

Hearing Position Statement ECONOMIC GROWTH SITE EGS1- Lily Street Farm Housing Growth sites Policy HGS1 – Lily Street

Name of Representor: SWANWICK PARISH COUNCIL [George Soudah (GS) or John Briggs (JB)]

Hearing to which relates: THURSDAY 28 JUNE 2018 (PM)

Cross referenced to submitted documents: DLP0208 (SPC/GS), DLP0201 (SRA/JB)

Other documents are referenced in the body of the position statement with page numbers if appropriate. Where pages numbers are not evident then pdf page numbers are indicated.

A. Background:

An extract from DPL0201 John Briggs & Swanwick Residents' Association is offered as background to the inclusion of Lily Street Farm Economic Growth Site Policy EGS1

1. Lily Street Farm, Derby Road, Swanwick is first identified in Policy EGS1 on Page 61 as '*land where planning permission has been granted for mixed-use development, including an element of business and industrial uses*'.
2. The Lily Street Farm site was submitted by landowners/developers and identified in the former Amber Valley Borough Council Core Strategy as one of 16 potentially strategic sites for future development. The proposer first of all submitted the site for 1,430 dwellings only, secondly for employment land only and then as a mixed-use site. The site was considered and included in the public consultations on the Core Strategy. Council Officers did not recommend the site and it was therefore not included in the Pre-submission draft of the Core Strategy.
3. However, at a scheduled Full Council meeting on 23rd July, 2014 at the Town Hall, Ripley the 'published papers' i.e. Agenda and Appendix C unequivocally stated that Lily Street Farm was NOT recommended by Officers as a potential development site.
4. Not until the following morning did the Parish Council discover that a without notice 'Amendment' had been proposed by the Cabinet Member for Regeneration, which was ACCEPTED by the Mayor and supported and carried by a now Labour majority controlled administration that had recently taken over. This AMENDMENT was to include Lily Street Farm as a now recommended site. The decision was not made public until the minutes of this

meeting were issued 7 days later, which had the effect that members of the public were misled into believing that the site at Lily Street Farm had NOT been recommended. The recommendation by Council Officers had been overturned within the confines of the meeting and the public consultation had commenced the following Monday, 28th July 2014 with the public unaware of this significant decision having been taken.

5. The Council Officer's decision NOT to recommend was made quite clear in a briefing note to Full Council Members before the decision was taken to reverse the situation and was briefly this:-

Lily Street Farm was previously considered by the Council as one of 16 potentially strategic sites and not recommended.

Principal reason why not proposed by Council was that Officers, supported by conclusions of the sustainability appraisal, considered that the site is not well related to existing development in either Alfreton or Swanwick.

That its development would urbanise an open break between Swanwick and Alfreton.

Consideration of mixed-use schemes for housing and employment development would prejudice comprehensive review of employment land provision to be undertaken in Part 2 of Local Plan.

Development of Lily Street Farm for housing would mean that the potential of the site to deliver high quality business and industrial development would be diminished.

6. No evidence has been provided in support of the proposed amendment.
7. Members were advised that if the Council were minded to accept the AMENDMENT to include Lily Street Farm, it will be necessary to record the planning reasons for including the site. Planning reasons would have to be sufficient to counter the original Officer's recommendation and the independent sustainability assessment. *
8. With regard to the last item on the briefing note above *, the minutes of the 23rd July meeting bizarrely record the following

'that in proposing the AMENDMENT that the site at Lily Street Farm, Swanwick needs to be promoted as a potential site for 600 houses because it is a valuable employment site which would give the best way of delivering sustainable development with jobs next to houses.'

9. This single planning reason can hardly be considered as sufficient to counter the original Officer recommendation, which was appropriately supported and evidenced, particularly within the Sustainability Report – Employment Land pages 6/7/8 reference paragraphs 6.30 to 6.39, which had been out to public consultation.

10. The agenda for the reconvened Independent Public Examination of the Amber Valley Core Strategy for 17th December, 2015 issued by the Planning Inspector indicated that the site at Lily Street Farm was to be discussed as a 'site specific allocation' and Mr John Briggs was invited to speak as a public participant. The sudden withdrawal of the Core Strategy by Amber Valley Borough Council from the Public Examination prevented this from taking place and therefore the opportunity was denied to examine fully the circumstances surrounding the last minute inclusion of this site.

11. For the record, Mr. Roy Foster, the Planning Inspector's notes issued prior to the scheduled timetable meeting on 17th December 2015 state:

'Note: a larger site for 1430 dwellings was identified in the SA of December, 2013 as 'having few significant environmental impacts but performs poorly in terms of access to services and is not well related to deprived areas (p109). It was regarded as 'moderately-performing' (p50), but not allocated because it is 'not well related to existing centres or within easy walking distance of services' and its proximity to the A38 junction would encourage 'less sustainable forms of transport'. The subsequent SA October 2014 commented (p131) that the mix of development now proposed on a smaller site raises 'few significant environmental impacts but performs poorly in terms of access to services and is not well related to deprived areas'. The SA September 2015 (p132) retains the same comments and concludes at p55 that 'this smaller site offers a sustainable option for a mixed use development providing the opportunity for people to walk to work'.

12. As a comparison to the above events of the evening of 23rd July 2014, the minutes of the Amber Valley Borough Council Meeting held on 1st March 2017 in which the Council considered a report seeking approval to include policies and proposals in a Draft Local Plan, for the purpose of public consultation.

13. Once again, a without notice AMENDMENT to the report was proposed by a Councillor and seconded to; 'Replace Policies HGS6 and HGS5, the Bullsmoor and the Belper Lane proposals, in their entirety, instead of adopting the findings of the AECOM Housing Needs Assessment and the resultant Strategy contained within the NP4B Neighbourhood Plan for Belper Draft 2

Built Environment and Housing document that has been supplied to the Council.’

14. The Assistant Director (Legal & Democratic Services) advised that this was not a valid amendment, as the report was recommending policies and proposals for the purpose of public consultation and it would not be in the public interest to remove sites from the Draft Local Plan before the public had received the opportunity to comment on them.

15. A councillor replied that the Bullsmoor site had been consulted upon two years ago during the Core Strategy process and to repeat the process was not an effective use of Council resources.

16. The Assistant Director (Legal & Democratic Services) made reference to case law R (Medway Council) v Secretary of State for Transport (2002) EWHC 2516 (Admin) and then paragraph 6.14 of the Officer’s Report, which set out the reasons why the potential sites had been included in the Draft Local Plan. He emphasised to Members that it was important that all options be considered by the public before any decisions were made to either include or exclude sites from the Local Plan and that the Council could not act irrationally.

17. In view of the two comparisons given above on the due process adopted by the Council regarding acceptance/rejection of without notice AMENDMENTS on 23rd July, 2014 and 1st March, 2017 respectively, it is quite clear that there has been a serious inconsistency in the way without notice amendments have been addressed. Both cases are examples of politics and not rationality influencing the proposals for the Local Plan.

A. Representation

Turning to CD01 [Amber Valley Borough Local Plan - Submission Local Plan 2018](#)

Policy HGS1 Housing Growth Sites

1. Lily Street Farm development (AVA/2014/1154) is not included within this policy on page 42 despite the projected delivery of up to 600 dwellings and outline planning consent having been granted. The proposed development does not appear to contribute to the total figure of new housing development that is calculated as 3536. It is not covered by a site specific policy to guide future reserved matters applications.

2. Lily Street Farm has been listed as a Large Greenfield site with outline planning permission in Appendix 1(a) but has not been identified as a Housing site in Appendix 3.

3. Although it is a mixed development site it only features in the Plan under Economic Growth Sites Policy EGS1 (para 7.2) and Appendix 3 (page 37) Policy Plan ESG1(172 pdf page).

Policy EGS Economic Growth Sites

4. AV/03 [Housing Land Supply Update as at 1 April 2018 Trajectory Large Sites](#) page 3 inaccurately records the Status of Lily Street Farm Site at 1/4/18 as OL (Outline). The site now has the benefit of Reserved matters (AVA/2017/0963) for 157 dwellings in phase 1; decision notice is dated 13 March 2018. This is not acknowledged in the update dated 1st April 2018.

5. AV/04 [Explanatory note in respect of response to question 31 of Inspector's Initial Questions 14 May 2018](#) page 9 records the following:

Lily Street Farm, Derby Road, Swanwick

This site, which benefits from outline planning permission for a comprehensive mixed use development scheme (including 600 dwellings) and from a reserved matters permission for the first phase of housing development (157 dwellings), is being brought forward by Peveril Homes, as the sole developer of the site. Based on information from the developer received in April 2018, the Borough Council expects 105 dwellings to be completed by 31 March 2023, with a further 175 dwellings to be completed by 31 March 2028.

6. Even the revised version AV/06 [Housing Land Supply Update as at 1 April 2018 Trajectory Large Sites - Revised Version](#) records the status as OL In addition the table shows the following for Lily Street:

<i>Total Dwellings (2018/19 to 2022/23)</i>	<i>105</i>
<i>7-10 years 24/28</i>	<i>140</i>
<i>10yrs+</i>	<i>320</i>
<i>Total</i>	<i>565</i>

7. The projected delivery of a further 175 dwellings quoted in AV/04 paints a confusing picture when compared to the information in AV/03, now superseded, and will no doubt require further reserved matters application above the 157 dwelling already approved.
8. On a matter of simple maths only 565 out of the proposed 600 dwellings for which outline planning was requested are accounted for at 10+ years. What happened to the balance of 35 dwellings? Surely these should be included somewhere in the 10+ figure.

9. Lily Street Farm is not listed CD01 [Amber Valley Borough Local Plan - Submission Local Plan 2018](#) under 9. Economic Development Policies (Page 75 et seq.) or 9.1 Mixed Use Development Areas even though great emphasis was made about the proximity of job and housing; the site does combine employment and housing albeit in distinct parts of the site and was promoted on the basis of mixed development.

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10. The Local Plan does not include Lily Street Farm Housing Growth Site in any of the Policy Plans. This is a significant omission. It is vital that it is rectified. A policy plan will establish the boundary of the proposed development and restrict the Economic Growth Site to the northern boundary of Lily Street along the much prized A38 Corridor.

(Word count 1986)