

Agenda Item No. 4(i)

DERBYSHIRE COUNTY COUNCIL

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

7 February 2017

Report of the Strategic Director – Economy, Transport and Communities

**CONSULTATION: SOUTH DERBYSHIRE PRE-SUBMISSION LOCAL PLAN
PART 2**

(1) **Purpose of Report** To agree the County Council's formal response to South Derbyshire District Council's (SDDC) public consultation on its South Derbyshire Pre-Submission Local Plan Part 2 (PSLP2).

(2) **Information and Analysis** The South Derbyshire Local Plan Part 1 (LPP1) was adopted by SDDC in June 2016. The LPP1 sets out strategic level policies for the District, includes larger-scale site allocations for housing and employment development, and identifies major infrastructure projects.

The PSLP2 sets out more detailed local development management policies to guide future development in the District on matters such as:

- settlement boundaries;
- housing development in urban and rural areas, including 14 non-strategic housing allocations totalling around 700 dwellings;
- the built and natural environment;
- education, including a policy for the identification and safeguarding of land for a new secondary school(s) to accommodate at least 800 pupils on a minimum of 10 hectares (ha) of land;
- retail and town centres; and
- infrastructure provision.

Derbyshire County Council was consulted on the South Derbyshire Draft Local Plan Part 2 (DLP2) in July 2016. Comments, dated 12 August 2016, were submitted on the consultation and were formally agreed at the Cabinet Member Meeting for Highways, Transport and Infrastructure on 13 September 2016 (Minute 103/16 refers). Reference is made to these comments in the report below, where appropriate.

Full details of the PSLP2 consultation can be viewed at: http://www.south-derbys.gov.uk/planning_and_building_control/planning_policy/local_plan/pre-submission_local_plan_part2/default.asp

In order to meet the statutory deadline of 7 December 2016, informal Member and technical comments were submitted on the PSLP2, subject to being formally agreed at this Cabinet Member meeting. A copy of the previous response can be made available on request.

This is the last stage of public consultation on the Local Plan Part 2 (LPP2) before SDDC submits it to the Government. An Examination in Public (EIP) will be held in the coming months.

Local Member Comments

Local County Councillors with electoral divisions in South Derbyshire District have been consulted on the PSLP2. County Councillor Kath Lauro, local member for Linton Electoral Division, has commented as follows:

'I recently read again the implications for development in Linton Division and the revised plan. As you know I am worried about the capacity of schools in my division to take new pupils in the catchment areas where they live. I was disturbed to see in the County Council's response on the DLP2 that the primary schools are for the most bursting at the seams in the division including Linton, Overseal, Rosliston and Castle Gresley primary schools where a large development on Oak Close is proposed.

It should be noted that there is no primary school in Castle Gresley and has not been for the last few years. Students go to Linton Primary or maybe St Georges in Church Gresley. The school that was there on Mount Pleasant Road, Castle Gresley has been to auction and declared surplus to requirements. So the documentation is not correct. Can I also remind the planners that Walton on Trent has no places either. One child who moved into Walton in May could only get a place at Newhall and is on a waiting list for Walton. Linton Division also includes Stanton which is also bursting at the seams. The Cabinet Member and myself visited these schools and the situation was dire then. A good education at a local school is a right for all children and the co-ordination of it seems to be far from perfect. I would suggest that an extra teacher and classroom at Walton be considered especially as the housing at Drakelow is developing and will put pressure on existing schools.

Officer Comments

Settlement Framework Boundaries

The definition of settlement boundaries is fully supported for the Urban Areas, Key Service Villages and Local Service Villages as set out in Policy SDT1 and

in detail in Appendix 1. The physical definition of the boundaries is considered to be well conceived, appropriately justified and based on a robust methodology. The settlement boundaries, once confirmed, will ensure that new development is located in the most sustainable locations within those settlements.

Housing Matters

The LPP1 sets out an overall housing requirement for the District of 12,618 dwellings between 2011 and 2028. This is South Derbyshire District's contribution to an overall housing requirement for the Derby Housing Market Area (HMA) of 33,388 dwellings over the same period. The LPP1 indicates that land for around 12,000 dwellings will be identified in the LPP1 and the residual of around 600 dwellings will be identified in the LPP2. In this context, Policy H23 of the PSLP2 is supported, which identifies 14 proposed housing allocation sites with a total capacity of around 700 dwellings. This is more than sufficient to meet the residual housing requirement of 600 dwellings required by the LPP1. All of the proposed allocation sites are considered to be well related to the built up areas of the settlements where they are proposed to be located or adjoin.

It is welcomed and fully supported that Policy H23 incorporates a range of important physical and environmental impact criteria which will need to be taken into account in the development of each allocation site. These are all important considerations in the context of the County Council's responsibilities as Highways Authority, Lead Local Flood Authority and consultee on strategic planning policy matters. It is also welcomed that the background text to the Policy indicates that developer contributions may be required to support housing development on the sites, particularly for education purposes. However, for clarity and certainty, it is requested that the requirement for developer contributions is specifically included in Policy H23.

Education Issues

Each of the 14 proposed housing allocations in Policy H23 would have implications for primary education. Detailed comments on the likely primary education requirements that would be generated by each housing site were identified in the County Council's response on the DLP2. These comments remain largely relevant.

Policy INF12: Provision of Secondary Education Facilities, the supporting background text in paragraphs 6.6 to 6.8, and the Proposals Map 5 are fully supported. Policy INF12 allocates two sites at Thulston Fields and Lowes Farm, Chellaston, for new secondary school provision to meet the needs of proposed large scale housing growth in South Derbyshire and Derby City. It is welcomed and supported that Derbyshire County Council's comments agreed with SDDC on this policy in the DLP2 have been taken into account in Policy INF12, which seeks to ensure that:

“Land at Thulston Fields and Lowes Farm (shown on Map 5) is allocated for secondary education provision. The site(s) will provide:

- i) A minimum 800 pupil place secondary school(s);*
- ii) A minimum of 10 hectares; and*
- iii) Be designed and laid out so as to minimise any undue impacts on surrounding land uses and the wider environment.”*

Derbyshire County Council's Cabinet agreed a report at its meeting on 20 September 2016, which recommended that two sites at Thulston Fields and Lowes Farm, Chellaston should be safeguarded in the LPP2 for the provision of new secondary schools to meet the housing growth needs of South Derbyshire and Derby City. The report noted that the County Council has been developing a Strategy for Secondary School Provision in South Derbyshire since 2015, which has considered a range of potential sites in the District which could accommodate new secondary schools. The conclusion of this analysis was that Thulston Fields was the preferred site for a new school and should be notified in the South Derbyshire LPP2. However, it was also concluded that a site at Lowes Farm should also be notified, as this site could provide the location for a new school in the event that a scheme at Thulston Fields should not gain planning approval, or in the event that the extensions to existing secondary schools assumed in the assessment process did not go ahead.

Highways Issues

Detailed work to assess the highways impact of the sites allocated for housing development in Policy H23, both individually and cumulatively, has previously been carried out by the County Council's Highway Authority in consultation with SDDC's officers. The conclusions of the assessment work remains relevant to the PSLP2.

Landscape Issues

Detailed landscape and visual impact comments were submitted on the policies and housing allocations included in the DLP2. It is welcomed and supported that the majority of the County Council's suggested amendments to Policies BNE7: Trees, Woodlands and Hedgerows and H26: Residential Gardens within the Countryside, have been taken into account in the PSLP2 by SDDC, with appropriate rewording and / or new text for these policies. It is welcomed that the majority of the housing allocations in Policy H23 incorporate requirements for landscape buffers to be provided between the site and the open countryside and /or adjoining residential development and that, where appropriate, existing hedgerows will be retained.

Green Belt Issues

Derbyshire County Council's comments on the DLP2 relating to Green Belt matters have not been addressed and therefore remain relevant to the PSLP2. It is recommended that a detailed development management policy

for Green Belts should be included in the PSLP2, which reflects national policy in the National Planning Policy Framework (NPPF) as it would add more weight to the application of Green Belt policy at the local level. It is also recommended that SDDC should consider the need to define the detailed boundaries of the District's Green Belts in the LPP2, as these boundaries were last defined in the Adopted South Derbyshire Local Plan in 1998.

Retail Issues

It is of fundamental concern that important elements of the retail impact test, set out in the NPPF that were previously incorporated in Policy RTL1 of the DLP2, have not been carried forward into this Policy in the PSLP2. It is important that Section B) of Policy RTL1 in the DLP2 should therefore be included in Section B) of Policy RTL1 in the PSLP2 to be compliant with Paragraph 26 of the NPPF as follows:

'Planning applications for retail, leisure and office development exceeding 2,500 sq m in size on sites that are not within Swadlincote town centre should be accompanied by an assessment showing that there would be no adverse impact on the vitality and viability of Swadlincote Town Centre and other centres within the catchment area of the proposal, including those located in neighbouring local authorities, in accordance with national policy.'

Former Drakelow Power Station

In its comments on the DLP2, the County Council supported the inclusion of a new Policy BNE13: Former Power Station, Drakelow, which indicated that development would be supported for Use Classes B1, B2 and B8 and energy purposes to assist in the regeneration of the previously developed land at the former Drakelow Power Station.

In the context of the comments above, it is noted that Policy BNE13 has been revised in the PSLP2 to include a policy for the former Willington Power Station site, which is supportive of energy related development on the site. The inclusion of this policy is supported and considered to be justified as planning permission was granted in 2011 for the development of a Combined Cycle Gas Turbine Power Plant and Open Cycle Gas Turbine Power Plant on the site.

The inclusion of specific reference to both the former Drakelow and Willington Power Stations in Policy BNE13 will provide more clarity and certainty to developers and the public of how these sites are proposed to be developed in the future.

(3) Financial Considerations There are no financial considerations associated with this report beyond the planning implications (e.g. Section 106 Agreements) of relevant Plan policies.

(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 in the best possible way (i.e. sustainable development) is central to the role of the County Council as Local Authority for the provision of services and infrastructure and in supporting district and borough councils with the preparation of Local Plans.

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 Communities Department. Officer contact details – Steve Buffery, extension 39808.

(9) **OFFICER'S RECOMMENDATION** That the Cabinet Member delegates authority to officers to send a formal response to South Derbyshire District Council in response to its public consultation on the South Derbyshire Pre-Submission Local Plan Part 2 in line with the issues and comments set out in this report.

Mike Ashworth
Strategic Director – Economy, Transport and Communities