For and on behalf of:
Keepmoat Homes Ltd

Bolsover District Council Local Plan Examination

Main Matter 2 Hearing Statement – Soundness of the Local Plan

Prepared by
DLP Planning Ltd
East Midlands

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Main Matter 2 Hearing Statement: Soundness of the Local Plan

Prepared by:
Darren Abbott
BSc (Hons) MSc MRTP
Associate Director

Approved by:
Jane Terry
BA (Hons) Dip M, MRTP
Associate Director

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DLP (Planning) Ltd
East Midlands
1 East Circus Street
Nottingham
NG1 5AF

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1. INTRODUCTION

1.1. This Statement is prepared by DLP Planning Ltd on behalf of our client Keepmoat Homes Ltd and is submitted as evidence as part of the Bolsover District Local Plan examination. Our client is a regional housebuilder committed to the delivery of housing in Bolsover District and is promoting a site for development on land to the rear of 64 Hardwick Street, Tibshelf.

1.2. The issues covered by this Statement relate to Matter 2: Soundness of the Local Plan of the Examining Inspector’s ‘Main matters, issues and questions (MIQs)’ dated 30/11/18 and forming the basis of the Examination Hearings, specifically:

- Issue 3: Is the general approach and coverage of the Local Plan justified and effective?
  Question 16: Is the Council’s approach to the promotion of sustainable development effective? [Policy SS1] and,

- Issue 5: Is the Local Plan positively prepared, justified and effective in respect of housing?
  Questions 24, 26, 27, 29 and 31 (Housing Requirement, Policy SS2),
  Questions 32, 33, 35, 38 and 39 (Housing Distribution, Policy SS3),
  Questions 41, 42, 44, 48, 49 and 50 (Housing Supply during the Plan period, Policy LC1),
  Question 52 (5 Year Housing Land Supply) and
  Question 84 (Allocations)
2. COMMENTS

Issue 3 General Approach

Q16. Is the Council’s approach to the promotion of sustainable development effective? [Policy SS1]

2.1. Policy SS1 largely accords with the context of the 2012 National Planning Policy Framework (NPPF), notably the economic, social and environmental roles detailed at paragraph 7.

2.2. However, whilst the presumption in favour of sustainable development forms the golden thread of the 2012 NPPF, it is considered that opportunities for sustainable growth exist that are not necessarily accounted for in the Plan as set out further below. Policy SS1 (and the wider Plan) should allow flexibility for such development and should not unduly restrict sustainable proposals that would otherwise be considered favourably.

Issue 5 Housing Requirement

Q24. Is the Objectively Assessed Housing Need (OAHN) for the housing market area based on up to date evidence, including household and population projections, local migration and demographic adjustments and market signals?

2.3. Originally the now withdrawn Core Strategy (CS) referred to the now abolished East Midlands Regional Plan requirement of 8,000 dwellings in Bolsover District to 2026, albeit the publication version of the CS document proposed a reduced housing figure of 5,000 or 6,000. Bolsover District has stagnated in terms of housing delivery for most of the last decade and beyond, consistently failing to provide an adequate supply of housing. This has resulted in some out-migration and the creation of concealed households (those forced to stay in inadequate accommodation, share and/or move away), significantly underestimating the true housing requirement.
2.4. Paragraph 47 of the 2012 NPPF sets out that Local Planning Authorities should ‘boost significantly the supply of housing’. Not only are the figures currently proposed significantly below the previously tested and examined housing levels in the Regional Plan but there have historically been problems with under-delivery. Consequently, it is considered that additional flexibility for the provision of sustainable sites should be made, planning positively and flexibly to allow choice, competition and contingency.

Q26. Have employment trends been taken into account?

2.5. It is important to recognise that additional housing growth can also assist and support the delivery of employment land opportunities and associated economic growth which is strongly advocated in both the 2012 and 2018 NPPF documents. Whilst the Council set out in their August 2018 Housing Requirement Position Paper that they do not consider it appropriate to tie housing levels to the amount of employment land that may be developed, it is clear that constraining housing numbers is therefore likely to inhibit the employment growth forecast in the Bolsover Economic Development Assessment Report (October 2015) and counter the Plan’s objectives, notably Objective A: Sustainable Growth, Objective L: Economic Prosperity and Objective M: Employment Opportunities which seek residential and employment growth.

2.6. It should be noted that the District has experienced some extremely positive employment growth in recent times, with the Bolsover District Sector Analysis: The State of the Business Economy in the District report (July 2018) identifying significant levels of employment provided by the Wholesale and Retail, Manufacturing, Financial, and Construction sectors. Examples such as the SportsDirect.com headquarters in Shirebrook are a major positive for the District, who are recognised to have a level of employment in the Transport & Storage sector that is twice the Derbyshire and national average. Such a positive should be embraced and supported by housing delivery given the two are intrinsically linked.
Q27. Does the housing requirement of 5,168 dwellings between 2014 and 2033 (272dpa) reflect the full OAHN Need for market and affordable housing in the HMA?

2.7. See response to Question 24.

Q29. Is Policy SS2 sufficiently clear in expressing the required housing target as a minimum?

2.8. No. Notwithstanding earlier comments relating to overall housing requirement, limb a) of the policy should be amended to refer to ‘at least’ in text. For clarity this should read as follows:

“Sufficient land to accommodate the delivery of at least 5,168 dwellings (272 new homes per year) to meet the Council’s Objectively Assessed Housing Need across the period 2014 to 2033”

Q31. Should the housing requirement include an allowance to accommodate unmet need from Sheffield City or North East Derbyshire District?

2.9. It is noted that Hearing Sessions for the draft North East Derbyshire District Local Plan took place in late 2018, with NEDD proposing to meet its own housing target. Sheffield City did, however, submit (April 2018) a request to Bolsover DC querying whether land within the District could be allocated for housing to assist the City’s requirements. This request was rejected as set out in the August 2018 Housing Requirement Position Paper.

2.10. Paragraph 156 and 178 of the 2012 NPPF requires Local Planning Authorities to cooperate on planning issues that cross administrative boundaries, particularly those relating to strategic priorities such as provision of homes. Paragraph 179 proceeds that joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for
instance, through lack of physical capacity or because to do so would cause significant harm to the principles and policies of the Framework.

2.11. Whilst it is accepted that Sheffield City does not share a common boundary with Bolsover District, this should not be a factor that simply discounts co-operative working as required by the Framework. Of particular note in the draft Plan is that Bolsover District forms part of the Sheffield City Region Local Enterprise Partnership (LEP), whilst also seeking a ‘preferred membership status’ option in favour of becoming a constituent member of the proposed North Midlands Combined Authority and a non-constituent member of the Sheffield City Region Combined Authority.

2.12. Given the functional and strategic relationships that exist between the two authorities and coupled with the well documented national housing crisis, further consideration should be given to fully explore potential opportunities that may exist to assist Sheffield in providing for its OAHN.

**Issue 5 Distribution**

**Q32. Does the distribution of housing in the Local Plan reflect the spatial strategy of focusing development on the more sustainable settlements, whilst also supporting regeneration needs and tackling deprivation?**

2.13. The latest Settlement Hierarchy Study (February 2018) builds upon the earlier April 2015 document, essentially following a similar standard used in the 2011 study. Unfortunately, the 2011 study (which supported the now withdrawn CS) continued a failed approach to the distribution and subsequent delivery of housing in the District; failed in that the strategy has significantly under-provided housing within the District for at least the last decade and arguably longer. Continuing this approach therefore raises the same deliverability and viability concerns which have severely hindered the District in the past to meet its housing need.

2.14. Although some settlements in the 2018 Study may score better than others, this should not be the sole factor in determining the District’s delivery strategy. The
delivery strategy should essentially be fully justified, taking full account of site desirability, demand, viability and deliverability as well as the ability for additional development to enhance the sustainability credentials of some settlements which would otherwise be impossible without an injection of investment, spending power from new residents and infrastructure provision as a result.

2.15. A case in point is a very recently allowed residential appeal for up to 65 dwellings at a site in Glapwell (APP/R1010/W/18/3198997), dated 12/12/18. Glapwell is identified as a 4th tier Rural Small Village in the draft Plan’s Settlement Hierarchy (Figure 4A) where no allocations are proposed. Whilst promoted, this site was not proposed for allocation and a review of the Housing Land Availability Assessment Glapwell Site Summaries document (September 2017) demonstrates the Council’s view that for all sites considered, a ‘Major Constraint’ to development was that ‘Glapwell has limited access to a reasonable amount of key services’. However, in allowing this appeal, the Inspector concludes at paragraphs 31 and 47 that Glapwell is indeed ‘…relatively well served by services, facilities, and public transport’.

2.16. Glapwell is considered a highly desirable, viable and deliverable location that largely coalesces and functions with the neighbouring settlements of Doe Lea / Bramley Vale, New Houghton and Pleasley for example. The Inspector raises and acknowledges this point at paragraph 31: ‘Moreover, a primary school is located a short distance away in Bramley Vale’ continuing to add that in addition the ‘…site is also close to frequent bus services to Mansfield, Chesterfield, and Nottingham along the A617 that run throughout the day and into the evening. This would provide access to employment, services, and facilities in those centres to future occupiers of the development’.

2.17. Whilst some settlements individually score below those set out to be the ‘most sustainable settlements’ as set out at paragraph 4.15 of the draft Plan, these should not be discounted, as cumulatively they provide a of range services, facilities, leisure and employment opportunities to support sustainable housing growth. Furthermore, additional growth in these villages will also enhance their overall sustainability through the provision of investment and infrastructure to support existing services and
facilities. It is therefore considered that this and similar lower tier settlements have been discounted far too early from the site allocation stage. A thorough review of this strategy is therefore required, with the settlements and scale of development proposed in them critically appraised. This is particularly critical not only in terms of enhancing sustainability across the District but also in terms of deliverability where typically smaller sites appropriate to the edge of these Rural Villages can be brought forward quickly and easily to secure an adequate supply of land where large scale strategic sites typically fail to deliver the required trajectory.

2.18. Greater opportunities for sustainable development should therefore be provided across the District, including the other Rural Villages which notably includes our client's site at Tibshelf.

Q33. Is the distribution of housing development around the District appropriate? (Policy SS3)

2.19. See response to question 32.

Q35. Should the spatial strategy and distribution of development allow for more development in less sustainable rural locations? (Policy SS3)

2.20. See response to question 32.

Q38. Are the development envelopes defined on the Policies Map justified and effective? (Policies SS3 and SC1)

2.21. The Development Envelope Review (February 2018) recognises at paragraph 1.7 that the suitability of an area for a development envelope is not just a function of its size, but also its layout, setting within a landscape and the suitability of sites within it for development / redevelopment.

2.22. In this regard Policy SC1 applies to proposals within development envelopes as defined on the Policies Map, whilst policy SS9 concerns development proposals
beyond, considering these to be in the open countryside. Whilst the methodology and approach defining development envelopes is somewhat subjective and set at a specific point in time, the application of policies within the draft Plan in their current form will unduly constrain sustainable development opportunities beyond the envelope.

2.23. As an example, our client’s promoted site appends existing allocation reference LC1 q) Land south of Overmoor View. The allocation lies within the development envelope situated to the eastern side of Tibshelf and is approximately 7.25 hectares in size. The allocation has detailed planning permission and is currently under construction, expected to deliver its remaining 103 dwellings by 2021.

Notwithstanding this our client’s site is identified in the draft Plan beyond the development envelope, within open countryside. This is a missed opportunity to introduce further sustainable development in a location already acknowledged as sustainable. The site would form a logical extension to the existing allocation / development site for circa 15 dwellings. Yet as currently drafted, this additional extension would not comply with policy SS9.

2.24. NPPF1 requires local planning authorities to be responsive to local circumstances (paragraph 54) and at paragraph 157 states that ‘Crucially, Local Plans should: ● plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework; and ● ‘allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate’;

2.25. Whilst not part of the transitional arrangements for the purposes of examining the draft Plan, it is logical to bear in mind paragraph 84 of the 2018 NPPF which acknowledges that ‘Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements…’.
2.26. The site has access to the Transport Network via the existing development and there are no major constraints that would inhibit its delivery, scoring favourably with the adjoining allocated site as detailed in the Housing Land Availability Assessment Tibshelf Site Summaries document (September 2017). Either the removal of the concept of development envelopes or alternatively amendments to the policy text are therefore considered necessary to accommodate flexibility and ultimately facilitate sustainable development where appropriate.

Q39. Is Policy SS9 effective in enabling sustainable development and previously developed land to come forward for development in the countryside?

2.27. See response to question 38.

Issue 5 Supply

Q41. Have sufficient sites been allocated in the Local Plan to meet the target of 5,700 homes? (Policy LC1)

2.28. As set out earlier in this Hearing Statement and our Regulation 19 submission, we have concerns about the land proposed to deliver a minimum target of 5,700 dwellings over the plan period (2014-2033) to meet the District’s OAHN. Ultimately it is considered that additional provision and sites will be required, planning positively and flexibly to allow choice, competition and contingency.

2.29. In the context of paragraph 47 of the 2012 NPPF seeking to ‘boost significantly the supply of housing’, it is considered that additional provision and sites will be required, planning positively and flexibly to allow choice, competition and contingency, particularly being minded of the Council’s history of under-delivery.

2.30. Returning to the Glapwell appeal referenced earlier in this Hearing Statement, upon review of the 5-year housing land supply, the Inspector concluded at paragraph 25
that a supply in the region of 1450 homes could be demonstrated against the draft Plan’s requirement of 272 dwellings per annum (DPA) plus 5% buffer. When accounting for a 35-unit over-provision since 2014/15, this equated to a requirement of 1391 dwellings. This ultimately leaves the Council in a very precarious position with a supply in the order of just 5.2 years. Noting that the draft Plan imposes an increased buffer of 10% this results in the Council being unable to demonstrate a 5 year supply of housing land in this context.

2.31. As part of this calculation the Inspector raised doubt over the trajectory envisaged by the Council across a number of sites, notably raising at paragraph 9 in relation Clowne Garden Village, that ‘…the Council’s delivery assumptions appear to be excessively optimistic’, and also in relation to land between Welbeck Road and Oxcroft Lane at paragraph 12 that delivery ‘…has failed to match the Council’s forecasts in recent annual monitoring reports’. In all, the Inspector considered 13 sites raised by the appellant, removing a total of 686 dwellings in the 5-year supply from 10 of those sites. Of particular note 200 at strategic Clowne Garden Village and 280 at land between Welbeck Road and Oxcroft Lane.

2.32. Whilst the above clearly concerns the 5-year housing supply, the Inspector identified the Council’s trajectory to be highly ambitious and unlikely to be realised as a consequence. This will in turn have an impact on delivery throughout the wider Plan period, including the overall envisaged supply. Indeed, previous iterations of the Council’s monitoring report demonstrate that delivery has historically not occurred as envisaged and the Council should be minded of this.

Q42. Has the housing site selection process been based on a sound process of SA and the testing of reasonable alternatives?

2.33. The site selection process does not appear to have been based on a sound process of SA as, set out in our statement to Matter 1, whilst the SA goes on to appraise each of the strategic site options at Table 5.3, ‘reasonable alternatives’ have been assessed only in so far as alternatives to the strategic sites themselves whereas we
consider that greater consideration should have been given to i) the scope to further expand the higher tier settlements which are the focus for new development and ensuring first and foremost that options for infill and regeneration are exploited ahead of the allocation of strategic sites and ii) the contribution that the lower tier Rural Villages can make, including the potential for additional development to enhance the sustainability of these settlements (such as B2295 land south of Overmoor View, Tibshelf). These are alternatives which would score equally well as sites proposed for allocation without any negative implications for cumulative impact but that have not been assessed through the site selection process or SA and sites have therefore been dismissed too early in the process.

Q44. Does the Housing Trajectory in Appendix 5.1 accurately reflect the likely start dates, build out rates and completions of the allocated sites?

2.34. See response to question 41.

Q48. Is too much reliance placed on the development of large sites? Are there any risks to the housing supply in this approach?

2.35. Currently, the requirement set out in the draft plan is proposed to be met through a combination of completions and those expected (20%), strategic site allocations (37%) and other site allocations (43%). The draft Plan relies heavily on a number of large-scale major strategic sites / Sustainable Urban Extensions which will be particularly challenging to deliver. Consequently, deliverability is a major concern, an issue also raised by the Glapwell appeal Inspector.

2.36. Such large-scale strategic sites will require major infrastructure works to be undertaken and typically also have constraints such as flooding, transport and contaminated land that will need to be addressed. Such constraints will subsequently impact on delivery and could exacerbate issues relating to viability. In the context of deliverability there is, as a result, concern that a 5-year supply of housing (as required by paragraph 47 of the NPPF) cannot be demonstrated and that it is unlikely these sites will be delivered within the Plan period as anticipated. Greater choice and
flexibility is therefore required in terms of size and location to secure delivery of the objectively assessed housing need.

Q49. Should more small and medium sized sites be allocated for housing to enable development to come forward more quickly?

2.37. Yes. It is commonly accepted that small and medium sized sites have the ability to be delivered much quicker than strategic sites. This is recognised in the 2018 NPPF at paragraph 68 which states ‘Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly’.

2.38. Whilst the Plan is being considered in context of the 2012 NPPF by virtue of the transitional arrangements, this should not override the benefit that small and medium sized sites can offer, particularly being minded of the Council’s overly ambitious trajectory. Further, the NPPF 2012 advocates choice and competition in the market for land and more alternatives would be beneficial, reducing reliance upon large-scale strategic sites. This would make the Plan robust in terms of delivery.

2.39. Our client's site is an example of this, being readily deliverable with the ability to provide an additional 15 units as part of an existing allocation which is acknowledged as being a sustainable site in a sustainable location. No cumulative adverse effects are likely as a result of this addition.

Q50. Should an allowance be made for windfall sites?

2.40. As set out above, provision for windfall sites would make the Plan more robust in terms of choice, flexibility and deliverability. The need for this is particularly pertinent given the reliance the District are seemingly placing upon the delivery of larger sites within their proposed allocations, which in turn can lead to issues in relation to delivery, a concern highlighted by the Inspector in the recent appeal decision for the site at Glapwell.
Issue 5: 5-Year Housing Supply

Q52. Is it robustly demonstrated that the Local Plan can deliver a 5 year housing land supply throughout the Plan period?

2.41. See responses to questions 41 and 48.

Issue 5: Allocations

Q84. Should more clarity be provided in the policy with regards to the capacity of each site?

2.42. Yes, for clarity, although this is detailed in the supporting text and Housing Trajectory at Appendix 5.1.
Main Matter

Hearing Statement:

Soundness of the Local Plan