

Ref:

(For office use only)

**REPRESENTATION FORM**

**NORTH EAST DERBYSHIRE LOCAL PLAN**

**PUBLICATION DRAFT**

**General Information**

This stage of the consultation is focussed on whether the Publication Draft version of the Local Plan is legally compliant and sound, rather than the wider ranging questions that we have asked in previous consultations on the Local Plan.

* The deadline for representations is 5pm on Wednesday 4 April 2018. Late representations will not be accepted.
* Be clear about which policy, paragraph or Map of the Local Plan you are responding to.
* Be clear whether you are supporting or objecting to the Local plan. If you think the Local plan is not **legal** or **sound**, be clear why. Please refer to the Guidance Note for more details.
* Try to support you representation(s) with evidence.
* Be clear about any changes you want to see.
* Briefly and precisely cover all information and evidence to support or justify your representation(s). Once the consultation closes there is unlikely to be a further opportunity to provide further information or evidence.
* The Council has also published supporting documents to accompany the Publication Draft Local Plan. They are the Sustainability Appraisal, Policies Map and Consultation Statement and are available to view on the Council’s website, and at deposit venues (the Council Offices on Mill Lane and libraries throughout the District). A range of evidence base studies that underpin the policies within the Plan are also available to view on the Council’s website.

If you wish to make comments on this Plan you may fill in this form. Additional copies of the form are available on line at [www.ne-derbyshire.gov.uk/localplan](http://www.ne-derbyshire.gov.uk/localplan) and can be submitted by e-mail to [local.plan@ne-derbyshire.gov.uk](mailto:local.plan@ne-derbyshire.gov.uk). Or by post to:

**Planning Policy Team,**

**North East Derbyshire District Council,**

**2013 Mill Lane, Wingerworth,**

**Chesterfield, Derbyshire,**

**S42 6NG**

**All comments must be received by 5pm**

**on Wednesday 4 April 2018**

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| **Submitting your representation online**  Submitting your representation online is a quicker way of getting involved.   * You will receive an instant confirmation email to give you a receipt so that you know your representation has been successfully delivered and that your comments will be considered. * Go to <https://bolsover.jdi-consult.net/localplan/> for more information.   *(If you don’t yet have an account, you can set one up easily from this web address)* |

**Filling in the form**

* **PLEASE READ THE GUIDANCE NOTE BEFORE COMPLETING THIS FORM**
* **Your comments are classed as formal representations on the Local Plan.**
* **This form has two parts:**

**Part A: Personal and contact details**

**Part B: Your Representations**

* **Please fill in a separate sheet for each representation you wish to make**

Only the content of your representation and your name will be available for public inspection, and will be published online and in public reports and documents.

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| **PART A – PERSONAL AND CONTACT DETAILS** |

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| --- | --- | --- | --- |
| **Personal Details** | |  | **Agents Details (if applicable)** |
|  |  |  |
| Rep ID (if known  from previous |  |  |
| consultations) |  |  |
| Title | Mr. |  |
|  |  |  |
| First Name | Paul |  |
|  |  |  |
| Last Name | Johnson |  |
|  |  |  |
| Job Title |  |  |
| (where relevant) |  |  |
| Organisation |  |  |
| (where relevant) |  |  |
| Address Line 1 | Rose Cottage, |  |
|  |  |  |
| Line 2 | 1 Spinkhill Road, |  |
|  |  |  |
| Line 3 | Killamarsh, |  |
|  |  |  |
| Line 4 | Derbyshire, |  |
|  |  |  |
| Post Code | S21 1EH |  |
|  |  |  |
| Telephone Number | 0114-248-2929 |  |
|  |  |  |
| E-mail Address | pjassociatespaul@aol.com |  |

If you do not complete this section, your comments cannot be registered or considered as part of the process.

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| **PART B – YOUR REPRESENTATION** |

Please use a separate form for each representation/ point you wish to raise and firmly attach these to part A which contains your contact details.

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| **Question 1** (See page 3 of the Guidance Note) |

To which part of the Local Plan does your representation relate?

(Please quote paragraph or policy reference)

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| Chapter 4 – Spatial Strategy. Green Belt Review (SS10, paragraphs 4.67 and 4.68) |

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| **Question 2** (See page 3 of the Guidance Note) |

Do you wish to state your support or objection to this part of the Local Plan?

|  |  |
| --- | --- |
| SUPPORT | ☐ |
| OBJECT | X☐ |

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| **Question 3** (See page 3 of the Guidance Note) |

Please enter your representation here. This should explain why you either support this part of the Local Plan or why you think the Local Plan is or is not legally compliant or sound (see guidance note for an explanation of legally compliant and sound). Please be as precise as possible (in no more than 100 words).

If your representation requires more than 100 words, please attach any additional sheets securely to this form and use the box below to summarise your representation.

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| The original review of Green Belt boundaries, ordered because of the District Council’s opinion that all other alternatives had been considered, does not provide the ‘exceptional circumstances’ that should trigger such a review. The justification postulates that high demand is driving up land values when a BBC Business study shows that land values in east and west Killamarsh has declined, in real terms, by 12% and 22% respectively, up to 2017.  The ‘lapse’ rate has been wrongly inflated to 5% when the actual rate is 2.13%. Other relevant figures are excluded.  There are many other alternative strategies, including better use of strategic sites. The Council says that no sites appropriate sites have been proffered during the SHLAA, but does not suggest any proactive work to identify available brownfield sites.  **Supporting detail.**  **Green Belt Review (SS10).**  **Paragraph 4.67** acknowledges that Green Belt boundaries should only be altered in ‘exceptional circumstances’ (paragraph 83, NPPF).  **Paragraph 4.68** again refers to land values being driven up by high demand, but the BBC Business report previously referred to shows a significant ‘real terms’ drop of 22% in Killamarsh West, where a major site of 330 dwellings is suggested, and 12% in Killamarsh East, where a further 70 are proposed.  Case Law (*Gallagher v Solihull BC, 2014)* states that the preparation of a Local Plan is not sufficient in itself to justify alterations to a Green Belt boundary. It is necessary to show:-   * Effective use of suitable brownfield and estate generation; * The potential offered by under-used land (including surplus public sector land); * That the optimisation of density of development has taken place; * An exploration as to whether other authorities can help to meet some of the need of the identified development requirement.   Once again, this asks a question about whether housing need has been objectively and rationally decided. There are a number of issues that suggest that this need has been overestimated and that other provision that should have been included in the appropriate calculation have not been so included.  In paragraph 4.7 of the Housing Topic paper (2018), used within the evidence base, NEDDC demonstrates that planning permissions for dwellings on major sites in level 1 and 2 settlements are included as part of the housing supply up to 17.1.18. However, major sites in settlements 3 and 4 were only included up to 31.3.17, meaning that sites that gained planning permission between 31.3.17 and 17.1.18 have been excluded from the housing supply.  A 5% lapse rate, ***based on past trends,*** has been applied to the figures. **Since 2014 records show that the lapse rate figure has been well below 5% (Paragraph 8 of the Five Year Housing Land Supply Statement, 2017**).  **In fact, Table 2.13 of the Housing Topic Paper (2018) shows that since 2012/13 the average lapse rate has been 2.13%.** More up-to-date information may show a further diminution in the lapse rate. The LGA guidance suggests that lapse rates should be based on ***‘historic data that sets out the number of permissions compared*** ***with completions on similar sized sites’, not on a ‘standard approach’, which the 5% calculation appears to be.***  Equally, the figures shown for Strategic Sites exclude large numbers of potential dwellings for various reasons:   * 660 dwellings at the Coalite site – because of the HS2 route (as yet unconfirmed) affecting a small part of the estate; * Chesterfield Road, Holmewood – 325 dwellings not deliverable, although an additional 225 are assessed as deliverable on the site; * The Avenue – 700 granted planning permission, but not another 400 potential ones without current planning permission, despite the site being under construction making the additional 400 potentially deliverable.   The figures also fail to include windfall sites granted planning permission since 31.3.17. Some of these are in Killamarsh.  Yet another factor is the number of empty homes in North East Derbyshire. As at March, 2017, there were **731** such homes. In February, 2018, there were **941**. The Council are currently assisting in bringing **30** of these back into occupation.  Taking account of this excluded potential **would completely obviate the need to build on any Green Belt land. It also contradicts the ‘extreme circumstances’ argument used to undertake a Green Belt review in the first instance.**  A Local Plan submitted by County Durham was rejected by the Government Inspector because it was unjustifiable for the planning authority to propose Green Belt development because the decision to do so was made before evidence of exceptional circumstances was provided. The same judgement should be applied to the NEDDC Plan because the ‘exceptional circumstances’ have not been evidenced. Perceived housing requirements have remained constant since the first draft Local Plan in 2012. |

If you have stated your support for this part of the Local Plan, please move to Question 5. If you have stated your objection for this part of the Local Plan, please move to Question 4.

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| **Question 4** (See page 3 of the Guidance Note) |

If you are objecting to this part of the Local Plan, please let us know what changes you think are needed to make the Local Plan legally compliant and / or sound (see guidance note for an explanation of legally compliant and sound).

You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible (in no more than 100 words)

If your representation requires more than 100 words, please attach any additional sheets securely to this form and use the box below to summarise your representation.

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| Remove the requirement to build on Green Belt land from the Plan because it is neither necessary nor justified due to alternatives being available. |

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| **Question 5** (See page 4 of the Guidance Note) |

Do you consider that the Local Plan is legally compliant?

|  |  |
| --- | --- |
| YES | ☐ |
| NO | X☐ |

If you have stated no, please make sure this links back to your response in Questions 3 and 4 (the meaning of ‘legally compliat’ is explained in the guidance note).

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| **Question 6** (See page 5 of the Guidance Note) |

Do you consider Local Plan is sound?

|  |  |
| --- | --- |
| YES | ☐ |
| NO | X☐ |

If you have stated no, please make sure this links back to your response in Questions 3 and 4 and let us know which of the ‘tests of soundness’ it has failed (Questions 6A – 6D below).

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| **Question 6A** (See page 5 of the Guidance Note) |

Do you consider that the Local Plan is unsound because it is not ‘positively prepared’?

|  |  |
| --- | --- |
| YES | X☐ |
| NO | ☐ |

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| **Question 6B** (See page 6 of the Guidance Note) |

Do you consider that the Local Plan is unsound because it is not ‘justified’?

|  |  |
| --- | --- |
| YES | X☐ |
| NO | ☐ |

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| **Question 6C** (See page 6 of the Guidance Note) |

Do you consider that the Local plan is unsound because it is not ‘effective’?

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| --- | --- |
| YES | X☐ |
| NO | ☐ |

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| **Question 6D** (See page 6 of the Guidance Note) |

Do you consider that the Local Plan is unsound because it is not ‘consistent with national policy’?

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| --- | --- |
| YES | X☐ |
| NO | ☐ |

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| **Question 7** (See page 6 of the Guidance Note) |

Do you consider that the Local Plan complies with the Duty to Co-operate?

|  |  |
| --- | --- |
| YES | ☐ |
| NO | X☐ |

If you have stated no, please make sure this links back to your response in Questions 2 and 3 (remember to look at the requirements in the guidance note).

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| **Question 8** (See page 7 of the Guidance Note) |

If you are objecting to this part of the Local Plan, please let us know if you raised this matter at an earlier stage of the plan making process such as the Consultation Draft Local Plan in February/March 2017.

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| --- | --- |
| YES | X☐ |
| NO | ☐ |

If yes, please move to Question 9. If no, please move to Question 10.

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| **Question 9** (See page 7 of the Guidance Note) |

If you raised this matter at an earlier stage of the plan making process, which stage was it?

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| --- | --- |
| Consultation Draft Local Plan (February-March 2017) | X☐ |
| Initial Draft Local Plan (Part 1) (February-March 2015) | X☐ |
| Local Strategy Consultation (August-September 2012) | X☐ |
| Core Strategy Issues and Options Consultation (April-June 2009) | ☐ |

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| **Question 10** (See page 7 of the Guidance Note) |

If your representation is seeking a change, do you consider it necessary for you to participate at the Hearing Sessions should the Inspector wish to discuss your representation / issue at the Hearing?

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| --- | --- |
| YES | X☐ |
| NO | ☐ |

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| **Question 11** (See page 7 of the Guidance Note) |

If you wish to participate at the Hearing Sessions, please outline why you consider this to be necessary?

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| To ensure that the views of local people are heard and understood. |

Please note that the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing sessions.

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| **Question 12** (See page 8 of the Guidance Note) |

Would you like to be notified of one or more of the following (please tick the relevant boxes)

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| --- | --- |
| When the Local Plan is submitted for independent examination? | X☐ |
| When the Inspector’s report is published? | X☐ |
| When the Local Plan is adopted? | X☐ |

Please return the completed form by 5pm Wednesday 4 April 2018 to:

By email:

[local.plan@ne-derbyshire.gov.uk](mailto:local.plan@ne-derbyshire.gov.uk)

By post:

Planning Policy Team

North East Derbyshire District Council

2013 Mill Lane

Wingerworth

Chesterfield

Derbyshire

S42 6NG

If you have any questions, please contact us on 01246 217171/ 7694/ 7169/ 7180

Next Steps

Following the close of consultation we will prepare a summary of the main issues raised by representations. The representations, summary of issues, Local Plan and other supporting documents and evidence base studies will then be submitted to the Independent Inspector for examination in May 2018.

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| All personal information provided to North East Derbyshire District Council will be held and treated in confidence in accordance with the Data Protection Act 1998. It will only be used for the purpose for which it was given, which is to ensure your representation is recorded, and to contact you regarding your representation. However, the content of your representation including your name and address will be available for public inspection, and will be published online and in public reports and documents. |