, particularly the strategic allocations and other key sites on the edge of Level 1 settlements as they fail to take into account the likely lead in times including the preparation and adoption of new site specific Development Plan Documents, outline planning applications, legal agreements, reserved matters applications, discharge of pre commencement conditions, site preparation and the construction of site enabling infrastructure. For example it is indicated that the Avenue strategic site will deliver from a standing start 50 dwellings per annum from 2018/91 and the same amount for each year up to 2031/32. This very much has the whiff of a number that has been plucked out of the air and has no justification. In the case of the Avenue site there is likely to be local market resistance to any scheme due to the widely known former extensive contamination of the site. We consider this over counting of forecast housing supply also applies to the former Biwater strategic site and Hanging Banks site at Wingerworth.

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## **8. SITE SUBMISSION**

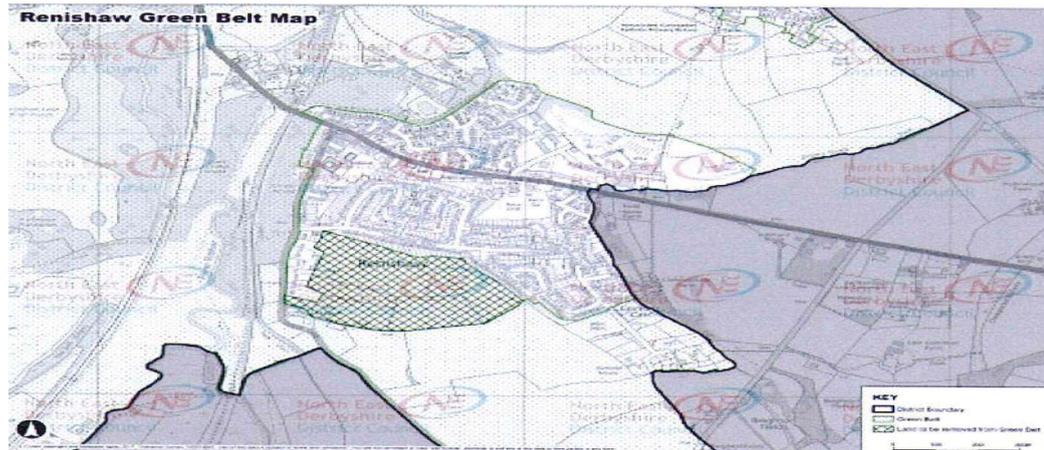
### **8.1 Overview**

- 8.1.1 We consider that there is an over reliance on strategic housing allocations in the North East Derbyshire Plan.
- 8.1.2 These complicated large-scale sites have significant requirements for infrastructure which will take a considerable amount of time to deliver units. It is considered that the Councils' view that 6,600 dwellings will be delivered on by the end of the Plan period (2034) is ambitious and because of this reliance there will be a shortfall of housing provision over the plan period and in particular during the early years of the Plan.
- 8.1.3 We have highlighted an issue with the OAN for North East Derbyshire suggesting that the 330 dwellings per annum does not meet the full need for housing in the district and that, as a minimum, the Local Plan should be based on a minimum housing requirement of 396 dwellings per annum (7,920 over the plan period) with the need having the potential to be significantly higher than this figure.
- 8.1.4 There is also a need for the Local Plan for North East Derbyshire to be flexible to allow for changes in circumstances which include sites not coming forward as anticipated or delivering fewer units than expected.
- 8.1.5 It is considered the site selection process in the Publication Plan should be re-visited and that additional allocations should be made at Level 2 settlements such as Renishaw to assist in the delivery of housing in the short term and over the remainder of the plan period. This would also help to meet the development needs in full and support the delivery of the vision and objectives of the Plan. In our opinion the present spatial strategy in the Plan is not justified and therefore unsound. It places an over reliance on the polar ends of the settlement hierarchy with a total of 1,500 new dwellings located on strategic housing allocations and an unjustified high number of 537 new dwellings identified for the less sustainable Level 3 and 4 settlements.

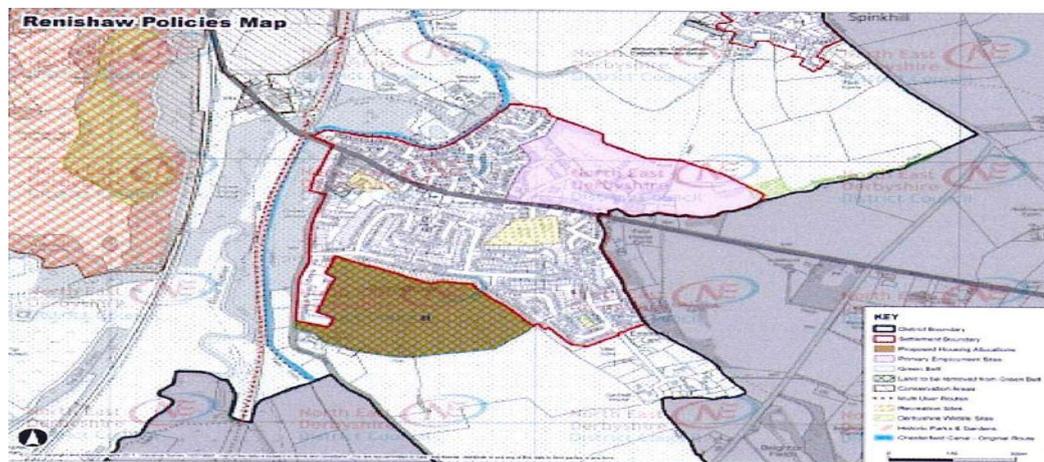
### **8.2 Land East of Hague Lane, Renishaw.**

- 8.2.1 In North East Derbyshire Draft Consultation Plan published in March 2017 the land to the east of Hague Lane covering 12.82 hectares (31.6 acres) was proposed to be removed from the Green Belt and allocated for housing of up to 270 dwellings. (Site Ref "ai"). Set out below are copies of the Renishaw Green Belt and Policies Map taken from the Consultation Draft Plan.
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Renishaw Green Belt Map (Source: North East Derbyshire Consultation Local Plan (March 2017))



Renishaw Policies Map (Source: North East Derbyshire Consultation Local Plan (March 2017))



8.2.2 The site immediately abuts to the southern boundary of the sustainable Level 2 settlement of Renishaw and is contained and enclosed on three sides by existing residential development. The site is bounded to the north by the rear of the properties which face onto Carrwood Road, to the west by the rear of the properties which front on to Hague Lane; to the east by the rear of the properties fronting on the The Wynd and Garden Avenue and to the south by countryside.

8.2.3 Given Renishaw is identified as a Level 2 settlement, large village, in the settlement hierarchy the site represents a logical and sensible location for residential development. The policy of the Plan is to direct new housing to such locations on the grounds of sustainability, to meet the urgent demand for market and affordable housing and to support the local shops and community facilities.

8.2.4 The site, which formed a housing allocation in the Draft Local Plan, is well located to existing wide range of services and facilities, including a primary school, local doctor's surgery, food shops, public house and Post office, church, village hall and recreation ground are all located within easy walking distance. The site is directly served by several bus services (No: 71, 73, 74, 131 and 231), providing access to wider services and sources of employment. Extensive local employment opportunities also

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exist at Renishaw Park with a further 2.5 hectares of land available for expansion to accommodate more new businesses.

- 8.2.5 The new development would deliver up to 30% affordable dwellings, new formal/informal open space including an equipped children's play area for the enjoyment and use of both existing and new residents.
- 8.2.6 In accordance with the National Planning Policy Framework the site is immediately deliverable, available now, is viable, offers a suitable location for sustainable development and would make an immediate delivery of development within the next 5 years.
- 8.2.7 There are no physical constraints in bringing the site forward for development. It is able to make an immediate contribution of the growth needs of the District and able to deliver housing within the next five years. The landowners are committed to delivering a high quality residential scheme on the site. The development will not affect the setting of the village, and the boundaries will be sensitively planted to soften the urban edge of the development. We believe the site can be sympathetically developed through sensitive master planning that anchors it into the landscape and builds on the existing good accessibility to the facilities at the centre of the settlement.
- 8.2.8 Due to the unexplained and arbitrary decision taken by the Council it is now not allocating any sites for residential development at Renishaw; this conflicts with national policy guidance which advises that LPAs should not impose policies which allow some settlements to expand while restricting the development of others. In the absence of any housing at Renishaw, this will seriously impact on the future vitality of services and facilities in the settlement as well as exacerbating affordability issues.
- 8.2.9 The present absence in the Plan of any housing allocation at Renishaw for the remainder of the plan period to 2034 is in our opinion in direct conflict to the sentiment expressed paragraph 4.3 .4.4 and 4.22 and Policy SS2 (Items 4,8b & 8c) of the Publication Plan, which states -

**“The Plan has an objective to support sustainable growth which brings about regeneration, recognising the housing and employment needs of a growing population.”**

**“The Local Plan's vision and objectives are centred on sustainable growth, which means encouraging sustainable development as means of .... Growing the District's economy, and supporting the health and wellbeing of the District's communities.”**

**“Achieving sustainable development to create more sustainable patterns and forms of development in the district is the fundamental principle underpinning each policy of the**

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**Local Plan.”**

**“The remaining housing development will be focused on the District’s other most sustainable settlements defined as Level 2 settlements in the Settlement Hierarchy at Table 4.2.”**

**“Regenerate towns Level 2 settlements with identified needs.”**

**“Maintain the role of settlements by supporting their ability to sustain services and facilities through new development that is appropriate in scale and reflects their position in the Settlement Hierarchy.”**

8.2.10 For the reasons explained above we respectfully request the site to the east of Hague Lane at Renishaw is again removed from the Green Belt and allocated for residential development in the Publication Draft Plan as was the case in the North East Derbyshire Draft Consultation Plan published in March 2017. In the case of this Level 2 settlement we believe **“exceptional circumstances”** exist for the land to be removed from the Green Belt.

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## 9. CONCLUSIONS

### 9.1 Overview

- 9.1.3 Having considered the North East Derbyshire Publication Draft Local Plan, we are concerned about a range of matters including the spatial distribution of the housing allocations, the outcome of the Green Belt review and delivery of the strategic housing allocations.
- 9.1.4 We believe there are serious flaws in the SA which means it is not robust for plan-making and those flaws need to be addressed in order to draw robust conclusions on the nature and location of housing development across the District.
- 9.1.5 The plan must be positively prepared, effective, justified and consistent with national policy to be found sound at examination. In the first instance, the Council must start with clearly defining an NPPF and PPG compliant OAN by developing an unconstrained requirement which properly follows the guidelines set out at the national level. The Council should then develop a robust housing requirement using this OAN as a starting point. We conclude the Objectively Assessed Housing Need (OAHN) undertaken by the Council is insufficient to meet economic OAHN. We believe this is an under estimate of the level of housing need for North East Derbyshire.
- 9.1.6 We consider the proposed housing target of 330 dwellings a year and 6,600 over the plan 2014-2034 is insufficient. We object to Policy SS2 in that it fails to identify the full need for housing across the Housing Market Area (HMA) which is unjustified and therefore unsound.
- 9.1.7 Careful consideration needs to be given to the spatial strategy that forms the basis of the distribution of growth across the district. All sustainable Level 2 settlements should be allowed to play their part in meeting their own housing and employment needs as well as contributing to the wider district's requirements. A flexible approach to delivering the development needs of the district will ensure the plan's ultimate deliverability and success.
- 9.1.8 We submit that the spatial strategy and distribution of development in the settlement hierarchy has not been justified and is therefore unsound.
- 9.1.9 With the complexities of delivering the major housing allocation, it is considered that there is a significant shortfall of housing provision in the short to medium term which needs to be addressed through additional housing allocations in Level 2 settlement such as Renishaw.
- 9.1.10 We consider there are significant failings in the appraisal methodology for the release of land from the Green Belt and as a consequence there is the need to give careful assessment for the release
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## **APPENDIX A**

A copy of our previous representations on the Schedule of Potential Housing Sites – Consultation document (March 2015) is attached.

## **APPENDIX B**

A copy of our previous Response to the Council's letter dated 20th October 2016 is appended to this submission

## **APPENDIX C**

A copy of our previous representations on the North East Derbyshire Local Plan – Consultation Draft (March 2017) is appended to this submission.