

North East Derbyshire District Council

Special Cabinet

2 February 2015

**Update on the North East Derbyshire Local Plan Part 1: Initial Draft and Proposals
for Public Consultation**

**Report No NF/03/15/HF of Councillor N Foster, Portfolio Holder with Responsibility
for Environment**

This report is public

Purpose of the Report

- To update Cabinet on progress in preparing the Local Plan Part 1.
- To seek approval of the content of the Local Plan Part 1: Initial Draft and to undertake public consultation on it and associated documents.
- To seek authority to delegate responsibility to the Joint Assistant Director of Planning and Environmental Health in consultation with the Portfolio Holder with responsibility for the Environment (including Planning Policy & Licensing and Sustainable Waste Management) for approving:
 - any additional non-material changes to the Local Plan text prior to consultation (including the insertion of maps and illustrations within the document);
 - the Schedule of Potential Housing Sites; and
 - details concerning the final arrangements and associated supporting documents for public consultation.

1 Report Details

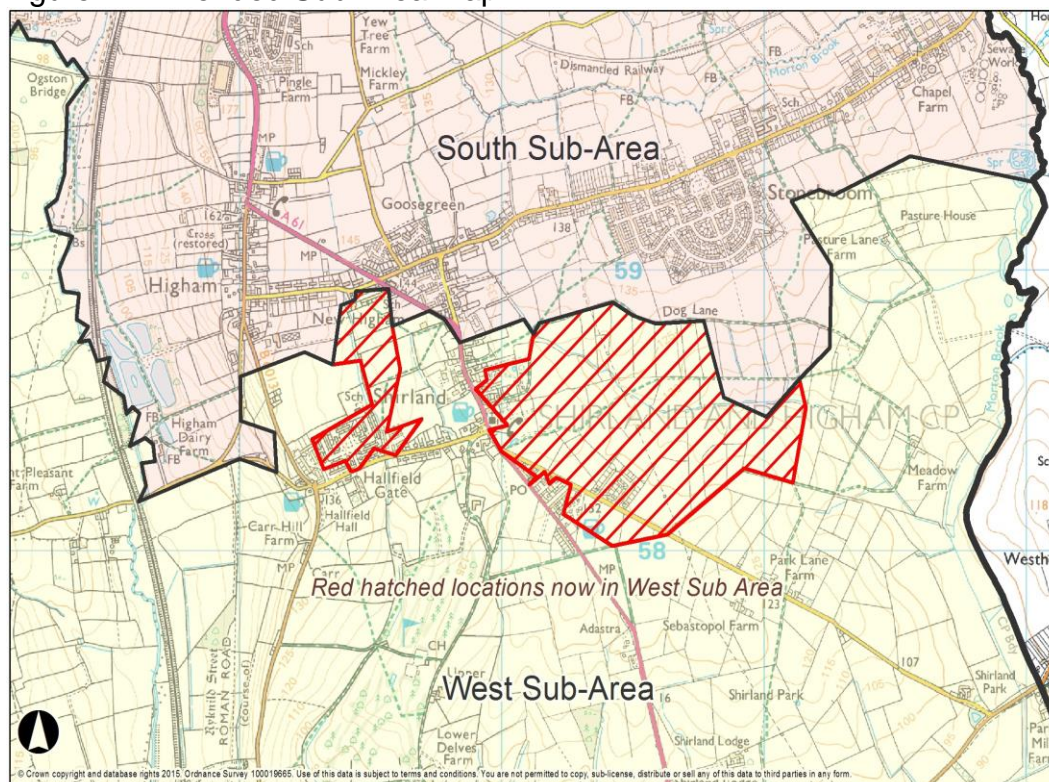
Background

- 1.1 At its meeting on 16th April 2014 Cabinet endorsed the Local Plan Steering Group's (LPSG) recommendations (Report No: HL/02/14/HF) to:
- Approve a local housing target for the Local Plan of 6000 dwellings for the period 2011-2031 and proposals for its spatial distribution across the district;
 - Include site allocations for housing in Part 1 of the Local Plan to enable a 5/6 year supply of housing to be demonstrated on adoption of the Plan; and
 - Authorise the commencement of a 'call for sites' to form the basis to develop proposals for site allocations.
- 1.2 Cabinet has continued to delegate to the Local Plan Steering Group the general task of overseeing and considering the detailed issues arising out of the preparation

of the Local Plan. Since April 2014 the LPSG has met on the following occasions to progress the Plan. (Minutes from these meetings are attached at **Appendix 1**):

- a) 17 June, 2014 – Consideration of a revised Local Plan Timetable and update on Local Plan progress including the initial outcome of the ‘Call for Sites’ consultation. Members received updates in relation to the Local Plan evidence base and in particular progress with Sustainability Appraisal, Joint Gypsy & Traveller Study, Settlement Hierarchy and Retail Capacity Study; and an overview of the proposed structure of the Local Plan. Members also considered a paper summarising the findings of the Strategic Green Belt Functionality Study.
- b) 3 July, 2014 – Consideration and endorsement of refinements to the Settlement Hierarchy approach. Consideration of a report on housing supply and site assessment and approval of the draft Site Assessment Matrix and phasing approach for stakeholder consultation
- c) 14 July, 2014 – Workshop to consider the relationship between the proposed policy approach to the Settlement Hierarchy and potential land availability. No formal notes were taken of this meeting
- d) 29 September, 2014 – Members received updates on progress with the site assessment work and evidence base. A draft of the first section of the Local Plan covering the Spatial Portrait, Vision and Objectives, and Spatial Strategy was circulated for discussion at a future meeting.
- e) 22 October, 2014 – Discussion and feedback on the draft Local Plan Text (Spatial Strategy) circulated at the previous meeting and an introduction to the next two Chapters of the Local Plan (Living Communities and Working Communities) for discussion and feedback at the next Steering Group meeting. Members also received updates on progress with the Site Assessment and Evidence Base work.
- f) 4 November, 2014 – Consideration of the initial first phase results of the Site Assessment Work for the Western Sub-Area and potential issues arising out of the current lack of sites in this area. Members also discussed and provided feedback on the ‘Living Communities’ and ‘Working Communities’ sections of the Local Plan.
- g) 12 November, 2014 - Consideration of the initial first phase results of the Site Assessment Work for the Southern Sub-Area (part 1). Consideration and endorsement of an amended Sub-Area Map (incorporating minor changes around Shirland to ensure the whole settlement and potential development sites are included within one sub-area) (see Figure 1.). Members also considered the recommended areas for settlement gaps for the southern sub-area along with wider Member engagement on draft site allocations work prior to public consultation.

Figure 1 : Amended Sub-Area Map



- h) 24 November, 2014 - Consideration of the initial first phase results of the Site Assessment Work for the Southern Sub-Area (part 2). Discussion and Member feedback on the remaining chapters of the Local Plan: 'Sustainable Development and Communities', 'Sustainable Places' and 'Infrastructure and Delivery'.
- i) 8 December, 2014 - Consideration of the initial first phase results of the Site Assessment Work for the Northern Sub-Area and an overview of the summary results for all settlements in the District. Members also considered a summary schedule of main changes to the Local Plan text and agreed final arrangements for the forthcoming LPSG Sub-Area Workshop Sessions, to which all Members would be invited to attend.
- j) 15 & 16 December, 2014 – Four Sub-Area Workshops were held to appraise Members of work undertaken so far and to present the outcome of the first phase site assessment work prior to reporting to Cabinet and undertaking public consultation in January/February 2015. All Members were invited to attend the workshop covering their constituency. No formal notes were taken at these workshops.

1.3 In summary the LPSG has effectively overseen an important stage in developing the Local Plan (Part 1) to the point where the plan text has been drafted and initial site assessment work has been undertaken to enable public consultation to be commenced in line with the adopted timetable for the Plan's production. Since the role of the LPSG is to act in an advisory capacity, without the authority to make plan-making decisions it is now necessary to seek Cabinet approval of the Local Plan (Part 1) Initial Draft and associated documentation and authorisation to commence public consultation.

Issues for Consideration

- 1.4 The following sections outline some of the key features of the Local Plan (Part 1): Initial Draft and associated consultation material, along with an outline of the proposed arrangements for public consultation.

Local Plan Part 1: Initial Draft

- 1.5 A copy of the Draft Local Plan is attached at Appendix 2. It should be noted that it may be necessary to make minor changes to the plan text as the Planning Policy team continues to format the document for public consultation, it is also necessary to insert maps and figures, which are signposted in the document, but not currently included.
- 1.6 The Draft Local Plan sets out the Plan's strategy and overall approach to new development, together with key policies that will be used to determine planning applications. It includes Strategic Policies and Strategic Site allocations. It is intended that this plan will include sufficient allocations to provide a 5 year supply of housing sites from the point of adoption. However at this time work on site allocations is not at a sufficiently advanced stage to enable the inclusion of preferred sites within this version of the Plan. Instead it is proposed to consult on a portfolio of potential sites alongside consultation on the draft plan (this is explained further at Paragraphs 1.25 – 1.33). Remaining site allocations will be identified in the Local Plan Part 2: Sites & Boundaries.
- 1.7 The Local Plan Part 1: Initial draft includes:
- A vision for the District as a whole, and for each of the District's 4 main towns up to 2031.
 - A Spatial Strategy for the District (which sets out how much development is needed, broadly where it should be located, when it is needed, and how it could be delivered).
 - Strategic, criteria-based policies to guide decisions on new planning applications.
 - Strategic Site allocations.
 - Allocations from the adopted Local Plan that are being saved until Local Plan Part 2.
 - A set of targets and indicators to provide the basis for monitoring the plan's effectiveness and indicate the need for any early review.
- 1.8 The proposed strategy allocates 3 strategic sites (The Avenue, Biwaters & Markham Vale), which have been identified either because they are considered to be central to the delivery of the Plan's strategy and the demonstration of at least a five year supply of housing land on adoption of the Plan, or because they raise strategic cross boundary issues. These are covered by policies LP3, LP4 & LP5 in the Draft Local Plan, which seek to ensure the sites deliver anticipated housing and/or employment growth in line with the Plan's strategy. It is proposed to safeguard the Coalite Site (Policy LP6) for future strategic development needs, given the current uncertainties over suitable future end uses and its ability to deliver within the plan period.

1.9 The Plan has been prepared on the basis of previously approved principles governing the distribution of growth, these include:

- Sub-area focus to reflect diversity of the district.
- Protection of Green Belt
- Protection of settlement identity
- District Housing Target of 6000 (c.300 dpa*) to 2031
- Employment Target: 50ha (net)
- Preserve the role of Town Centres

1.10 Sub-area focus to reflect diversity of the district:

The Local Plan divides the District into 4 distinct sub-areas based upon common characteristics and the spatial strategy sets out a policy approach for each area as follows:

- **North** – recognising the Green Belt constraint and focus to maintain the role of towns
- **South** – Focus for regeneration on strategic sites and protecting settlement identity
- **East** - Focus for growth in the longer term
- **West** – Recognising the Rural Peak Fringe & partial Green Belt constraint and focus on supporting services.

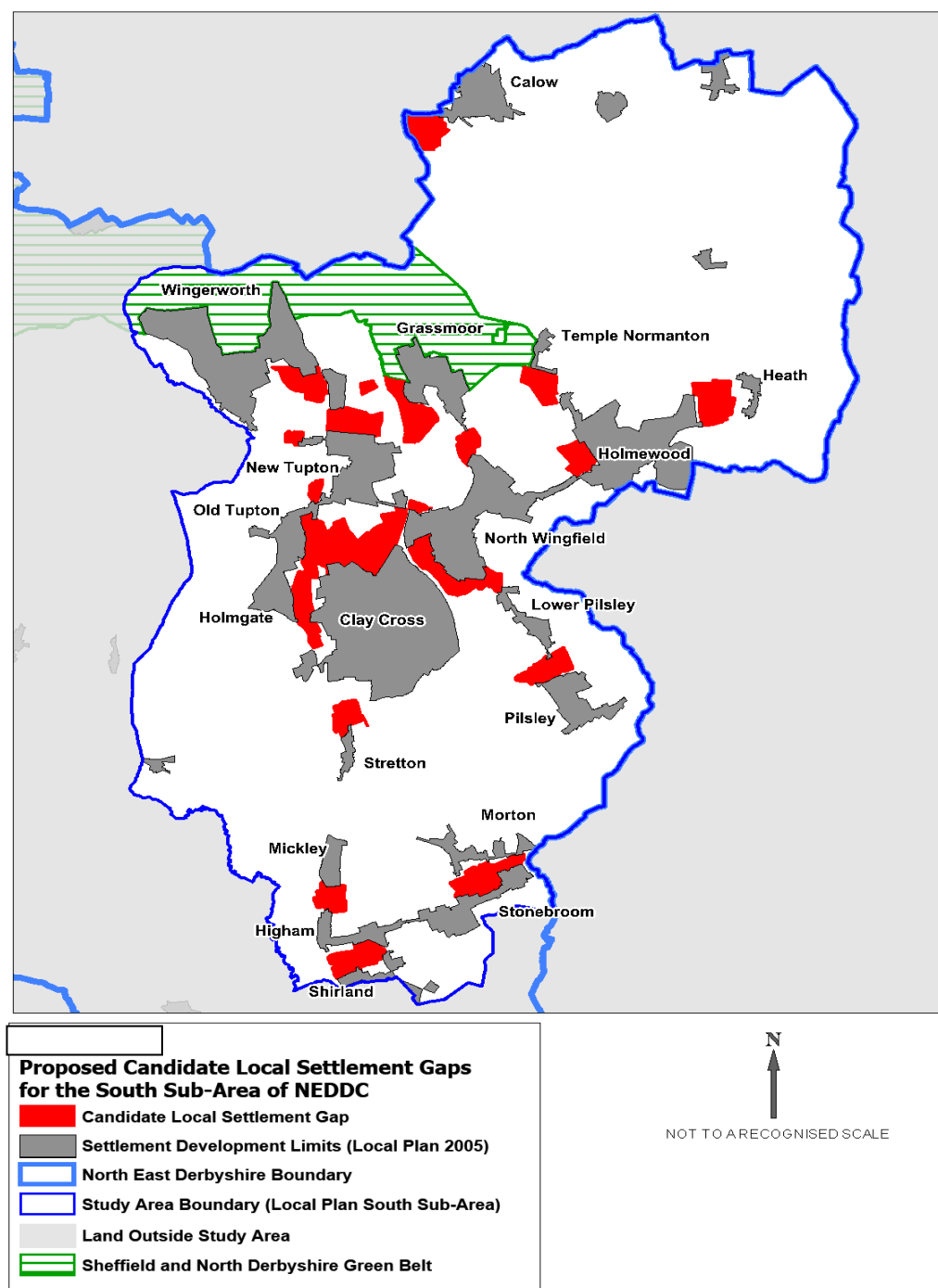
1.11 Protection of the Green Belt:

The Plan reconfirms existing Green belt boundaries , but notes that in the longer term a strategic Green Belt review is likely to take place across the Sheffield City Region, which could trigger a review of the Local Plan. In order to address the significant need for affordable housing in areas constrained by the Green Belt the Local Plan Part 1 includes an enhanced exceptions policy (Policy LP13), which would allow for affordable housing schemes to come forward with the inclusion of market housing where this is necessary to make a scheme viable and therefore attractive to the market.

1.12 Protection of settlement identity:

In response to concerns that previous growth has led to coalescence of settlements, particularly in the South Sub-Area, a study was commissioned to identify potential settlement gaps. This study identified areas between settlements where there is a risk that development might serve to erode settlement identity and lead to coalescence. These potential settlement gaps (see Figure 2) are included in the Draft Local Plan for consultation alongside a policy that seeks to ensure development does not undermine the functionality of the Local Settlement Gap (Policy LP8).

Figure 2



1.13 District Housing Target of 6000 for period 2011 to 2031

At its meeting on 16th April 2014 Cabinet approved a Local Housing Target of 6000 dwellings for the period 2011-2031 based on a proposed distribution at sub-area level (see Figure 3), noting that this required further testing through sustainability appraisal and capacity testing as part of work on site allocations.

Figure 3: Proposed Distribution of Housing Growth

Sub-Area:	Dwellings
North:	1,000
South:	3000-3,400
East:	600 - 900
West:	700 - 900
District:	6,000

- 1.13 Since April the LPSG has overseen further work on the spatial distribution of housing to establish a robust approach to settlement growth. This was based on understanding the specific needs of settlements and their potential for growth in the context of the settlement hierarchy, which is a key part of the Council's evidence base for the Local Plan.
- 1.14 The output of this work is an objective assessment of appropriate growth rates for particular settlements. Which has enabled the Draft Local Plan to set out indicative housing targets for individual settlements (excluding small settlements) (see Table 3 and Appendix A of the Draft Local Plan attached at **Appendix 2**).
- 1.15 Paragraphs 1.25 – 1.33 of this report explain progress made with site assessment work. Whilst the Council's housing target will be monitored at the District level, it is important to ensure that the spatial distribution underpinning the Plan's strategy is sound. It should be noted that currently insufficient sites have been identified in the West Sub-Area to enable an appropriate distribution of the sub-area's currently approved apportionment to be met. Consequently it is proposed that the forthcoming consultation on the draft Plan will be used to proactively encourage further sites to come forward in this sub-area. Failure to secure additional sites in the west could undermine the soundness of the current sub-area distribution and it may be necessary to reduce the target range for the West and compensate for this by an increase elsewhere before the Plan is submitted.
- 1.16 The Plan must also provide a 5 year supply of land to meet the identified needs of the Gypsy and Traveller community. The Council is still awaiting the outcome of a joint Gypsy & Traveller Accommodation Assessment, however it is anticipated that the Council will need to provide in the region of 15 pitches for the Plan period to 2034, of which 6 will be required in the first 5 years to 2019, with 3 for each of the following 5-year periods to 2034. The recent call for sites did not yield any potential sites. The forthcoming consultation will be used as an opportunity to actively encourage sites to be put forward, including land within the Council's control. It is important to note that failure to identify sufficient sites within the Local Plan Part 1 will undermine its soundness.
- 1.17 **Employment Target: 50ha (net):**
The employment land provision for North East Derbyshire is around 50 hectares for the 20 year plan period. The Local Plan will safeguard and improve both existing

successful and attractive employment sites. New employment development for manufacturing and distribution will take place on already committed sites to regenerate previously developed land and, where necessary and sustainable, on Greenfield land. The 50 hectare requirement allows for significant losses of existing employment land which is of lower quality and less attractive to the market.

- 1.18 Policy LP17 seeks to secure and retain the sites identified for employment use. These areas, which are either existing employment sites, or current Local Plan allocations, have been identified as the most appropriate employment locations by the 2014 Employment Sites Report (ESR) and will be safeguarded from potential redevelopment or change of use to a non-employment use. Some sites are identified as being particularly important for the retention of the District's employment base or local employment opportunities.
- 1.19 The Local Plan Part 2 will allocate sites and locations for future expansion of the employment land in order to improve the portfolio of available employment land within the District. Opportunities will be explored to capitalise on development potential in and adjoining sites which have locational advantages due to their proximity to the M1 corridor, including opportunities to regenerate previously developed land. The focus is on existing large sites, both within public and private sector including:
- The Avenue, Wingerworth
 - Former Biwaters, Clay Cross
 - Markham Vale Enterprise Zone
- 1.20 Preserve the role of Town Centres:
Strong, vibrant town and local centres are vital to creating a thriving District and Policy LP18 seeks to protect and enhance the hierarchy of Town and Local centres in the District. New employment will be encouraged in town and local centres, to support the objective of improving and enhancing their economic role. The current town centre boundaries will be retained until reviewed in the Local Plan Part 2, which will also identify new Local Centre boundaries.
- 1.21 The Plan also includes specific policies for each of the Districts main towns, LP21: Dronfield, LP22: Clay Cross, LP23: Eckington and LP24: Killamarsh. These draw upon the findings of evidence base work and other strategies, such as the Clay Cross Regeneration Framework and Eckington Framework and embody their land use planning elements within a Policy framework that can be used to guide development.
- 1.22 Other Policy Areas & Stakeholder involvement:
The Plan includes a range of other strategic policies, covering social, economic and environmental objectives. Many of these policies have been carried forward from the 2005 Local Plan and updated to take account of current circumstances and national policies. Key stakeholders have also been consulted during the preparation of some specific policy areas to ensure that they adequately reflect current guidelines and practices.
- 1.23 It is recommended that Cabinet approves the content of the Local Plan Part 1: Initial Draft for public consultation and delegates responsibility for any minor amendments

required to the Joint Assistant Director of Planning and Environmental Health in consultation with the Portfolio Holder with responsibility for Planning.

Schedule of Potential Housing Sites

- 1.24 Since April 2014 the LPSG has overseen work to identify potential housing sites. This has included a 'Call for Sites' to supplement the existing portfolio of potential sites in the SHLAA and development of a methodology for the objective assessment of these sites. Together this has provided a broad range of sites to subject to a site selection process, which involves two distinct phases. The table at Figure 4 summarises the key stages in the process and the stage reached. Sites with planning permission for 5 or more dwellings will also be taken through the process. A copy of the Site Assessment Matrix is included in **Appendix 3**.

Figure 4: Site Selection Process

	Process	Stage Reached:
Phase 1	Screening: (against identified constraints)	Completed
	Availability (deliverability within first five years following adoption of Local Plan Part 1)	Completed
Phase 2	Suitability (against a detailed set of criteria)	To be carried out at next stage of Plan preparation

- 1.25 Phase 1 has involved screening all sites against set criteria 1- 8 of the Site Assessment Matrix, including site size (the Plan will allocate sites of 5 dwellings or more) and location in relation to green belt, flood risk, settlement boundaries, hazardous installations and designated nature conservation sites; and against its availability, both generally, and within the first 5 years following the adoption of the Local Plan Part 1.
- 1.26 In total, around 350 sites have been assessed during Phase 1. Of these, approximately 110 sites lie in the Northern Sub-Area (outside the Green Belt), 40 in the Eastern Sub-Area, 170 in the Southern Sub-Area, and 40 in the Western Sub-Area.
- 1.27 All sites passing the Phase 1 assessment will be subject to a detailed Phase 2 assessment against the remaining criteria of the Matrix (criteria 9 – 28) relating to physical and environmental constraints, including highway safety, contamination, and access to key services.
- 1.28 The intention is that the Local Plan Part 1 will include site allocations to cover the period to adoption of the Local Plan Part 2, and demonstrate at least a five year supply of housing land on adoption of the Plan. At this stage it is proposed that the

Council consults on the schedule of potential housing sites which have completed Phase 1 of the site assessment process, alongside consultation on the Draft Local Plan. It should be noted that in general terms this includes many more sites than will be required to meet the overall housing target. However it is inevitable that a significant proportion of these will not be successful when assessed against the more detailed Phase 2 assessment. It also provides the opportunity for communities and other stakeholders to contribute to the consideration of potential sites prior to the completion of the Phase 2 assessment process and the Council's selection of preferred sites. It is important to note that **this is not a list of preferred sites for allocation in the Local Plan.**

- 1.29 The LPSG Sub-Area Workshops held on 15 & 16 December 2014 presented the outcome of the first phase site assessment work in the form of maps and data schedules. A copy of the information presented at the workshops is available to view in the Portfolio Members Room. However it should be noted that some of the detailed housing numbers for sites and settlements may change as the Planning Policy Team is in the process of consistency checking all figures to ensure there is no double counting, prior to publication of the consultation material in February 2015.
- 1.30 An example of the type of information that will be presented for consultation in the 'Schedule of Potential Housing Sites' is attached at **Appendix 4**. This data will be provided for all relevant settlements, so that communities can clearly understand the proposed scale of development for each settlement, how much development has already taken place or is committed and what remains to be identified; alongside the portfolio of potential sites to meet the outstanding requirement.
- 1.31 It is recommended that Cabinet delegates responsibility to the Joint Assistant Director of Planning and Environmental Health in consultation with the Portfolio Holder with responsibility for Planning for approving the Schedule of Potential Housing Sites prior to consultation.
- 1.32 Once sites have been through Phase 2 and the Council has identified its preferred sites, there will be a further stage of consultation. This will be informed by the results of this consultation and the ongoing Sustainability Appraisal process.

Sustainability Appraisal (SA)

- 1.33 The Local Plan Part 1: Initial Draft has been informed by, and is compatible with the findings of sustainability appraisal work carried out between 2007 and 2014. The Strategy approach respects the environmental constraints of the north and west of the District, whilst responding to the needs and opportunities of the south and east. However, it is recognised that the SA work to date has been based on high level assessments; and further analysis and refinement of the strategy may be necessary to address issues identified through the SA as it focuses on specific policies and sites and the cumulative impacts of these.
- 1.34 The Council has commissioned independent consultants to undertake SA of the Draft Plan text and the portfolio of potential housing sites. These SA reports will form part of the Council's evidence base and will be made available for public

Proposed Arrangements for Public Consultation

- Figure 4: Timetable for the Preparation of the Local Plan Part 1.**

1.36 It is proposed that public consultation on the Local Plan Part 1: Initial Draft, the Schedule of Potential Sites and associated supporting documents will start in the week commencing 9th February 2015 and will run for a period of 6 weeks. Consultation will take place in line with the Council's Statement of Community Involvement. Although this is an informal stage in the process it is proposed that consultation will include exhibitions and drop-in sessions around the District to ensure local communities have the opportunity to engage with the process and discuss matters with Council representatives.

1.37 It is recommended that Cabinet delegates responsibility for approval of details concerning the final arrangements and associated supporting documents for public consultation to the Joint Assistant Director of Planning and Environmental Health in consultation with the Portfolio Holder with responsibility for Planning.

2 Conclusions and Reasons for Recommendation

- 11

documentation has been developed to a stage where public consultation can take place subject to Cabinet approval.

- 2.2 It order to ensure the Local Plan is developed in line with the adopted timetable it is recommended that Cabinet approves the Local Plan Part 1: Initial Draft for public consultation and provides for the necessary delegated authority to approve arrangements for consultation along with the associated documentation.

3 Consultation and Equality Impact

- 3.1 The contents of this report have been considered by members of the Local Plan Steering Group, as summarised in paragraphs 1.2 and 1.3 of this report.
- 3.2 There are likely to be equalities issues arising out of the preparation of Development Plan Documents, in terms of both the content of the document and the way consultation and participation is arranged. These issues will be addressed when preparing publicity material and arranging public exhibitions in accordance with the Council's most up to date procedures.
- 3.3 An equality impact assessment of the Local Plan's policies will be undertaken at the publication stage of the Local Plan and any necessary amendments prior to consultation on that document.

4 Alternative Options and Reasons for Rejection

- 4.1 A series of alternative options for both the strategic direction of the Local Plan and its detailed policies have been considered as part of the preparation of the document. The consideration of reasonable alternatives is an integral part of Local Plan preparation and will form part of the criteria the Plan is tested upon when it is examined by an independent inspector.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 The preparation of the Local Plan has financial implications. The Planning Policy Team's budget as currently set is considered to be sufficient to support the development of the Local Plan over the current and next financial year.
- 5.1.2 It will continue to be important that adequate budget provision is made available in future years to maintain momentum further to the delivery of the Local Plan and to cover the costs of future examinations. The Council's ability to prepare documents to the required standard will be dependent upon sufficient budget provision being made available. Insufficient funding to provide the necessary technical expertise to underpin the evidence base may make the documents "unsound".
- 5.1.3 The timely adoption of the Local Plan will facilitate housing and business growth in the District, which in turn will enable the Council to benefit from revenue associated with the New Homes Bonus and Business Rate retention.

5.2 Legal Implications including Data Protection

- 5.2.1 The Council has a statutory duty to prepare and keep up to date a Local Plan. The Planning and Compulsory Purchase Act (2004) and the Town and Country Planning (Local Planning) (England) Regulations 2012, set out the statutory procedures for preparing these planning policy documents. These procedures have been, and will continue to be, followed.
- 5.2.2 The preparation of Development Plans also involves the requirement to maintain an up to date evidence base and undertake sustainability appraisal and strategic environmental assessment. The implications of these statutory requirements upon staff and financial resources are significant. The position will be reviewed regularly and any future requirements for additional resources will be pursued as part of the normal processes.
- 5.2.3 The preparation of Development Plan Documents is likely to have environmental implications. Sustainability appraisal and strategic environmental assessment is being undertaken alongside preparation of the Local Plan to ensure that environmental issues are fully considered alongside other economic and social objectives.
- 5.2.4 Issues of Crime and Disorder/Community Safety will be included in Local Development Plan Documents. The intention will be to improve these issues in existing areas and encourage future developments to be designed to Secured by Design principles, which encourage crime prevention measures to be included within the design of developments to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment.

5.3 Human Resources Implications

- 5.3.1 There is a need to ensure that resources in the planning service are sufficient to ensure that timely delivery of a sound Local Plan.

6 Recommendations

- 6.1 It is recommended that Cabinet:
- i) approves the content of the Local Plan Part 1: Initial Draft and authorises public consultation on it and associated documents; and
 - ii) Delegates responsibility to the Joint Assistant Director of Planning and Environmental Health in consultation with the Portfolio Holder with responsibility for Environment (including Planning Policy & Licensing and Sustainable Waste Management) for approving:
 - a. any additional non-material changes to the Local Plan text prior to consultation (including the insertion of maps and illustrations within the document);
 - b. the Schedule of Potential Housing Sites; and
 - c. details concerning the final arrangements and associated supporting documents for public consultation.

7 Decision Information

Is the decision a Key Decision?	Yes
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(A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title
Appendix 1	Minutes of Meetings of Local Plan Steering Group
Appendix 2	North East Derbyshire Local Plan (Part 1: Initial Draft)
Appendix 3	Site Assessment Matrix
Appendix 4	Example of proposed Consultation Material 'Schedule of Potential Housing Sites' – Shirland Example
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
LPSG Workshops (15 & 16 December, 2014) – Site Assessment Presentation Material – Available to view in the Portfolio Members Room	
Report Author	Contact Number
Planning Policy Manager	217168

AGIN 5(a) (CAB 0202) Update on NED Local Plan Part 1/AJD

Please note:

Due to the size of the Appendices, and in an effort to save paper, we have not printed a hard copy for every member.

A hard copy is available for inspection on the Council Office reception and in the Members' Room. Any member will be sent a hard copy on request to the report author/Governance Team.

Electronic copies of the Appendices are available on the website and on the I-Pad Portal.