

**FURTHER STATEMENT WITH REGARD TO THE INSPECTOR'S MATTERS, ISSUES & OPTIONS – DERBY LOCAL PLAN - PREPARED BY SIGNET PLANNING LIMITED ON BEHALF OF WILLIAM DAVIS LIMITED.**

**MARCH 2016**

Matter 2(ii) – Whether the Local Plan would assist in boosting significantly the supply of housing in terms of both a 5 year housing land supply and sufficient sites to achieve the plan requirement (Policy CP6).

We will address 4 points:

1. Justification of the 11,000 dwelling limit over the Plan period.

We have concerns regarding the justification for an 11,000 dwelling limit over the Plan period. The Council has to a large degree relied upon the 2012 Green Wedge Review to justify accommodating less than the identified objectively assessed housing need. The Green Wedge Review is now over 3 years old and we believe there are less sensitive areas across the green wedges that could be developed without compromising green wedge objectives. Furthermore, development of less sensitive areas would then allow green infrastructure investment in other parts of the Green Wedges to improve public access and bio diversity.

If the Council is not able to deliver the OAHN then it must clearly demonstrate the significant and demonstrable adverse impacts and how these outweigh the need to deliver the OAHN.

Amber Valley Borough Council withdrew its Plan in December 2015 because it was unable to demonstrate a 5 year supply of deliverable sites on the day of adoption. In reality it was a considerable way short of achieving a 5 year supply. A new Plan will not be published for consultation until later in 2016 and unless there is a dramatic change in political approach we suspect the same shortcomings will be evident.

We note that Amber Valley Borough Council has stated that it will continue to plan to accommodate its apportionment housing from Derby City (2,375 dwellings) but we have serious concerns that this will be delivered in their Plan. This represents 15% of Derby City's need. To deliver this Amber Valley needs to identify deliverable sites in the south of its Borough, closest to Derby. It has recently refused planning permission for circa 400 units at Kedleston and at a late stage withdrew its support for a strategic site on non-Green Belt land to the south of Belper – the nearest town to Derby. There can be little confidence that Amber Valley will deliver housing sites close to Derby. This uncertainty has implications for the Derby City Plan and the City should respond by

reviewing its evidence base – Green Wedge Review – and assess development potential against the tests set out in paragraph 14 of the NPPF.

The Part 2 Derby City Plan has to identify nearly 1300 dwellings and is unlikely to be delivered until 2017/18. More sites need to be identified in the Part 1 Plan to provide greater flexibility and to avoid delay in overall delivery.

As a consequence we consider that Derby City should commit to an early review of the plan which could combine the Part 1 and Part 2 Plans into a single Local Plan.

## 2. The calculation of the 5 year supply position.

In our view the Council has adopted a calculation method that is not designed to “boost significantly the supply of housing”.

When calculating the 5 Year Housing Land Supply the buffer of 20% should be added to the shortfall and annualised housing requirement as stated most recently in:-

- the Warwick Local Plan Examination Inspector’s letter dated 1<sup>st</sup> June 2015 (paragraph 41) *“in terms of a five year supply of housing sites, a buffer of 20% should be applied therefore. This buffer should be applied once the shortfall from the plan period so far has been added to the basic requirement of 720 dwellings per annum”* ;
- the letter dated 10<sup>th</sup> August from the Inspector examining the Amber Valley Local Plan *“the joint letter from Ms Kingaby (Inspector examining the South Derbyshire Local Plan) and myself dated 10 December referred to appeal ref 2199085 as the SoS’s model for adding the buffer to the sum of the 5-yr target and the shortfall. Although the Council refers to the Cheshire East decision ref 2209335 (Gresty Lane) where the SoS took a different approach, PINS is not aware of any other SoS decision in which the calculation was made in that way. The Cheshire East method is outside the SoS’s ‘normal’ approach. The model set out in 2199085 is therefore the one which should be followed”* ;
- the West Dorset Weymouth & Portland Joint Local Plan Inspector’s Final Report dated 14<sup>th</sup> August 2015 (paragraphs 85 & 86) *“having regard to my conclusions in relation to the housing target for the plan period I consider the five year housing requirement is derived from an annualised requirement of 775 dwellings to which a buffer of 20% (775) is added because of past under-delivery and a further 1004 (837 units x 20%) to compensate for the shortfall in delivery since the start of the plan period in 2011”* and *“the calculation of a five year housing land requirement in accordance with the NPPF (paragraph 47) is relatively straightforward. The Councils accept a 20% ‘buffer’ is necessary, because completions have not matched targets in recent years although they did not apply it to the shortfall. An appeal decision (APP/H1840/A/13/2199085) by the Secretary of State has endorsed the need to do so meaning that sufficient land to accommodate at least 5,645 dwellings in the first five year period should be provided rather than the 5,487 suggested by the Councils”*.

It is noted that the Council relies on the Secretary of State Appeal Decision (APP/R0660/A/13/2209335) . However, the purpose of paragraph 47 is to boost significantly the supply of housing. Hence enough land should be available to enable the Council to achieve its housing target. If there is a shortfall from under-delivery of housing from previous years then this shortfall should be recouped in the 5 year period (as per Sedgfield methodology) so logically the housing target for this 5 year period has been increased. If

the buffer is not provided for this higher target then the buffer is no longer representative of 5% or 20% respectively and therefore its effectiveness is diminished. We would refer the Inspector to the Representations of the HBF dated 23<sup>rd</sup> October 2015 which sets out the implications on delivery of not calculating a buffer on the shortfall.

In addition we cannot find reference to a lapse rate within the 5 year calculation. This should be addressed.

In our opinion the 5 year housing land supply position should be recalculated.

### 3. Delivery from the sites identified in Policy CP6

Whilst not wishing to submit a forensic assessment of each of the sites set out in Policy CP6 and the Derby 2016 Housing Trajectory (2015 Derby Strategic Housing Land Availability Assessment and Housing Trajectory Explanatory Document) it would be remiss not to draw the Inspector's attention to the potential over reliance on Strategic Sites at a time when the 5 year supply position on the day of adoption of the Plan will have little headroom and flexibility.

The Inspector will be aware that a number of the Strategic Sites set out in Table 2 (Policy CP6) have significant infrastructure demands that need to be taken in account in assessing their true delivery. The major sites that will contribute to the 5 year housing supply are set out in the 2016 Derby Housing Trajectory which is appended to the 2015 Derby Strategic Housing Land Availability Assessment and Housing Trajectory Explanatory Document. This documents provides 3 tables identifying categories of sites that will contribute towards the 5 year supply. In addition the Council has published:

1. Derby City Council Local Plan – Part 1 Core Strategy Infrastructure Delivery Plan (December 2015); and
2. Derby City Council Local Plan – Part 1 Core Strategy Site Summary Compendium: Update (August 2015).

It may assist the Inspector if we set out a number of comments relating to two of the sites upon which the Council is dependent for the delivery a 5 year supply on the date of adoption.

Rykneld Road (Site AC20) – During the period 2016-21 this site is expected to deliver 410 dwellings. The site will ultimately provide 980 dwellings. There is currently no planning permission and the Section 106 Agreement remains unsigned. The IDP makes specific reference to the site under "Infrastructure Delivery Schedule for Education" (page 15) - . It requires a new Primary School to serve the Rykneld site at a cost of land + £4m build cost. It is also understood that the school has to be completed prior to any houses being occupied. The report indicates that there is a need to secure the "full amount". In addition there is a £1.4m contribution to secondary education. This is a major front loaded expenditure.

Hackwood Farm (AC21) - there is a similar situation to AC20 with the need for a new Primary School to be fully funded by the scheme and for contributions to secondary school provision. There is also a requirement for a Neighbourhood Centre.

The August 2015 Site Summary Compendium: Update and the March 2016 Trajectory indicates that planning applications in Derby City with regard this site have not been

determined. There is also an undetermined application in South Derbyshire on adjoining land. There is a potential capacity of 700 houses which would normally generate circa 140 primary school places. A Single Form Entry Primary School has a capacity for 140 pupils. In effect this site not only has to provide a primary school prior to the occupation of dwellings but is also creating capacity for elsewhere.

The Trajectory indicates that the site will supply 400 houses (2016/17 - 2020/21). Bearing in mind the front loaded infrastructure costs and the lack of any planning permission we suspect that delivery from the site will not start from the site in 2017/18 as indicated in the trajectory.

There are likely to be similar delays on other strategic sites as set out in Policy CP6 where there are no planning consents and front loaded infrastructure costs.

It is considered that there will be considerable slippage in the 5 year supply as set out by the Council. There is little headroom in the supply position. If the two sites referred to above are delayed by 1 year, which we believe to be the minimum delay, then 220 dwellings would fall out of the 5 year supply.

In our view the Plan will not significantly boost the supply of housing. It is too reliant on strategic sites where even if they come forward delivery will be delayed. The Council's trajectory is too optimistic.

The Council needs to allocate further smaller deliverable sites in the Part 1 Plan to boost delivery. There are a number of less sensitive parts of Derby's Green Wedges that could deliver housing in sustainable locations and aid the 5 year supply position. There are currently insufficient sites to ensure delivery will be boosted.

#### 4. Local Plan Review

There are a number of factors which indicate the need for an early review of the Plan, namely:

- a. A high dependence of housing delivery from Strategic Sites.
- b. The lack of headroom in the 5 year supply.
- c. The need to review the Green Wedge Review and identify less sensitive areas that could contribute to housing delivery without compromising Green Wedge objectives.
- d. The relatively high number of sites to be identified in the Part 2 Plan (1,294).
- e. The uncertainty over whether Amber Valley will in fact deliver the 2,375 dwellings it has thus far committed to.

We suggest that the Council needs to commit to an early review of the Plan so it can quickly adjust in the event of under delivery from its intended strategy. There is an opportunity to combine the Part 1 and Part 2 Plans into a single Plan.

**Paul Stone**

Regional Director



Pure Offices

Lake View Drive

Sherwood Park

Nottingham. NG15 0DT

TEL: 01623 857 925 and MOBILE : 07814 526073