

Darley Dale Neighbourhood Development Plan (Submission Plan August 2018)

As you are aware I have been appointed to conduct the Examination of the Darley Dale Neighbourhood Development Plan. I can see that considerable community effort has gone into developing the Plan; in order that I may progress the Examination I would be grateful for the Qualifying Body's response to the initial enquiries below; the local authority may also have comments. The queries are not extensive but the responses will all contribute to the progressing of the Examination.

I still have considerable work to undertake in fully assessing the submitted Plan but my purpose here is to better understand the intention behind the policy content from the authors and it is not to invite new content or policies that will not have been subjected to the public consultation process. In some instances I need to be sure that the Plan policies meet the obligation to "provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency" (NPPF para 17*). It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent required for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community's intent is sustained in an appropriately modified wording for the policy.

I will concentrate here on matters of substance rather than drafting issues, unless there may be a possible misunderstanding behind an error in the text.

In order to ensure transparency with the conduct of the Examination a copy of these queries is being sent to the Local Planning Authority with a request that the exchange of emails be published on the webpage relating to the Neighbourhood Plan alongside the representations received during the Regulation 16 public consultation.

*NB As you are aware a new National Planning Policy Framework (NPPF) was published in July 2018 (now updated in February 2019) but the transitional arrangements in para 214 Appendix 1 on Implementation apply and thus this Examination is unaffected by the changed NPPF; accordingly all references to the NPPF in this document (and in the final Examination Report) are to the original 2012 NPPF document, unless otherwise indicated.

Contentious Issues:

The Local Plan allocation of a site on Old Hackney Lane – a matter determined before the Neighbourhood Plan – seems to have generated the most interest judging by the representations. Although much confusion seems to exist about how the site allocation arose, a number of comments suggest that the Neighbourhood Plan does too little to address the issues arising from the prospective use of this site and in particular about protecting the characteristic stone walls that feature in the locality. I believe there is a general realisation that the Neighbourhood Plan could not oppose the allocation (or not at least without allocating a more suitable alternative) but do you have any comments about the extent to which the new housing allocations have influenced the content of the submission Plan?

A few representations comment that they have heard very little/too little about the consultation process prior to the notification from the local authority. Two particular representations query the extent to which contributions from young people – the next generation – and voluntary groups have been sought through the consultation process. I can see that the consultation process has been

spread across a number of years and it is inevitable that there will have been variations in the level of consultation, particularly perhaps pre and post Local Plan adoption. Do you have any comments in response to the representations about the extent of participation effected within the consultations and whether it has extended to the whole community?

DDDC Comments

In accordance with Regulation 14(b) and 15, Darley Dale Town Council confirmed to the District Council that all relevant consultees with interests in the area had been consulted.

The Plan Content

The Plan period

A Neighbourhood Plan must state the period which it is covering and it is therefore appropriate to see the Plan period prominently on the front cover (although there is a stray reference to 2016-2033 in the top right corner). However, since the Plan was submitted in 2018 and cannot come into effect until 2019 at the earliest, a more appropriate Plan period would appear to be 2019 – 2033.

DDDC Comments

The District Council agrees that the timeframe for the DDNP should be amended to reflect the current timescales.

How does the Neighbourhood Plan fit with the District and national planning policies?

The representation from the local authority notes that the detail of housing sites allocated in the Local Plan is incorrect as the sites number four not three – the one omitted is at Stancliffe Quarry. Does correcting this omission affect any other aspect of the Plan?

DDDC Comments

The significance of Stancliffe Quarry within the 'Darley Hillside' character area is highlighted in the Darley Dale Place Analysis and provides a commentary on the particular constraints existing on the site and opportunities that exist to the redevelopment of the site 'to enhance the character of Darley Dale' (page 49 & 72). The site and its allocation for residential development were therefore considered when assessing the character and appearance of the 'Darley Hillside' character area in the Plan. Reference to Policy HC2(m) Land at Stancliffe Quarry, Darley Dale, 10.16ha 100 dwellings should be inserted in the table presented in paragraph 13 (page 7) of the Plan.

The representation from the Peak District National Park Authority (whilst acknowledging the content in Section 11) suggests that this section ought to make reference to the duty to have regard to the purposes of the National Park.

DDDC Comments

Additional wording to the introductory section would provide further context to the reader in terms of Darley Dale's proximity to the National Park of which is reflected in the quality of the landscapes.

A representation suggests that the Plan ought to include a map of "the future development boundary" by which I believe is meant the Settlement Development Boundary. Was any thought given to the inclusion of such a map as this section might be the most appropriate place for its inclusion (and it might be of practical benefit to prospective developers).

Your comments are invited on these lines of thought.

DDDC Comments

The District Council agrees with the Examiner that the inclusion of the Settlement Development Boundary under Policy S3 of the Derbyshire Dales Local Plan would provide further context and be of benefit to be included within Map 1 of the Darley Dale Neighbourhood Plan (page 5)..

Darley Dale Today

A representation queries why the maps of existing employment locations omit the Ladygrove Mill site?

DDDC Comments

The Neighbourhood Plan has sought to highlight those sites which are allocated as existing employment sites under Policy EC4 in the Derbyshire Dales Local Plan (2017). The Ladygrove Mill site is not identified as an existing employment site and the inclusion of the site identified a map may confuse the reader of its status

Engagement with the Community: A Key Principle

It is made clear within this section of the Plan that the engagement sought is a voluntary process, and the representation from the local authority is keen to ensure that this is absolutely clear, but it seems strange that the body that will make the ultimate decision on the planning application (and will thereby apply the Policies in the Neighbourhood Plan) is apparently excluded from mention. As the local authority representation suggests, over-formalising the process of community engagement may result in confusion between the statutory and “voluntary” expectations, not least in terms of the basis on which planning decisions will be made. The Neighbourhood Plan is intended to encapsulate the community’s policy positions to better inform prospective developers and planning decisions but it cannot amend the statutory determination procedures. Do you have any comments on these lines of thought?

DDDC Comments

The District Council would welcome further wording to make clear that it is Derbyshire Dales District Council who undertakes the decision making on planning applications as a statutory function’. Additional wording could be added to paragraph 69 as follows: ‘All decisions on planning applications are undertaken by Derbyshire Dales District Council as Local Planning Authority’.

Policy content numbering

It may be a hangover from a previous draft but it is puzzling as to why most policies comprise solely a section numbered “1” (that is then followed by a number of criteria). Since there is no second section then the “1” appears superfluous. Having said this, it might be helpful to prospective developers to have the content of the “Landscape Character” policies combined with the “Design Principles” content – resulting in single policies with two primary elements. What was the thinking behind the policy format adopted for these two, generally related, topics?

DDDC Comments

The District Council agrees that the numbering currently applied is misleading to the reader and should be removed, or alternatively as you suggest combining the two interrelated sections together into one chapter. The impact on, and the relationship with the areas landscape character is an important aspect in the overall design of any new development. Combining the two topics would be in line with the Derbyshire Dales Local Plan, which seeks to address key issues relating to

design and landscape under an interrelating theme 'Chapter 5: Protecting Derbyshire Dales Character'.

Policy NP1: Protecting the Landscape Character of Darley Dale

Paragraph 81 says that "specific support will [also] be given for implementing Green Infrastructure initiatives" but it is not an apparent feature of the Plan? A representation notes with dismay that "the valley floor and the river and its habitat are not even mentioned in this section".

DDDC Comments

The District Council agree that this statement is misleading, as there are no policies within the Darley Dale Neighbourhood Plan to support the delivery of such initiatives nor is recognised as a key issue in the introductory chapters.

I note that within this Policy criterion (c) is provided with details of specific character areas whereas criterion (e) is not. As a person unfamiliar with the topography and reliant on the images on page 26 I find it difficult to envisage which are the "least visually sensitive" parts of the valley and why the "steeper slopes" might even be feasible to develop (although some area policies suggest that it might even be acceptable?). I note from page 26 that the "upper valley slopes are relatively free from developmentreflecting previous planning policy of restraint" – do these equate with the steeper slopes? The representation from the local authority suggests that criterion e is already addressed within Local Plan Policy PD5 and I would suggest that the Local Plan Policy, whilst being equally general, is the more understandable for practical application. Your comments are invited on these lines of thought.

DDDC Comments

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) is not necessary and should be deleted.

I am puzzled about the design implications of some criteria which do not appear self-explanatory:

- "strong visual links have been maintained with both the ridge lines and the valley sides" – what do "visual links" require?
- "a layout that maintains the visual connections with the ridge lines so that the ridgelines are visible between buildings" – is there a layout that could block these?
- "roads and footpaths should run to the edge so that they connect and integrate with adjoining areas" - in practice integration can only be achieved where there are connections to be made and every site must have at least one way in and out – so what is the implication of this criteria?
- Criterion (b) of Policy NP7 is worded almost exactly the same as the overarching criterion (e) of Policy NP1 – duplication? - but it seems to accommodate "ridgeline" development but page 26 had seemed to suggest that the ridgeline or upper slopes were valued for their lack of development?
- In similar vein a representation queries "what is 'a degree of separation'" when referring to gaps between settlements?

Your comments are invited on these lines of thought.

DDDC Comments

The phrasing of wording of policies set out in the Darley Dale Neighbourhood Plan needs further clarity. The phrasing of wording used requires further revisions to ensure that it doesn't conflict National and Local policy and to ensure that it is applied as was the intention and to be effectively used as part of the determination of planning applications.

The wording of criterion Policy NP15(b) 'routes run to the edge of sites' is too restrictive and conflicts with the criteria set out in Policy PD1 of the Derbyshire Dales Local Plan which 'requires developments that are easy to move through and around and can be accessed and used by everyone'. The current wording also is inconsistent with Building for Life Standards which requires developments to be well connected and provide appropriate linkages to improve connectivity across the wider neighbourhood.

Policy NP10: Protecting the setting of the Peak District National Park

Paragraph 109 says that pre-application engagement will "seek to ensure that proposals for major development will not have a visual impact on the setting" of the National Park; however paragraph 110 is more accurate in suggesting that the visual impact of proposals will be assessed and addressed. All development will have some impact?

The representation from the local authority suggests that this Policy duplicates rather than "works in conjunction with" Policy PD5 of the Local Plan. Disparities of wording can often serve to confuse and provide the basis for differences that might be exploited. In particular it is difficult to see how criterion 2 might be relevant since there is no part of the Neighbourhood Area that is *within* the National Park?

Your comments are invited on these lines of thought.

DDDC Comments

Policy NP10 duplicates Policy PD5 of the Derbyshire Dales Adopted Local Plan which seeks to protect the setting and purpose of the Peak District National Park. As such it is considered that this policy should be deleted.

The Importance of Good Design in Residential Development

The representation from the County Council notes that the references at the top of this section (and elsewhere) relate to the 2012 NPPF and for the purposes of a 2019 publication the references need to be the latest version of the NPPF.

The representation from the local authority suggests that bullet point 3 in the tabulation and the related footnote 38 add nothing to Policy HC1 in the Local Plan and therefore are not needed (especially if differences of wording give rise to confusion) eg who defines what is the "built-up area"?

Paragraph 119 says that the Plan "encourages" the use of BfL12. Paragraph 123 says that the Plan "requires" the use of BfL12. The Policy itself is clear that the use of "BfL12 or equivalent" will be "encouraged" but then suggests that a minimum score of "9 greens" should be achieved. If the use of BfL12 is "encouraged" then a threshold of 9 greens can only be informative for the designer rather than material to a planning decision.

Do you have any comments on these lines of thought?

DDDC Comments

The representation made by Derbyshire County Council regarding the recent changes to the NPPF and references in the Plan is incorrect. The NPPF (2019) states that, ‘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. Given the Darley Dale Neighbourhood Plan was submitted on 30th November 2018, the 2012 version of the NPPF applies.

The NPPF (2012) sets out in Paragraph 157 that ‘Crucially, Local Plans should identify areas where it may be necessary to limit freedom to change the uses of buildings, and support such restrictions with a clear explanation and ‘identify land where development may be inappropriate’.

The settlement development boundaries as defined in Policy S3 of the Derbyshire Dales Local Plan are not intended to limit the supply of land for development, but to direct it to the most sustainable locations. In this regard it is therefore the role of the Local Plan to define what the ‘built up area’ of Darley Dale is. The wording set out in bullet point 3 of Table 3 in the DDNP does not accurately reflect the wording set out in policies of the Local Plan, when read as a whole, regarding what constitutes sustainable development. To avoid an unnecessary confusion between the different phrasing used in the Darley Dale Neighbourhood Plan, either the wording in bullet point 3 should be amended or it should be removed. The suggestion for the inclusion of the Settlement Development Boundary as set out above will provide certainty regarding what is considered as the ‘built up area’ of Darley Dale.

Policy NP 11: Design Principles for C3 Residential Development

A representation queries why “design principles” should only apply to residential development (and I would add a query as to why they have no relevance to C2 residential applications)? The representation from the local authority applauds the use of footnote 42 but it is unclear why this might be a consideration exclusive to Parkway and Oker? Criterion (d) appears to allow a choice between using the “principals” (*sic*) in the “Darley Dale Place analysis” or in the “Table 3” summary – Policy NP11 also says that it sets down “principles”. Given that the three do not all say the same thing (although they may be based around the same ideas) there is confusion about to which set of “principles” a designer is to work. If the subsequent detailed policies derive from the Darley Dale place analysis then are they not the most significant “principles”? Criteria 3 and 4 appear to address the same point in different words?

DDDC Comments

The amended wording to footnote 42 specifically relates to providing sufficient connections/ links between the two settlements of Parkway and Oker in the character area together and should be reinforced within criterion b of policy NP15. However connectivity is an important principle to any development and can be applied to all locations within Darley Dale. Therefore the wording of this footnote could be incorporated within the introductory paragraphs of Chapter 12 and as an overarching design principle set out within an additional criteria within Policy NP11 to be applied to all developments.

The District Council agrees that Criterion (d) of Policy NP11 is unclear regarding which ‘principles of design’ to use. The policy wording would be clearer if it is amended to cross refer to the key principles set out within Policies NP12 to NP19.

The representation from Severn Trent suggests that Policy NP 11 “could go further to push and support sustainable development”. Clearly there is a Local Plan context for this but were these issues considered in the local context during the preparation of the Plan?

Your comments are invited on these lines of thought.

Tables 4 – 11 Summaries of Character and Future Management and Policies NP 12 – NP 19
The representation from the local authority suggests that the “Future Management” element of these tables should be incorporated within the Policies (I note that some rewording would be required eg terms such as “this approach” would need more detail); at present there is no direct interconnection between the tabulations and the Policy statements and the basis for the selection of the Policy content is not apparent. There may need to be some editing to ensure that the “principles” do not stray into prescriptive detail. The local authority representation suggests that each character area Policy should open with: “Planning permission will be supported for residential development in xx where the proposal is of high design quality that will positively contribute to the character of its setting and may demonstrate:”

The representation from the local authority questions the wording of criterion (b) in Policy NP15 Policy which seems to repeat a criterion from the landscape section but without adding clarity. The representation suggests that BfL12 and/or Plan footnote 42 might provide the most appropriate wording.

Your comments are invited on these lines of thought.

DDDC Comments

The brief descriptions in the ‘summaries of the character areas’ in Tables 4 to 11 were included to provide further context to the Policies NP12 to NP19 and are derived from both the ‘Darley Dale Place Analysis Study’ and consultation with the local community. However the ‘approaches’ in the ‘future management’ column of the summary tables are not set out within the policy itself and therefore the District Council suggests that this column is deleted from Tables 4 to 11.

By amending the opening sentence to each of the policies NP12 to NP 19 will ensure that the policy will be applied in the determination of planning applications.

Please see comments above with regard to Policy NP15(b).

Policy NP 20

Within this Policy wording is “development” intended to mean improvements only (as implied in paragraph 135 and the inclusion of element 2 of the Policy) or extend to new construction and improvements (to existing) community facilities.

Your comments are invited on this line of thought.

Implementation

The representation from the local authority notes that the Appendix D pro-forma does not form part of the statutory process. Whilst its inclusion on the Town Council website may be helpful, its inclusion within a document about to become part of the Development Plan is probably not appropriate. Your comments are invited on this line of thought.

DDDC Comments

The pre-application form currently set out in Appendix D is not a requirement of the Derbyshire Dales pre-application advice service and should be removed.