



South Derbyshire District Council
Planning Services
Civic Offices
Civic Way
Swadlincote
Derbyshire
DE11 0AH

SENT BY E-MAIL AND POST

12 October 2015

Dear Sir / Madam

SOUTH DERBYSHIRE SUSTAINABILITY APPRAISAL CONSULTATION

Thank you for consulting with the Home Builders Federation (HBF) on the above mentioned consultation. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing. We would like to submit the following comments and in due course attend the resumed Joint Examination Hearing Session to be held on 23rd October 2015.

This current Sustainability Appraisal consultation is been undertaken by the Council in response to the request from both Inspector's examining the Amber Valley Core Strategy and the South Derbyshire Local Plan for further Sustainability Appraisal work :-

- *"Our outstanding concern relates to the matter of apportioning the HMA's requirement between the three Local Authorities. The Authorities have agreed that Derby City's contribution is capacity-capped. The reasoning behind this is apparent, but the apportionment between Amber Valley and South Derbyshire of the remaining housing is more difficult to understand. Whilst all Authorities have indicated their support for the planned distribution, the justification for the agreed numbers is not clear. No evidence has been provided to show whether any alternative distributions were considered formally, or that sustainability appraisal to justify the selected apportionment between the Authorities was undertaken. Ideally, this work would have been carried out at an early stage in plan making to give a credible and robust starting-point for each Authority's housing numbers. However, in view of the assurance offered by the Authorities that they are prepared*

to co-operate in meeting the full OAN, we now advise the Councils to re-examine their planned apportionments of OAN and carry out a fresh joint sustainability appraisal of this matter” (letter dated 10th December 2014).

- *“It is not currently clear upon what basis the total of that unmet need (both at its originally assessed level and at the level resulting from the sensitivity testing) has been divided amongst the two authorities. Without a clear audit trail of joint Sustainability Appraisal examining a spread of ‘reasonable alternatives’ for the apportionment of the entirety of the unmet needs in terms of numerical splits and sites it seems to us that the Councils could place the eventual adoption of their plans at risk of challenge in terms of the Environmental Assessment of Plans and Programmes Regulations 2004 [Reg 12 (2) (b)] and/or the soundness test of ‘justification’. It would be highly unfortunate to experience such a barrier to adoption at that stage so it is important that this work is jointly completed, covering the means of providing for the whole of the unmet need” (letter dated 19th December 2014).*

In a letter dated 26th March 2015 the Derby HMA authorities confirmed that the work requested by the Inspectors would be undertaken. It is understood that the work undertaken comprises of :-

- Sustainability Appraisal of Amber Valley Local Plan Part 1 Core Strategy Report by AECOM dated September 2015 (consultation ends 16th October 2015) ;
- South Derbyshire Sustainability Appraisal Local Plan Part 1 Addendum Report dated August 2015 (consultation ends 12th October 2015) ;
- Sustainability Appraisal of Derby City Local Plan Part 1 : The Core Strategy by AECOM dated August 2015 (consultation ends 23rd September 2015).

At present the Derby HMA authorities are consulting on this work on an independent basis with differing end dates as specified above. Unfortunately these separate individual reports do not appear to be the joint Sustainability Report requested by the Inspectors which would have provided a clear audit trail. When each report is independently read the evidence is somewhat incomplete and confusing rather than open and transparent. It is understood that the implications of each option were independently appraised in “their own area” by Amber Valley and South Derbyshire working separately and using their own respective Sustainability Appraisal Frameworks. Then the findings of this work were brought together to present an overall joint assessment of options. However the evidence presented in Appendix 1 : Appraisal of Options against South Derbyshire Appraisal Framework and Appendix 2 : Appraisal of Options against Amber Valley Appraisal Framework which rank each Council’s own preferences regarding the alternative options appear contradictory and difficult to reconcile into the final joint conclusion that Option 3 (distribution split as proportion of growth – 44% in Amber Valley and 56% in South Derbyshire) is preferable to Option 4 (distribution split as existing commuting patterns – 70% in South Derbyshire and 30% in Amber Valley).

Moreover as this work has been undertaken retrospectively towards the end of the plan making process and after the apportionment of unmet housing needs had already been established in the Plans submitted for examination by the respective Council's the question of the open mindedness of the approach to this latest appraisal as opposed to the endorsement of previously taken decisions remains.

Therefore it is concluded that as previously identified by both Inspectors the Local Plans of the Derby HMA authorities remain vulnerable to an unsound verdict and legal challenge. It is hoped that these representations are of assistance to the Council. In the meantime if any further information or assistance is required please contact the undersigned.

Yours faithfully
for and on behalf of **HBF**



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