



Derby City Council

Ms Kelly Ford
Planning Inspector

c/o Miny Schofield - Programme Officer

BY EMAIL ONLY

Team Planning Services

Contact Paul Clarke

Our ref Consult_EBC_2023_EiP

Email paul.clarke@derby.gov.uk

Tel 01332 641642

Deaf people
can text 07774 333 412

Date 7 December 2023

Dear Ms Ford

EREWASH CORE STRATEGY REVIEW: EXAMINATION IN PUBLIC - STATEMENT ON BEHALF OF DERBY CITY COUNCIL

1.1 This statement is submitted on behalf of Derby City Council in response the Inspector's Matters, Issues and Questions (MIQs) issued on 6 October 2023. This statement seeks to address the MIQs relating to the Duty to Cooperate and the specific impacts on the city of proposed strategic allocations 1.3 (Acorn Way) and 1.4 (North of Spondon).

1.2 This statement should be read alongside the statements submitted on behalf of the Derby Housing Market Area authorities, which addresses strategic issues including green belt; and the statement submitted on behalf of Derbyshire County Council and Derby City Council, addressing school place planning matters. Collectively these 3 statements make up the City Council's position in relation to the Erewash Core Strategy Review.

Main Matter 2 - Duty to Cooperate

1.3 Question 7 under Main Matter 2 - Duty to Cooperate (DtC) requests an update on efforts made to agree a Statement of Common Ground (SCG) between EBC and the City Council. At the point of submitting this statement the City Council has not been able to agree a statement of common ground in relation to the issues set out in question 7, namely education, affordable housing and highway matters due to remaining concerns about the appropriateness, certainty and deliverability of sufficient mitigation for sites 1.3 and 1.4 on the eastern boundary of the city.

1.4 This is not to say that DtC discussions have not been ongoing, more that there remains a distance between the parties on what can be agreed at this point in time. The unresolved issues in relation to education are dealt with in the joint statement submitted on behalf of

The Council House, Corporation Street, Derby, DE1 2FS
derby.gov.uk

To view Derby City Council Privacy Notices please visit derby.gov.uk/privacy-notice
Please recycle this letter



Derbyshire County Council and Derby City Council in their roles as Local Education Authority. Therefore, the remainder of this statement addresses unresolved matters in relation to the two proposed strategic housing allocations on the eastern boundary of the City set out in strategic policies 1.3 (Acorn Way) and 1.4 (North of Spondon). Dialogue with officers at EBC in relation to a SCG remain open.

- 1.5 In relation to affordable housing, EBC remain of the view that the City Council should not have nomination rights to affordable housing provided by the housing allocations at Acorn Way or North of Spondon. So, no progress has been made in this respect, despite there being clear evidence of need arising from the city. Instead, the strategic policies for sites 1.3 and 1.4 continue to seek to deliver 10% of homes as on-site affordable ownership with financial contributions towards another 20% to deliver affordable housing elsewhere.
- 1.6 EBC justify this approach on the basis that the demand for affordable housing in this part of Erewash is limited, as such the public benefit would be better utilised by accepting a financial payment in lieu of on-site provision in order to fund provision in locations of higher demand. It is understandable that the need for affordable housing in this part of the Borough is limited as the sites on the edge of Derby are poorly related to the main built-up areas of the Borough. However, there is nothing in adopted Core Strategy policy 8, which we note is not the subject of review despite there being more recent housing needs evidence, which requires or justifies the approach taken to off-site contributions in relation to sites 1.3 and 1.4. As such, we would question whether this approach meets the 'robustly justified' test for deviating from requiring affordable housing to be delivered on site as set out in paragraph 63 of the NPPF.
- 1.7 In relation to highway matters, rather than seeking to repeat the comments submitted at Regulation 19 stage (ref 227), the below comments seek to provide updates to the views previously expressed, where possible, or to add to the City council's comments in respect of new information related to transport modelling, infrastructure delivery plan and viability assessment.

Matter 6 Housing Allocations – 1.3 Acorn Way

- 1.8 Questions 6 (G-I) seeks views as to the highway impacts arising from housing allocation 1.3 – Acorn Way. We note as part of the Examination process that additional work has been submitted by EBC in relation to transport modelling. Part of this revised transport modelling, undertaken by Systra, proposes a junction improvement scheme at the Acorn Way/Raynesway Junction. In terms of this route, it serves as the main utility corridor. There are gradient issues, and the width of the existing Nottingham Road means that any further widening at this junction would require central refuges to be constructed for any crossings and hence further widening requiring third party land.

- 1.9 Derby City Council has looked at schemes in the past and been unable to identify a deliverable improvement. We have not seen the details of any proposals arising from the Systra modelling for this scheme and therefore cannot comment on whether it would be either effective or deliverable mitigation. Nor are the details of any scheme set out in the infrastructure deliver plan (IDP) as mitigation for this site. It is not clear therefore whether any improvements to this junction are proposed as a result of housing growth on the edge of the city in the Erewash Core Strategy, despite these being part of the mitigation package tested for the transport modelling.
- 1.10 We also note that the Systra modelling proposes mitigation in the form of a cycle link from Derby Road to the Acorn Way via the Brook Farm development (located in Derby City). Whilst policy 1.3 requires an *“improved multi-user crossings of Acorn Way to encourage safe use of Morley Byway 29 and Morley Foot Paths 31 & 32 into the open countryside”* this does not appear to represent the scheme that Systra have modelled or the benefits the modelling relies upon. Nor are any details included in the modelling to demonstrate that the cycle link scheme is deliverable, particularly in relation to the use of third party land. The cycle link scheme does not appear in the IDP or the viability testing, suggesting that this is not being taken forward despite it being included in the mitigation package in the transport modelling.
- 1.11 In terms of the mitigation required by policy 1.3 in relation to the proposed improvement to the bus service serving the site; we note that the viability assessment assumes a contribution of £100,000 towards this, although this has not yet been agreed with the developer, according to the IDP. Our own discussions with local bus operators would suggest that to achieve a frequency of 3 buses per hour, which we would seek in this location (in accordance with “Buses in Urban Developments” – CIHT (2018)) would cost in the region of £1,000,000 over a 5 year period. Clearly the lack of agreement with the developer on these costs, and the testing of a wholly inadequate level of funding through the viability work, suggests that we can have little confidence that this mitigation can be delivered in ways that secure a sufficiently regular and sustainable bus service to serve this site.
- 1.12 For the reason set out above we remain concerned that the mitigation identified through the transport modelling, the IDP and viability testing is insufficient, unclear and uncertain to deliver the stated benefits in relation to site 1.3.

Matter 6 Housing Allocations – 1.4 North of Spondon

- 1.13 Questions 7 (G-I) seeks views as to the highway impacts arising from housing allocation 1.4 – North of Spondon. Policy 1.4 as drafted requires the “Creation of a new vehicular junction and pedestrian access on to the A6096 Dale Road, associated pair of bus halts, and a pavement along the west side of the A6096 Dale Road to Spondon”. Whilst this mitigation is welcome, the proposed layout submitted with the current planning application for this site has only one point of vehicular access therefore it is considered highly unlikely that there would be any interest, or demand by virtue of the proposed scale of development for the routing of a bus service through the development site. As such, the linear nature of the site means that residents would therefore have to walk over 900 metres to the nearest bus stop on Dale Road, from the development's furthest extremity. It has been a long held standard that a 400 metre walk distance is the acceptable maximum. However, the CIHT guidance on Buses in Urban Environments, suggests that on routes with a frequency of service of less than 5 buses per hour this distance should be even less.
- 1.14 Furthermore, the improvements to Dale Road, set out in the IDP, are currently limited to the nearest bus stops, and the addition of a footway to adjoin the existing substandard provision on the western side of Dale Road. No consideration has been given to how pedestrians would cross Dale Road to access an improved bus stop on the eastern side of the road.
- 1.15 For the reason set out in paragraphs 1.8-1.14 we remain of the opinion that the mitigation proposed for sites 1.3 and 1.4 is insufficiently attractive to encourage people away from unsustainable car trips. Furthermore, the mitigation package outlined, in the form of updated transport modelling, IDP and viability testing appears both uncertain and unlikely to be delivered. As such our previously stated concerns that these sites would result in an unsustainable car borne form of development, on the edge of the city with a network of unclassified local roads that experience queues and congestion as a result of local traffic, and traffic from the wider area that avoids the A38/A61/A52, have not been addressed.

We trust these comments are of assistance in your examination of the Erewash Core Strategy Review.

Yours sincerely



Paul Clarke
Chief Planning Officer