



DERBYSHIRE DALES DISTRICT COUNCIL

LOCAL DEVELOPMENT SCHEME

2018-2021

September 2018

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1. INTRODUCTION

Localism Act 2011

1.1 The Local Development Scheme (LDS) is a three year project plan which sets out the timescales for the preparation and review of Local Development Documents within Derbyshire Dales. A LDS is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The LDS must specify:

- The local development documents which are to be development plan documents;
- The subject matter and geographical area to which each development plan document is to relate;
- Which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities;
- Any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee;
- The timetable for the preparation and revision of the development plan documents; and
- Such other matters as are prescribed.

1.2 The LDS must set out (among other matters) the documents which, when prepared will comprise the Development Plan for the area. It must be made publically available and kept up to date. In order to enable local communities and interested parties to keep track of progress this LDS has been prepared and covers the period September 2018 – September 2021. This LDS supersedes the previous version of the LDS published in December 2016.

Local Plan Regulations

1.4 The Town and Country (Local Planning) (England) Regulations 2012 came into force on 6 April 2012. These Regulations prescribe the form and content of a Local Plan and Policies Map and set out the procedural arrangements for preparing Local Plans. They also list the prescribed bodies in relation to the Duty to Co-operate, the requirements in relation to the Authority Monitoring Report (AMR), and set out how information should be made available for inspection.

1.5 Following changes in legislation there is no longer a requirement for local planning authorities to specify the timetable for the production of other planning documents, such as Supplementary Planning Documents (SPDs), the Community Infrastructure Levy (CIL) and the Statement of Community Involvement (SCI) in the LDS. However, it is considered good practice, that where these are being prepared their details and timetable for preparation are set out on the local planning authorities website.

Neighbourhood Planning Regulations

1.5 Town and Parish Councils can prepare *Neighbourhood Development Plans*. These can set out the vision and planning policies for the use and development of land in a particular designated neighbourhood area. Neighbourhood Plans, must, however, be in general conformity with the National Planning Policy Framework and the local

planning authorities strategic planning policies. When a Neighbourhood Development Plan is approved by an independent examiner and agreed through a local referendum, the local planning authority must adopt it as part of its Development Plan and take it into account when making decisions on planning applications in the area.

- 1.6 As Neighbourhood Development Plans are not prepared by the District Council and their timetables are dependent on the progress made by the respective communities, they are not required to be included in the LDS. However to reflect good practice, information on neighbourhood planning activity and 'made' Neighbourhood Plans in the Derbyshire Dales is included in this LDS. More detailed information is however, available on the District Council's website¹.

The National Planning Policy Framework

- 1.7 A revised National Planning Policy Framework (NPPF) was published in July 2018. It commits the Government to the principle of a plan-led system where decisions on planning applications are made in accordance with the development plan unless material considerations indicate otherwise. The NPPF sets out the importance of Local Plans as being key to delivering sustainable development that reflects the vision and aspirations of local communities.
- 1.8 Various strategic priorities must be addressed in a Local Plan, including policies to deliver the homes and jobs needed together with any necessary retail, leisure and other commercial development. The NPPF stresses that plans must be based on adequate, up to date and relevant evidence. National planning policy sets out clear expectations about how a Local Plan must be developed in order to be justified, effective, consistent with national policy and positively prepared to deliver sustainable development that meets local needs and national priorities.

The National Planning Practice Guidance

- 1.8 The National Planning Practice Guidance (NPPG) provides complementary guidance for local planning authorities on the production, preparation and deliverability of Local Plans. The NPPG reiterates the key role of Local Plans in delivering sustainable development that reflects the vision and aspirations of local communities. It advocates the role of the Local Plan as an important tool in guiding decisions on development proposals, and acting as the starting point for decision making.
- 1.9 The NPPG sets out that the Local Plan should make clear what is intended to happen in the area over the life of the Plan, where and when this will occur and how it will be delivered. A key diagram and policies map must also be included to indicate the geographic application of the policies in the plan. The NPPG also indicates the type of documents which should form the appropriate and proportionate evidence base to support the preparation of a Local Plan.

¹ <http://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/neighbourhood-planning>

2. PROPOSED LOCAL DEVELOPMENT SCHEME

The Development Plan

2.1 The 'Development Plan' comprises one or more 'adopted development plan documents'. The Local Plan is the main document produced by the District Council which sets out the policies and proposals for the use and development of land for the period up to 2033. This is one of the documents that make up the 'Development Plan' for Derbyshire Dales. Planning applications have to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The following documents currently comprise the statutory Development Plan for Derbyshire Dales;

- **The Derbyshire Dales Local Plan** – Adopted December 2017; sets out up to 2033 the overall vision, objectives and policies for the future development of those parts of the Derbyshire Dales that lie outside the Peak District National Park. The Local Plan provides a strategy for the spatial development of Derbyshire Dales and provides a framework for promoting and controlling development. The Plan allocates sites for housing and employment development and provides development management policies for use in the determination of planning applications. The Adopted Derbyshire Dales Local Plan and Policies Map can be viewed using the following link:

<http://www.derbyshiredales.gov.uk/planning-a-building-control/local-plan-2015-16>

- **Saved policies of the Derby and Derbyshire Minerals Local Plan²** (2000 – partly revised in 2002) – guides decisions on planning applications for the extraction of minerals and associated works in the area.
- **Saved policies of the Derby and Derbyshire Waste Local Plan³** – 2005 – guides decisions on planning applications for developments associated with the management of waste material in the area.
- **Neighbourhood Development Plans** – The Localism Act 2011 introduced the right for communities to prepare their own Neighbourhood Development Plans. Neighbourhood Development Plans in order to become part of the Development Plan and used in the determination of planning applications have to follow a formal statutory process for preparation and consultation, and be examined by an appointed person. When adopted, the 'made' Neighbourhood Plan' is used to assess and determine planning applications within the Plans designated area.

There are currently two 'made' Neighbourhood Plans in Derbyshire Dales, Wirksworth Neighbourhood Plan⁴ which was brought into effect on 25th June

² <https://www.derbyshire.gov.uk/site-elements/documents/pdf/environment/planning/planning-policy/minerals-waste-development-framework/derby-and-derbyshire-minerals-local-plan-part-one.pdf> & <https://www.derbyshire.gov.uk/site-elements/documents/pdf/environment/planning/planning-policy/minerals-waste-development-framework/derby-and-derbyshire-minerals-local-plan-part-two.pdf>

³ <https://www.derbyshire.gov.uk/site-elements/documents/pdf/environment/planning/planning-policy/minerals-waste-development-framework/derby-and-derbyshire-waste-local-plan.pdf>

⁴ <http://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/neighbourhood-planning/wirksworth-neighbourhood-plan>

2015 and Doveridge Neighbourhood Plan⁵ which was brought into effect on 26th July 2018. Other areas that have been designated as neighbourhood areas include:

- Ashbourne
- Boylestone
- Brailsford
- Darley Dale
- Kirk Ireton
- Middleton By Wirksworth
- Shirley

Other Policies Material to Decision Making

2.2 Development Plan Documents carry the most weight in the determination of planning applications; however there are other documents that complement DPDs, and provide detailed guidance that can assist in the determination of planning applications.

- **Supplementary Planning Documents (SPD's)** – provide supplementary advice and guidance and are material considerations in the determination of planning applications. SPD's are not subject to independent examination but are subject to public consultation in accordance with the Regulations and the District Council's Statement of Community Involvement. The District Council had a number of SPD's that were prepared to support policies in the 2005 Local Plan on the following topics;

- Affordable Housing
- Farm building conversion design guidance
- Landscape character and design
- Matlock
- Shop front and commercial properties design guidance

It is intended that these SPDs will be updated to reflect policies in the newly adopted 2017 Derbyshire Dales Local Plan⁶.

2.3 The implementation and performance of policy documents and progress in delivering the LDS is reviewed annually through the Authority Monitoring Report (AMR)⁷. Other documents produced by the District Council include the Statement of Community Involvement (SCI). This details how the authority will encourage local communities to participate in the planning process.

⁵ <http://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/neighbourhood-planning/doveridge-neighbourhood-plan>

⁶ <http://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/supplementary-planning-documents>

⁷ <http://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/authority-monitoring-report>

Derbyshire Dales Local Plan Evidence Base and Background Documents

- 2.4 Government guidance emphasises the requirement for the preparation and review of policies to be underpinned by relevant, proportionate and up to date evidence. The District Council will continue to undertake studies and research as appropriate to support the preparation of Development Plan Documents. The evidence base to support the preparation and adoption of the Derbyshire Dales Local Plan consists of a wide range of studies, plans and strategies, produced by a wide range of organisations, not just the District Council. A significant amount of evidence has been prepared and can be found on the District Council's website.⁸

Derbyshire Dales Local Plan Review Programme

- 2.5 The Derbyshire Dales Local Plan was adopted in December 2017. Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, which came into effect on 7th April 2018 requires Local Planning Authorities to review and assess whether local plans need updating at least every five years.
- 2.6 In accordance with the National Planning Policy Framework reviews should be completed no later than five years from the adoption date of the Plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Furthermore, there is a requirement for relevant strategic policies to be updated at least every five years if the applicable housing need figure changes significantly. The Local planning authority is required to set out the timetable for producing or reviewing the Local Plan within the LDS.
- 2.7 Section 113 of the Localism Act 2011 requires that local authorities publish information at least once a year on the implementation of the Local Development Scheme and the extent to which policies set out in Local Development Plan Documents (Local Plan) are being achieved in the interests of transparency.

Monitoring

- 2.8 The Councils Authority Monitoring Report (AMR) will be the main mechanism for assessing how effectively the Local Plan is being implemented and for dealing with the risks and future unpredictable events that may affect delivery of the Plan. The results of such monitoring will identify which policies and proposals are being effective in taking forward development and those which may need some form of review.
- 2.9 The AMR monitors the progress of the LDS on an annual basis, reporting in December each year. The latest AMR covers the period 2016-2017 and is available on the District Councils website⁹.
- 2.10 Whilst a statutory requirement that a review of the Derbyshire Dales Local Plan is completed by December 2022, there may be circumstances, identified through the AMR whereby it is deemed necessary to undertake a review earlier than this date.

⁸ <http://www.derbyshiredales.gov.uk/planning-a-building-control/local-plan-2015-16/evidence-base>

⁹ <http://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/authority-monitoring-report>

- 2.11 Within the Adopted Derbyshire Dales Local Plan there is a commitment in the Housing Implementation Strategy that the District Council will continually monitor housing supply and delivery with regard to the housing trajectory and five year housing land supply. In the event that the monitoring identifies that the housing strategy is not being delivered the District Council will investigate the reasons and take appropriate action.
- 2.12 A review of the Local Plan and intervention will be dependent on the circumstances identified through the AMR and reasonable judgement applied to determine what appropriate action may be required. The Adopted Local Plan sets out that under performance of housing delivery in a single year is unlikely to require immediate intervention. Persistent under delivery would however require more comprehensive assessment, particularly where there are likely to be adverse implications for the five year housing land supply and/or the longer term delivery of the Local Plan's housing target. In this context, under delivery in circa 65% (two thirds) of monitoring years is defined as being persistent under-delivery.
- 2.13 The National Planning Policy Framework (NPPF) stipulates under the provisions of the Housing Delivery Test, that should housing delivery not provide 95% of the Local Plan housing requirement over the previous three years that local planning authorities should prepare an action plan to assess the causes of under delivery and set out proposals to increase delivery in future years. Housing delivery not meeting the required levels may therefore trigger a review of the Local Plan. Furthermore where the Local Plan policies are not being implemented as envisaged, for instance where economic development activity is not compatible with the provisions of the Local Plan or significant changes to national policy occur then a review of the Local Plan may be required.
- 2.14 Given that the Local Plan has been adopted within the last twelve months there is little evidence to currently indicate a review of the Local Plan is required. Furthermore at the time of preparing this LDS it is considered too early to predict whether a review of the Local Plan will be required over the three year period of the revised LDS (2018-2021). However, in order to reflect the Government requirement for transparency about development plan document preparation and plan making it is considered appropriate to publish a revised LDS.
- 2.15 In the event that future evidence gathering and monitoring through the AMR indicates that a review of the Derbyshire Dales Local Plan is required during the period 2018 - 2021 the District Council will revise this LDS accordingly. A revised LDS will set out a formal timetable for undertaking the review of the Derbyshire Dales Local Plan and give further information and consideration of the resources and risk management involved with the preparation and review of the Plan.