



# Acres Land & Planning Ltd

'Acres of space'

Client: The Goodall Family  
Matter 1 Procedural & Overarching Matters

## FURTHER SUBMISSION ON MATTER 1 PROCEDURAL & OVERARCHING MATTERS.

### DERBYSHIRE DALES LOCAL PLAN: EXAMINATION IN PUBLIC

#### Introduction.

Acres Land & Planning Ltd (ALPS) have submitted representations on behalf of the Goodall Family in support of their land at Brailsford which is proposed for future housing development. This further submission summarises the key points raised by ALPS in our cases and addresses the points raised by the inspector in his Question & Answer paper.

#### Issues

##### ***Issue 1. Compliance with procedural requirements including consultation/participation procedures***

**The Council indicate that it has complied with the LP Regulations and its own SCI. Is there any evidence that the Council has not met these minimum requirements or that consultation and publicity has otherwise been inadequate? For example, has engagement with Parish Councils and Local Communities been acceptable? How have those without internet access been accommodated?**

During the early stages of the Local Plan Review I raised some concerns about the partial nature of the consultation on the Issues & Options stage of the Local Plan. We and our clients have attended many of the Public meetings and Committees during the emerging Derbyshire Dales Local Plan and we have frequently commented that the average age of attendees is normally around retirement age. In practice, most participants at public meetings and Committees normally strongly resist housing and other development.

I therefore wrote to the Council on 10<sup>th</sup> December 2015 (copy attached) to point out that since the Local Plan is designed to look forward, it would have been desirable to focus some of the public consultation more on the younger age groups within the community who have an important stake in the long-term future of the Derbyshire Dales.

The Local Plan comments that DDDC has an ageing population – this is partly as a result of restraint policies which are tailored to assuage those who wish to resist change – influenced in part, no doubt, by the age and income groups of those who are most vocal at meetings. It would be helpful to know now therefore whether any attempt was made to engage younger people – for example, through schools – or harder to reach groups at the later stages of the Local Plan consultation.

***Issue 2. Compliance with the Duty to Co-operate, particularly in relation to consideration of housing needs.***

**Is the approach within the Housing and Economic Development Needs Assessment (HEDNA) to a district-only Objectively Assessed Need (OAN) reasonable taking into account the overlapping Housing Market Areas (HMAs) which affect the District?**

GL Hearn prepared a Housing and Economic Development Needs Assessment (HEDNA) for Derbyshire Dales DC which was published in September 2015. This considered the need for housing, how the economy was expected to perform and employment land needs over the period to 2033 to inform preparation of the Derbyshire Dales Local Plan.

The HEDNA Report recognised that the District's geography cut across a number of housing and functional economic market areas. For example, areas in the southern part of the District (including Ashbourne and Wirksworth) fall within a Derby Housing Market Area (HMA), the northern part of the District (including Bakewell and Hathersage) fall within a Sheffield HMA. Other parts of the District to the north-west are influenced by Manchester, to the west by Stoke on Trent and to the south by Burton on Trent and even Birmingham. The central area falls within an area of overlap, with influences from Sheffield, Chesterfield and Derby. Brailsford, where my client's interest lies, is firmly within the influence of Derby.

GL Hearn, who undertook the HEDNA work, concluded that given that there needs to be a consistent evidence base regarding development needs across the plan area and that key information such as demographic and economic forecasts are not published below local authority level, the HEDNA should consider needs across the District as a whole, including areas within the Peak District National Park. This ignores the housing market pattern.

This pragmatic approach to housing market assessment is entirely understandable, but negates the whole purpose of trying to define housing market areas and arguably provides an inadequate basis for assessing future needs.

A thorough debate on this was held at the previous DDLP EIP, without reaching a clear conclusion. The Local Plan was subsequently withdrawn so the Inspector's views were never properly aired. My own suggestion was that (consistent with the previous Derbyshire Structure Plan) it might be preferable to adopt a two-tier approach; at a **strategic** level, examining the relationship between the Derbyshire Dales and the major cities – such as Derby, Sheffield, Manchester – and a **localised** Housing Market approach which explored specific markets based on the local centres within the District, such as Matlock/Wirksworth, Ashbourne and the Rural Parishes. This is effectively how the administrative affairs of the District are managed.

It is inevitable however, against the background of the practical advice on assessing housing needs within the NPPF and PPG, that the District Level household projection figures will provide a key input – if only as a control mechanism. The key outcome however, must be to ensure that notwithstanding the problems of defining the HMA, that all legitimate housing needs are met.

**Have the housing needs of neighbouring planning authorities, including the PDNPA, been taken into account particularly having regard to the overlapping HMAs?**

There is no indication within the Duty to Co-operate report (Document SD07) that the Derbyshire Dales DC has sought to accommodate the housing needs of other surrounding areas. Far from it. The implications from the previous Local Plan debate was that Derbyshire Dales DC wished other surrounding authorities to assist in meeting **its** needs, due to a perceived environmental capacity constraint and a 'hang-over' from past regional/strategic policy which sought to 'protect' the Derbyshire Dales from 'excessive' development.

As a result of a revised SHMA report published in 2013 which sharply increased the Objectively Assessed Housing Need for the District, the Council faced the prospect of having to boost its housing provision in the Local Plan. However, against a background where the outcome of the Public Consultation exercise was resistant to higher rates of growth, the Council felt unable to increase the housing target. Therefore prior to the submission of the previous Derbyshire Dales Local Plan, DDDC made a last minute attempt to seek agreements from neighbouring authorities to deflect DDDC's needs.

This decision proved fatal insofar as all the surrounding authorities had by then already made their commitments in establishing their housing requirements and were not (either practically or politically) able to boost their respective housing figures simply to help out DDDC. Officers from surrounding authorities wrote to DDDC explaining that they could not assist them and subsequently appeared at the EIP in July 2014 to explain, inter alia, that firstly, the request had come far too late, and secondly, there was insufficient justification for deflecting housing from the Dales since there was no clear evidence of environmental capacity thresholds being breached.

Fast forward to 2016 and the Council has adopted a more realistic approach to housing provision, broadly accepting the advice of the EIP Inspector, Keith Holland, that they should provide (in the order of) 6,500 dwellings over the plan period and acknowledging that it is right that the District should cater for its own housing needs. The 306 page Duty to Co-operate report explains that the Draft Plan produced in April 2016 only provided for 6015 dwellings with the hope that the balance would be delivered from neighbouring authorities. However, as paragraph 3.33 explains, despite extensive engagement, no other local planning authorities indicated that they could accommodate any additional dwellings and contribute to meeting the projected shortfall. (A schedule summarises each LPA response).

The Council therefore resolved that in its submitted Local Plan it would provide sufficient housing sites to deliver the full housing requirement of 6,400 dwellings, and hence identified further allocations to plug the gap. From the perspective of the Duty to Co-operate, the conclusion has been reached that despite the complex overlapping housing market pattern, each authority will look after its own housing pressures and that there is no provision for accommodating cross-boundary pressures from other areas – other than occur through the natural migration movements allowed for within the population and household projections. This pragmatic solution is somewhat unsatisfactory but is inevitable in view of the timescale where so many authorities are more advanced than DDDC in preparing their Local Plans.

**Peak Park Area:** The Peak Park area, is covered by a separate planning authority the Peak Park Planning Board, but because it is a National Park does not have a separate housing allocation. The allowance of 358 dwellings covered within the Peak Park (assuming that this covers the balance from 400 dwellings after completions have been deducted) would seem to be a reasonable figure.

There is no justification for arguing that the Peak Park PB area should take substantially more housing or that the Derbyshire Dales housing allocation should be significantly reduced to compensate for the presence of the Peak Park. The level of housing need should be the starting point for assessing the Housing Requirement figure, whether there are physical or environmental constraints covering part of the District or not.

***Issue 3. The Sustainability Appraisal and its consideration of reasonable alternatives.***

**Does the SA meet statutory and legal requirements in relation to the assessment of reasonable alternatives?**

Section 1.3 of the Sustainability Appraisal report prepared by consultants 'Clearlead' explains the procedure for examining 'Reasonable Alternatives' before reaching a conclusion on the appropriate strategy for the Plan. Table 2.1 provides further advice.

Section 3 starting on Page 289 of the SA discusses the reasons for choosing the Preferred Option and explains the reason for opting for a combination of Growth Scenario Option 2 and 3. Paragraph 3.3 explores the justification for the choice of sites but despite the SA being 521 pages long, it then refers the reader to a separate document which was prepared at the beginning of 2015 which is contained on the Council's website. It is not therefore clear why certain sites were chosen or for example, what are the merits of the various quarry sites against the difficulties and costs of bringing those sites forward.

Paragraph 3.4 explains in more detail however why the New village suggestion has not been pursued and the merits of the idea against the criteria set out in the Government document 'Locally led Garden Villages Towns and Cities', issued in March 2016. This is much more thorough and therefore the case for not pursuing the idea of a Garden Village in this Plan is more convincing.

We have not formed a judgement about whether any shortcomings within the SA constitute a fundamental deficiency in terms of meeting the legal and statutory requirements of the Plan. However, we feel that the justification for the choice of sites does not seem sufficiently transparent and the audit trail in reaching those choices is not especially clear.

**John Acres Msc DipTp MRTPI**

**Acres Land & Planning Ltd**

**7<sup>th</sup> April 2017**