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<b>REPORT TO:</b>	<b>Environmental &amp; Development Services Committee</b>	<b>AGENDA ITEM:</b> 12
<b>DATE OF MEETING:</b>	<b>11<sup>th</sup> November 2004</b>	<b>CATEGORY:</b> <b>RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>Deputy Chief Executive</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>Gill Hague 595821</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>South Derbyshire Local Plan – Public Inquiry Inspector's Report</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>All</b>	<b>TERMS OF REFERENCE: EDS03</b>

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### **1.0 Recommendations**

- 1.1 That Council be recommended to approve the changes to the South Derbyshire Local Plan as set out in the Appendix; and
- 1.2 the general vicinity for housing development at Highfields Farm be accepted with authority delegated to officers in consultation with officers from Derby City to define the exact area of land to be allocated.

### **2.0 Purpose of Report**

- 2.1 To inform Members of the recommendations contained in the Inspector's Report and seek approval of appropriate modifications to the Revised Deposit Draft Local Plan.

### **3.0 Executive Summary**

- 3.1 The report follows the public inquiry into the local plan, which closed in February. This Committee Report needs to be read in conjunction with the Inspector's Report itself and the Revised Deposit Draft Local Plan.
- 3.2 For the most part the Inspector has accepted the thrust and policies of the plan. Because his conclusions are robust there is no great scope to override his recommendations. The major changes recommended by the Inspector for which reasons to disagree are unlikely to be persuasive are as follows: (paragraph references in brackets relate to those in the main body of this Committee report)
  - Return of the Boulton Moor allocation to that area shown on the Deposit Draft version of the plan (para 4.5)

- Deletion of Policy H5 Willington Power Station (paras 4.6 & 4.7)
  - Deletion from Policy EMP1 of allocations at the former Willington and Drakelow Power Stations (paras 4.16 & 4.17)
  - Making Policy EMP2 more proactive in regard to rural diversification (para 4.21)
  - Making Policies C3 and C5 consistent with regard to the negotiation of new education and health facilities to meet the needs of new occupiers based upon a threshold trigger of 10 dwellings (para 4.27)
- 3.3 Those recommendations where it is considered that there is reasoned justification for disagreeing with the Inspector are as follows:
- To word Policy ENV3 as he suggests would leave a policy void with regard to landscaping proposals in urban areas (para 4.22)
  - Policy ENV7 becomes redundant given the changes to Policy EMP2 (para 4.23)
  - Council officers do not have the expertise to amend Policy ENV16 in the way suggested (para 4.24).
  - With regard to Policy ENV18 it is impractical to show all the Sites of Local Archaeological Importance on the Proposals Map (para 4.25)
- 3.4 It is proposed that the following sites referred to in paragraph 4.8 be allocated for housing:
- Land south of Hilton Road, Etwall (approx 20 dwellings)
  - Land at Egginton Road, Hilton (approx 100 dwellings)
  - Land at Station Road, Melbourne (approx 130 dwellings)
  - Land at Highfields Farm, Littleover (approx 250)
- 3.5 It is proposed that an additional area of land off Occupation Lane, Woodville be allocated for employment (para 4.20).
- 3.6 The matter of affordable housing provision is the subject of further investigation by the Inspector. His response should be available in time to report to Members at the special Council meeting. This issue has little impact outside of the proportion of allocations to be devoted to affordable housing.

#### **4.0 Detail**

- 4.1 The Public Inquiry formally closed on 14<sup>th</sup> February 2004 following which the Inspector Mr. Christopher West was taken ill and a joint lead Inspector Mr. David Brier was appointed by the Planning Inspectorate to conclude the report.
- 4.2 The report comprises over 300 pages and sets out the Inspector's considerations of all the duly made objections to the plan and recommendations as to whether or not the plan should be amended. The report is not binding. However, if the Council does not accept any of the recommendations it must set out its reasons for not doing so. These must be reasonable in all circumstances.
- 4.3 Changes recommended by the Inspector range from the substitution of a single word to the rewording or deletion of a whole policy. The Local Plan, as

Members are aware, is a very comprehensive document covering a range of topics, and when making changes, it is necessary to ensure that change to one policy does not have a knock on effect for others. The majority of the Inspector's recommendations have no significant implications for the strategy or intentions of the Local Plan and in some cases they actually tighten up the policy and make it stronger. Those changes of significance or of a controversial nature are discussed below. (Where changes to boundaries are recommended they will be shown on plans displayed at Committee)

## HOUSING

### Figures

- 4.4 Much was made at the Inquiry regarding the calculation of residential land availability and how much land actually needed to be allocated. The Inspector is satisfied with the way the Council calculated the figures and recommends no changes in this regard. However he does consider that if all the allocated sites were developed there would be an element of over-allocation that under 'plan, monitor, manage' is unnecessary. He therefore recommends an adjustment be made to the figures. Given his acceptance of the methodology used to prepare the 2003 figures, it is considered appropriate to update the plan to take account of the further years monitoring that has occurred and so use the 2004 figures as the basis for making allocations. The up to date housing land availability position is shown in Table 1 in the Appendix.

### Allocations

- 4.5 The Inspector recommends that the allocation at Boulton Moor should revert back to the area of land shown on the Proposals Map of the First Deposit Draft Local Plan. His main reasons for doing so are that the original allocation is a self-contained area with clearly defined boundaries and that the development will not progress any slower than if the site comprised land on both sides of Snelsmoor Lane. The developer is currently working up a detailed master plan for the site as set out in the revised deposit draft and a development brief. However, as the Inspector directly addresses the reasons for the change from first to revised deposit draft of the plan no reason to disagree with this recommendation is likely to be persuasive.
- 4.6 The only major housing site that the Inspector recommends deleting is Willington Power Station, a recommendation that he does not make lightly as the lengthy text in his report demonstrates. He considers every piece of evidence including objections to the search sequence that led to the identification of the site. He finds that the search sequence that SDDC used 'is firmly based on advice in PPG3' and 'in overall terms the Plans search sequence is soundly based'.
- 4.7 Having found that the site was correctly identified he then goes on to consider all of the criteria set out in paragraph 31 of PPG3. On some issues he agrees with the Council and on others with objectors. On balance he considers that the site failed the 'so poorly' test set out in paragraph 32 of PPG3. The site owners have continued to address the areas of concern but officers feel that at this point

in time there is insufficient justification for not accepting the Inspector's recommendation. Plans have to be rolled forward and should material changes in circumstances occur in the future, then the site would be reassessed in the light of any review.

- 4.8 Having recommended deletion of the site he then considers all the sites put forward by objectors as potential alternatives. He dismisses the majority for a variety of reasons such as impact on the character of an area or being in an unsustainable location. He recommends that the Council should give consideration to the 6 sites listed below. It must be born in mind however, that given the over allocation referred to in paragraph 4.4, and the results of a further year's monitoring, a direct replacement for 950 dwellings is no longer called for but land for 509 dwellings needs to be allocated.

- Land South of Hilton Road, Etwall

The Inspector considers that this small site is brownfield. It has capacity for some 20 dwellings as an extension of Old Station Close and would round off the existing development without creating any visual intrusion.

- Land at Egginton Road, Hilton

The Inspector considers the land to be brownfield. It adjoins the area of land allocated for 150 dwellings, is close to facilities in the village including the employment allocation and the Inspector considers that Egginton Road would form a logical boundary to the physical framework of that part of the village. (He recommends that settlement boundaries be drawn to include all allocations) It would be sensible to define the boundary to include the land adjacent to the objection site that is currently used for caravan sales but not the land further south that has a more open rural feel.

Any allocation would be expected to make contributions towards meeting education, health, community, open space, affordable housing and other aspects normally negotiated via a Section 106 Agreement. Whilst the Inspector considers it appropriate to give preference to previously developed land at Hilton he makes it quite clear in response to other objections that he does not consider it to be a location suitable for significant sizeable new housing developments on Greenfield land. The capacity of the objection site is approximately 100 dwellings.

- Land at Station Road, Melbourne

The Inspector considers that given the range of facilities and services available Melbourne is a sustainable settlement where a greenfield urban extension would score highly in terms of sustainability. However, he is unable to support some of the proposed omission sites in Melbourne or Kings Newton because they would harm the approach to the conservation areas. In relation to the Station Road site however he feels that development need not have any material impact on historic character and setting, and he notes that the principle of development was

accepted in the adopted Local Plan when it was allocated for employment use. The site could accommodate some 130 dwellings.

- Land at Highfields Farm, Littleover

The Inspector considers this greenfield site is well related to the substantial Heatherton development that is taking place on adjoining land within Derby City. Some of the physical framework necessary for building a community has been provided within Heatherton and there is scope for that to be enlarged upon with the development of land in South Derbyshire through negotiated Section 106 contributions. He concludes that there would still be a gap between the city and Findern sufficient in size to avoid harm to the setting of Findern. The objection site has potential to accommodate over 1,000 dwellings, however, land for some 250 dwellings is all that is needed during the plan period, assuming the sites at Etwall, Hilton and Melbourne referred to above are allocated. There is an existing spur off a distributor road within the city that can cater for up to 300 dwellings. Allocating land here would allow partnership working with Derby City to ensure that the development integrates with the existing development and reinforces the green wedge concept in the City plan.

- Land at Stenson Fields

The Inspector considers this triangular largely greenfield site to be in a sustainable location in terms of access to facilities and public transport. However, at the Public Inquiry correspondence from Derby City was presented regarding concerns over the suitability of the Stenson Road corridor for large volumes of traffic and insufficient road space to provide for bus priority. The Inspector agrees that in terms of transportation neither this nor the Stenson Meadows site referred to below is ideal. However, he takes the view that the highway concerns in themselves are not a sufficiently weighty reason for rejecting the site. The advantages this site has over the Stenson Meadows site is that access would be to the south of and further away from the signal controlled bridge over the railway and Sinfyn Lane provides an alternative route from the site to the city centre. The site is capable of accommodating some 430 dwellings in total. The case in favour of this site is less clear cut than that of Highfields Farm. This applies equally to the following site at Stenson Meadows.

- Land at Stenson Meadows

The Inspector acknowledges that difficulties associated with the local highway network would be exacerbated by the proximity of future access points into this site to the road bridge over the railway, however, he feels that this could be overcome by the introduction of additional traffic lights to control traffic flows. The Inspector accepted the objector's suggestion that junction improvements would improve priority for public transport but Derby City Highway Department remains concerned that such measures would only provide short sections of bus priority that would not significantly improve journey times. Bus priority lanes along the length of this corridor, is not possible without property acquisition and demolition. This site in total can accommodate well over 1,000 dwellings.

### Serviced Villages

- 4.9 The Inspector agrees that a settlement hierarchy is an appropriate means of identifying the most sustainable settlements and of providing for, and controlling the amount of windfall development; while maintaining the plan's strategy. However, he has sympathy with the Council as to how best to determine the dividing point given that whilst it has been objected to, no objector has suggested an alternative method.
- 4.10 In his view criteria identifying 'Serviced Villages' would be better based upon the presence of a minimum of services, that would include a foodstore (which may also be a Post Office), primary or infant school, a good level of public transport and accessibility to employment. He accepts that such an approach would not provide the same level of mathematical clarity as the sustainability matrix used by the Council and will rely on subjective judgements but in his view the disadvantage is outweighed by a more logical approach.
- 4.11 Given that they both have shops he recommends that the Council consider whether at least Newton Solney and Egginton should be reclassified as 'Serviced Villages' and be provided with development boundaries. There is no justification for not reviewing the two villages in question. The boundaries as established in the adopted Local Plan are still relevant subject to a minor amendment at Egginton to exclude a small greenfield site consistent with the Inspector's comments regarding other omission sites on the edge of the village. A knock on effect is the identification of any land that it is important to protect from development under Policy ENV8.
- 4.12 The Inspector is however satisfied that the division between settlements subject to subsections (III) and (IV) of Policy H1 is more defensible on the basis of lower levels of facilities involved. He concludes that the approach balances the interests of sustainability with the intention to avoid stagnation of particular villages.

### Windfall sites

- 4.13 The Inspectors recommends deletion of part B of Policy H1 because reference to 'greenfield' windfall sites is contrary to PPG3.

### Density

- 4.14 With regard to all new residential development the Inspector recommends that they be developed at a density of 30 dwellings to the hectare net. This is consistent with PPG3 that states local authorities should 'avoid housing development which makes inefficient use of land and provide for more intensive housing development in and around existing centres and close to public transport nodes.' This should be done by encouraging 'housing which makes more efficient use of land (between 30-50 dwellings per hectare net). However, PPG3 makes it clear that this should be achieved through 'good design in new housing developments in order to create attractive, high quality living

environments'. It also says that the Government 'believes it is important to help create mixed and inclusive communities which offer a choice of housing and lifestyle' and that local planning authorities should 'secure a better social mix by avoiding the creation of large areas of housing of similar characteristics.' (Policy ENV21 deals with design of new development and with a few minor recommended changes that policy survives in tact)

#### Affordable Housing

- 4.15 The subject of how the need for affordable housing is calculated and hence the amount to be included within any housing allocation is the subject of an outstanding query with the Inspector that cannot be dealt with before the date of the Committee. The appropriate sections of the Inspector's Report have therefore been held back from publication in order to avoid any confusion. Text for the relevant paragraphs will be made available on the website as soon as possible and will be the subject of a further report to the special Council meeting.

#### EMPLOYMENT

- 4.16 The Inspector took the view that the Council's reasoning for making an employment allocation at Willington Power Station was correct but that if the housing site is deleted the employment element is no longer necessary. In the Derby Sub-area he concludes that sufficient land is allocated and that there is no justification, regional or otherwise, to allocate more land.
- 4.17 In the Swadlincote Sub-area however, he concludes that the allocation at Drakelow Power Station (other than 3ha already having planning permission) should be deleted, as he considers it does not satisfy the various criteria for sustainable development set out in the Structure Plan and Regional Planning Guidance. In particular he is sceptical that the solutions to the highway constraints will be in place before the end of the plan period. He agrees however, that reference should be made in the explanatory text to the longer-term potential of the land formerly used for power generation at Drakelow for housing and employment.
- 4.18 Having said that there is no need to allocate land other than to make up the shortfall by deleting Drakelow, the Inspector, nevertheless, disagrees with the County Council's approach to the accounting for power station sites as sui generis uses. He considers them to be employment land. The effect of this is that their redevelopment for employment uses would fall outwith the control totals of the plan. Consideration of proposals for these sites would therefore depend upon sustainability considerations such as flooding protection, highway safety, limiting the need to travel, effect on the environment etc. These are matters for Development Control.
- 4.19 His solution to the shortfall to meet the Structure Plan requirement for new employment land that would be caused by the deletion is to recommend that at least 14.24ha be identified, which could include reallocating the greenfield land at Cadley Hill but only if it can be demonstrated by reference to the Regional Planning Guidance search sequence that there is no sequentially preferable land.

4.20 There are no large brownfield sites within Swadlincote suitable for employment use. However, there is a piece of poorly reclaimed (i.e. technically greenfield) land lying to the east of the proposed regeneration route, opposite the employment allocation to the rear of Dyson's at Woodville. The site lies marginally closer to the town centre than that at Cadley Hill. Development for employment uses could help secure funding via a Section 106 Agreement towards that section of the regeneration route and would help create a more balanced and more sustainable community given the amount of housing development that has planning permission at Woodville Woodlands. The site is 12.26ha and will virtually take the total of employment land allocated back up to the Structure Plan control requirement. Detailed development proposals for this site could be drawn up in consultation with the local community as part of an Action Area Plan to be prepared under the new planning system for the land between Woodville and Swadlincote Town Centre.

4.21 He recommends deleting Policy EMP2 and its explanatory text and replacing it with a policy that, amongst other things, is more positive and proactive as a means of promoting the rural efficiency and competitiveness of rural businesses and encouraging further economic diversity in the rural areas of the District. Since the Public Inquiry Planning Policy Statement 7 has been published and the changes to Policy EMP2 set out in the Appendix take into account the newer advice.

#### THE ENVIRONMENT

4.22 With regard to Policy ENV3 dealing with landscape, the Inspector considers the policy to relate primarily to the countryside and hence reference to urban areas inappropriate. However, to amend the policy as he recommends would leave a policy void with regard to the landscaping of sites within urban areas. Alternative wording to address this is therefore proposed in the Appendix together with wording that makes it clear that it is the natural landscape the policy applies to rather than the development itself as the design of buildings is covered by Policy ENV21.

4.23 The Inspector's recommendations for Policy ENV7 relating to the countryside are similar to those for Policy EMP2. It is considered that given the changes to that policy and the existence of other policies that are based on the sequential approach, Policy ENV7 becomes redundant and should therefore be deleted.

4.24 The Inspector considers that Part A of Policy ENV16 should be more proactive and either identify the broad locations suitable for the various types of renewable energy, or set out a range of proactive criteria against which proposals can be assessed. Renewable energy is a complex and changing subject and neither the objectors nor the Inspector offer any specific alternative wording. Officers do not have sufficient knowledge to be able to change the policy without considerable extra work or engaging specialist consultants. A way forward would be to retain the policy as worded but provide more detailed advice as part of supplementary guidance relating to sustainable building techniques.



4.25 In relation to areas of local archaeological importance covered by Policy ENV18 the Inspector recommends that such sites should be shown on the Proposals Map. However, there are some 1,070 entries, some for example relating to the find of a single coin, which, given the scale of the map, would be impossible to plot accurately. It is therefore considered that his recommendation is impractical.

4.26 It has become apparent that whilst accepted as a matter of course that new development should not adversely affect the amenities of occupiers of neighbouring properties, that there is actually no direct reference to this in Policy ENV21. Appropriate wording to rectify this is included in the Appendix together with a change relating to housing development being adaptable for occupation by people of all ages as this applies to every location not just development in existing urban areas as currently set out in the policy.

#### COMMUNITY

4.27 With regard to developer contributions towards new health and educational facilities (Policies C3 & C5 respectively), the Inspector considers that there should be consistency of approach. As currently worded there is no threshold relating to the provision of new health facilities and for educational purposes the threshold is 10 dwellings or more. The Inspector recommends that the threshold of 10 or more dwellings should be applicable to both policies. Members will recall that irrespective of the threshold in the plan they determined to base negotiations on a threshold for education facilities of 5 or more dwellings. In order to avoid issues arising that might need to be considered at a further inquiry, offices recommend that Members accept the Inspector's recommendations.

#### LEISURE, RECREATION AND TOURISM

4.28 In relation to an objection from Melbourne Parish Council seeking the protection of land for new facilities, the Inspector does not recommend modification to the plan but that the Council gives further consideration to the adequacy of the sports and play facilities in Melbourne. Since the Inquiry consultants have been engaged to undertake a comprehensive survey of facilities across the District in order to inform both Council strategies regarding provision and the justification for developer contributions. The outcomes will inform future reviews of policy.

#### GENERAL

4.29 Other minor changes have been incorporated into the wording set out in the Appendix where it is necessary to ensure that the policies are grammatically correct and based upon up to date information.

### **5.0 Financial Implications**

5.1 The costs of consultation and publication of documents can be met from existing budgets.

## **6.0 Corporate Implications**

6.1 The local plan is one of the delivery mechanisms for several of the Council's Corporate objectives mainly:

- To safeguard and enhance the natural and built environment
- To address the needs of South Derbyshire residents for good quality homes, of a variety of tenures, located in well planned and safe environments
- To promote the health and welfare of all sections of the community, including access to leisure and cultural activities
- To support the development of The National Forest and its enjoyment by residents and visitors
- To strengthen and develop the local economy through support for business development and inward investment.

6.2 Policies in the local plan will have implications for the future development of land in Council ownership, and for the land use aspect of other strategies such as those for housing, economic development, heritage and tourism.

## **7.0 Community Implications**

7.1 Although the local plan should not contain policies for matters other than the development and use of land, PPG12 Development Plans states that it is important that regard is had to the Government's wider sustainable development objectives such as 'social progress which recognises the needs of everyone'. It will deliver the land use aspects of a Community Strategy.

## **8.0 Conclusions**

8.1 The Inspector's approach has been to base his arguments firmly within the context and thrust of national, regional and structure plan policy. Accordingly, they are robust, clear and conclusive.

8.2 The plan survives the Local Plan Inquiry substantially intact, particularly in regard to its strategy. Modifications recommended by the Inspector can fairly be said to improve it. Thus in most instances it would be difficult to mount convincing arguments to disagree with the Inspector's recommendations.

8.3 Changes resulting from the Inspector's recommendations and the Council's consideration of his report must be formally published as modifications to the plan to enable public comment. It will be up to the Council to decide in the light of objections made whether or not new issues have been raised that justify a further public inquiry.

## **9.0 Background Papers**

9.1 None other than those referred to in the report.