

Agenda Item No. 4(e)

**DERBYSHIRE COUNTY COUNCIL**

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND  
INFRASTRUCTURE**

**1 March 2016**

Report of the Strategic Director – Economy, Transport and Environment

**CONSULTATION: HIGH PEAK LOCAL PLAN SCHEDULE OF MAIN  
MODIFICATIONS**

(1) **Purpose of Report** To agree the County Council's formal response to High Peak Borough Council's (HPBC) public consultation on its High Peak Local Plan Schedule of Main Modifications (Main Modifications).

(2) **Information and Analysis** Following an Examination in Public (EIP) of the High Peak Local Plan Submission Version (HPLPSV) in January and February 2015, the Local Plan Inspector required further evidence from HPBC to address his concerns, which HPBC duly commissioned. In June 2015, HPBC carried out public consultation on its High Peak Local Plan Further Evidence (HPLPFE), which addressed issues relating to:

- the housing provision requirements for the Borough up to 2031, in the context of the publication of the 2012-based Sub-National Household Projections; and
- the potential impacts of the proposed housing allocation at Woodhead Road, Glossop on the landscape and heritage assets in the area.

The County Council had submitted formal comments as follows:

- HPLPSV – Meeting of the Cabinet Member - Jobs, Economy and Transport dated on 15 July 2014 (Minute 113/14 refers); and
- HPLPFE – Meeting of the Cabinet Member – Highways, Transport and Infrastructure dated on 8 September 2015 (Minute 118/15 refers).

In addition, the County Council submitted officer's informal technical comments dated 14 October 2015 (no Member comments were made) on HPBC's further consultation of its High Peak Local Plan: Proposed Modifications to the Proposed Housing Allocation at Hogshaw, Buxton (HPLPPM).

The Main Modifications include those that:

- the Local Plan Inspector considers necessary to rectify matters of soundness and/or legal compliance with the National Planning Policy Framework (NPPF) and other national policy guidance and legislation;
- take into account representations that have been submitted by statutory consultees and other stakeholders on each of the above consultations.

In order to meet the statutory deadline of 28 January 2016 for submission of comments on the Main Modifications, provisional informal Member and Officer technical comments were submitted, subject to agreement at this Cabinet Member Meeting. A copy of the response can be made available on request (see Section 7).

Full details of the Main Modifications consultation can be viewed at the following link:

<http://www.highpeak.gov.uk/hp/media-releases/local-plan-a-step-closer-as-further-consultation-underway>

### **Local Member Comments**

Local County Councillors with electoral divisions in High Peak Borough were consulted on the Main Modifications.

Councillor Tony Kemp, Local County Member for Buxton West, commented: *'Whilst I do not like some aspects of the Local Plan, it is the best compromise we can come up with that was likely to get through examination. So I have no comments to add'.*

### **Officer Comments**

Officers' technical comments below are made in the context of the previous County Council's consultation responses described above.

### **MM3, MM4, MM5, MM6, MM7 and MM11**

These modifications all relate to HPBC's proposals to reduce the Borough's housing provision requirement to 7,000 dwellings or 350 dwellings per annum (dpa) from 7,200 dwellings or 360 dpa over the Plan period 2011-2031, as previously set out in the HPLPSV. This proposal to reduce the housing provision requirement to 7,000 dwellings was included in the HPLPFE consultation. In its formal response, the County Council considered the reduced housing target was fully justified on the basis of new and robust evidence commissioned by HPBC in the High Peak Housing Needs Study: 2012-based Sub-National Household Projections Update (HNSSNHP Update). The revised target was likely to facilitate significant jobs growth in the Borough (+469 jobs); help meet affordable housing needs; and be deliverable in the context of key infrastructure and environmental constraints. On this basis, the revised housing provision requirement for the Borough of 7,000 dwellings or 350 dpa and the accompanying reasoned justification set

out in Main Modifications MM3, MM4, MM5, MM6, MM7 and MM11, is supported.

### **MM11**

This modification relates to the deletion of proposals set out in Policy 3 of the HPLPSV, which indicated 500 dwellings of High Peak Borough's housing requirements would be met in neighbouring Cheshire East Council's (CEC) area. In its formal response to the HPLPSV, the County Council expressed support for the proposals, because at that time the provision of 500 dwellings in Cheshire East was considered likely to ensure High Peak Borough's housing needs would be met in full.

On 15 December 2014, however, the Inspector suspended CEC's Local Plan Submission EIP. This was due to a number of soundness concerns, particularly regarding CEC's proposed housing and employment land requirements, which the Inspector considered were significantly below the Borough's full objectively assessed needs. CEC commissioned new evidence, which indicated CEC should plan for a substantial increase in jobs growth of up to 31,500 over the Plan period, with an associated increase in housing provision from 27,000 to 36,000 new dwellings.

Given the above, the HPLPFE consultation proposed to remove references in the HPLPSV to CEC's proposed contribution of 500 dwellings. In its formal response to the HPLPFE, the County Council agreed it was appropriate and justified that these references be deleted, as CEC's new housing target would be very challenging for it to meet and would also require significant Green Belt release. Further support is now given to Main Modification MM11 in light of the proposed reduction in High Peak Borough's housing requirement to 7,000 dwellings over its Plan period and because HPBC has identified sufficient land to meet this requirement.

### **MM31**

This modification is supported as it clarifies which land will be used to accommodate the re-location of sports pitches in order to enable the development of additional school place capacity at Buxton Community School.

### **MM62 and MM82**

These modifications relate to the deletion of the proposed allocation of 7.87 hectares of land at Woodhead Road, Glossop for the development of 121 dwellings. The County Council's formal response to the HPLPSV raised significant concerns about this proposed allocation, due to its likely adverse impacts on the landscape and landscape character of the area. The County Council reaffirmed these concerns in its formal response on the HPLPFE consultation, namely that the proposed allocation:

- would be likely to cause either substantial or slightly less than substantial harm to the landscape and landscape character of the immediate and wider area, which contributes significantly to the setting of the nearby heritage assets; and
- the scale of harm to the landscape and heritage assets as a result of the proposed housing development would be of such magnitude that their impacts could not be satisfactorily mitigated.

On the basis of the above, the proposed deletion of the allocation at Woodhead Road, Glossop identified in MM62 and MM82 is fully supported.

### **MM62 and MM96**

These modifications relate to the proposed allocation of land at Hogshaw, Buxton for 124 dwellings, which now propose a reduction in the site area to exclude an area of land to facilitate the extension of the freight railway sidings at Hogshaw. These Main Modifications were previously set out in the HPLPPM. The County Council gave officers' informal technical comments to the HPLPPM that indicated:

- the Proposed Modification to Policy DS15 was supported, in principle, as this would be more likely to ensure that the proposed development of 124 dwellings at Hogshaw would be delivered and contribute to the Local Plan's revised housing requirement of 7,000 dwellings between 2011 and 2031;
- the Proposed Modification would also help facilitate the extension of the freight railway sidings at Hogshaw to increase capacity for the transportation of limestone by rail, and contribute to the long term economic viability of the Peak District quarries at Hindlow and Dowlow;
- the County Council, as Highway Authority for the area, reaffirmed its previous views that the proposed provision of the main vehicular access to serve the site off the A6 at Fairfield Common (roundabout) would be acceptable in principle;
- the revised proposals for emergency vehicular access to be provided from either Nunsfield Road and/or Glemoor Road to serve the site would also be acceptable in principle, subject to the provision of pedestrian and cycle links being provided as part of the access proposals;
- a full Transport Assessment should be submitted in support of any planning application for the proposed development of the site; and
- the proposed revisions to the layout of the site raised no issues relating to the development's impact on the landscape or landscape character of the area.

In the context of the above, proposed modifications MM62 and MM96 are supported.

### **MM62 and MM97**

These modifications relate to the proposed allocation of land at Tongue Lane, Buxton for 139 dwellings.

The County Council and Derby City Council (the City Council) are jointly preparing a Minerals Local Plan. The County Council (and on behalf of the City Council) lodged a holding objection to the HPLPSV, in view of a conflict of interest between the possible expansion of Ashwood Dale Quarry and the potential housing allocation to the west of Tongue Lane, Buxton (site B8). Omya UK Ltd, operators of the quarry, also lodged an objection on the same grounds.

In the context of the 'Duty to Cooperate', the two Mineral Planning Authorities, HPBC and Omya UK Ltd worked together to produce a 'Statement of Common Ground' (SCG), and submitted it to the High Peak Local Plan Examination Inspector. The SCG sets out a mutually agreed solution that would satisfy the duly made objections and enable both developments to proceed with modifications to the HPLPSV. The solution proposed a modest relinquishment of mineral resources of approximately 200,000 tonnes, which equates to 1.6 years supply of industrial grade stone, and a reduction in the area and scale of the proposed housing allocation.

Main Modifications MM62 and MM97 reflect the wording set out in the SCG. The County Council (and on behalf of the City Council) therefore welcomes and supports the modifications, which resolve its holding objection to the HPLPSV.

### **MM63**

The proposed modification is fully supported, which seeks to ensure that homes are designed to be flexible and adaptable to meet the needs of an ageing population. This policy modification will help the County Council to support the needs of older people and enable them to stay in their own homes for longer periods of their lives.

### **MM67**

This modification proposes to make amendments to Policy H7, relating to Gypsies and Travellers. The modification is considered to be justified and appropriate. Importantly, it sets out a requirement that, where a Gypsy and Traveller Accommodation Assessment (GTAA) identifies a need for pitch provision for Gypsies, Travellers and Travelling Show people, HPBC will work with stakeholders, including other local planning authorities, to ensure that the need is met; and that, in the case of permanent sites (other than transit sites), there should be reasonable access to schools, medical services, shops and other community facilities. The modification is considered to be in accordance with the requirements of the NPPF.

### **MM71**

In its formal comments on the HPLPSV, the County Council expressed concern that Policy CF3 should include a criterion that required developers to contribute to waste management provision as part of their development proposals in order to make new development sustainable. Proposed modification MM71 is therefore fully supported, which seeks to ensure that the release of land for development is informed by capacity in the existing infrastructure of the area; and includes a new policy criterion that supports the need to improve existing, or provide new, waste management infrastructure to support new development.

### **MM84, MM85 and MM104**

These modifications allocate additional strategic sites and, importantly, include a requirement for contributions to be made towards necessary infrastructure provision associated with development on the sites. This requirement is supported.

(3) **Financial Considerations** There are no financial considerations associated with this report.

(4) **Legal Considerations** The recommendation in this report is made in the context of the County Council's responsibilities and services under the provisions of the Localism Act 2011 and the Planning and Compulsory Purchase Act 2004.

### **Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(5) **Key Decision** No.

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details – Steve Buffery, extension 39808.

(8) **OFFICER'S RECOMMENDATION** That the Cabinet Member delegates authority to officers to send a formal response to High Peak Borough Council in line with the issues and comments set out in this report.

**Mike Ashworth**  
**Strategic Director – Economy, Transport and Environment**