

**Agenda Item No. 4(e)**

**DERBYSHIRE COUNTY COUNCIL**

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

**1 February 2018**

Report of the Strategic Director – Economy, Transport and Environment

**CONSULTATION ON AMBER VALLEY BOROUGH PRE-SUBMISSION  
LOCAL PLAN**

- (1) **Purpose of Report** To agree the County Council's formal response to Amber Valley Borough Council (AVBC) on its Amber Valley Borough Pre-Submission Local Plan (PSLP).
- (2) **Information and Analysis** AVBC is producing a new Local Plan for the Borough which will replace the existing Amber Valley Borough Local Plan (AVBLP) that was adopted in 2005. In March 2017, Derbyshire County Council was consulted by AVBC on its Amber Valley Borough Draft Local Plan (DLP), on which extensive member and officer technical comments were submitted on 28 April 2017. These comments particularly related to the policies and proposals in the Plan for housing, strategic housing and employment allocations, highways, the economy, Green Belt, infrastructure, landscape and visual impact, town centres, the environment and green infrastructure. Many of the comments made by the County Council on the DLP have been taken into account by AVBC in revisions and amendments to policies and supporting text in the PSLP, although a range of issues and concerns are highlighted in the report below, which remain outstanding and will require further consideration by the Borough Council.

The PSLP sets out the Borough Council's housing and employment land requirements between 2011 and 2028, including the provision of a minimum of 9,770 dwellings and 45 hectares (ha) of employment land. The vast majority of the Borough's housing requirements are proposed to be met on 19 Strategic Growth Sites, including a large mixed-use development for 1,100 dwellings, 12ha of employment land and a new primary school on land north of Denby. Specific policies are included in the Plan for each of these Strategic Growth Sites, including the identification of necessary new infrastructure to support their development. The PSLP does not propose any amendments to Green Belt boundaries across the Borough except for a small revision to facilitate the Strategic Growth Site allocation on land north of Denby. The remainder of the PSLP sets out policies for affordable housing; gypsies and travellers, including a requirement for 10 new pitches over the Plan period; the countryside; historic environment, including the Derwent Valleys Mills World Heritage Site

(DVMWHS); town centres and retailing; sustainable transport; renewable energy; the environment; and infrastructure and green infrastructure.

This is the last stage of public consultation on the Local Plan before it is submitted to the Secretary of State by AVBC and for which an Examination in Public (EIP) will take place in 2018 before a Government appointed Inspector.

Full details of the PSLP can be viewed at:

<http://www.ambervalley.gov.uk/localplan2016>

In order to meet AVBC's statutory deadline for submission of comments, provisional informal comments were submitted on 14 December 2017, subject to agreement at this Cabinet Member Meeting. A copy of the response can be made available on request.

### **Local Member Comments**

Local County Councillors with electoral divisions in Amber Valley Borough were consulted on the PSLP. No comments have been received at the time of writing this report. However, any comments subsequently received will be reported to this meeting and forwarded to AVBC.

### **Officer Comments**

#### **Housing**

The PSLP's policy approach to housing provision is fully supported, particularly the proposed housing requirement for a minimum of 9,770 new dwellings over the Plan period. Extensive joint working has taken place since 2012 between officers of the County Council and AVBC, Derby City Council (the City Council) and South Derbyshire District Council (SDDC) to determine and agree the overall housing requirement for the Derby Housing Market Area (HMA) and for the individual local authority areas. This joint work and the commissioning of a range of supporting evidence has determined there is a need for 33,388 dwellings in the Derby HMA as a whole over the period 2011-2028 and that 9,770 dwellings are required in Amber Valley Borough, 11,000 dwellings in Derby City and 12,618 dwellings in South Derbyshire District. The overall housing requirement for the HMA and for the individual local authority areas has been examined and endorsed by Planning Inspectors who have carried out EIPs into the Derby City Local Plan Part 1 Core Strategy (DCLPCS) and South Derbyshire Local Plan Part 1 (SDLPP1) in 2015 and 2016.

#### **Housing Land Supply**

The housing land supply position set out in the PSLP is supported and identifies an overall land supply of 11,060 dwellings to meet the housing requirement of 9,770 dwellings. This should ensure there is sufficient flexibility in the land supply in the event that some of the housing sites do not come forward for delivery as anticipated.

The approach to calculating the five year housing land supply for the Borough is also supported based on the 'Sedgefield' and 'Liverpool' methodologies. Some concern is expressed, however, in the housing land position resulting from the Sedgefield methodology (5.03yrs), which does not provide much flexibility should any of the proposed housing sites not come forward as anticipated. It is recommended, therefore, that AVBC identifies additional sites that could contribute to the five year land supply to provide a necessary degree of flexibility.

### **Housing Allocations**

There are 19 proposed housing allocations identified in the PSLP providing for 3,536 new houses. Each of these allocations will raise a range of infrastructure requirements to support their development, particularly primary and secondary school provision, highway and access improvements. Derbyshire County Council has previously provided extensive comments on the suitability of most of these allocations through direct consultation from AVBC, comments on previous stages of the Local Plan and through comments the County Council has made on a number of planning applications for the proposed developments. These comments remain relevant and are hereby reaffirmed to the Borough Council.

Concern is raised about two of the proposed allocations at Belper Lane, Belper and Amber Valley Rugby Club at Lower Somercotes. Derbyshire County Council has raised fundamental concerns about the Belper Lane site on two recent planning applications due to the likely adverse impacts that housing development would have on the Outstanding Universal Value (OUV) of the DVMWHS. The County Council has also previously raised concerns on a planning application for 200 houses on the site at Amber Valley Rugby Club and its suitability for housing, due to a history of authorised and un-authorised tipping of waste on and around the site. The planning application was refused planning permission by AVBC and was dismissed by an Inspector following an appeal. The Borough Council is asked to give further consideration to these two allocations and resolve the outstanding issues before they are confirmed as allocations in the Submission Version of the Local Plan.

### **Affordable Housing**

The policy approach in the PSLP to affordable housing is supported as it seeks to ensure that any sites of 15 dwellings or more or greater than 0.5ha will be expected to provide up to 30% of the site as affordable housing, subject to viability considerations. It is considered the policy approach is well-balanced and justified.

### **Gypsies and Travellers**

The policy approach to gypsies and travellers is supported, as it is based on the recommendations of the Derby, Derbyshire, Peak District National Park and East Staffordshire Gypsy and Traveller Accommodation Assessment

(GTAA), that was commissioned by Derbyshire County Council on behalf of all the city, district and borough councils in Derbyshire and East Staffordshire. The PSLP appropriately identifies a requirement for 10 new pitches to be provided within the Plan period based on the recommendations of the GTAA.

### **Highways**

Comments highlight that Traffic Modelling Reports identify a number of junctions in the Ripley and Codnor area where new development traffic is forecast to increase congestion on the network and will require the need for intervention. It is recommended, therefore, that the PSLP should identify these required interventions in the form of appropriate policies.

Concern is expressed that proposals for a new grade, separated junction onto the A38 to facilitate development of the Strategic Growth Site on land north of Denby will need to be supported by the commissioning of new traffic modelling works in order to assess traffic impacts of both development traffic and secondary reassignment effects of other traffic movements.

It is recommended that a Transport Evidence Note is produced by the Borough Council to provide a commentary of transport issues in the Borough and summary of transport conditions in the area.

### **Employment**

The policy approach to employment land is supported, and is based on extensive and robust evidence in the Amber Valley Employment Land Needs Study (ELNS) and includes a requirement for 45.90ha of new employment land. Two of the main employment allocations at Lily Street Farm, Swanwick and Shipley Lakeside, Shipley have been previously supported by the County Council through its responses on planning applications on the sites.

### **Green Belt**

The broad policy approach to Green Belt is supported, although concern is expressed that the policy should set out more explicitly the Borough Council's commitment to ensuring that the principle and extent of the Nottingham – Derby Green Belt will be maintained and enhanced, with the exception of the release of Green Belt land north of Denby to facilitate the comprehensive redevelopment of the site for housing and employment. The background text to this Policy indicates that the Borough Council will need to undertake a comprehensive review of the Green Belt in a subsequent, early review of the Local Plan. However, this is likely to require the need for extensive joint working with the County Council and the other local authorities in the Derby HMA.

### **Infrastructure**

The policy approach to infrastructure is fully supported and sets out the Borough Council's commitment to work in partnership with other organisations, including the County Council, to ensure a coordinated approach

to deliver key infrastructure to support new housing and employment development; and that where a funding shortfall is identified for new infrastructure, this will be secured through developer contributions, which may also be pooled where this meets the tests in the Community Infrastructure Levy (CIL) Regulations.

It is welcomed that comments made by the County Council on the DLP have been fully incorporated in the PSLP which now appropriately indicates that, where necessary developer contributions are not provided by a developer, then planning proposals may be deemed to be unacceptable as they may not provide for sustainable development.

As noted above, the PSLP identifies 19 larger scale housing allocations which will be likely to impact on the need for primary and secondary school place provision. The Borough Council is requested to continue to liaise with the County Council's Children's Services to consider the school place implications of the proposed allocations.

### **Landscape and Visual Impact Issues**

The County Council welcomes the fact that a number of concerns expressed previously by the County Council on the DLP have been taken into account in the PSLP, particularly the need for the deletion of a Strategic Growth Site at Bullsmoor, Belper, due to its likely adverse impacts on the DVMWHS. Other concerns expressed on the DLP are hereby re-affirmed relating to:

- the proposed housing allocation of land at Radbourne Lane, Mackworth and its likely adverse impact on heritage assets in the surrounding area; and
- the designation of Special Landscape Areas within the Plan, which are based on outdated work produced by the County Council and which has been superseded by a 'landscape character' approach to landscape designations.

### **Environment and Green Infrastructure**

Concern is expressed that the PSLP makes little or no reference to electric and other low carbon emission vehicles and charging infrastructure, the demand for and use of which, is likely to be much more prevalent in the future. A new paragraph is recommended for inclusion in the Plan which highlights the intention of Derbyshire County Council and key partners to assess and, where practical, provide the infrastructure necessary to enable residents, visitors, businesses and communities to use low carbon emissions vehicles every day and for any purpose.

### **Public Health**

The public health comments provide an assessment of how the policies in the PSLP align with the *Strategic Statement for Planning and Health across Derbyshire and Derby City (SSPH)*. The comments highlight where the

policies in the Plan could be strengthened or may need to be more explicit to reflect the SSPH. Concern is expressed that the Plan should make reference to Health Impact Assessments and the need for such assessments to be submitted with planning applications for residential development of 100 dwellings or more.

(3) **Financial Considerations** There are no financial considerations directly 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.

(5) **Social Value Considerations** The relevance of social value in terms of social, economic and environmental wellbeing has been considered in the preparation of this report. Meeting the current and future needs of communities and the management of scarce resources (i.e. sustainable development) is central to the role of local and county planning authorities in preparing and implementing their local plans.

### **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.

(6) **Key Decision** No.

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

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

(9) **OFFICER'S RECOMMENDATION** That the Cabinet Member delegates authority to the Strategic Director – Economy, Transport and Environment to send a formal response to Amber Valley Borough Council on its Amber Valley Borough Pre-Submission Local Plan, in line with the issues and comments set out in this report.

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