

**DERBYSHIRE COUNTY COUNCIL**

**MEETING OF CABINET MEMBER – JOBS, ECONOMY AND  
TRANSPORT**

**29 May 2014**

Report of the Strategic Director – Economy, Transport and Environment

**CONSULTATION: SOUTH DERBYSHIRE PRE-SUBMISSION  
LOCAL PLAN – PART 1**

(1) **Purpose of the Report** To agree the County Council's response to South Derbyshire District Council's (SDDC) public consultation on its South Derbyshire Pre-Submission Local Plan – Part 1 (PSLP).

(2) **Information and Analysis** The PSLP sets out the overall vision, key issues and Local Plan objectives for the District up to 2028. It includes overall strategic policies for future sustainable growth, particularly for housing, employment and key infrastructure, and a range of more detailed topic policies to guide future development. It identifies 17 strategic housing allocation sites and 6 strategic employment sites to accommodate the vast majority of the District's future housing and employment needs with policies for their development, including a range of supporting infrastructure requirements.

The PSLP has been prepared following four previous rounds of public consultation. The last consultation on the South Derbyshire Draft Local Plan (DLP) was considered at the meeting of the Cabinet Member for Jobs, Economy and Transport on 3 December 2013 (Minute No 105/13 refers). The PSLP is the final stage of public consultation on the Local Plan before SDDC intends to submit it to the Secretary of State (SoS) in July 2014, with an Examination in Public (EIP) expected later in 2014.

The overall strategy in the PSLP is one of ambitious growth. During the last decade, South Derbyshire has been one of fastest growing Districts in the country. To meet the needs of the projected population growth, the PSLP proposes to make provision for 13,450 new dwellings between 2008 and 2028. Land to accommodate 12,404 of these dwellings is identified in PSLP - Part 1, including the proposed 17 strategic housing allocation sites, which are located on the southern fringe of the urban area of Derby, in and around Swadlincote and Woodville, and the larger settlements of Aston on Trent, Etwall, Hatton, Hilton and Repton. The PSLP identifies a requirement for 53

hectares (ha) of new employment land up to 2028 and proposes 6 allocated and committed sites that more than meet this need. Proposed policies on the Green Belt seek to maintain the two areas of Green Belt in the north-east and south-west of the District, except for proposed minor amendments to its extent around Boulton Moor. A key area for regeneration is identified as the Woodville Regeneration Area supported by the Swadlincote Regeneration Route. Four other highway schemes identified include a South Derby Integrated Transport Link (SDITL) Phases 1 and 2, A50 junction with the A38 improvement scheme, A50 junction with the A514 improvement scheme, and Swarkstone Causeway By-pass. It is intended that these schemes would be funded by developer contributions.

The PSLP indicates that most of the larger strategic housing sites will require new or expanded primary school provision. In addition, the larger urban extension strategic sites on the fringe of southern Derby will require at least one new secondary school with capacity of around 2,000 pupils or 2 smaller secondary schools of up to 1,000 pupils.

Full details of the PSLP can be viewed at the link: [http://www.south-derbys.gov.uk/planning\\_and\\_building\\_control/planning\\_policy/local\\_plan/local\\_plan\\_part1/presubmission\\_localplan/default.asp](http://www.south-derbys.gov.uk/planning_and_building_control/planning_policy/local_plan/local_plan_part1/presubmission_localplan/default.asp)

The EIP of the Amber Valley Local Plan (AVLP) commenced in March 2014. Following the session on housing provision, the Planning Inspector has indicated that he considers the overall Derby Housing Market Area (HMA) housing target of 35,450 dwellings is too low and is minded to recommend that the target should be increased by 1,500 dwellings. He has requested the three HMA authorities to provide him with a statement of how the additional 1,500 dwellings could be provided across their council areas. This may result in an increase in the housing target for South Derbyshire being required, which would have strategic infrastructure implications for the County Council, particularly relating to education provision and highways, as a result of the additional housing.

### **Local Member Comments**

Local County Councillors with electoral divisions in South Derbyshire District, Amber Valley Borough and Erewash Borough have been consulted on the PSLP. An unprecedented level of comments was received from South Derbyshire Members which expressed strong concerns about strategic infrastructure including education provision and transport.

The meeting of the South Derbyshire Local Area Committee (LAC) on 2 April 2014 was attended by County Councillors with electoral divisions in South Derbyshire, including Councillors R Davison (Chair), S Bambrick, L Chilton, P Dunn, K D Lauro and J E Patten. Members agreed that the minutes of the meeting should form the basis of the LAC's comments on the PSLP.

Councillor Davison has also made separate comments relating to his serious concerns about the highway impacts of four proposed housing sites in his electoral division.

Officers attended the LAC and have met Councillor Davison to discuss his. In view of the scale of detailed comments received from Members, they are set out verbatim in Appendix 1.

### **Officer Comments**

It is welcomed that SDDC has taken into account many of the comments made by the County Council on the DLP, with the inclusion of new policies and amendments to the wording of, and additions to, the policies where relevant. Some concerns raised on the policies remain outstanding, however, and are re-affirmed where appropriate.

Since 2009, the County Council has worked in partnership with SDDC, Amber Valley Borough Council (AVBC) and the City Council, which form the Derby Housing Market Area (HMA) on preparation of and evidence for their Local Plans through the Derby Housing Market Area Joint Advisory Board, Core Strategy Coordination Group and officer groups.

The overall scale and broad distribution of housing and employment growth is based on extensive and robust evidence, and is supported. This includes the long established principle that planned housing growth in the north of the District should contribute to meeting housing needs in Derby City and that existing employment land and sites should be protected. Although the proposed housing target is considered to be robust and justified on evidence, officers will work with the HMA authorities and others to identify how additional housing could be accommodated if the Planning Inspector for the AVLP recommends an increase to 1,500 for the HMA.

Appropriate criteria based policies have been included for the assessment of potential proposals for a Strategic Rail Freight Interchange and Gypsy and Traveller sites. The policies for the protection of Green Belt, minor amendments to Green Belt boundaries in the Boulton Moor area, and landscape character have been amended to take into account the County Council's comments on the DLP and are supported. Concerns raised by the County Council on the DLP's omission of policies for town centres and agricultural development have been addressed in the PSLP to some extent with new policies. Notwithstanding this, further amendments to the new policies are considered necessary to be fully compliant with the requirements of the National Planning Policy Framework (NPPF).

There remain, however, strategic infrastructure issues that require further evidence, transport modelling and cooperative working between the County

Council and SDDC, particularly relating to highway and transport impacts and education provision needs.

Officers have met with Councillor Davison to discuss his highway concerns about the SDITL. As a result of those discussions, officers agreed that comments made on the DLP, relating to the mitigation effects of the SDITL, should not be included in the County Council's response on the PSLP. In addition, officers will give further consideration to this issue once the final outputs from the transport modelling works have been received and understood. This is reflected in the Officer comment above and in Appendix 2.

Education provision is indeed essential to the delivery of the PSLP and the County Council is continuing to work closely with SDDC on this issue. On 21 January 2014, the County Council's Cabinet resolved to note the requirement to expand education provision in the areas affected by the proposed housing development; to seek funding from developers to meet capital costs; authorise feasibility studies and informal consultations with schools; note the requirement for new schools; and receive further reports relating to possible sites for new schools and funding options. The County Council will continue to seek funding from developers towards strategic infrastructure for developments of 10 dwellings or more in line with the Developer Contributions Protocol.

More detailed Officer comments are given in Appendix 2. Informal Officer comments were made to SDDC to meet the consultation deadline of 22 April 2014.

(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 Planning and Compulsory Purchase Act 2004.

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 2110 by the Planning Services Manager. Officer contact details – Steve Buffery, extension 39809.

(8) **OFFICER'S RECOMMENDATION** That the Cabinet Member authorises officers to respond formally to South Derbyshire District Council on its South Derbyshire Pre-Submission Local Plan – Part 1, 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 Members' Comments

### Minute No. 15/14 of South Derbyshire Local Area Committee held 2 April 2014

*"The South Derbyshire Local Area Committee (LAC) had previously, and continued to, express concerns around the issue of school provision. Developments were planned in Etwall and Hilton, and it was queried whether there was any guarantee that Section 106 funding would be used to develop John Port School. Discussions were currently taking place with the school, but it was not yet guaranteed that it would be used there. It was known that there was a shortage of secondary school provision, and work was taking place with Derby City Council around this. It would be necessary to create a strategy to deal with the shortage of capacity. A report was to be produced for Cabinet, and this would consider the possibility of either building a new school or an extension to John Port school, and consultation would need to take place. However, if a new school was built, it could impact on the normal area admissions for John Port.*

*Smaller developments, where no Section 106 agreement was in place, were also an issue as there was still an impact on school places. There was concern that there was no guarantee for where children would attend school, and it was felt that this had been an issue for some time. Education provision in the Local Plan was a major issue, and it was likely that the Inspector would raise this, so it was essential that a solution be found.*

*A question was asked around how the threshold for determining funding was compiled, and it was asked that there be a report back to the next meeting. It was also felt that Members needed to be kept better informed in there was an issue in their locality.*

*Although it had been reported that the County Council had a good working relationship with South Derbyshire District Council, it had previously been felt by the District Council that there was a lack of engagement from the County Council as the Local Education Authority. However, Mr Firth explained that he had attended regular meetings with the County Council Chief Executive and Derby City Council to try and resolve the issue. There had also been close working with South Derbyshire District Council.*

*There were a number of developments at the edge of South Derbyshire, which all had infrastructure issues, and it was felt that officers should have seen that there would be an issue. The transport element was said to be evolving, and although this had been a long process, the final report from consultants was due shortly and this would hopefully provide an answer to the issues via three scenarios.*

*Reference was made to the draft Local Plan including permission for over*

*1000 new homes close to Elvaston, and a further 1,500 proposed to the immediate west of the Estate. This would increase pressure on the Estate in a number of ways, and it was felt that consideration could be given to exploring what opportunities there were for Section 106 monies from the existing/planned housing and other development to be directed towards Elvaston to fund capital improvements, such as recreational infrastructure.*

*Members agreed that the education provision should have been included in the Local Plan much earlier than it had been, particularly as the schooling issues had been known about for some time. It was explained that specific growth sites had only been identified last year, so it had not been possible to undertake any work. Work had been on going for a number of years on schooling in the area, and funding would only become available when any development took place, and it would be difficult currently to predict how many places would be required. Despite this, the Committee agreed that the lack of reference to education provision in the plan was a matter of concern."*

### **Comments of Councillor Davison, Local Member for Aston**

Councillor Davison, in his capacity as Local Member for Aston, has the following detailed comments.

Councillor Davison is seriously concerned about the highways impacts of the four strategic growth sites in his electoral division, proposed to be allocated under Policy H15: Wragley Way for 1,950 dwellings. The two main highways in this area are Stenson Road and Sinfin Lane, which would provide access into the City centre from the Wragley Way housing allocation sites, and run on a north to south alignment. These two roads already have serious congestion problems, especially Stenson Road in the vicinity of the railway bridge. Existing congestion problems on Stenson Road will be further exacerbated with the proposed development of 500 houses at Stenson Fields, which is now under construction.

Councillor Davison accepts that the proposed T12 Link Road from the A50 to the Rolls Royce plant identified in the PSLP would relieve congestion in the area to the east. However, the proposed South Derby Integrated Transport Link (SDITL) (Phases 1 and 2) is proposed to run on an east-west alignment linking with the new T12 road at its eastern end. It would then run in a westerly direction to serve the Wragley Way housing allocations before joining Rykneld Road. Councillor Davison considers that the east-west alignment of the new SDITL would not be likely to mitigate the highways impacts of the 1,950 dwellings proposed in the Wragley Way allocation when fully developed in 2028, as new residents of the housing development would be likely to continue to travel into the centre of Derby via Stenson Road and Sinfin Lane as these provide for the shortest route into the City. Residents of the new housing development wishing to access the City via the new SDITL would have to travel on the route eastwards and join the A514 at the Bonnie Prince



Charlie roundabout, then travel northwards into the City, which would be further than accessing the City via Stenson Road and Sinfin Lane. The AA Route Planner would back this up. This situation in turn would be likely to exacerbate the existing heavy congestion on Stenson Road and Sinfin Lane, which SDDC accepts have capacity problems.

In commenting on the DLP, County Council officers were of the opinion that transport modelling works currently being commissioned would be likely to indicate that the SDITL would largely mitigate the effects of development proposed at Sinfin and Stenson Fields and provide the optimum solution in managing traffic over the road network in southern Derby as a whole. In the light of his comments above, Councillor Davison considers that this view from Officers is unacceptable, in particular because that the transport modelling works have yet to be completed and their provisional findings understood. Councillor Davison considers that the transport modelling works should have been completed by the time of the publication of the PSLP. In addition, he considers that more detailed Transport Assessments should have been carried out for the strategic housing sites as the transport modelling works do not include all the likely more detailed impacts of the housing sites on the highway network.

## **Appendix 2: Officer Comments on South Derbyshire Pre-Submission Local Plan – Part 1**

### **Housing Issue**

**Housing Provision:** The proposed District housing target of 13,450 dwellings is appropriate and justified by the wide range of supporting evidence and potential availability of suitable land for housing development, following a high level of collaborative working between the County Council and the three Housing Market Area (HMA) councils. A higher housing target, in requiring considerable more land, would be likely to impact more significantly on greenfield and Green Belt land. See comment in the main report regarding the Planning Inspector's recommendation on increasing housing provision in the HMA.

**Housing Growth Distribution:** The broad distribution of growth across the District is supported in principle subject to the resolution of highways impact and education provision matters. It has been a long established principle in planning for housing growth in South Derbyshire that significant levels of housing would be provided in the north of the District, on the periphery of Derby, to contribute towards meeting the City's needs. The continuation of this principle in the PSLP is appropriate and justified as it provides for a sustainable pattern of development. It would also meet the requirement in the National Planning Policy Framework (NPPF) for local planning authorities (LPAs) to meet fully the objectively assessed housing needs of their area and adjoining areas where required.

**Strategic Housing Sites:** It is considered premature at this stage to comment on the acceptability of the 17 strategic housing sites given that extensive transport modelling works, collection of further evidence and Officer discussions between the County Council and South Derbyshire District Council (SDDC) on the infrastructure planning and service delivery implications of these sites are still on-going. See also comments on Highways and Infrastructure Planning below.

**Gypsies and Travellers:** There is a criteria based policy to assess planning applications for traveller sites, which is broadly supported and consistent with the requirements of national Planning Policy for Traveller Sites 2012. When completed, the update of the Derbyshire Gypsy and Traveller Accommodation Assessment 2008 will provide SDDC with evidence to assess the future accommodation needs of the travelling community.

### **Economic Growth and Regeneration**

**Employment Land/Economic Development:** The policy approach is supported to provide 53 hectares (ha) of new employment land and protect existing employment land and sites. This approach is justified by an extensive range of supporting evidence, particularly an updated HMA Employment Land Review.

Strategic Rail Freight Interchange (SRFI): The inclusion of a criteria based policy is justified and supported to assess any future proposals for a large-scale SRFI development in the District. This is important as there is developer interest in the potential development of a SRFI on land at the junction of the A50 and A38.

The Rural Economy: Comments made by the County Council on the draft Local Plan (DLP) are re-affirmed, namely that it is of concern that the PSLP does not include any specific or general policies that promote the development and diversification of agricultural and other land based rural businesses. This is required to meet the requirements of the NPPF.

### **Green Belt**

The general approach to Green Belt policy and proposals for two minor boundary amendments to the Green Belt around Boulton Moor are supported, based on a Review of the Derby Principal Urban Area (PUA) Green Belt in 2012. The Review identified the area of Green Belt around Boulton Moor as worthy of consideration for potential amendment to its boundaries given the development of the A6 Spur and A50 highways since the 1990s and a few anomalies in its current boundaries. It is welcomed that the County Council's comments on the DLP have been addressed and that the extent of the two Green Belt Areas has been clearly identified in a plan in the PSLP, and clarification provided on the relationship of the sites with the extent of the housing allocation at Boulton Moor.

### **Town Centres**

It is welcomed that the County Council's concerns on the DLP have been largely addressed by SDDC by the inclusion of a new policy on town centres and retail development. However, the policy still needs to include important criteria on the sequential and impacts tests to meet the requirements of the NPPF.

### **Landscape**

The policy approach to landscape and landscape character is fully supported. It is welcomed that the County Council's comments on the DLP have been fully taken into account.

### **Highways**

Most of the strategic housing allocation sites on the fringe of the Derby PUA are included in the transport modelling currently being undertaken by consultants. The County and City Highways authorities will continue to work with the relevant LPAs to develop mitigation strategies to address the highways impacts of the sites. New highways infrastructure will be required to mitigate these impacts, which could include a South Derby Link Road and South Derbyshire Integrated Transport Link.

Outside the Derby PUA, it is disappointing that there is insufficient information about transport related issues and little development of the transportation evidence, particularly identification of transport infrastructure needs. The construction of a Swadlincote Regeneration Route would relieve traffic congestion and environmental problems at the A511 / A514 Clock Island roundabout. At the current time, however, no evidence has been provided regarding the feasibility, deliverability or impact of the scheme over the wider network or its environmental impact. It is welcomed that the County Council's comments on the DLP, relating to the importance of Travel Plans, has been fully taken into account in the PSLP with additional wording in the policy and supporting text.

### **Infrastructure Planning and Service Delivery**

The policies commit SDDC to preparing a new Planning Obligations Supplementary Planning Document and to operating a Community Infrastructure Levy (CIL) to secure funding from new development towards infrastructure provision, including strategic projects. This is supported. However, to meet the requirements of the NPPF and provide greater certainty to developers, infrastructure providers and the public regarding deliverability, the Local Plan should include more detail regarding what infrastructure is critical to the delivery of the Local Plan and how it will be funded and delivered.

The PSLP appropriately refers to the joint work undertaken by the County Council, the City Council, SDDC and AVBC, and local schools with regards to understanding the capacity of existing schools and requirements for additional facilities. Discussions between the County Council and City Council authorities and local schools regarding potential expansion and delivery of additional schools, are on-going but the Plan sets out the current agreed position between both the County and City Council authorities.

Concern is expressed, however, that the Strategic Housing Site policies identify some, but not all, of the additional primary school provision required by the proposed housing developments and, particularly, that none of the policies identify the requirements for contributions to be made to secondary school provision where necessary. These requirements were previously set out in the DLP. For certainty and transparency, it is important that the PSLP clearly sets out these primary and secondary education requirements for the individual housing sites where appropriate. It is also of concern that these policies should identify requirements for developers to:

- contribute towards the provision of additional waste management capacity in South Derbyshire;
- deliver telecommunications infrastructure to provide access to high speed broadband; and

- ensure that the housing on the site is designed and constructed to Lifetime Homes Standards.

It is welcomed, however, that the policies have been amended to include the need for housing developments to provide for enhancements to the Derbyshire Greenway Network and Public Rights of Way in line with the County Council's comments on the DLP.

It is noted that the affordable housing provision requirement in the PSLP has been revised from 40% to 30% on sites of 15 dwellings or more but it is still not clear how this affordable housing target would impact on infrastructure delivery and the viability of the whole Plan.