

Here follow my statements on the garden village option, the National Park effect and provision for travellers. I am invited to attend each of these sessions.

I hope also to attend the session on strategic sites session 10, matters 10 and 11 to ensure that, if the OAN should be moderated, opposed sites such as the Wolds can be relieved and brown field sites get preference.

I am also invited to session 12, Ashbourne. I recall making reps concerning the need for an A515 bypass by not allocating land at Watery Lane for travellers, which is on the published and only route for the bypass. I'll check that with the PO and if necessary write a statement to the later deadline of 21st April.

STATEMENT Session 2 Matter 2.4

Housing for the settled community

The 'garden village' option

Background

1. My CV is at appendix 1. Whilst working for Homesford clients concerning pitches for the travelling community (*to follow, session 6, matter 6*) I became involved with Ashbourne folk, who are opposed to the flawed Watery Lane approval and to the excessive demand for housing sites without infrastructure, such as the A515 bypass and extension of the recycling and water reclamation sites. Later I volunteered to advise opponents of another housing site at the Wolds at the top of Matlock. (*to follow, session 12 matters 10 and 11 issue 5...*).
2. The Plan is driven by the then Govt's NPPF (*see appendix 2*) and the subsidiary Objective Assessment of Need. The title OAN is an abuse of English: it is mainly an expression of demand from those from outside the District who already have a house but want to upgrade to a better house or in a better setting. In long accepted planning terminology, that is not "need" but demand. I don't have the resources to challenge the figure of 6500, and note that it is challenged in both directions.
3. There are however 2 ways the OAN might be moderated :-

The NP effect.

4. *Expanded and considered at session 3 matter 3.5 below.* The Plan must recognise that DDDC has a housing area of which one half is in the National Park LPA. In the Peak Park (where I live and developed housing policies) we have policies that preclude more than 1000 or so homes for locals to 2033. It is unreasonable to expect the DDDC to meet all the OAN in half the area, given the circumstances on most sites. As agreed in principle by the EIP in Lewes DC / South Downs NP, the OAN was reduced by a factor. I don't have a proposed figure – better informed officers should accept the principle and arrive at a %age reduction. In Lewes it was 30% (*See appendix 4*)

The Garden village option

5. There are fundamental flaws in the endless expansion of existing towns and villages. DDDC have allocated at least 6 such sites, where there are strong and cogent objections to expansion onto green field and into wildlife habitat, with inadequate infrastructure.
6. The last and worst site to fall to this bad strategy and policy is the Wolds at the top of Matlock.
7. The Plan should recognise Government policy that encourages and funds so called Garden Villages. <https://www.gov.uk/.../first-ever-garden-villages-named-with-government-support>
8. Government has welcomed the involvement of CLTs in the application of the policy. www.communitylandtrusts.org.uk/ The National **Community Land Trust** Network is the official charity supporting **Community Land Trusts** in England and Wales.
9. The council says it has not taken forward the Garden Village option because *“no sites of sufficient size were put forward, some sites were beyond the District and there was insufficient evidence that such an option would be commercially viable”*
10. The fact that a couple of attempts by others to do so failed is irrelevant. It is symptomatic of the Council’s over-enthusiastic support for the commercial building sector that it decided not to take any active steps to take advantage of Govt policy and funds. The 5-year supply is in place. Full provision for the moderated OAN can be achieved within the later years, or sooner. This time frame allows for the creation of an appropriate CLT or the expansion of an existing CLT. It allows for a farm or farms or a derelict site (such as Mercaston pits, not yet assessed) to be acquired and developed under new town rules.
11. In Youlgrave village it took c.5 years to
 - Receive the results of a needs survey
 - adopt a commitment to provide community led housing;
 - to find the site;
 - to create a CLT
 - to seek the funds
 - and to complete and occupy 8 units.

Youlgrave was generously assisted by DDDC’s housing director and a capital contribution by DDDC. Bradfield has followed and Wirksworth have begun the process.

12. The Plan should approve in principle a policy or commitment to support the creation of CLTs and a policy to search for a new village in the south of the District closer to Derby City. *If invited I can draft such policies*
13. The reduction of the OAN by means of a Garden Village and/or an allowance for the NP effect will allow for the removal of at least one opposed site – the Wolds – and hopefully more.

14. Also, I note and support the case made by the Matlock Civic Society that green field sites must not be approved until the large brownfield sites have been developed. This is Govt policy and is funded by D2N2 grant and loan schemes.



Growth Deal
Pipeline Application

15. Cawdor Quarry is already in the pipeline
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STATEMENT

Session 3 Matter 3 Issue 5

The national park effect and the PDNPA contribution

16. The Inspector previously listed this matter as 'the National Park effect'. He then raised the issue as 'the PDNPA contribution'. These are two separate issues :-

The National Park effect

17. The Plan should recognise that DDDC has a housing area of which one half is in the National Park LPA. In the Peak Park (where I live and helped develop housing policies) we have policies that preclude the anticipation of more than 1000 or so homes for locals to 2033. It is unreasonable to expect the DDDC to meet all the OAN in half the area. As agreed in principle by the EIP in Lewes DC / South Downs NP, the OAN must be reduced by a factor (*see appendix 4*). I don't have a proposed figure – better informed officers should accept the principle and arrive at a %age reduction.
18. This concept has been raised by more than one representor. It has I gather also been discussed between the PDNPA and DDDC officers, which I hope to obtain and list as *appendix 3*. I have read the Lewes proceedings which I add as *appendix 4*.

The PDNPA contribution.

19. As the designer and implementer with others of the PDNPA's housing policies and the establishment of a specialist Housing Association (PDRHA), I can confirm that there isn't and can't be a commitment to a target. Approvals are granted case by case to meet proven local needs, or to achieve the enhancement of the Park, or to make use of redundant buildings. Each case, especially if more than one unit, is hard fought because there are almost always grounds for doubt or a degree of harm.
20. I gather that the PDNPA will be present at this session to assist.
21. In summary, a larger contribution from the PDNP cannot be anticipated and the OAN should be reduced to take account of the Park and the qualities in the District outside the Park

HOUSING IN THE DDDC LOCAL PLAN

STATEMENT

Session 6 Matter 6 Issues 1 to 4. Gypsy and Traveller Provision.

1. In May 2015, I was recruited by the owners of the Woodyard, a clean brownfield site near Homesford, to help them with their wish to sell the business and land. The site has the benefit of existing use rights for B1, B8 and ancillary retail, and two planning permissions. The first is for an untraditional shed for agricultural use and the second for 3 travellers' pitches subject, among other things to the construction of a 2m fence.
2. My clients did not ask to provide for the travellers. The idea was raised by the DGLG and DDDC, without asking or telling them. The travellers' application was in response to the DDDC's long unmet need to provide, then, for 6 permanent pitches. The need is now for 9 pitches.
3. I discovered a history of obstruction after the previous DDDC CEO had retired. David Wheatcroft had been sympathetic to a tourism use of the site such as holiday lodges. His then head of planning wrote to my clients and a third party to confirm. At the time, there were LEADER grants for such development. Applications were resisted on dubious landscape grounds, led by the DVWHS secret panel. Eventually, DVWHS relented and agreed to a tourism use - 6 camping pods. DDDC has now issued a pre-application advice for approval of Pods, but too late. A human rights complaint will follow.
4. However, the tourism grant is no longer available. Given the selection of the site for travellers and the growth of the need to 9 by DCC and DDDC by due process, a second application was made for 8 permanent pitches and a manager's pitch. This was refused again, citing the DVWHS objection, and appealed. The appeal decision is flawed in 3 key respects. *See appendix 5.* A new application if supported corporately by DCC and DDDC would be approvable. DDDC was wrong to say that the appeal blocked the proposal, one of three misleading statements.
5. Meanwhile DGLG and DDDC switched their preference from Wirksworth Ward/Division to Ashbourne Ward/Division, pursuing two sites. One was blocked by a covenant. The second current site is at Watery Lane with poor access; between a recovery site and a water reclamation works; opposite to 120 allotments and near the town cemetery. It is part occupied by badger setts. It is also constrained by the flood plain. The site is also on the formerly agreed route for the A515 bypass - now back in the Plan. It belongs to DCC who will not sell or grant a permanent lease and have not yet granted any lease. Thus, the site cannot be the permanent provision that Guidance requires.
6. Despite this, DDDC has embarked on a development scheme that would cost taxpayers over £500k. Govt policy now encourages private development for travellers. The Woodyard is available for sale at the going rate of £30k per pitch at minimal cost to the taxpayer - only supervision and possibly allocation of families in need.

Other uses of the Woodyard

7. Other credible uses are

- as a major tourism entrance, information and parking site with access to trails the canal and visitor centre
- a country store, for which there are requests
- 6 pods – high quality hexagonal structures placed on the land
- A mixed tenancy 8-unit housing scheme consistent with Govt's drive to make best use of clean derelict land for housing.

All the above are within land use policy, subject to assessment of the impact, given the unregulated existing uses and the approvals.

Issues.

1. **The pitch requirement.** I defer to Roger Yarwood. As far as I know, the need is unlikely to reduce. DDDC officers have been heard to say "if the need continues". That is unacceptable. The national system is for DCC to review the need 5 yearly. The national demographic includes inward migration by communities with traveller traditions. The Plan should make permanent provision now for the current need and review in due course.
2. **The allocation at Watery Lane.** I defer to Paul Siddall and the 100 objectors to the planning application and to Roger Yarwood. It has also been reported that one of the main family groups in need does not favour Watery Lane. It is a fact that the group has occupied several sites around the District, but never this site. (The Woodyard is robustly defended by steel stanchions.)
3. **Allocations to meet the pitch requirement.** In the view of the designer who prepared the plans for Watery Lane, 6 basic pitches is the maximum, given the constraints. It is unclear yet whether it is deliverable at an affordable cost. DDDC has still not resolved the future for the protected species, the badgers – contrary to Circular Guidance which requires a resolution before decisions are made.
4. The route being taken by the Council requires an investment of £500,000. As taxpayer, that seems unlikely, given the restrictions on the Council's capital budget. Other site(s) should indeed be allocated. The single site originally selected by due process at Homesford would satisfy the need permanently at minimal cost to the taxpayer and economically.
5. **The criteria within policy HC6.** I defer to Roger Yarwood.

In conclusion, I ask the Inspector to determine either that the Woodyard is the best site for permanent provision for 9 travellers' pitches: or indicate that one or more of the alternative beneficial uses set out in paragraph 7 above should be agreed. Previously used land has preference over fiercely contested greenfield sites.

Appendix 1

Relevant CV

I have 50 years' experience in rural planning control and policy. I majored on housing policy on several occasions. I led on the PDNPA's first local needs policy in 1988. It is now enshrined in the PDNPA Core Strategy and Local Plans. I'm a founder member of PDRHA, that has now built or taken into management over 400 homes in villages inside and outside the national park.

In my home village Youlgrave, I helped with the writing of village guidelines which were completed a few months before neighbourhood plans came into law. I introduced the village plan team to Community Land Trusts. It became clear soon after, that to meet the need for 8 houses in the village, a CLT would greatly assist in making the case for DDDC and DCLG funds and mortgages. The bids were successful and 8 houses were built in 2014 for occupation by local people in need. All 8 are now occupied by village people.

Appendix 2

The Succession of Governments and Policies.

50 years of careful preparation by successive Govts of planning policy and guidance were condensed - and many were lost - by the Coalition and Cameron govts. The current May government announced a new mission to "make Britain a country that works for everyone". Everyone will wish to see this applied to planning for housing...

This Plan is to last until 2033. During the period to 2020 the May Govt will no doubt be asked to provide for a wider range of housing than is currently the case. Later by 2033 there will be at least 2 new Governments.

Appendix 3

Notes of a discussion between PDNPA and DDDC officers concerning the PDNPA contribution and the NP effect. To follow – relevant officers on leave.

Appendix 4

Link to the Lewes EIP :-

Report to Lewes District Council and the South Downs National Park Authority

by Nigel Payne BSc (Hons), Dip TP, MRTPI, MCMI an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 22nd March 2016

Long retired, I'm no longer qualified or able to fully analyse the relevance of this decision to the DDDC plan.

I've discussed it at some length with the PDNPA Director of Planning today (12 April deadline). He has delegated the issues to Brian Taylor and Ian Fullilove. Both are currently on leave.

Our (possibly inadequate) understanding is that the full OAN in Lewes is c.10,000 units. The EIP established that the OAN must be moderated by policies and circumstances - in the South Downs Park and in the Low Weald outside the Park, and in the towns between the SDNP and the sea.

The conclusion agreed by most participants and the Inspector is that 6,900 units can be identified. That's a reduction of 3000 units or 30% on the OAN target. In other words the OAN, whether flawed or not, is a target not a mandate.

This contrasts very sharply with the DDDC SLP. The Council's top table has insisted repeatedly that if the full OAN target cannot be delivered, the Plan might fall and Government might take over. It's also clear from other actions that this approach enables or drives the Council's top table to agree (or not oppose) several approvals or allocations for the private sector on green fields.

I will contact Brian Taylor and Ian Fullilove to check this after Easter and before the relevant sessions. I hope that they will attend and assist the Inspector.

Appendix 5.

Assessment by the appellant's agent of the flaws in the dismissal of an appeal to approve 9 pitches for travellers at the Woodyard Homesford.

Permanent Use as 8 - Pitch Traveller Site at The Woodyard, Homesford

ASSESSMENT OF THE APPEAL DECISION

APP/P1045/W/15/3140298

In my opinion, the Inspector's decision is open to criticism on the following grounds:

1 The Inspector Speculated that the previously approved building would not be built. The inspector concluded that there was no suggestion that the building would ever be built. This flies in the face of the evidence. The permission remained valid because a lawful commencement had been made. Clearly, if the applicant had not intended to erect the building he would not have commenced. There was no evidence to support the Inspectors findings on this matter.

As a consequence, I consider that inadequate consideration was given to the potential impacts on the character of the countryside and the World Heritage Site which would result from implementation of extant planning permissions.

2 The Inspector did not give due weight to the lack of 5 year supply of Traveller pitches. He "noted the lack of progress in identifying sites" but concluded that it was too early in the local plan process to give significant weight to this issue. Clearly the absence of progress in identifying sites was a compelling issue and the lack of progress in addressing this in the emerging Local Plan was not a valid excuse; on the contrary it should have added additional weight to the appellant's case. One

can contrast this approach with that taken in housing appeals where there is a shortfall in the 5-year supply.

3 The Inspector concluded that the proposal did not represent sustainable development based largely on its "countryside" location. He failed to acknowledge that the Council's policies, both existing and emerging, were written in a way which dictated that any acceptable Traveller site must inevitably be located in the "countryside." He failed to acknowledge that the site was very clearly in broad compliance with the locational requirements of existing and emerging Local Plans, dismissing the existing Local Plan as out of date and the emerging Local Plan as at too early a stage. On the other hand he stated that "there is a conflict with all the development plan policies to which I have been referred." This was factually incorrect and irreconcilable with his earlier assessment of Local Plan policies.

A. R Yarwood, DipTP, MRTPI