

**North East Derbyshire District Council**

**Cabinet**

**15 April 2015**

**North East Derbyshire Local Plan – Authority Monitoring Report 2013/14**

**Report No NF/07/15/HF of Councillor N Foster, Portfolio Holder with Responsibility for Environment**

This report is public

**Purpose of the Report**

- To inform Cabinet on the tenth North East Derbyshire Authority Monitoring Report (AMR10) and the five year housing land supply position.
- To seek approval of the content of the tenth North East Derbyshire Authority Monitoring Report (AMR10) for the period 1<sup>st</sup> April 2013 – 31<sup>st</sup> March 2014 and for its publication on the Council's website.

**1 Report Details**

1.1 The Localism Act (2011) requires the production of an **Authority Monitoring Report (AMR)** to cover a period;

- Which the authority considers appropriate in the interests of transparency,
- Which begins with the end of the period covered by the authority's most recent report, and
- That is not longer than 12 months.

1.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 set out that a local planning authority's AMR should contain the following information:

- Details of the title of the plans or documents specified in the local development scheme and their progress in relation to the adopted timetable.
- Detailed reports on policy implementation
- Details of net additional dwellings and net additional affordable dwellings in the local planning authority's area in the period in respect of which the report is made and since the policy was first published, adopted or approved.
- Details of the preparation of any neighbourhood development order or neighbourhood development.
- Details of any income and expenditure generated through the implementation of the Community Infrastructure Levy (CIL)

- Details of actions taken to co-operate with other bodies as prescribed by the Duty to Co-operate.
- 1.3 In addition to the above the Localism Act allows authorities to choose which targets and indicators to include in the report as long as they are in line with the relevant UK and EU legislation. Their primary purpose is to share the performance and achievements of the planning service with the local community.
- 1.4 AMR10 includes the monitoring of key policies of the Local Plan (adopted in November 2005) which were saved on the 28<sup>th</sup> November 2008, in accordance with the Secretary of State's Direction under paragraph 1(3), schedule 8 of the Planning and Compulsory Purchase Act, 2004. It also includes information on the progress of the emerging Local Plan, Housing Supply (including affordable housing), Employment, Infrastructure Delivery, Gypsy and Traveller provision, Strategic sites and the Duty to Co-operate. This data set complies with the statutory requirements along with additional information so local residents can understand what North East Derbyshire District Council has achieved through planning for the monitoring period.
- 1.5 AMR10 covers the preceding financial year which is the 1<sup>st</sup> April 2013 to 31<sup>st</sup> March 2014.
- 1.6 The key findings of AMR10 are summarised below;
- The net completion of new dwellings for the 2013/14 period was 49 dwellings, which is substantially below the emerging Local Plan target of 300 dwellings p.a. This represents the lowest completion rate in the last 5 years. Importantly the projected completions for 2014/15 indicates a significant increase.
  - 57% of all new housing for the monitoring period was built upon previously developed (brownfield) land. This is a decrease on AMR9 and continues the downward trend as more Greenfield sites are built out in the District. A core planning principle of the NPPF is to encourage the effective use of land by reusing land that has been previously developed (brownfield), provided that it is not of high environmental value.<sup>1</sup>
  - There was a loss of 10 affordable houses during the monitoring period AMR10 due to demolitions. These relate to two sites: the Tarren bungalow redevelopment in Eckington and the bungalow redevelopment at Killamarsh. In this monitoring year, 22 units were demolished and 12 new units erected. This leaves a net completion rate of minus 10 units. When the two developments are completed in their entirety, there will be a total gain of 30 new affordable units.
  - 0.07ha of employment land was completed during 2013/14 at Holmewood Industrial Park. This continues the 5 year trend of low employment development on allocated sites in the District.

### **Five year housing land supply**

- 1.7 At the 1<sup>st</sup> April 2014, the Council does not have a five year supply of housing as required by the National Planning Policy Framework (NPPF). This triggers paragraph 49 of the NPPF which states that the relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. Therefore housing

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<sup>1</sup> There is no longer a national target for development on previously developed land which was previously set at 60%

applications should be considered in the context of the presumption in favour of sustainable development. This has significant implications for the way applications for new housing are considered by the Council and, if they are refused, on appeal.

- 1.8 Work on the new Local Plan (Part 1) 2011-2031 is aiming to secure a five year housing land supply from the date of adoption in 2016, by allocating sites for housing development.

## **2 Conclusions and Reasons for Recommendation**

- 2.1 This report sets out the key findings of the tenth Authority Monitoring Report (AMR). Its publication will fulfil the Council's statutory duty to prepare and publish an AMR. AMR10 covers the period 1<sup>st</sup> April 2013 – 31<sup>st</sup> March 2014 and includes the monitoring of key policies of the Local Plan (adopted in November 2005) and information on the progress of the emerging Local Plan, Housing Supply (including affordable housing), Employment, Infrastructure Delivery, Gypsy and Traveller provision, Strategic sites and the Duty to Co-operate.

- 2.2 The key findings of AMR10 (2013/14 period) are:
- 49 Net housing completions
  - The Council does not have a five year supply of housing
  - 57% of new housing was built upon previously developed (brownfield) land.
  - A loss of 10 affordable houses
  - 0.07 ha of employment land completed

## **3 Consultation and Equality Impact**

- 3.1 There is no requirement for carrying out consultation on the AMR. There are no implications for equalities issues. The AMR assesses the implementation of policies, rather than setting policies. However the monitoring provides the opportunity to assess the impact of policies and development upon equalities issues.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 The Council has a statutory duty to prepare an AMR and report on a selection of key issues (see paragraph 1.2 above). Any additional monitoring is done at the Council's discretion. An alternative considered was whether to produce an extensive detailed monitoring report as required by the previous regulations and delivered for the past seven years. This option was rejected on the basis that the majority of the monitoring was required to service national and regional indicators that are no longer required. The resource savings made in this regard have been redirected to help progress the Local Plan in a timely manner.

## **5 Implications**

### **5.1 Finance and Risk Implications**

- 5.1.1 The AMR involves the statutory requirement to maintain an up to date monitoring framework. The CDP Smart monitoring system is used to generate reports to monitor planning policies in the District. CDP Smart has an annual maintenance

charge. For 2013/14 the fee was £816.36 which is accommodated within existing budgets.

## **5.2 Legal Implications including Data Protection**

5.2.1 The Council has a statutory duty to prepare an AMR. The Planning and Compulsory Purchase Act (2004), The Localism Act 2011, and the Town and Country Planning Regulations 2004 set out the statutory procedures for preparing AMRs. These procedures have been followed in the preparation of the North East Derbyshire AMR.

5.2.2 There are no specific environmental, crime and disorder, design or community safety considerations arising out of the preparation of the AMR. Monitoring the effectiveness of the Council's planning policy will however, enable the Council to assess the impact of policies and development on these issues.

## **5.3 Human Resources Implications**

5.3.1 There is a need to ensure that resources in the planning service are sufficient to carry out monitoring for the AMR and on an ongoing basis.

## **6 Recommendations**

6.1 It is recommended that Cabinet:

Approve the content of the tenth North East Derbyshire Authority Monitoring Report (AMR10) for the period 1<sup>st</sup> April 2013 – 31<sup>st</sup> March 2014 and for its publication on the Council's website.

## **7 Decision Information**

<b>Is the decision a Key Decision?</b> (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)	No
<b>District Wards Affected</b>	All
<b>Links to Corporate Plan priorities or Policy Framework</b>	All

**8 Document Information**

Appendix No	Title
Appendix 1	Authority Monitoring Report 2013/14
<b>Background Papers</b> (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)	
Report Author	Contact Number
Helen Fairfax Planning Policy Manager	(01246) 217168

AGIN 10 (CAB 0415) NED Local Plan AMR/AJD

# **Appendix 1**



**North East Derbyshire District Council**

# **Authority Monitoring Report 2014**

**AMR10 1<sup>st</sup> April 2013 – 31<sup>st</sup> March 2014**

**March 2015**

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## **1. Introduction**

1.1 The National Planning Policy Framework (NPPF), March 2012, sets out the government's planning policies for England and how these are expected to be applied.

1.2 The Localism Act (2011) includes the requirement to prepare an **Authority Monitoring Reports (AMR)**. Authorities can choose which targets and indicators to include in the report as long as they are in line with the relevant UK and EU legislation. Their primary purpose is to share the performance and achievements of the planning service with the local community. The AMR is required to be submitted in a period;

- Which the authority considers appropriate in the interests of transparency,
- Which begins with the end of the period covered by the authority's most recent report, and
- That is not longer than 12 months.

This AMR covers the period **1<sup>st</sup> April 2013 to the 31<sup>st</sup> March 2014**.

## **2. The Corporate Plan**

2.1 A key purpose of the AMR is to demonstrate how far planning policies for North East Derbyshire have been effective in achieving the Council's corporate aims and objectives which are set out below;

2.2 The NEEDC Corporate Plan 2011 - 2015/16, sets out the following vision:

*'North East Derbyshire will be a place that is clean and attractive, a place where people are proud to live, where they prosper and are safe, happy and healthy.'*

2.3 To achieve this vision the following objectives have been formulated. Planning policy is vital in assisting in the delivery of the Council's objectives and vision.

**Objective 1:** **Create jobs, build skills and attract investment**  
**The Priority:** People  
**The Focus:** Create employment opportunities, provide new learning and development opportunities, Regenerate our towns and villages and encourage innovation and enterprise

**Objective 2:** **Improve People's Health**  
**The Priority:** People  
**The Focus:** Reduce health inequalities, improve quality of life through healthier living and reduced deprivation, supporting vulnerable and

disadvantaged people and improve accessibility to services through local transport schemes.

**Objective 3: Look after the environment**

**The Priority:** Place

**The Focus:** Reduce fear-of-crime and anti-social behaviour, ensure streets are clear of litter, fly tipping, graffiti and dog fouling, ensure a high standard local environment, and help to deal with the issues of climate change

**Objective 4: Increase Housing Choice**

**The Priority:** Place

**The Focus:** Provide a greater choice of homes to meet the local need, improve the standard of housing, help to prevent homelessness and assist vulnerable people to keep and maintain their homes

**Objective 5: High Performing Council**

**The Priority:** Organisation

**The Focus:** Ensure residents have confidence in the Council; provide good value, high performing services and excellent customer service.

### **3. Key Findings**

3.1 The key findings of the AMR for this period can be summarised as;

- The net completion of new dwellings for the period was 49, substantially below the emerging Local Plan target of 300 dwellings per annum (DPA).
- The Council does not have a five year land supply of housing. This triggers para 49 of the NPPF which states that the relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. Therefore housing applications should be considered in the context of the presumption in favour of sustainable development.
- 57% of all new housing was built upon previously developed (brownfield) land. This is a decrease from 65% in AMR9. A core planning principle of the NPPF is to encourage the effective use of land by reusing land that has been previously developed (brownfield), provided that it is not of high environmental value.<sup>2</sup>
- There was a loss of 10 affordable houses during the monitoring period AMR10. This is a significantly worse performance than AMR9.
- 0.07 ha of employment land was completed during 2013/14 on allocated sites.

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<sup>2</sup> There is no longer a national target for development on previously developed land

## **4. Local Plan Progress**

4.1 Substantial work took place over the period of AMR10 progressing a new Local Plan. The Council adopted a revised Local Development Scheme (LDS) in November 2014. The LDS provides a 3 year timetable for the production of the Local Plan. The Council has decided to prepare its new Local Plan in two parts comprising of:

- Part 1: Strategic Policies
- Part 2: incorporating Allocations and Development Management Policies

The timetable for the Local Plan (Part 1 Strategic Policies and Part 2 Allocations and Development Management Policies) is set out in Figure 14.

4.2 AMR9 reported on the consultation on a Publication Local Plan (Part 1) in 2014. Progress on the preparation of the Publication Local Plan did not keep pace with the timetable outlined in AMR9 as a result of a decision to include housing allocations in the part 1 plan to ensure a 5 year supply of sites. Instead, the council ran a call for sites in May 2014 to continued to develop and update the Local Plan evidence base.

4.3 Figure 14 sets out the projected timetable for the Local Plan Part 1: Strategic Policies. The next milestone set out in the timetable is formal; consultation on a Publication Local Plan (Part 1: Strategic Policies) in September 2015. The timetable also anticipates public consultation on Issues and Options for the Local Plan Part 2 Allocations and Development Management Policies to start in September 2015.

## **5. Housing Supply**

5.1 Figure 1 below, shows the net completions for AMR10 to be 49 dwellings. This is substantially below the housing target figure of 300 dwellings per annum and the lowest by far over the last 5 years.

<b>Year</b>	<b>Net Dwellings Completed</b>
2013/14	49
2012/13	158
2011/12	116
2010/11	142
2009/10	208

**Figure 1: Table of Historical Housing Completions**

## 6. Five year housing land supply trajectory

6.1 Up to 2011 the council has been using the Regional Plan Strategic Housing Requirement of 380 dwellings per annum. Since 2011 the annual requirement has been based on the emerging Local Plan target (subsequently confirmed by population and household projections and housing assessments completed since 2011) of 300 dwellings per annum<sup>3</sup>. Between 2011 and 2014, the completions have been below the annual strategic allocation of 300 pa. This is shown in figures 2 and 3.

6.2 Figure 2 below shows the projected future completions for this year (2014/15) and the following four years. These are the sites that are considered deliverable. They include sites with planning permission at 31<sup>st</sup> March 2014.

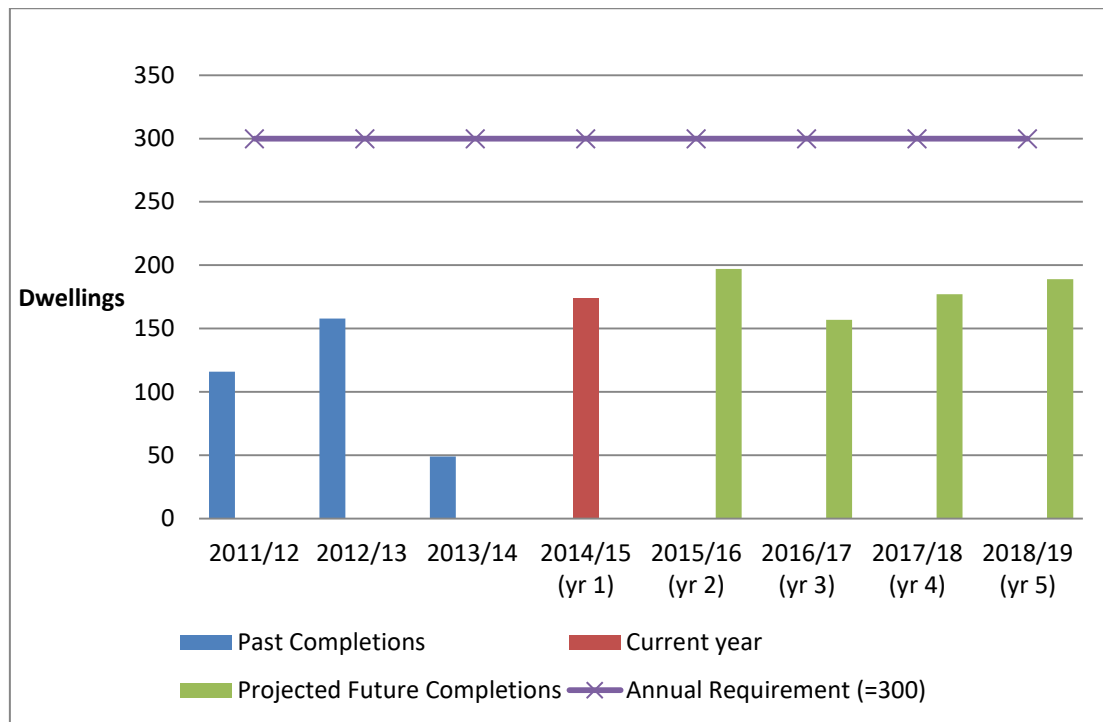
6.3 The past completions, current year completions and projected future completions are compared to the annual requirement of 300 dwellings. The total projected current year and future 4 year completions are for 894 dwellings (174 + 720).

6.4 Figure 2 below, demonstrates that there is a total **shortfall of 1183 dwellings** to deliver a rolling five year housing land supply.

Year	Past completions	Current year completions	Projected future completions	Local Plan Part 1: Initial Draft requirement	Over or under supply
2011/12	116			300	-184
2012/13	158			300	-142
2013/14	49			300	-251
2014/15 (yr 1)		174		300	-126
2015/16 (yr 2)			197	300	-103
2016/17 (yr 3)			157	300	-143
2017/18 (yr 4)			177	300	-123
2018/19 (yr 5)			189	300	-111
<b>TOTAL</b>	323	174	720	2400	-1183

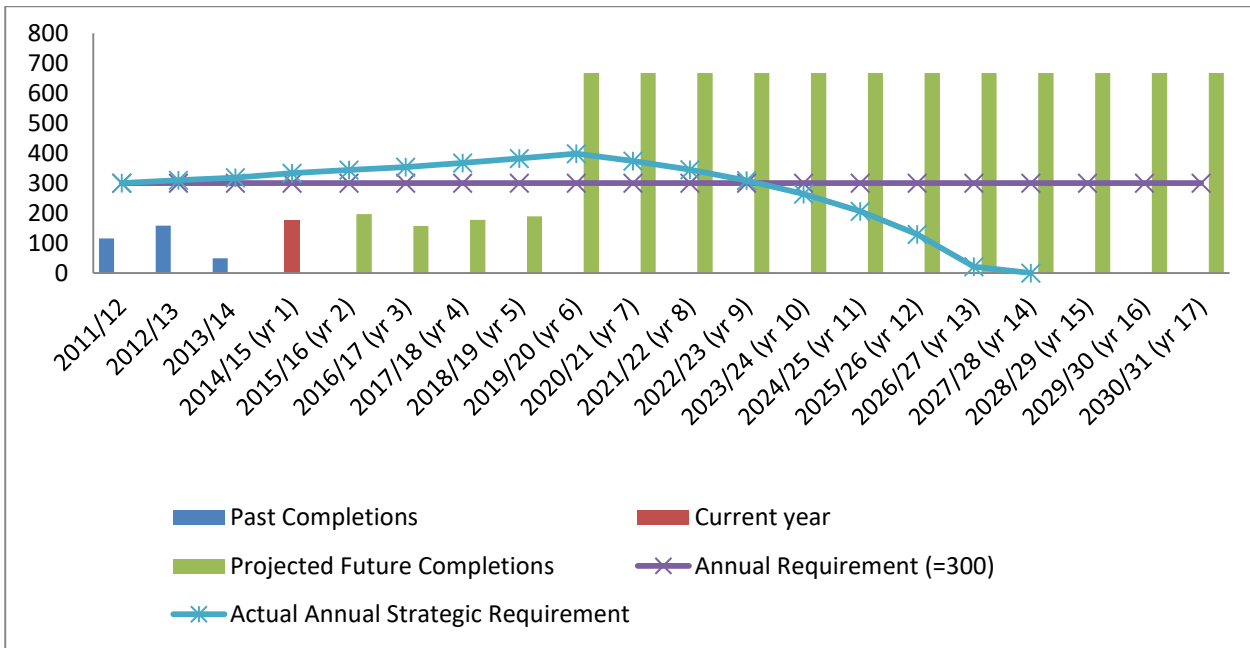
**Figure 2: Table of Five year housing land supply at 1<sup>st</sup> April 2014**

<sup>3</sup> In line with National Planning Policy Guidance, Paragraph: 031 Reference ID: 3-031-20140306



**Figure 3: Five year housing trajectory AMR10**

6.5 Figure 4 below sets out the housing trajectory for the plan period 2011 to 2031. As explained above, the past completions have been below the annual strategic requirement of 300 per annum. This therefore creates a shortfall. For the current year and the forthcoming 4 years, this shortfall becomes greater because insufficient sites are expected to come forward to meet the annual requirement and historical deficit. The housing trajectory shows a large amount of projected completions in years 6 to 17. This is based on the Local Plan Part 1 Initial Draft, Appendix A, February 2015 – Potential Yield (Phase 1 SHLAA sites minus 50%) plus outstanding planning permissions with an expected delivery between year 6 and year 17 (minus 12% delivery rate).



**Figure 4: Housing Trajectory 2011- 2031**

6.6 Although there is sufficient housing land over the entire plan period to meet the emerging Local Plan requirements, this land is not expected to come forward in the next five years. Therefore, at 1<sup>st</sup> April 2014, North East Derbyshire District Council does not have a five year housing land supply. The Council has a housing land supply of **2.15** years. The calculation formula is as follows:

$$\frac{X}{Y} \times 100 \text{ where:}$$

X = projected completions of years 1 to 5 = 894 dwellings  
 Y = Regional Plan housing requirement = 5 x 300 = 1500 dwellings, adjusted to reflect past completions and current year completions = shortfall of 577 dwellings  
 (see figure 3: -184 -142 -251 = -577)  
 = 1500 + 577 = 2077

This leads to the following calculation:

$$\frac{894}{2077} \times 100 = 43.04 \%$$

43.04 % of 5 years is **2.15** years.

6.7 Because the Council does not have a five year housing supply the NPPF (para 49) states that the relevant policies for the supply of housing should not be considered up to date and housing applications should be considered in the context of the presumption in favour of sustainable development.

6.8 The National Planning Policy Framework (NPPF) (para 47) requires that a continuous five year supply of deliverable sites is maintained (also including a buffer of 5% or 20%). Where Local Planning Authorities have a record of persistent under delivery of housing the buffer should be increased to 20%. Accordingly, it is appropriate to calculate the 5 year supply with both a 5% and 20% buffer. This is different to the method used in the previous AMRs to calculate the 5 year supply, where the current year was termed Year 0 and included with the next 5 years to effectively determine a 6 year housing supply. The method used below is more consistent with calculations used elsewhere, in particular the ‘Sedgefield Approach’, a method where the shortfall is made up within a five year period. This method has been accepted in various appeals and is considered to be in accordance with advice in the NPPF.

	<b>5 year Requirement</b>	<b>Annual Requirement</b>	<b>Housing Land Supply</b>
5 years (1500) plus shortfall (577)	2077	415	2.15 years
5 years (1500) plus 5% plus shortfall (577)	2152	430	2.08 years
5 years (1500) plus 20% plus shortfall (577)	2377	475	1.88 years

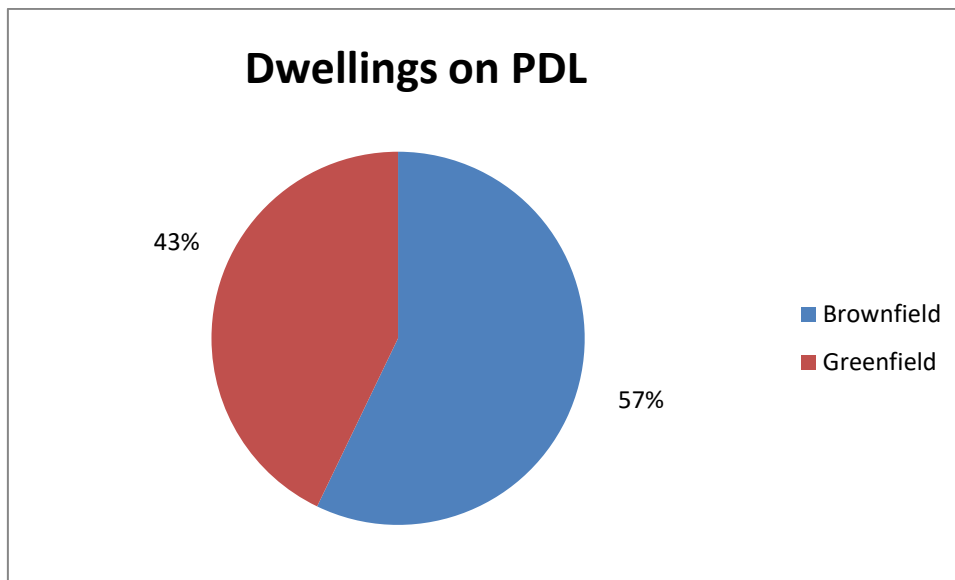
**Figure 5: Five Year Housing Land Supply**

6.9 Until new land for housing is allocated through the Local Plan process or a substantial amount of new permissions are granted and built out the Council **will not** be able to demonstrate a 5 year supply of housing land. This could have serious implications as to how planning applications are determined in the immediate future. The provision of housing is vital if the Council is to achieve Corporate Objective 4: Increasing Housing Choice.

6.10 Work on the new Local Plan (Part 1) 2011-2031 is aiming to secure a five year housing land supply from the date of adoption in 2016, by allocating sites for housing development. Once the Local Plan is adopted the projected future completions in the above trajectories would show a minimum of 300 completions from year 4 (2017/18) onwards.

## **7. Previously Developed Land**

7.1 57% of new housing was built upon previously developed (brownfield) land. This is a decrease on AMR9 when it was 65%. A core planning principle of the NPPF is to encourage the effective use of land by reusing land that has been previously developed (brownfield), provided that it is not of high environmental value. However there is no longer a national target for development on previously developed land.



**Figure 6: Dwelling Completions on previously developed land.**

## **8. Affordable Housing Provision**

8.1 The 2013 Strategic Housing Market Assessment estimated that there is a need for 482 affordable homes each year in the District up to 2031. This figure is far higher than the existing housing target (300 dpa). This need cannot be realistically delivered through the planning system. The Study recognises this level of need is not possible to achieve within the confines of grant funding or cross subsidy from private housing development. Provision of affordable housing is vital if the Council is to achieve Corporate Objective 4: Increasing Housing Choice.

8.2 For the period of AMR10 there was a loss of 10 affordable dwellings due to demolitions. These relate to two sites: the Tarren bungalow redevelopment in Eckington and the bungalow redevelopment at Killamarsh. In this monitoring year, 22 units were demolished and 12 new units erected. This leaves a net completion rate of minus 10 units. When the two developments are completed in their entirety, there will be a total gain of 30



new affordable units. Additionally, planning permission was granted for 241 affordable dwellings in this monitoring year.

	2009/10	2010/11	2011/12	2012/13	2013/114
Affordable Housing Completions	49	0	21	49	-10

**Figure 7 Table of Historical Affordable Housing Completion Rate (net)**

## 9. Employment

9.1 In total 0.07 hectares of employment land was completed during 2013/14 at Derby Road, Upper Mantle Close, Clay Cross. A further 1.67ha is under construction at Coney Green, Clay Cross. This is currently the only employment site in the District showing any activity on allocated land. This continues the trend of very low employment development on allocated sites in the District particularly since 2008 (refer to Figure 8).

Year	Area developed (ha)
2013/14	0.07
2012/13	0.28
2011/12	0.44
2010/11	0.00
2009/10	0.00

**Figure 8: Table of Employment Land Developed.**

9.2 It is important that the emerging Local Plan (2011-2031) has a clear set of policies and highlights sectors that North East Derbyshire aim to attract to help boost the local economy and so increase employment opportunities for local people. This will be vital if the Council is to achieve Corporate Objective 1: Create jobs, build skills and attract investment.

Parish	Name of Site	Ha Available	Date Available
<b>Existing Site</b>			
Heath & Holmewood	Holmewood Industrial Park (EZ)	0. ha	Apr '14
Renishaw	Renishaw Industrial Estate	3 ha	Apr '14
Tupton	Hepthorne Lane	3.32 ha	Apr '14
Clay Cross	Coney Green <sup>4</sup>	16.18 ha	Apr '14
Killamarsh	Westthorpe Business Park,	0.35 ha	Apr '14
Clay Cross	Derby Road, Upper Mantle Close	0.82 ha	Apr '14

<sup>4</sup> The boundary of the site was re-measured in Mar 2010 and has increased from AMR5 so total land available has increased for the District.

Clay Cross	Derby Road, (Biwaters Expansion Land)	11.3 ha	Apr '14
Dronfield	Callywhite Lane Extension	8.9 ha	Apr '14
Killamarsh	Norwood Extension	5.4 ha	Apr '14
Sutton cum Duckmanton	MEGZ	4.7 ha	Apr '14
Wingerworth	Avenue Mixed Use Site	4 ha	Apr '14
Clay Cross	Biwaters Mixed Use Site	4 ha	Apr '14
Total Land Available		61.97 ha	Apr '14
<b>Total Land Under Construction</b>		<b>1.67 ha</b>	

**Figure 9: Table of Employment Land Availability 31<sup>st</sup> March 2014**

9.3 Figure 9 shows that at 31<sup>st</sup> March 2014 there were 61.97 ha of land available for employment use. It should be noted that the 11.30ha allocation at Derby Road, Clay Cross is subject to an outline planning permission that will provide a mixed use development including about 4ha of employment uses. This will be accounted for through the emerging local plan.. This demonstrates that there remains a supply of employment land in the District to meet future requirements; however evidence suggests that the quality of the supply is low.

9.4 The Employment Land Review update (2013) concluded that the District has a reasonable supply of available employment land, but that potential losses may require the provision of employment land elsewhere in the District to cater for retained and future job growth.

## **10. Infrastructure Delivery**

10.1 In order to serve development and enable growth to come forward, sufficient infrastructure will have to be provided. To achieve sustainable growth, the Government requires Local Planning Authorities to take account of the delivery of three types of infrastructure – physical, social and green. By doing so it will ensure that the right types of services are in place to meet the needs of the existing, and future members of the community.

10.2 North East Derbyshire when it publishes its draft Local Plan (Part 1: Strategic Policies) in September 2015 will also have to publish a draft Infrastructure Delivery Plan (IDP). The purpose of the IDP is to identify the various forms of infrastructure required to meet the anticipated level of growth in North East Derbyshire across the plan period of 2011 to 2031.

10.3 The Council will carry out viability work in 2015 to consider if a Community Infrastructure Levy (CIL) can be implemented for North East Derbyshire and so provide an additional income to assist in the delivery of strategic infrastructure.

10.4 For the AMR10 period, a total of £38,892.98 of funding has been collected via S106 Agreements. In addition a further thirteen S106 Agreements have been completed for the period of AMR10 with a combined value of over £2million.

10.5 The use of S106 Agreements and potentially CIL will be critical to assist in the delivery of Corporate Objective 2: Improve People's Health and Objective 3: Look after the environment. From April 2015, the CIL regulations will restrict the use of pooled section 106 developer contributions. For all authorities, no more than 5 developer contributions may be pooled in respect of funding a type of infrastructure or an individual infrastructure project.

## **11. Gypsy and Traveller Provision**

11.1 There are currently 22 occupied permanent pitches in North East Derbyshire.

11.2 Central Government guidance is set out in planning policy for traveller sites. This guidance states that Local Authorities should make their own assessment of need for the purposes of planning to establish the accommodation needs of the traveller community.

11.3 Previously the East Midlands Regional Plan set out how North East Derbyshire should provide an additional 19 traveller pitches within the District for the period 2007-2012. The 2015 Draft Derbyshire GTAA estimates a need for 15 additional pitches in North East Derbyshire.

## **12. Strategic Sites**

12.1 The Local Plan (2005) identifies a range of strategic sites as outlined below.

12.2 **Callywhite Lane Extension, Dronfield.** The land at Callywhite Lane is an extension to the existing industrial estate. Development of this land is largely dependent upon the provision of new infrastructure including an access road, as the existing estate road is at capacity, and an increased electricity supply. Significant investment is required, which is likely to rely upon public investment. The site's development potential will have to be reconsidered in light of the current market to consider whether it is feasible for development by 2026.

12.3 **Avenue Coking Works, Wingerworth.** The Avenue site was identified for employment development in the Adopted Local Plan. The site is now owned by the Homes and Communities Agency. The remediation process is nearly completed and a house builder is due to start work on site in 2016.

12.4 In March 2013 the 'Avenue Area Strategic Framework' was adopted by the Council. The framework covers a wider area than the site allocated in the Local Plan (2005). In 2013 planning permission was granted for a development of 13.4ha consisting of 469 dwellings, 2.8 ha of employment land, land for a primary school and a community facility.

12.5 **The Former Biwaters Site, Clay Cross.** The Biwaters site was identified mixed use development in the 2005 Local Plan, and outline planning permission was granted for a mixed-use development (Ref 06/01334/OL), for a maximum of 980 residential units, 29,500m<sup>2</sup> of B1, B2 and B8 employment land, a 60 room hotel and a local centre (A1, A2, A3, A4, A5 maximum 750m<sup>2</sup>). Planning applications are currently pending for a foodstore, restaurant and public house.

12.6 **Norwood Extension, Killamarsh.** The Norwood site is also identified for mixed-use development. However, this is a greenfield site and the intention is to provide much needed high quality employment land. Housing development will be restricted in line with housing policies, but is considered necessary in order to provide for essential infrastructure and create the high quality mixed-use environment envisaged for this unique canal-side location. A planning application is pending for the construction of 30 houses on part of the site.

12.7 **Markham Vale** (Markham Employment Growth Zone). This is a strategic cross boundary employment site which is partially designated as an Enterprise Zone (approximately 20ha). Only 5.4ha of land in North East Derbyshire is part of the growth zone but the site as a whole is approximately 80ha with direct access to the M1. This site provides substantial opportunity to create employment in the North Derbyshire area.

12.8 The emerging Local Plan (Part 1), Initial Draft, February 2015, proposes the following Strategic Sites: the Avenue, Former Biwaters and Markham Vale. Land within the Coalite Regeneration Area is proposed to be safeguarded for future strategic development needs.

### **13. Duty to Co-operate**

13.1 The Localism Act and the NPPF place a duty on local planning authorities and other bodies to co-operate with each other to address strategic issues relevant to their areas. The duty requires constructive and active engagement on the preparation of development plan documents and other activities relating to the sustainable development and use of land, in particular in connection to strategic infrastructure. This will need to be set out in a Statement of Compliance with the Duty to Co-operate so a development plan can be found sound at examination.

13.2 'Sustainable development' and 'Strategic matters' are defined in the Localism Act 110 (3) and (4) as sustainable development or use of land that has or would have a significant impact on at least two planning areas, strategic infrastructure that would have a significant impact on at least two planning areas, or a county matter. Paragraph 156 of the National Policy Planning Framework 2012 states that strategic matters relate in particular to:

- homes and jobs needed in the area;
- provision of retail, leisure and other commercial development;
- provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- provision of health, security, community and cultural infrastructure and other local facilities; and
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

13.3 In paragraphs 178 to 181, the NPPF comments about the diverse forms the co-operation might take and where joint working might be appropriate. It is worth noting that the duty to cooperate is not a duty to reach consensus, although in the majority of cases that is the intention.

13.4 At the regional and sub-regional level the District council has made an active contribution to, either through the joint commissioning, involvement and/or preparation of the following plans and studies in the period of AMR10:

- .A61 Corridor Impact Study (Derbyshire County Council, NEDDC and Chesterfield Borough Council)
- Gypsy & Traveller Accommodation Assessment (Derbyshire County wide study)

13.5 A series of standing arrangements allow planning officers and representatives of the other organisations to share concerns and to network regularly. This is an important aspect of the co-operation that is both required (for statutory reasons) and desirable (for reasons of best practice).

13.6 **LDF Liaison Meetings.** Since May 2009 Bolsover District, Chesterfield Borough and North East Derbyshire District have held a regular series of officer-level meetings to discuss progress on their Local Development Frameworks. Almost at once, Bassetlaw District in Nottinghamshire, the other East Midlands authority forming part of the Sheffield Housing Market area, was invited to join the conversation, then too Derbyshire County and Nottinghamshire County.

13.7 The usefulness of this forum has been recognised by all participants since it began and in 2012 a Memorandum of Understanding was signed by all participants to formalise these meetings.

13.8 **Sheffield City Region Spatial Development Group.** From 2009 meetings of the Sheffield City Region Spatial Development Group brought together planning, transport and economic development officers interested in taking a City Region-wide approach.

13.9 **Sheffield City Region Planning Policy Officers Group (SCRPOG).** The regular three-monthly meetings of South Yorkshire Planning Policy Officers (SYPOG), used to be augmented from time to time by attendance of a representative from one of the East Midlands authorities, particularly on occasions when a subject of mutual interest was on the agenda. Since approval of the Sheffield City Region LEP, the SYPOG became SCRPOG and membership was expanded to include the East Midlands authorities. These meetings take place every 2 months. Participants share progress reports, and discuss items of mutual concern, concentrating particularly on strategic matters.

13.10 **Sheffield City Region Heads of Planning Meeting.** Heads of Planning from all the Sheffield City Region planning authorities meet every three months to share progress reports and discuss items of mutual concern, concentrating particularly on strategic

matters. This meeting is the setting from which briefings are prepared for members of the LEP board.

**13.11 Derbyshire Planning Policy Officers Meeting.** A long-running series of meetings, this quarterly forum is a further opportunity for co-operation between the authorities.

**13.12 Derbyshire Heads of Planning Meeting.** Like the policy officers' meeting above, this quarterly forum is another opportunity for co-operation between the authorities.

**13.13 Joint Economic Development Strategy.** Recognising their similarities and mutual requirements, Bolsover, Chesterfield and North East Derbyshire have for some years prepared and agreed a joint economic development strategy, particularly to determine future growth sectors.

**13.14 North East Derbyshire Infrastructure Planning Group.** Starting in February 2012, this group includes representatives from Bolsover, Chesterfield, North East Derbyshire and Derbyshire County Council. This group meets on a quarterly basis.

## **14. *Future Monitoring Issues***

14.1 As the Local Plan progresses to adoption the contents of the AMR will be amended to reflect the new development plan framework of North East Derbyshire.

14.2 It is important that the AMR is a live document that can be used to monitor the effectiveness of the Council's planning policy going forward. It is of key importance that the AMR can easily demonstrate which policies are being effective and those which might need reviewing.

14.3 The Council is committed to producing a timely, transparent and robust AMR so that the plan, monitor, and manage approach is applied to the Development Plan of North East Derbyshire.

14.4 The council has signed up to being part of a Derbyshire Combined Authority. Progress of this initiative will be reported under the Duty to Cooperate section in future AMRs.

