

MEMBERS BRIEFING NOTE – Urgent business

DARLEY DALE NEIGHBOURHOOD PLAN

SUMMARY

This briefing note sets out officer's recommendations in respect of the contents of the Darley Dale Neighbourhood Plan, and its general conformity to the District Council's strategic priorities.

RECOMMENDATION

1. That the comments made in respect of the policies and proposals contained within the Darley Dale Neighbourhood Plan set out in Section 2 are endorsed and that delegated authority is given to the Head of Regeneration and Policy to forward the comments to the examiner appointed to undertake the Examination of the Darley Dale Neighbourhood Plan.
2. That a report is presented to a future meeting of Community and Environment Committee that sets out the representations submitted by Derbyshire Dales District Council, and all other responses received.
3. That a further report is presented to the Community and Environment Committee that sets out the Examiner's Report findings and any recommended modifications to the Darley Dale Neighbourhood Development Plan.

1. Background

- 1.1 The report is being presented as an urgent business item.
- 1.2 The Parish of Darley Dale was designated as a Neighbourhood Area in accordance with Section 61G of the Town and Country Planning Act (as amended by the Localism Act 2011) on the 14th August 2014. The designation of a Neighbourhood Area is one of the statutory requirements needed to be in place to enable a Neighbourhood Plan to be adopted, and formally become a part of the Development Plan, and be used in the determination of planning applications by the District Council.
- 1.3 Since that time the Darley Dale Neighbourhood Plan Steering Group along with the Darley Dale Town Council has undertaken consultation amongst the local community to determine the key issues in Darley Dale and prepare the draft Darley Dale Neighbourhood Plan.
- 1.4 In accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations (2012), Darley Dale Town Council submitted the draft Darley Dale Neighbourhood Plan, to the District Council on 30th November 2018. Since that time the District Council has assessed whether the Plan meets the requirements of the statutory regulations and liaised with the Neighbourhood Plan Steering Group in respect of the arrangements for undertaking the statutory public consultation on the draft Darley Dale

Neighbourhood Plan in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations (2012).

- 1.5 Public consultation on the draft Darley Dale Neighbourhood Plan Consultation commenced on 26th February and finishes on 9th April 2019. As part of the consultation on the draft Plan, the District Council sent a letter of to all residents and businesses with the Parish of Darley Dale, statutory stakeholders and local clubs and groups, advising them where the documents could be viewed and how representations could be made upon the Plan.
- 1.6 The draft Darley Dale Neighbourhood Plan and supporting documents have been made available to view at the following locations:
 - Derbyshire Dales District Council, Town Hall, Bank Road, Matlock DE4 3NN
 - The Committee Room at the Arc Leisure Centre, Matlock
 - The Whitworth Centre, Darley Dale
 - The Café/ reception of Meadow View Community Centre, Darley Dale
- 1.7 An online form has also been made available on the District Council's website to enable residents of Darley Dale to make any representations on the draft Darley Dale Neighbourhood Plan.
- 1.8 At the end of the public consultation period all duly made representations (including those made by the District Council) are submitted to the Examiner appointed to undertake the Examination in Public of the draft Darley Dale Neighbourhood Plan.
- 1.9 To ensure that the District Council's representations are duly made delegated authority is sought to approve and submit the comments set out in this briefing note.

2. DERBYSHIRE DALES RESPONSE TO DARLEY DALE NEIGHBOURHOOD PLAN

- 2.1 A detailed review of the policies and proposals contained within the Darley Dale Neighbourhood Plan was undertaken by Officers during the local consultation on the Darley Dale Neighbourhood Plan (Regulation 14 Stage). The response provided at that time indicated general support for the contents of the draft Darley Dale Neighbourhood Development Plan but a number of comments were made in respect of the text and policy content. These comments were taken into account by the Darley Dale Neighbourhood Plan Group in redrafting the Darley Dale Neighbourhood Development Plan in readiness for submission to the District Council.

2.2 The National Planning Policy Framework (2019)¹ states ‘the policies in the previous framework will apply for the purposes of examining plans, where those plans are submitted on or before 24th January 2019. The Darley Dale Neighbourhood Plan will be examined in the context of the 2012 Framework.

2.3 Officers have now considered the contents of the draft Darley Dale Neighbourhood Plan and comments are set out in Table 1 below:

Chapter	Paragraph / Policy	Page No	Officer Comments
	General		All references to the ‘Local Plan’ should read the ‘Derbyshire Dales Adopted Local Plan (2017)’ throughout the Plan.
	General		Support is given for the footnote highlighted in green on each page of the Neighbourhood Plan which states that ‘ <i>All policies should be read in conjunction with policies in the Derbyshire Dales District’s adopted policies. No Neighbourhood Plan policy will be applied in isolation, account will be taken of all relevant policies</i> ’. This provides clear direction to the reader that all relevant policies are to be considered through the determination of planning applications and that this is not a standalone document in the wider planning framework.
1	2	4	It is considered that the vision for Darley Dale for the period up to 2033 complements the Derbyshire Dales Local Plan and is appropriate for the Neighbourhood Plan.
3	13	7	This section sets out how the Darley Dale Neighbourhood Plan sits within the context of the Derbyshire Dales Local Plan and sets out housing development that is planned within the parish. Three sites allocated under Policy HC2 of the Derbyshire Dales Local Plan (2017) are referenced in the table under paragraph 13, however this is factually incorrect as there are four housing allocations within Darley Dale as set out in Policy HC2 of the Derbyshire Dales Local Plan (2017). There is an omission of Policy HC2 (m) Land at Stancliffe Quarry, Darley Dale, 10.16 ha, 100 dwellings which should be inserted and referenced in the table.
3	18	8	Reference to ‘ <i>Documents 12 a-f</i> ’ should be deleted

¹ NPPF (published February 2019) Paragraph 214 & accompanying footnote 69

Chapter	Paragraph / Policy	Page No	Officer Comments
			and insert ' <i>Documents 17 a-f</i> '
3	Footnote 6	7	<p>Footnote 6 should be amended to reflect changes to hyperlinks that have been made to the District Council's webpages.</p> <p>Insert : 'See spatial vision, page 22 of the Derbyshire Dales Adopted Local Plan (2017) http://www.derbyshiredales.gov.uk/images/L/DDDC_Planning_Doc_2018_vweb2.pdf</p> <p>The Derbyshire Dales Adopted Local Plan (2017) policies maps are now available on the District Council's website. The web link to the footnote 6 should be amended and insert: http://www.derbyshiredales.gov.uk/images/documents/L/Local%20Plan%20-%20maps/DD%20Inset%201.pdf</p>
4	Footnote 12	9	<p>The website link is incorrect and links to a different version of the Statement of Consultation which is different to that submitted at Regulation 16 stage. The hyperlink version gives the dates '2016-2033' Insert updated website link to '<i>Darley Dale Neighbourhood Plan Consultation Statement 2017-2033</i>'.</p>
5	Footnote 15	14	<p>Following the publication of the Derbyshire Dales Landscape Character SPD September 2018, the following web link should be inserted to direct the reader as follows: http://www.derbyshiredales.gov.uk/images/S/SPD_Landscape_Character_and_Design_September_2018.pdf</p>
5	Footnote 17	14	<p>The Derbyshire Dales Adopted Local Plan (2017) policies maps are published on the District Council's website. The web link to the footnote should be amended and insert as follows: http://www.derbyshiredales.gov.uk/images/documents/L/Local%20Plan%20-%20maps/DD%20Inset%201.pdf</p>
9	69, 70, 71,	24, 25	<p>The Neighbourhood Plan sets out in several places that pre-application advice is encouraged on all major developments and minor developments outside of the Settlement Boundary for Darley Dale.</p>

Chapter	Paragraph / Policy	Page No	Officer Comments
			The additional text to paragraph 69 sets out that <i>'pre-application discussions with the Town Council is a voluntary process'</i> is welcomed. However this use of language should be repeated and clearly set out within Paragraph 71; Key Principle: Pre-application Community Engagement, Key Principle 1 for further clarification purposes that it is a voluntary rather than a formal process.
9	71	25	<p>Key Principle 2 is considered unachievable as this does not conform to statutory regulations. It is the Local Planning Authorities role to prepare a local list to clarify what information is required to accompany a planning application. In addition, information being requested with a particular planning application must be:</p> <ul style="list-style-type: none"> • Reasonable having regard, in particular, to the nature and scale of the proposed development; and • About a matter which it is reasonable to think will be a material consideration in the determination of the application. <p>(Section 62(4A) of the Town & Country Planning Act 1990). Planning applications should be accompanied by plans and drawings; ownership details and Design & Access Statement. A consultation statement for a proposal is not a statutory requirement. Therefore Key Principle 2 principle should be removed.</p>
10	Policy NP1 (e)	28	Criteria (e) duplicates Derbyshire Dales Local Plan Policy PD5 which seeks to protect the landscape character of the area and the setting of the Peak District National Park, therefore criteria NP1 (e) should be deleted.
11	109, 110	34	This paragraph sets out that <i>'as part of pre-application engagement the Town Council will seek to ensure that proposals for major development will not have visual impact on the setting of the Peak District National Park and where necessary modifications to design and landscaping will be discussed with the developer to see if alternative approaches can be accommodated.'</i>

Chapter	Paragraph / Policy	Page No	Officer Comments
			The District Council has no significant objection to the Town Council engaging with developers of major proposals prior to the submission of a planning application. However the Town Council should make it clear within the Neighbourhood Plan that any comments it makes at this stage are its own and may not represent or be the same as the District Council's in its role as a Local Planning Authority.
11	Policy NP10	34	Policy NP10 – Policy PD5 within the Derbyshire Dales Adopted Local Plan seeks to protect the setting and purpose of the Peak District National Park. As such it is considered that there is no reason why this policy should be retained in the Neighbourhood Plan and should be deleted.
12	Table 3	36	Key Design Principles for Darley Dale Parish, bullet point 3 - This essentially duplicates wording set out within Policy HC1 of the Derbyshire Dales Local Plan and should be deleted.
12	Footnote 38	36	Footnote 38 does not add any further information than that set out within Policy HC1 of the Derbyshire Dales Local Plan. Accompanying Footnote 38 should be deleted.
12	125	37	The last sentence in this paragraph is incorrectly referenced. <i>'NP3 sets out design requirement for all residential development within the Plan area'</i> . This should be replaced with Policy NP11.
12	Footnote 42	41	The additional footnote is welcomed and reinforces previous comments made by ensuring appropriate connectivity is reflected through developments.
12	Tables 4-11	38-46	The Darley Dale Neighbourhood Plan has identified nine Character Areas across the Parish. For each one it has included a table summarising the main character features and seeks to set out approaches to the Future Management of these features as set out in Tables 4 -11. These 'Future Management' statements are considered to be policy expressions which should be included within the policies of the Neighbourhood Plan and should not be situated within the supporting text. The Future Management statements are in effect policy statements that are not referred to in Policies 12 to 19. The future

Chapter	Paragraph / Policy	Page No	Officer Comments
			<p>management statements should be deleted from Tables 4-11 so that the Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by Paragraph 17 of the NPPF. With this modification Tables 4-11 will then serve the purpose of presenting a brief description of the various character areas of the Neighbourhood Area and will justify Policies NP12 to 19.</p>
12	Policy NP 12 to NP19	38-46	<p>Paragraphs 58 to 60 of the NPPF state: “58. Local and Neighbourhood Plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:</p> <ul style="list-style-type: none"> • Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; • Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; • Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public spaces as part of development) and support local facilities and transport networks; • Respond to local character and history, and reflect the identify of local surroundings and materials, while not preventing or discouraging appropriate innovation; • Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and • Are visually attractive as a result of good architecture and appropriate landscaping. <p>Paragraph 60. states that ‘Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative</p>

Chapter	Paragraph / Policy	Page No	Officer Comments
			<p>through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness’.</p> <p>Policies NP 12 to 19 seek to reinforce local distinctiveness. These policies set out features of residential development that will lead to schemes being supported. However it is considered that modification of policies NP 12 to 19 is necessary to avoid unnecessary prescription, to enable design response to the particular setting of a site, and so as not to stifle innovation or originality. The opening statement in each of these policies should be modified as follows: Delete the following in each of policies NP12 to NP19 <i>‘where the proposal demonstrates’</i> and Insert <i>‘Where the proposal is of high design quality that will positively contribute to the character of its setting and may demonstrate...’</i></p>
13	NP15 (b)	42	<p>Policy NP15 (b) requires further clarification regarding the phrase ‘routes run to the edge of sites’. The wording of this criteria is too restrictive and is inconsistent with the criteria set out in the Building for Life standards which requires that development should be well connected with the existing surrounding uses and provide appropriate linkages to improve connectivity across the wider neighbourhood.</p> <p>This wording should be revised to be consistent with the text that accompanies the policy as set out within Table 7 and footnote 42.</p>
14	137	47	<p>Paragraph 137 sets out that <i>‘Where applicable Darley Dale Town Council will also be actively involved as part of pre-application engagement process’</i>. Again additional wording should be inserted to clarify that this is a voluntary process and not statutory.</p>
14	138 Appendix D	47	<p>Appendix D: refers to a new pre-application community engagement notification form. This is not a requirement of the Derbyshire Dales pre-application advice service. It is not made clear in the text that this service is being offered by Darley Dale Town Council. Again given that this is a</p>

Chapter	Paragraph / Policy	Page No	Officer Comments
			voluntary requirement, further clarification should be provided on the form or the requirement should be removed.

Table 1- Recommended Representations on the Draft Darley Dale Neighbourhood Plan

3 NEXT STEPS

3.1 To enable the Darley Dale Neighbourhood Plan to come into force it must meet the following ‘basic conditions’ as set out in Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004:

1. Have regard to national policies and advice contained in guidance issued by the Secretary of State.
2. The making of the neighbourhood plan contributes to the achievement of sustainable development.
3. The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
4. The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
5. The making of the Neighbourhood Development Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.²

3.2 The next step is for the Darley Dale Neighbourhood Plan to be subject to an Examination by an Independent Examiner who will consider whether the statutory requirements and basic conditions have been met. The Examiner will produce a report with his/her recommendations, the reasons for them and a summary of findings. The report can recommend;

- a. The draft plan is subject to a referendum,
- b. Modifications as specified in the Report are made to ensure that the basic conditions are met and that the draft report as modified is submitted to a referendum, or
- c. The proposal is refused.

3.3 Although the District Council has provided advice and support to the Darley Dale Town Council throughout the preparation of the plan to ensure that the basic conditions are being met, the policies and proposals contained within the plan are an expression of how Darley Dale Town Council envisage the issues

² The 5th basic condition arises from the coming into force, on 28th December 2018, of the Conservation of Habitats and Species and Planning (various amendments) (England and Wales) Regulations 2018.

identified through their consultation should be addressed in the determination of planning applications.

- 3.4 To enable the District Councils comments on the draft Darley Dale Neighbourhood Plan as set out in Table 1 above to be taken into account it is recommended that they be endorsed and submitted to the Independent Examiner for his/her further consideration.
- 3.5 It is also recommended that a report is presented to a future meeting of Community and Environment Committee that sets out the representations submitted by Derbyshire Dales District Council, and all other responses received. It is further recommended that following examination of the Darley Dale Neighbourhood Plan a further report is presented to the Community and Environment Committee that sets out the Examiner's Report findings and any recommended modifications to the Darley Dale Neighbourhood Development Plan.