



South Derbyshire District Council
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SENT BY E-MAIL AND POST

15th August 2016

Dear Sir / Madam

SOUTH DERBYSHIRE DRAFT LOCAL PLAN PART 2 CONSULTATION

Introduction

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 representations and appear at future Examination Hearing Sessions to discuss these matters in greater detail.

The scope of the South Derbyshire Local Plan Part 2 relates to non-strategic housing site allocations (defined as sites of up to 100 houses) and Development Management Policies.

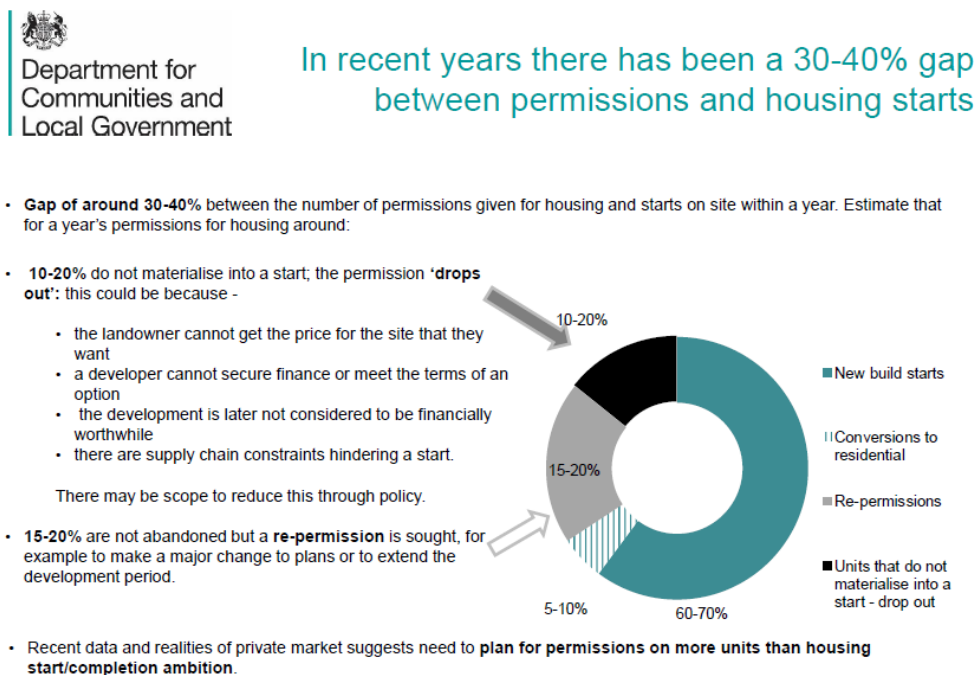
Policy H23 – Non Strategic Housing Allocations

Policy S4 of the adopted South Derbyshire Local Plan Part 1 sets out a housing requirement of at least 12,618 dwellings between 2011 – 2028. **Policy S4** also states that 600 dwellings will be allocated across non-strategic sites in the Part 2 Local Plan.

As the housing requirement set out in the adopted Local Plan Part 1 is a minimum figure it should not be seen as a maximum or treated as a ceiling to overall Housing Land Supply (HLS). Therefore the Part 2 Local Plan should be allocating no less than 600 dwellings but preferably more to provide sufficient contingency to respond to changing circumstances such as the impact of future economic growth from the East Midlands Gateway Rail

Freight Interchange (EMGRFI) which was granted planning consent in January 2016. It is understood that an additional housing need of 34 dwellings per annum may arise across the Derby Housing Market Area from this strategic employment site (see Review of Housing Requirements (2011 – 31) Report by J G Consulting dated April 2016 commissioned by North West Leicestershire District Council).

In the Local Plan Part 2 **Policy H23** proposes allocations on 28 housing sites (A to R) for approximately 791 dwellings. The question is whether or not the Council is providing enough contingency in its proposals. The DCLG presentation slide from the HBF Planning Conference in September 2015 illustrates a 10 – 20% non-implementation gap together with a 15 – 20% lapse rate (see below). This slide also suggests “*the need to plan for permissions on more units than the housing start / completions ambition*”. Whilst it is acknowledged that this presentation slide shows generic percentages across England the Council should provide robust evidence to demonstrate that sufficient headroom is been provided in the proposed HLS for South Derbyshire.



Extract from slide presentation “DCLG Planning Update” by Ruth Stanier Director of Planning - HBF Planning Conference Sept 2015

The recently published Local Plans Expert Group (LPEG) Report also recommends that “*the NPPF makes clear that local plans should be required not only to demonstrate a five year land supply but also focus on ensuring a more effective supply of developable land for the medium to long term (over the whole plan period), plus make provision for, and provide a mechanism for the release of, developable Reserve Sites equivalent to 20% of their housing requirement, as far as is consistent with the policies set out in the NPPF*” (para 11.4 of the LPEG Report).

When allocating sites the Council should be mindful that to maximize housing supply the widest possible range of sites, by size and market location are

required so that house builders of all types and sizes have access to suitable land in order to offer the widest possible range of products. The key to increased housing supply is the number of sales outlets including multiple outlets on Sustainable Urban Extensions (SUE). Therefore for any given time period, all else been equal, overall sales and build out rates are faster from 20 sites of 50 units than 10 sites of 100 units or 1 site of 1,000 units. The maximum delivery is achieved not just because there are more sales outlets but because the widest possible range of products and locations are available to meet the widest possible range of demand.

Policy SDT1 – Settlement Boundaries & Development

The adopted Local Plan Part 1 sets out that settlement boundaries will be reviewed through Part 2 of the Plan as many will need re-drawing due to growth that has either taken place or is expected to take place through the allocations made in both Parts of the Plan. Therefore any proposed settlement boundaries should be contiguous with Part 1 and 2 development sites allocations.

Policy H1 of the adopted Local Plan Part 1 determines that development within the settlement boundaries will be permitted but development adjacent to the settlement boundaries will only be permitted as exception / cross subsidy sites up to a certain size dependant on the tier within the settlement hierarchy. Elsewhere outside settlement boundaries development is limited to infilling and conversion of existing buildings.

The question is whether or not the overall capacity within the proposed settlement boundaries of **Policy SDT1** of the Local Plan Part 2 is sufficient to satisfactorily accommodate the minimum housing requirement for South Derbyshire as set out in the Local Plan Part 1. If the proposed settlement boundaries are too tightly drawn there will be no flexibility and sustainable development will be prevented from coming forward since development outside the settlement boundaries is restricted by both **Policy H1** of the Part 1 Local Plan and **Policy BNE5 – Development in the Countryside** of the Local Plan Part 2. The Council should also clarify that **Policy BNE5** is compatible with the Local Plan Part 1 policies.

As previously discussed under **Policy H23** the Council should identify the appropriate level of flexibility required and demonstrate that the proposed settlement boundaries provide for this level of flexibility. Without sufficient capacity within the settlement boundaries the Council risks not maintaining a rolling 5 YHLS throughout the plan period in which case under para 49 of the NPPF the housing policies of the Local Plan including all policies restricting housing development such as settlement boundaries (see Court of Appeal Judgement Richborough Estates Partnership LLP v Cheshire East Borough Council & SoS CLG (C1/2015/0894)) would become out of date.

Policy BNE9 – Local Green Spaces

It is noted that 53 Local Green Spaces are set out in Appendix C covering approximately 35 hectares. As stated in the NPPF Local Green Space

designation will not be appropriate for most green areas or open spaces because any area designated as Local Green Space must be demonstrably special to a local community and be of particular local significance because of its beauty, historic significance and recreational value. The NPPG (ID 37-009-20140306) emphasises that this demonstrably special nature must be evidenced. The NPPF also confirms that managing development within a Designated Local Green Space should be consistent with national policy for Green Belts (para 78). A Designated Local Green Space should be local in character as opposed to an extensive tract of land (NPPG ID: 37-015-20140306) therefore the blanket designation of large pieces of land and open countryside adjacent to settlements is not appropriate. A Designated Local Green Space should not be seen to be achieving by stealth the designation of a localised Green Belt around a particular settlement.

In the Pre-submission Local Plan Part 2 it would be helpful if proposed Designated Local Green Spaces, settlement boundaries and site allocations were shown together on the same map.

Conclusions

For the South Derbyshire Local Plan Part 2 to be found sound under the four tests of soundness as defined by the NPPF (para 182), the Plan should be positively prepared, justified, effective and consistent with national policy. The Council should re-consider its proposals for settlement boundaries, site allocations and designated local green spaces in order to avoid preparing a Plan which is unsound by failing to be consistent with national policy, positively prepared, properly justified and so ultimately ineffective. It is hoped that these representations are of assistance to the Council in preparing the next stages of the South Derbyshire Local Plan Part 2. 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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