



Acres Land & Planning Ltd

'Acres of space'

Ripon Cottage, 5 Manor Road, Kilsby, Near Rugby,
Warwickshire. CV23 8XS
Tel 01788 824343 Mobile 07717813085
john@acreslandandplanning.co.uk

7th July 2016

Carmel Edwards (Programme Officer)
C/O Planning Services
Derby City Council,
The Council House,
Corporation Street,
Derby DE1 2FS

Dear Carmel,

Derby City Local Plan: Core Strategy – further consultation.

Thank you for your letter dated 14th June 2016 inviting me to respond on behalf of my client, British & Continental Ltd, on the 3 aspects raised by the Inspector. I shall deal with these in turn.

2014 Sub-national Population Projections.

I have considered these new projections insofar as they relate to Derby City and also read the Council's document on the subject issued by consultants GL Hearn. There would seem to be some very minor tapering of the 2014 population projection for Derby City (with a similar marginal reduction in the Derbyshire Housing Market Area as a whole) compared with the 2012 based population projections – albeit we have yet to see the 2014 sub-national Household Projections which are due out soon, which may include other factors.

There are two aspects which strike me from this:-

Firstly, in view of the very poor performance in housebuilding in Derby over the latter part of the 2000's (after the recession) and into the 2010's, this is bound to have a detrimental effect on inward migration and population retention, as there will have been fewer homes for people to occupy. Had builders in Derby City been able to deliver more housing over that critical post-recessionary period (over which the migration assumptions for the 2014 population projections are based) then the growth in expected population would have been considerably higher, since more people would have remained in Derby and more would have moved inwards. Clearly any projections are merely extrapolating what has happened in the past, based on the period over which the migration assumptions extend, in this case 2009-2014. Consequently, this is probably what one would expect from the projections and we cannot be surprised if they have fallen slightly,

Secondly, against a background where Derby City is part of a wider housing market area (however that market is defined), and where the Derby City figure has been capped at 11,000 dwellings, any slight reduction (or indeed increase) can have no bearing on the figures, since the flexibility will have to be felt in the neighbouring authorities, especially South Derbyshire and Amber Valley (and in future Eerewash).

It should be emphasised that this slight reduction in Derby (and Derbyshire) runs counter to the pattern elsewhere in the East Midlands region where overall there is a slight increase over and above the 2012 based population projection figures and a much more sizable increase in the country as a whole. This is seemingly caused by an increase in the levels of migration rather than through the result of natural increase.

It might be argued therefore that in the wider interests of focusing more development in regions within the Midlands and the north (in order to balance economic disparities) and with the aim of supporting provincial and especially industrial cities, there was a case for increasing housing provision. However, this requires a different approach which is not manifest within the current Local Plan.

Finally, we note from the letter from Derby City Council dated 13th June 2016, written by Andrew Waterhouse, that the Council wish to take a pragmatic view by recognising that defining the OAN is not a precise science and therefore would prefer to stick with the market-wide figure of 33,388 and the target of 11,000 for Derby City. On this matter we are inclined to agree with them.

South Derbyshire Inspector's report.

We understand that the Inspector's report for South Derbyshire was recently published and that the South Derbyshire Local Plan was recommended for adoption at a meeting of the Council on 13th June 2016. According to the Council's website the Plan was indeed adopted on 13th June 2016 and I have read a copy of the Adoption Statement.

Of course, housing provision is only one small but important part of a Development Plan. But with regard to housing provision, bearing in mind my comments above about Derby City being part of a wider Housing Market Area and the Council's acceptance of only a 'capped' element of the Derby Market Area housing provision, I am not sure that the adoption of the South Derbyshire Local Plan should affect the Derby City Local Plan unduly.

It would now appear that with the adoption of the South Derbyshire Plan, the Amber Valley Local Plan is the missing link in delivering Derby's wider housing needs and in our view the Derby City Inspector will need to be confident that Amber Valley can provide enough sites close to the Derby City boundary before finding the Derby City Local Plan fully sound.

We remain of the view that there are serious shortcomings in this respect, with the Housing Market package showing serious signs of weakness. Notwithstanding the inspector's conclusions from the Derby City EIP, we consider that the solution now rests with undertaking a swift Part 2 Derby City Local Plan – which reviews suitable and available sites in and around the green wedges.

Once this has been done, we feel it would be sensible, as was discussed at the Derby EIP, to quickly move forward to undertaking a more comprehensive review of the Derby Housing Market Area (on a more logical boundary) whereby the opportunities and constraints are explored including a review of the South East Derbyshire Green Belt –

including Derby City, Amber Valley, South Derbyshire and Erewash and the green wedges around the City, in order to decide how the City will grow in the future to meet its medium to longer term housing needs in a comprehensive way.

Court of Appeal Judgement SSCLG V West Berkshire and Reading BC.

We are fully aware of the High Court Judgement between the Secretary of State and West Berkshire District and Reading Borough Council, relating to the delivering of affordable housing on sites of 10 dwellings or less. We understand there is still a possibility that this may be challenged in the Supreme Court. But in any event, it is possible that the Secretary of State may introduce new measures to achieve his objectives through the Neighbourhood Planning and Infrastructure Bill.

This is still an important legal judgement for local authorities which have a large number of small windfall and infill sites where previously they have sought affordable housing from sites of 10 dwellings or under and they will now need to change tack. This applies in particular within rural areas where many of their sites are within small villages where the delivery of even small quantities of affordable housing is vital but where schemes with an element of affordable housing (or a financial contribution to affordable housing) can still remain viable. This is not the case in Derby City, where in any event, the policy requirement (within CP7) relates to schemes of 15 dwellings or over.

We don't therefore feel that this has any bearing on the progress of the Derby City Local Plan.

Conclusions.

In all three respects therefore, we are content that they do not have a direct bearing on the current submitted Derby City Local Plan, but all three aspects can be picked up in the early review of the Local Plan, which we strongly suggest should be firmly recommended in the Local Plan inspectors report and confirmed within the Plan itself – following the commitments made at the Examination in Public in April/May.

I hope that these comments will be helpful to the Inspector.

Yours sincerely

John Acres Msc DipTp MRTPI

Acres Land & Planning Ltd