

FAO Planning Policy
North East Derbyshire District Council
2013 Mill Lane
Chesterfield
S42 6NG

27th April 2026

Dear Sir / Madam

NORTH EAST DERBYSHIRE LOCAL PLAN: ISSUES & OPTIONS CONSULTATION (STRATEGIC APPROACH AND REFINED SCHEDULE OF SITES)

Introduction & Background

1. Marrons is instructed on behalf of The Strategic Land Group (“SLG”) to submit these representations to the North East Derbyshire Local Plan Issues & Options Consultation. The consultation relates to the location of development and the refined schedule of sites.
2. SLG is promoting land to the West of Derby Road, Clay Cross for up to 40 homes and substantial open space. A vision document setting out the context for the site and proposals is included as **Appendix 1** to these representations.
3. The site has been considered within the Land Availability Assessment and the Sustainability Appraisal Addendum under reference 45897 and is also assessed as part of a wider parcel with reference and is also assessed as part of a wider parcel under 45052.

Housing Requirement & Housing Need

4. The proposed spatial strategy and sites forming part of the current consultation are based upon meeting the District’s local housing need (“LHN”) calculated using the Standard Method over the Plan period 2024 to 2044 . This approach generates a figure of approximately 600 dwellings per annum or 12,100 dwellings in total.
5. Whilst noting that the Council is not inviting comments on housing need and requirement, it is a difficult issue to ignore, because the Council’s approach to this topic is intrinsically linked to the spatial strategy both in terms of the overall distribution of growth and the allocation of specific sites. As a result, the Council has been guided by Option 1, which would see 12,100 dwellings over the Plan period, applying the District’s LHN calculated using the Standard Method. This is the bare minimum that it is required to plan for.
6. As the Council will be aware, the LHN produced using the Standard Method and the housing requirement are not one and the same.¹ There also may be legitimate reasons for planning above the LHN which, as per the Planning Practice Guidance (“PPG”), should not normally have to be justified

¹ Planning Practice Guidance, Paragraph: 002 Reference ID: 2a-002-20241212

thoroughly at examination.² That advice is also reflected in paragraph 69 of the National Planning Policy Framework (“NPPF”) 2024, which states that the requirement may be higher than LHN if it reflects growth ambitions linked to economic development and/or infrastructure investment.

7. The PPG also advises that the total need for affordable housing over the Plan period should also be calculated. Subsequently, the total affordable housing need should then be considered in the context of likely delivery as a proportion of mixed market and affordable housing developments. Critically, **an increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes.**³
8. Therefore, it is critical for the Plan and its evidence base to consider whether an overall increase above the LHN is merited to address economic growth aspirations, infrastructure investment and affordable housing delivery.
9. Conversely, planning for a level below the LHN can be justified, as per paragraph 11. b) of the National Planning Policy framework (“NPPF”), only where the application of policies that protect areas or assets of particular importance provide a “strong reason” for restricting the overall scale, type or distribution of development, or where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
10. This approach necessarily imposes a high bar for formulating a housing requirement under the LHN and there is no evidence to indicate that this is necessary in North East Derbyshire. Thus, planning for a figure below the LHN is not a reasonable alternative and should be discounted. That the Council has already identified sites which it believes may be suitable in this current consultation to meet its LHN over the plan period tends to confirm that fact. **For that reason, our client would object strongly to any housing requirement which was below the LHN.**
11. In addition to an appropriate housing requirement, the Council must also ensure that there is a sufficient supply-side buffer to achieve this within the Plan period, on the basis that the housing requirement only reflects the minimum number of homes needed. Given the nature of some of the preferred sites, which include a new settlement, we would recommend that if the Council continues down the current path that it consider a supply-side buffer which corresponds to the risk of this approach. **We recommend a minimum of 20% supply-side buffer is provided over and above the minimum housing requirement.**

Spatial Distribution

12. The Consultation Document sets out the proposed approach to the location of development, based upon the evidence set out in the Settlement Role and Function Study. It is stated the spatial strategy broadly mirrors the settlement hierarchy in the adopted Local Plan, but with the addition of the edges of Chesterfield and Sheffield as the highest priority locations.

² Planning Practice Guidance, Paragraph: 040 Reference ID: 2a-040-20241212

³ Paragraph: 024 Reference ID: 2a-024-20190220

13. The Settlement Role and Function Study (March 2026) sets out an audit of the population, facilities/services, employment opportunities and public transport per settlement. In the final ranking (Table 2), it identifies Clay Cross as one of the four most sustainable locations in the District, and the second largest by population.
14. Whilst we support the findings of the Settlement Role and Function Study in that it identifies Clay Cross as one of the most sustainable locations in the District, it is difficult to understand how this has translated into the spatial strategy suggested at Figure 7 of the Consultation Document. Here, the edges of Chesterfield/Sheffield and potential new settlements are described as “Priority 1 Locations” where new development will be focused via a “cascade” approach , alongside the District’s main four towns.
15. There are two problems with this approach.
16. Firstly, it does not follow that extensions to Chesterfield and Sheffield would necessarily comply with the broad intention behind the settlement hierarchy (i.e. to focus growth in the most sustainable locations) in the absence of a clearly identified broad or general location for growth adjacent to these areas. Some areas adjacent to these conurbations may be distant from key services, facilities and public transport opportunities. The same also applies to a new settlement. Therefore, the plan should prioritise growth at these locations in the abstract, but consider which directions of growth represent the most sustainable options.
17. Secondly, much of the land around Chesterfield and Sheffield is constrained by the Green Belt. The NPPF still broadly expects a sequential approach toward the Green Belt whereby local planning authorities, as per paragraph 147, are required to examine fully all reasonable alternative options before Green Belt release. Whilst this must be necessarily balanced with broader sustainability and deliverability considerations, the approach set out in Figure 7 of the Consultation Document suggests that Green Belt locations on the edge of Chesterfield and Sheffield could be prioritised, potentially even over the Main Towns, to meet development needs, thereby necessarily entailing the prioritisation of Green Belt release when the NPPF expects precisely the opposite.
18. There are also intrinsic difficulties with prioritising Green Belt locations for growth ahead of a Green Belt study having been undertaken to assess the impacts of release upon the purposes of the Green Belt.
19. In terms of explaining the overarching spatial strategy, the Regulation 18: Addendum to the Issues and Options Sustainability Appraisal is of little assistance. Essentially, this appraises sites on an individual basis against SA objectives. Whilst the main SA report (June 2025) did discuss very broad locations around the District (Options A to G), the specific combination of these general options now advanced in the Consultation Document has not been tested against SA Objectives or considered against reasonable alternatives to the preferred strategy. It is similarly unclear how the sites now subject to SA fit within the overarching spatial strategy and how selection of individual sites for allocation fit into that.
20. As an example, the Council’s intended spatial strategy summarised at Figure 7 of the Consultation Document indicates that it will prioritise a new settlement ahead of other options. Having regard to

the schedule of preferred sites, one freestanding new settlement at Duckmanton Moor has been identified. The obvious question, particularly given the site-specific issues with this site discussed further below, is how might the spatial strategy as a whole perform without a new settlement or, potentially, a different new settlement. Therefore, in terms of SA testing, the preferred strategy advanced has leapfrogged consideration against reasonable alternatives and driven site selection in a way that could be perceived to be pre-determined. We would therefore strongly support further consideration being given to options for the spatial apportionment of growth, particularly given the issues with the new settlement

Site Selection

21. As set out above, land to the West of Derby Road is being promoted by SLG for a residential development of approximately 40 dwellings. This site has been assessed as part of a broader area of land to the west of Derby Road, comprising land for approximately 560 dwellings (reference 45052) and individually under reference 45897. However, within the Consultation Document, these two sites have been amalgamated into a single draft allocation. We make the following comments on this approach.
22. As indicated within the Consultation Document, a large part of the wider site is designated as a Local Settlement Gap in the adopted local plan. Whilst a Local Settlement Gap designation is not immutable and may need to be reviewed to meet development needs, it is noted that the Consultation Document states that such a review still needs to be undertaken.
23. The site under promotion by SLG is mostly outside of the Local Settlement Gap and built development would only be concentrated on the part of the site without this designation, thereby retaining its purpose and function. It is difficult to imagine how this could be the case for the remainder of the broad area in question and therefore, we consider that SLG's interest **should be identified as a separate site allocation**, recognising that it is immediately deliverable and developable, without generating adverse impacts to the Local Settlement Gap.
24. There are further reasons why this would be a preferable approach from a plan soundness point of view.
25. We note the significant uplift in the baseline housing need the Council is required to accommodate in the emerging local plan compared to the adopted local plan. This will already affect the five year housing land supply in the District in the short-term and it will be critical, in order to maintain a planned approach, that the emerging local plan identifies and allocates a broad portfolio of sites, including those capable of coming forward in the first five years. SLG's interest West of Derby Road is such a site, and can come forward rapidly to contribute to housing supply and delivery in the early years of the plan period.
26. In summation, we contend that SLG's interest to the West of Derby Road is a site which is capable of coming forward early in those first critical five years. Identifying it as part of a wider site for circa 500 units could delay delivery and result in a less balanced portfolio of sites, unless it was expressly recognised as an early first phase.

27. In addition paragraph 73 of the NPPF emphasises that small and medium sized sites can make an important contribution to meeting housing requirements, and are built out quickly. Thus, including such sites within the plan will support this objective by achieving rapid delivery and small to medium sized housebuilders.

Sustainability Appraisal:

28. We note within the Sustainability Appraisal that the wider area has been ascribed a major adverse landscape impact, despite the fact that a Local Settlement Gap is not a landscape quality designation and the Consultation Document stating that landscape impact would only be “moderate.” This is a technical error which should be updated within the SA.
29. If the SA’s current approach was utilised, it would be evident that SLG’s interest would not have such an impact, given that it is mostly outside the Local Settlement Gap, and the parts of the site within this area would not be developed. This has been recognised in the SA in the assessment of the standalone site under reference 45897, which generally scores more positively across a range of objectives aside from in respect of “housing and equality,” where the larger site scores more favourably given the greater number of homes. As mentioned above, however, the delivery of smaller sites has a range of sustainability and other benefits such as supporting rapid delivery and supporting a more diversified housing market.
30. We note the (correct) recognition within the SA (12.8.2) that 45052 is one of two best performing sites when it comes to access to services and facilities, a judgement which also holds true for SLG’s individual interest, that is in a highly sustainable location.

Duckmanton Moor (45227 & 45541):

31. Duckmanton Moor is referred to variously as a strategic site / new settlement. However, it is plain that this site belongs in the new settlement category given that it is free-standing and given its spatial relationship with the existing settlement pattern. It is identified as a potential option to support approximately 2,000 to 3,000 dwellings together with employment land and other supporting uses. However, as set out in the Consultation Document, no technical work has been undertaken to substantiate this capacity.
32. Given the site’s size and consequently, it’s key role in delivering the overall spatial strategy there is very little information regarding the deliverability or timing of this site. Certainly, it will not start to deliver until well into the Plan period if it delivers at all within that timeframe. Data by Lichfields suggests that lead-in times for sites of this size average 6.7 years from the submission of a planning application to delivery of the first dwelling.
33. Assuming a planning application is submitted around the time of anticipated Plan adoption in May 2028, the first completions would not be until 2034, some ten years into the Plan period. The site would not help support or maintain the Council’s five year land supply or housing delivery for some time, and even this trajectory is taking a very optimistic view of the site’s substantial constraints.
34. More significantly, the site is part of the larger Arkwright opencast coal site. This carries significant technical and safety risk implications, requiring significant remediation to make it safe for residential

dwellings. This could reasonably be expected to constitute a significant abnormal cost meaning reduced affordable housing and infrastructure contributions and presents a considerable risk of non-delivery.

35. As the creation of social infrastructure would be necessary for new homes to be built sustainably in this location as with all freestanding new settlements, the abnormal costs resulting from the site's history should be of considerable concern and we consider it is too early for the site to be identified as a preferred allocation given the substantial delivery risks.
36. Within the SA Addendum, the site performs negatively, almost across the board, with myriad other concerns. At this stage, the Council's direction of travel, in elevating the status of the new settlement, poses more questions than it answers. In the absence of any robust evidence as to suitability or deliverability, it is premature for the Council to prioritise a new settlement in the spatial strategy, which may be undeliverable and undevelopable.

White Lane Farm (45900):

37. This site is said to be able to support 350 dwellings. It is in the Green Belt and has yet to be assessed in terms of its contribution to Green Belt purposes. However, it is noted that the 2016/17 Green Belt Review showed that the site performed strongly against purposes a & b (i.e. checking unrestricted sprawl and preventing neighbouring towns merging). Performance against these purposes is also fundamental to whether the site could be considered as Grey Belt.
38. Overall, the findings regarding the Site's performance in Green Belt terms is unsurprising. Once developed, it would represent a peninsula of built form projecting into the countryside and is not well-contained by any built features. The only defensible boundaries are in the form of vegetation – hedgerows and hedgerow trees – which are insufficient to provide with any substantial level of containment from the surrounding countryside for the purposes of Green Belt assessment.
39. As such, it is unlikely that the site would be a candidate for Grey Belt and its release from the Green Belt would fundamentally undermine at least one of the fundamental purposes of the Green Belt (checking unrestricted sprawl).

South (A61), Jordanthorpe, Sheffield (45129):

40. The Consultation Document states that this site can support approximately 200 dwellings. It is not apparent how the site would be accessed given a considerable level difference between the site and Jordanthorpe Parkway. Whilst this level difference becomes less significant near the Bowshaw Roundabout, having a separate access here for residential development may compromise the safe and effective operation of the roundabout. Given that it is bounded by two busy roads and the roundabout, it is also unclear how noise constraints would affect the number of dwellings achievable.

Land North of Biwater, Clay Cross (45920):

41. Whilst we do not object to the general principle of this site which has been identified for approximately 620 dwellings, it is not evident how it will be accessed other than through Brassington Lane, which the Consultation Document recognises is unsuitable for this level of development. It is stated that

options may need to be explored but it is not clear what options would be available other than additional land assembly given that the site is cut off from the road network by third party land. It is therefore plain that in its current form, this site is undeliverable and it is premature to identify it as a draft allocation.

Conclusion

42. In summary, SLG supports the preparation of a new Local Plan for North East Derbyshire and welcomes the opportunity to comment at this Issues and Options stage. However, we have some concerns regarding both the overall approach to housing provision and the manner in which the proposed spatial strategy and site selections have been formulated.
43. The Council's intention to plan only for the minimum Local Housing Need represents the lowest acceptable starting point and should be robustly tested against evidence relating to economic growth ambitions, infrastructure investment and affordable housing needs. There is no clear justification for planning below the LHN, and any such approach would be unsound. Furthermore, in light of the risks associated with large and complex sites, including a proposed new settlement, the Plan should include a meaningful supply-side buffer to ensure delivery and maintain a plan-led approach.
44. Whilst Clay Cross is correctly identified as one of the District's most sustainable settlements, this has not been coherently reflected in the emerging spatial strategy. The prioritisation of Green Belt sites on the edges of Chesterfield and Sheffield, and of a freestanding new settlement at Duckmanton Moor, ahead of clearly sustainable main towns is inconsistent with the settlement hierarchy, is premature at this point in the absence of robust evidence such as a Green Belt study. The preferred strategy has also been insufficiently tested through the Sustainability Appraisal against reasonable alternatives.
45. In respect of site selection, combining SLGs land West of Derby Road with a much larger area designated in part as a Local Settlement Gap risks undermining deliverability and delaying early housing delivery. SLG's site is capable of being developed independently, without undermining the function of the Local Settlement Gap, and can make an immediate contribution to housing supply in the early years of the Plan. This would support paragraph 73 of the NPPF and help ensure a balanced portfolio of sites, including small and medium-sized deliverable opportunities.
46. By contrast, a number of the Council's preferred sites, including the proposed new settlement at Duckmanton Moor and certain Green Belt and strategic sites, raise concerns regarding deliverability. These sites are unlikely to contribute meaningfully to housing delivery in the first critical years of the Plan period and introduce significant risk to the overall strategy.
47. We trust that the Council finds these representations helpful in the formulation of a sound local plan. Please contact the undersigned should you have any questions.

Yours Sincerely



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