

Agenda Item No. 4(h)

DERBYSHIRE COUNTY COUNCIL

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

20 January 2015

Report of the Strategic Director – Economy, Transport and Environment

**CONSULTATION ON FURTHER PROPOSED CHANGES TO THE
AMBER VALLEY LOCAL PLAN PART 1: CORE STRATEGY**

- (1) **Purpose of Report** To agree the County Council's response to Amber Valley Borough Council's (AVBC) public consultation on its Further Proposed Changes to the Amber Valley Local Plan Part 1: Core Strategy (Further Proposed Changes).
- (2) **Information and Analysis** The Amber Valley Local Plan Part 1: Submission Core Strategy was submitted to the Secretary of State by AVBC on 20 December 2013. An Examination in Public (EIP) of the Plan was subsequently conducted by a Government Inspector between April and May 2014, on a number of key soundness issues identified by the Inspector, particularly that the housing target for both the Borough and wider Derby Housing Market Area (HMA) was too low and should be increased to meet the objectively assessed housing needs (OAHN) of both areas. He also raised concerns about the deliverability of the sites identified by AVBC in its five-year housing land supply. Specific issues and concerns relating to the Strategic Growth Sites in the Plan were also examined, particularly the proposed large urban extension sites north of Ripley and east of Codnor, and the need for the associated A610 Relief Road.

The Inspector published his conclusions and recommendations on the EIP hearing sessions on 14 May 2014. In particular, he recommended suspension of the EIP for a period of six months to allow AVBC further time to address his soundness concerns on these matters, with further evidence and collaborative working.

In order to address the Inspector's concerns, in August 2014, AVBC published Proposed Changes to the Amber Valley Local Plan Part 1: Core Strategy (Proposed Changes). The Proposed Changes set out a new housing requirement for the Borough of 10,060 dwellings between 2011 and 2028, and identified 14 proposed new large-scale housing and employment allocations to supplement those already identified in the Submission Core Strategy, to meet

the future housing requirements of the Borough. The Proposed Changes also included a proposed A610 Relief Road between Ripley and Codnor and justification for the need for the Relief Road based on evidence provided by AVBC's consultants. A report on the Proposed Changes was considered by the Cabinet Member for Jobs, Economy and Transport at the meeting on 30 September 2014, at which the Cabinet Member agreed the Member and Officer technical comments to be submitted to AVBC on the Proposed Changes (Minute No. 152/14 refers). These comments were supplemented by a detailed technical assessment of the 14 proposed housing allocation sites carried out by the County Council's officers on a range of environmental and infrastructure issues, particularly school place planning needs and highways impacts.

Derbyshire County Council has now been consulted by AVBC on Further Proposed Changes to the Local Plan. The Further Proposed Changes identify 10 of the large-scale housing and employment allocations that were previously included in the Proposed Changes, but four that were previously identified have been omitted. This includes a site at Amber Valley Rugby Club at Lower Somercotes, on which Derbyshire County Council raised particular concerns about the suitability of the site for housing, given its history of authorised and unauthorised tipping of waste, particularly hazardous waste. It also includes two sites at Cherry House Farm and Pottery Farm in Belper, on which concerns were raised by the County Council about the potential impacts of the developments on the Derwent Valley Mills World Heritage Site and its Buffer Zone.

Based on the 10 proposed housing allocations, the Further Proposed Changes set out a revised housing requirement for the Borough of 9,651 dwellings between 2011 and 2028.

Importantly, the Further Proposed Changes include the deletion of the proposals for an A610 Relief Road and related proposals for two large strategic housing sites at Nottingham Road, Ripley and Alfreton Road, Codnor, and amendments to the Green Belt to accommodate these developments.

The statutory deadline for submission of comments on the Further Proposed Changes to AVBC was 8 December 2014. Therefore, provisional Member and Officer technical comments were submitted by then, 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 Further Proposed Changes can be viewed at the following link:

<http://opengov.ambervalley.gov.uk/docarc/docviewer.aspx?docguid=9021553f83f4eab9a4e6bb41c6f02d5>

Local Member Comments

Local County Councillors with electoral divisions in Amber Valley Borough and South Derbyshire District have been consulted on the Proposed Changes. Comments provided by Councillor Steve Freeborn, Local Member for Ripley East and Codnor, Councillor Steve-Marshall Clarke, Local Member for Alfreton and Somercotes and Councillor John Owen, Local Member for Belper are provided verbatim in Appendix 1.

Members' comments, mainly relate to the 10 proposed housing allocations and those located within their electoral divisions, and the broad scale and distribution of the proposed housing sites, particularly that more land should be identified on the fringe of Derby to meet the City's housing needs. Members have also expressed significant concerns about the implications of the housing sites for school places and their potential highways impacts. Councillor Freeborn, in particular, welcomes the deletion of proposals for the large housing site at Nottingham Road, Ripley and associated proposed amendments to the Green Belt. He is still concerned, however, about the housing sites at Asher Lane and Amber Heights in Ripley. Councillor Marshall-Clarke is particularly concerned about the housing site at Chesterfield Road, Alfreton due to its highway impacts on the A61 and, although he supports employment development on the Lily Street Farm site at Alfreton, he is opposed to the use of the site for housing. Councillor Owen supports the housing allocations in Belper provided that much of the housing is affordable and that the highways and school place planning impacts are acceptable.

Officer Comments

As noted above, Derbyshire County Council's officers previously provided extensive and comprehensive comments on the sites identified in the Proposed Changes, including the 10 sites which are now included in the Further Proposed Changes. Those comments remain largely relevant and it is recommended that these comments should be reaffirmed to AVBC.

In commenting on the Proposed Changes, Derbyshire County Council's officers identified various strategic infrastructure issues and concerns that remained outstanding which, at that time, required further cooperative working between officers of the County Council and AVBC, and the provision of further evidence. These issues particularly related to the potential highways impacts of the strategic housing and employment sites identified in the Plan, and the need for extensive transport modelling works to be carried out for the sites, the school place planning needs associated with the proposed strategic housing sites, and other infrastructure requirements, such as Greenways and Public Rights of Way. At the time of writing this report, those infrastructure issues are still the subject of on-going collaborative working between officers of the two Councils, particularly on transport impacts and education provision.

The County Council will, therefore, be providing further comments to AVBC on these issues, when the outcomes of the assessment works are complete.

In respect of the new housing provision, land to supply 9,651 dwellings between 2011 and 2028 would be allocated in Amber Valley Borough, according to what is set out in the Further Proposed Changes. This would bring the overall supply figure for the whole of the Derby HMA to 32,992 dwellings, with 11,000 dwellings in Derby City and 13,341 dwellings in South Derbyshire. This total figure represents a shortfall of 396 dwellings against the 2011 re-based OAHN figure of 33,388 dwellings which was referred to by the Amber Valley Local Plan Inquiry Inspector in his recommendations of May 2014. However, it represents a surplus [of 850] against a revised figure for OAHN of 32,142 which is suggested by a report of November 2014 from a recent study commissioned by AVBC, Derby City Council, Derbyshire County Council, and South Derbyshire District Council, which has taken into account revised population projections.

In early November 2014, a statement of Continued Joint Working (SCJW) was signed on behalf of each of the four Derby HMA authorities (AVBC, Derby City Council, Derbyshire County Council and South Derbyshire District Council). The SCJW recognises planning for housing growth (according to full objective assessment of housing needs) as a being key strategic issue under their joint working. The SCJW also commits the four authorities to continuing to work together pro-actively in preparation for forthcoming PINS examination hearings and to several other specified actions (both short term and long term) as agreed between the authorities. This commitment by the four HMA authorities was further endorsed by the Derby MHA Joint Advisory Board at its meeting on 18 November 2014.

In respect of the proposed A610 Relief Road, the need for which was identified as a key issue in the Proposed Changes, a report was considered by Derbyshire County Council's Cabinet at its meeting on 9 September 2014 (Minute No. 307/14 refers). As recommended in that report, it was resolved to note the observations in that report on the 'need' for an A610 bypass scheme and to authorise the Strategic Director – Economy, Transport and Environment to formulate a response to evidence on a possible bypass scheme in consultation with the Cabinet Member for Highways, Transport and Infrastructure. This authorised the Strategic Director to provide Derbyshire County Council's comments on the transport modelling works and further evidence being prepared by AVBC's consultants on the need for the new A610 Relief Road, when this evidence was made available.

Following receipt and assessment of the transport modelling works, and further evidence by Derbyshire County Council's officers, the Strategic Director – Economy, Transport and Environment confirmed to AVBC on 15

October 2014, that the County Council considered that there was not a clear justified need for an A610 Relief Road. Accordingly, it is considered that the exceptional circumstances to justify amendments to Green Belt policies in Ripley and Codnor associated with the A610 Relief Road, have not been proven by the evidence and it is considered appropriate, therefore, that the deletion of these relevant policies is included in the Further Proposed Changes.

The need for additional school places generated by the proposed 10 new housing allocations will require continued consultation with AVBC and the schools likely to be affected by extensions or new schools that are built within their areas. The County and City Council's School Place Planning Teams will continue to lead these discussions. In the meantime, the proposed 10 new housing allocations have been assessed by Derbyshire County Council's School Place Planning Team and the provisional assessments of the potential impacts of these new sites on school place provision have been forwarded to AVBC, as a starting point for further consideration of this matter.

The school place planning position relating to the proposed housing allocations at Radbourne Lane, Mackworth and Kedleston Road, Quarndon has changed since Derbyshire County Council's officers provided comments on the Proposed Changes. The normal area primary schools for both of these sites (Kirk Langley Primary School and The Curzon CE Primary School) would have insufficient capacity to accommodate the numbers of pupils generated by the proposed housing developments. Both schools are on constrained sites with little scope for expansion. It is considered, therefore, that the allocation of both of these sites for a total of 470 new dwellings, together with proposals for a further 570 dwellings, which already has planning permission at Radbourne Lane, Mackworth, would lead to the requirement for a new primary school to serve both developments.

Both of the sites above are within the normal area of The Ecclesbourne Secondary School. The scale of development being proposed for this area would create significant pressure and difficulty as The Ecclesbourne School is already overcrowded and on a site with extreme difficulties in respect of expansion. Derbyshire County Council's officers would have to discuss with the City Council whether there is, or could be, any school place capacity within the City for this scale of development. The impact of this level of development would need to be included in the emerging Derby HMA Secondary School Strategy, which is being developed by the School Place Planning Teams of both the County and City Councils. Developer contributions would be required to provide the additional spaces necessary to deliver this scale of development.

(3) Financial Considerations

considerations associated with this report.

There are no financial

(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 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 in the Economy, Transport and Environment Department. Officer contact details – Steve Buffery, extension 39808.

(8) **OFFICER'S RECOMMENDATION** That the Cabinet Member authorises officers to respond formally to Amber Valley Borough Council on its Further Proposed Changes to the Amber Valley Local Plan Part 1: Core Strategy, as described in the report and appendix, with additional Technical Officer comments as appropriate.

Mike Ashworth
Strategic Director – Economy, Transport and Environment

Appendix 1: Detailed Local Member Comments on Further Proposed Changes to Amber Valley Local Plan Part 1 – Core Strategy

Councillor Steve Freeborn, Local Member for Ripley East and Codnor, has commented that:

“I am very pleased that AVBC has finally acknowledged the importance of maintaining the full protection of Green Belt land. Whilst this has led to the pleasing removal of sites SG2 and SG7 from further consideration, I remain very disappointed that even though sufficient ‘whitelands’ exists to provide for all the Borough’s housing needs, the Spatial Policy still remains centred on the four market towns.

Two sites that have been put forward for development which I oppose.

Asher Lane

1. The Asher Lane site has commercial units in existence which provide a base for several successful businesses. These have a positive influence on the local economy and their loss, and given the proposed loss of the Lily Street Farm site for industrial / commercial use, the loss of Asher Lane too would be keenly felt.

2. The highways access is poor and will significantly increase vehicular movements onto a road that – because of on-street parking – is single carriageway only for hundreds of yards.

Amber Heights

3. This site has no suitable access, and the highways network would not sustain the increased volumes of traffic without major upgrade works. These have not been properly considered in respect of the site’s viability.

I support the proposal to develop land adjacent to Police HQ as housing.

Finally, I strongly support the proposed Ripley Neighbourhood Plan.”

Councillor Marshall-Clarke, Local Member for Alfreton and Somercotes, has commented that:

“Proposed Housing Sites in Alfreton

General Comments

From a locational point of view, the proposed new housing allocations in Alfreton at Chesterfield Road and Lily Street Farm would not be well located to

provide for the housing needs of Derby City, as identified by the Local Plan Inspector. Most residents of Alfreton travel to Mansfield and Chesterfield for their employment needs and so links with Derby are not strong. New housing development in Alfreton would not therefore help meet the growth needs of Derby City.

There are other sites identified in the Proposed Changes on the fringe of Derby which would be much better located to meet the housing needs of Derby City, particularly those sites identified around Markeaton. Originally, in the early stages of the Local Plan's preparation, housing growth around Markeaton and the north-west of the City was resisted by the Borough Council due to highway capacity problems and congestion on the A38. However, the A38 junctions at Markeaton Island and Little Eaton Island are currently being improved through the Government's Pinch Point Highways Improvement Programme. The A38 junctions through the City have also recently been identified for further major improvement through "Action for Roads" published in July 2013, which sets out a revision of plans for strategic highway networks and includes as a 'pipeline' project (starting after 2015) grade separation of the A38 Derby junctions. These highway improvements would make the area to the north-west of the City a more acceptable location for housing growth to meet the needs of the City.

It is accepted, however, that there would be a need for increased health care and education provision if more housing development was identified to the north-west of the City, particularly as Ecclesbourne School is already at capacity. However, the sites identified around Markeaton are on the fringe of the City so the employment, shopping, service and health needs of the new residents could be met within the City and at the Derby Royal Hospital.

Other Comments

Housing growth on the north-eastern edge of Derby has been resisted by the Borough Council in the past on grounds of likely harm to the setting of Kedleston Hall, for which the Local Plan identifies a protection zone of several miles wide. AVBC should review the extent of the protection zone for Kedleston Hall and reduce it in extent as it is not in a prominent location when viewed from the surrounding area. This would provide more scope for new housing development.

Chesterfield Road, Alfreton Housing Site

There are serious concerns about the allocation of the Chesterfield Road site for 300 houses. There are already sites with planning permission for over 800 houses in Alfreton, which have not been developed such as Outseats Farm, Eachwell Lane and other sites. There are already infrastructure problems with these sites in terms of education and highways infrastructure capacity. The

A61 is already a bottle neck through Alfreton and it is an accident black spot. If the site was to be developed wholly within the confines of Amber Valley and not within North East Derbyshire, where will the access go? If access was provided from the A61, that would be unacceptable due to the existing highway safety and congestion problems on the A61.

In terms of education needs, there are three schools in the Alfreton area – Copthorne School, Croft School and Lees Junior School – which are already predicted to be at capacity. Planning permission was recently granted for housing development on the Eachwell Lane site, for which school places have not yet been identified. Further new housing development in Alfreton would exacerbate the school place position in Alfreton.

The Chesterfield Road site is a greenfield site in a prominent location so it would create urban sprawl northwards from Alfreton. There is already a problem in Alfreton with the loss of greenfield sites to housing and a need for the creation of new green infrastructure and public open space to compensate for the loss of these sites.

There is a deliverability problem in Alfreton as there are housing sites which have had planning permission for a number of years that have not been started as the sites are not attractive to house builders. There would be little point in allocating more housing land in Alfreton as there is no public demand for it. However, there would be much greater demand for new housing on the fringe of Derby around the Markeaton area, so more housing land should be allocated in that location.

Lily Street Farm Mixed-Use Site

The proposed development is not supported for housing use. There is a significant need for new employment land in Alfreton and so the whole of the site should be used for employment development. The Derbyshire ‘Quilt’ indicates that unemployment in Alfreton and Somercotes is at high levels and so new jobs are needed in the area.

The development of up to 600 houses on this site would require a lot of new infrastructure, particularly a new highway access and additional school places, as schools in Swanwick area already full. This is another large greenfield site that would be lost to development and would, if developed for housing, create more urban sprawl. Swanwick has already had to accommodate a lot of housing growth in the past which has swamped the village. Given its location and distance from Derby, the site would not help to provide for any of the housing needs of Derby City.

It is understood that the promoters of the Lily Street Farm site have indicated that they would provide the land for, and build, a new school on the site. If the

site is used for housing then the school should only be built to a size needed to accommodate the school places generated from the development itself. If a much bigger school was developed to serve the wider area, it would make Alfreton a target for further housing growth, which is unacceptable.

The two sites at Chesterfield Road and Lily Street Farm in Alfreton are located on the A61 corridor where North-East Derbyshire District Council (NEDDC) has also identified a number of large sites for housing growth. There needs to be consultation by the Borough Council with NEDDC to assess the impacts of all the housing developments proposed along the A61 corridor.

Overall, the Proposed Changes are a patchwork quilt of development that has no strategic direction to meet the housing needs of Derby City."

Councillor Owen, Local Member for Belper, has commented that:

"Belper is required to take on an additional 270 new dwellings out of the 33,000 required to increase Derby City area's unmet housing need (HMA), recommended by the Inspector following his Examination in Public of the Amber Valley Local Plan in March and April 2014. Two sites in Belper at Derwent Street and Bullsmoor have been proposed for allocation in the Further Proposed Changes to the Local Plan to provide 270 new homes. These sites have been allocated as they are considered to have minimal impact on the Derwent Valley Mills World Heritage Site and its buffer zone.

There is a housing crisis in Britain. There is a homelessness crisis in Britain. Thousands of construction workers are out of work. They could be employed building the required housing stock. Amber Valley and Belper have to play their part. The next generation need affordable housing.

In principle I support the Amber Valley Borough Council Local Plan. It must be ensured that much of the housing is affordable and has the relevant upgrades to its infrastructure.

I am reliably informed that the relevant formulas for School and Road infrastructure will be adhered to. I am further informed that those proposed new homes within Derwent Valley Mills buffer zone will have at least the minimum requirements adhered to.

It has been emphasised to me that if there is insufficient capacity at an existing school this would need to be funded by the developers. If expansion is not possible then any new school would have to be funded by the developers.

The required transport modelling works have been completed and will inform decisions on the acceptability of the proposed sites in terms of their impacts on local roads and highway safety.

I am encouraged to learn that the additional 270 homes could well encourage new retail outlets in the town, providing improved job opportunities. New opportunities for small business outlets should also emerge.

Many residents of Belper already find their work in Derby and Chesterfield areas, this number may well increase. Good road and public transport provision already exists for this daily commute. There is a new rail service connecting Chesterfield, Belper and Derby once a day in each direction. In considering the infrastructure cyclists and pedestrian's needs should also be taken in to account."