



DERBYSHIRE DALES DISTRICT COUNCIL

RESPONSE TO

**INSPECTOR'S PRELIMINARY QUESTIONS,
CLARIFICATION AND COMMENTS RELATING TO
SOUNDNESS (Healthy and Sustainable Communities –
Chapter 6)**

DERBYSHIRE DALES LOCAL PLAN EXAMINATION

INSPECTOR'S PRELIMINARY QUESTIONS, CLARIFICATION AND COMMENTS RELATING TO SOUNDNESS (Healthy and Sustainable Communities – Chapter 6)

Introduction

1. The purpose of this note is to seek clarification from the Council on a number of matters relating to Chapter 6 of the Local Plan. These matters have emerged from my preparation so far, including assessing representations. I will have further questions during the preparation period.

Policy HC1

2. Paragraph 6.1 – there is only one 'Local Service Centre', Darley Dale.

District Council Response

The Inspector is correct. This is a typographical error. The District Council will prepare a modification prior to commencement of the hearing sessions.

3. The 3rd bullet point of the policy could usefully cross reference with Policy S3.

District Council Response

The District Council acknowledges the Inspector's comment and will prepare a modification prior to commencement of the hearing sessions.

4. The policy indicates that the 5 year housing supply will be monitored and that, if necessary, the Council will review the Local Plan to bring forward additional sites. However, consideration should be given to what mechanisms will be used to address any lack of a 5 year supply in the short term and, if review of the Plan is needed, what would trigger this. For example should there be a criterion which would support non-allocated sites on the edge of sustainable settlements in the circumstances where there is no 5 year supply but there would be no material conflict with other policies of the plan (see earlier comments on Policy S5), pending a Local Plan review bringing forward additional allocated sites? The policy will be discussed at the hearings.

District Council Response

In its response to IN02 (Document EX02 – Paragraph 18), the District Council acknowledged that it must maintain a five year HLS at all times. Whilst it is considered that there is sufficient flexibility of supply over and above the housing target indicated by the 2014-based population projections and housing projections (EX/03), there is merit in acknowledging that in the event of an inadequate 5 years HLS, sustainable development beyond settlement boundaries should be considered.

Prior to the commencement of the hearing sessions, the District Council will prepare a modification to Policy HC1 which acknowledges this point.

Policy HC2

5. The policy could usefully reference the policies map. The density of development to be achieved on many sites appears low. Are the densities 'appropriate' having regard to Policy S2? How have the densities been arrived at (the SHLAA?) and would it be appropriate to increase the number of dwellings on any sites such that the contributions of allocations towards the housing requirement would increase?

District Council Response

Prior to the commencement of the hearing sessions, the District Council will prepare a modification to the introductory paragraph to this Policy to include a reference to the allocated sites as identified on the Policies Map.

In regard to the density of development, the methodology for assessing the potential capacity for each site allocated in Policy HC2 is set out in Paragraph 2.35 to Paragraph 2.42 in the SHELAA (CD25). The site by site assessment and the factors that have influenced the capacity of each individual site is set out in the Appendices to the SHELAA (CD26).

The number of dwellings, identified for each of the allocated sites could be increased to provide greater flexibility against the identified OAN as set out in the HEDA report (CD28 Derbyshire Dales Housing and Economic Development Needs Assessment Final Report) However the approach taken within the SHELAA (CD26) to the assessment of sites with potential for residential development, has been of seeking to balance the need for new residential development with the need to ensure that it does not have an adverse impact upon the key assessment features including landscape character, heritage, traffic and transport. The outcome of this process is the allocation of those sites in the Derbyshire Dales Local Plan Pre Submission Draft (SD01) which the District Council considers achieve this balance.

Furthermore, the Inspector will note from the District Council's response EX02 that taking account of the 2014-based population projections and household projections, the updated analysis of the housing requirements for the Derbyshire Dales points to a lower objectively assessed housing need (OAN) of 284 dwellings per annum. This equates to an overall requirement for the plan period of 5,680 dwellings - a reduction of 38 dwellings per annum or an overall reduction of 760 dwellings. In the event that the Inspector were to consider that this lower OAN figure is the appropriate housing requirement for the plan period, the amount of oversupply would increase to 13% without the need for any additional dwellings on each of the allocated sites.

6. Some of the sites are commitments e.g. HC2(g) and HC2(m). Is the Council satisfied that there is no double-counting taking into account the figures in Table 3 on page 42? Cawdor Quarry which is allocated as a strategic site through Policy DS9 does not appear in the list of allocations in Policy HC2 whereas other mixed use strategic allocations are included. Is this because it is a commitment? The policy and specific allocations will be discussed at the hearings.

District Council Response

There is no double counting between allocations and commitments as shown in Table 3 which indicates the position as at 1st April 2016. Cawdor Quarry is omitted from Policy HC2 because it is an existing commitment which has been implemented by the commencement of development. The Inspector is also advised that a number of other sites allocated in Policy HC2 have since 1st April 2016 also obtained the benefit of planning permission.

The District Council is continuing to monitor both housing commitments and completions and will, prior to the commencement of the hearing sessions of the EIP, present an updated position with regards to housing land supply as well as an updated housing trajectory.

The site at Cawdor Quarry is included within the SHLAA in Appendix 8 to Document CD26 as a commitment (Page 541 – SHLAA49) as the site has the benefit of planning permission for 432 dwellings, of which 420 have yet to be completed. As a commitment it has not been included within Policy HC2 so as to avoid double counting. However, in response to IN05 (Question 4), the District Council has stated its agreement to Cawdor Quarry being included as an allocation and will prepare a modification prior to commencement of the hearing sessions.

The reason that the whole site, including the Permanite extension, is included within Appendix 5 (SD02) is to ensure that in the event that a revised planning application comes forward for the site for an alternative form of development to that which currently exists, that application can be evaluated against the policy requirements that are set out.

Policy HC3

7. Does 'encouragement' provide sufficient certainty that self-build housing will be delivered? On the basis that the register will indicate where need has been demonstrated then developers should be 'expected' to make provision. In addition it is for the Council to have regard to viability considerations and site specific circumstances based on information provided by developers rather than the developers.

District Council Response

The District Council consider that the self-build and custom housebuilding register is an indicator of demand for self-build and custom housebuilding, rather than a direct expression of need. It is clearly intended to provide an opportunity for individuals to register their interest in acquiring serviced plots of land without any requirement to commit to land acquisition.

The need for housing overall (of which self-build is one component), is quantified within the District Council's Housing and Economic Development Needs Assessment. (CD28). The inclusion of an expressed demand for Self-Build within

the 'need' for housing would in effect be double counting. A fact recognised in the PPG at Paragraph: 011 Reference ID: 57-011-20160401 where it states that

"Local planning authorities should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources (as outlined in the [housing and economic development needs guidance](#)), when preparing their [Strategic Housing Market Assessment](#) to understand and consider future need for this type of housing in their area. Plan-makers will need to make reasonable assumptions using the data on their register to avoid double-counting households."

In bringing forward this Policy the District Council were mindful of the comments made by the Inspector in Paragraph 46 his report on the East Devon Local Plan¹ in which he set out:

"Policy H2 requires sites of 15 dwellings/0.5ha or more to incorporate a mix of dwelling sizes. As submitted the policy also sought to require developers to make at least 10% of plots available for sale to small builders or for self-build. Making provision for a mix of suppliers of housing will help to meet the District's needs. However, I don't see how the planning system can make developers sell land to potential rivals (and at a reasonable price) and MM151 amends the policy to encourage rather than require them to do so."

Since the publication of the Derbyshire Dales Local Plan Pre Submission Draft in August 2016 the Inspector considering the Cornwall Local Plan has commented in Paragraph 168 of his report²:

"As submitted, policy 6 Housing Mix is unsound because it does not refer to the full range of types of housing and needs that developments should seek to meet. This has been addressed in MMs 43, 44, 45 and 46. The Council's published change on this policy (J.1, 46) was too prescriptive in requiring larger developments to provide at least 5% of development as serviced plots for self-build/custom-build. There is not yet the evidence to justify this level of prescription and there must be considerable uncertainty as to whether plots on large new housing estates would be attractive to self-build/custom builders."

At the present time, there are 32 entries on the District Council's Self-Build and Custom Housebuilding Register. However, not all entries specify that they would be likely to bring forward self-build housing developments solely within the plan area. On this basis, the District Council considers that there is only limited demand for self-build properties within the plan area and as such, there is insufficient evidence to justify a policy which 'requires' a developer to make provision for any self-build properties.

In practice, the implementation of the policy will be influenced by the level of demand and a housebuilders propensity/ability to release land for self-build development. In such circumstances, viability issues will be a key factor for consideration and these will be considered by the District Council at the appropriate point of determination.

¹ <http://eastdevon.gov.uk/media/1450925/east-devon-report-v1-2.pdf>

² <https://www.cornwall.gov.uk/media/21914730/cornwall-inspectors-report-final-23-september.pdf>

In order to provide further clarity, the District Council would suggest that the policy be clarified by reference to proven 'demand' with the District Council having regard to issues of viability. Prior to the commencement of the hearing sessions, the District Council will prepare a modification to Policy HC1 which acknowledges this point.

8. Is there any policy requirement relating to supporting small and medium sized builders?

District Council Response

The District Council has not proposed such a requirement. As the Inspector will note from the evidence presented, a significant proportion of new residential development across the plan area has been on small scale sites of less than 10 dwellings. The majority of such development will by its very nature be undertaken by small and medium sized builders. As such the District Council does not consider it necessary to include such a requirement within the Local Plan.

Policy HC4

9. Paragraph 6.6 refers to 'low cost sale' as one of the options to meet the 20% need for equity-based housing. However, the glossary definition of affordable housing taken from the Framework excludes 'low cost market' housing. Are the two different forms of housing and if so the differences should be explained? It is assumed that 'low cost for sale' would meet the eligibility criteria based on local incomes and house prices.

District Council Response

In regard to the provision of affordable housing, the District Council's approach as identified in the HEDNA Report (CD28 – Figure 83, page 122), is that 80% of affordable housing provision is in the form of social/affordable rent with 20% intermediate housing. Whilst low cost sale will be an option for some households, it is not the preferred solution due to low Derbyshire Dales household income levels. The confusion in paragraph 6.6 is acknowledged and prior to the commencement of the hearing sessions, the District Council will prepare a modification to address this point.

10. In the 2nd paragraph is the inclusion of 'net' necessary? To be consistent with paragraph 6.6 the 3rd paragraph should refer to 'social and affordable rented accommodation'.

District Council Response

The use of the word 'net' is considered appropriate because in some instances proposals may firstly involve the demolition or conversion of existing residential development. In such circumstances the District Council considers that it is only reasonable that the requirement to provide affordable housing applies to the net increase in the number of dwellings on a site and not the gross number.

In regard to the third paragraph, prior to the commencement of the hearing sessions, the District Council will prepare a modification to address this point.

11. The policy does not require that affordable housing is designed as an integral part of the development so as to create mixed and balanced communities. This issue should be considered.

District Council Response

The District Council acknowledges that Paragraph 50 in the NPPF states that in meeting housing need the objective should be to create sustainable, inclusive and mixed communities.

Policy PD1 sets out in the first paragraph that the District Council will require the layout and design of new development to create well designed, socially integrated, high quality places, where people can enjoy living and working. Policy PD1 sets out detailed requirements for the design and layout of new development and in the final bullet point requires that development takes account of national design guidance and Supplementary Planning Documents.

The Adopted Derbyshire Dales Local Plan (2005) is supported by an Affordable Housing Supplementary Planning Document³. Paragraph 8.1.3 of the SPD states that:

"The Council considers that on sites where affordable housing is provided this can only be achieved where the affordable housing is integrated into the design and layout of the site. With the exception of affordable housing provided as flats, the Council expects the affordable housing to be 'pepper-potted' across the site rather than being situated together in part of the site."

Although this SPD complements policies within the adopted Derbyshire Dales Local Plan, it is the District Council's intention to revise this document in order to ensure that it complements the policies in the emerging Local Plan. The intention is therefore to address the issue raised by the Inspector within a new SPD rather than through Policy HC4. However, the District Council raises no objection to the matter being addressed through Policy HC4 should the Inspector consider this to be more appropriate.

12. Policy HC4, the 30% requirement and the 80/20% split between rented and intermediate housing will be discussed at the hearings.

Policy HC5

13. Paragraph 6.11 indicates that affordable housing built under the policy will remain affordable in perpetuity. However, criterion f) relating to starter homes is excluded from this requirement and therefore there appears to be inconsistency between the explanation and policy. I assume the explanation is that starter homes do not fall within the definition of affordable housing. This should be made clear.

³ <http://www.derbyshiredales.gov.uk/images/documents/A/Affordable%20Housing%20SPD.pdf>

District Council Response

The Inspector has assumed correctly. In this instance Starter Homes are those where a minimum of 20% discount has been applied to the market value in accordance with the advice in the Planning Practice Guidance. The District Council acknowledges that this matter could be made clearer and as such will prepare an appropriate modification to the policy and preceding text prior to the commencement of the hearing sessions.

The District Council notes that the Housing White Paper (paragraph 4.19) confirms that the Government supports the approach taken in criterion (f) that Starter Homes, with appropriate local connections, can be acceptable on rural exceptions sites.

14. The phrase 'locality' in criterion a) is somewhat vague. Would 'settlement' be a better term?

District Council Response

In assessing local housing need, the District Council will undertake housing needs surveys at individual Parish level or a combination of Parishes. Accordingly, the assessment undertaken can sometimes contain more than one settlement. Use of the term 'locality' rather than 'settlement' is therefore considered appropriate.

15. Criterion d) requiring that the site is accessible to a range of local facilities and services is onerous in the context of the statement in paragraph 4.15 of the Plan.

District Council Response

The HEDNA Report (CD28 – paragraph 5.16) outlines the distribution of household incomes for the whole of the Derbyshire Dales. This demonstrates that just over a third (34%) of households have an income below £20,000 with a further third in the range £20,000 to £40,000. The types of households that are most likely to be in housing need are identified in Paragraph 23 of the Planning Practice Guidance (ID: 2a-023-20140306) and includes people who are in housing that is too expensive compared to their disposable income.

Figure 80 of the HEDNA report (CD28) indicates that households spending 30% of gross income on housing costs generates an estimated level of affordable housing need of 101 households per annum.

On the basis of the evidence, it is considered that those households in greatest housing need are likely to have less disposable income to meet the costs of travel either via the private car or public transport (where available). The availability of services and facilities is therefore regarded as a relevant consideration. As such it is considered appropriate that affordable housing is provided in those locations where occupiers of such properties can more readily access services and facilities. The requirement of criterion (d) does not indicate that there has to be access to a

specific level of services and facilities and as such allows for some flexibility in where rural exception schemes may be acceptable.

In practical terms, such sites are most likely to be provided in Tier 3 and 4 settlements, which by definition, have limited or minimal facilities.

For the reasons stated, the District Council does not consider there to be an inconsistency between criterion (d) and Paragraph 4.15.

Policy HC6

16. It is assumed that the need is for 9 gypsy and traveller pitches and not a mix of pitches and travelling showpeople plots based on the GTAA? The policy itself should refer to the total pitch target of 9 pitches for the Plan period.

District Council Response

The Inspector has assumed correctly. The GTAA (CD53 – Table 10.2, Page 166) provides a needs summary for the Derbyshire Dales in the period 2014-2034 for 9 pitches.

In regard to the requirement for the policy itself to refer to the total pitch target of 9 pitches, prior to the commencement of the hearing sessions, the District Council will prepare a modification to address this point.

17. It would appear that the 0.3 ha site at Watery Lane, Ashbourne meets the requirement for 6 pitches in the period 2014-19.

District Council Response

In accordance with Policy B of the Planning Policy for Traveller Sites (PPTS), the Watery Lane site is of sufficient size to provide 5 years' worth of provision (2014-19) against the local target of 9 pitches.

18. The Plan does not provide allocations to meet the need for the total number of pitches for the Plan period. This means the approach is not comparable with that for conventional housing sites, does not advance the aims of paragraph 4 of Planning Policy for Traveller Sites (PPTS) and raises an equality issue.

District Council Response

The GTAA (CD53 – Paragraphs 10.61 – 10.63) refers to the fact that the (now superseded) CLG Practice Guidance 'Designing Gypsy and Traveller Sites' (2008), stated that there is no 'one-size fits all' measurement for a Gypsy and Traveller pitch. The 2015 Planning Policy for Traveller Sites (PPTS) also does not provide any minimum pitch size standards.

However, the GTAA (CD53 – Paragraph 10.62) determined that a pitch of approximately 325 square metres would take into account all minimum separation distance requirements between caravans and pitch boundaries as

stipulated in the caravan and safety regulations for caravan development. A pitch of at least 500 square metres would accommodate other facilities including an amenity block.

The District Council has secured agreement from Derbyshire County Council in their capacity as landowner, to allocate 0.3 hectares of their larger landholding for use as a Gypsy and Traveller site. This 0.3 hectare site is considered to be of sufficient size to accommodate the full pitch requirement for Derbyshire Dales (9 pitches) at a minimum density of 325 square metres per pitch.

The District Council therefore considers that it is able to satisfy the aims of paragraph 4 of the PPTS.

Notwithstanding the above, the promotion of a criteria based policy will facilitate proposals on other sites to be considered across the district throughout the remainder of the plan period.

19. Some of the criteria for considering applications are somewhat onerous. Access by sustainable means (criterion c)) is not always practical. Wider issues of sustainability are as important (see paragraph 13 of the PPTS).

District Council Response

20. In criterion f) the PPTS at paragraph 13 refers to a 'high risk of flooding' so this phrase would be more appropriate than 'unacceptable flood risk'.

District Council Response

The Inspectors comments are noted. Prior to the commencement of the hearing sessions, the District Council will prepare a modification to address this point.

21. In criterion g) rural traveller sites are often seen as having an 'adverse' impact on character and appearance. The criterion would better reflect reality if it were to seek mitigation through well planned soft landscaping to reduce the impact to within acceptable bounds.

District Council Response

The Inspectors comments are noted. Prior to the commencement of the hearing sessions, the District Council will prepare a modification to address this point.

Policy HC7

22. Criterion b) is convoluted and should be expressed as 'the existing use as a dwelling is lawful'. There is a typo in criterion e) – a stray 'represents'.

District Council Response

The District Council agrees with the Inspector in regards to criterion (b) and will prepare a modification an appropriate modification prior to the commencement of the hearing sessions of the EIP.

Furthermore the District Council will prepare a modification to criterion (e) that deletes the identified typographical error.

Policy HC9

23. In criterion b) is whether the new self-contained units would have adequate privacy, natural light and outlook likely to be more of an issue? The intention of criterion f) is unclear.

District Council Response

In regard to criterion (b), it is acknowledged that the Inspectors suggestion of adequate privacy, natural light and outlook would be more appropriate. Prior to the commencement of the hearing sessions, the District Council will prepare a modification to address this point.

Proposals for the residential sub-division of dwellings should seek to ensure that they can be undertaken without significant extensions or additions to the original building, the objective being that the building when sub-divided should appear almost identical to its pre-conversion form and that any alterations deemed to be necessary, are appropriate in character to the locality. In order to discourage unrestricted alterations which can have an adverse urbanising effect, particularly in countryside locations, the policy criterion (f) seeks to encourage and maximise opportunities for the conversion of any outbuildings (where they exist) before considering extensions to properties.

Policy HC10

24. The policy does not include a criterion relating to impact on living conditions. Is this a conscious omission?

District Council Response

The District Council consider that the impact on living conditions is addressed in Policy PD1 (7th Bullet Point) which states that:

"Requiring that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity"

Notwithstanding the above, should the Inspector consider it necessary to include an additional criterion into the policy to address this matter, the District Council

will prepare a modification an appropriate modification prior to the commencement of the hearing sessions.

Policy HC11

25. The Planning Practice Guidance indicates that local planning authorities should provide justification based on need, viability and timing for internal space standards. Similarly for accessibility requirements there is a requirement to demonstrate need and consider the impact on viability. What work has the Council carried out in these respects?

District Council Response

The Inspector will be aware that as a result of representations to the Derbyshire Dales Local Plan Pre Submission Draft, the District Council in Modification M33 proposed the deletion of the requirements on Space Standards from the Derbyshire Dales Local Plan Pre Submission Draft for the following reasons:

"In terms of internal space standards, the NPPG (para56-018-20150327) states where a local planning authority wishes to require an internal space standard they should only do so by reference in their Local Plan to the Nationally Described Space Standard. The third and fourth paragraphs under flexible design and space standards make reference to optional parts of the Building Regulations which seeks to ensure that properties are more accessible and therefore more flexible for the future demographic of the plan area. However these go beyond the nationally described space standards and there is no evidence that the standards in this part of the policy will meet the future needs of the demographic of the plan area. As such it is considered that the policy should be modified to support the use of these optional standards but within the context of Nationally Described Space Standards."

Policy HC11 was subject to viability testing details of which are set out in CD19 Derbyshire Dales CIL Viability Update Report Final December 2016. Table 5.7 indicates the potential impact on the cost of development. The conclusions of the study do not indicate that this policy will have an adverse impact upon the deliverability of sites within the Local Plan.

26. The last paragraph of the policy refers initially to space standards but then at the end refers to accessibility. On the basis of M33 both should be referred to for consistency.

District Council Response

The District Council acknowledges this inconsistency and will prepare an appropriate modification prior to the commencement of the hearing sessions.

27. The policy, including the proposed mix of housing and space standards, will be discussed at the hearings.

Policy HC12

28. The requirement to enter into a legal agreement in relation to annexes created in outbuildings appears onerous. An annexe is by its very nature not a separate

dwelling and planning permission would be required for a change of use to a separate dwelling. Imposing a condition that any annexe created should only be used as ancillary accommodation would be a 'belt and braces' approach.

District Council Response

The District Council has experience of annexes created in outbuildings being converted and/or utilised as self-contained dwellings without the benefit of planning permission and subsequently gaining immunity from enforcement action through the provisions of Section 171B of the Town and Country Planning Act 1990. The consequence of this is that residential dwellings have been created in circumstances where planning permission would not have been granted. The requirement to enter into a legal agreement therefore provides a greater safeguard against the prospect of a separate dwelling being established unlawfully with inappropriate standards space, amenity, privacy etc.

Policy HC13

29. Criterion d) of the policy should also refer to existing buildings on the unit or within the locality that could be converted and would provide suitable accommodation for the worker.

District Council Response

The District Council agrees with the Inspector in regards to criterion (d) and will prepare a modification an appropriate modification prior to the commencement of the hearing sessions of the EIP.

Policy HC14

30. The policy refers to contributions to open space and sports facilities in line with local standards set out in the study report. Are these the standards set out in Table 6? If so the table should be cross-referenced within the policy for clarity. If the study report is a separate report this should be clearly signposted and the standards contained within the Plan.

District Council Response

The intention of Policy HC14 is to utilise the contents of Table 6 in the provision of on-site open space and recreation. The District Council will prepare a modification prior to the commencement of the hearing sessions of the EIP.

31. If financial contributions are to be secured by Section 106 obligations what are the implications of the pooling limitations contained within Regulation 123 of the Community Infrastructure Levy Regulations 2010 for the effectiveness of the policy?

District Council Response

As set out in the response EX02 the District Council only resolved to begin the process of introducing a Derbyshire Dales Community Infrastructure Levy at a Council meeting on 26th January 2017.

The timetable for the introduction of a Derbyshire Dales CIL envisages that it will be brought into effect in March 2018, with the use of S106 obligations to secure appropriate contributions continuing until that time.

The District Council continues to monitor the pooling limitations contained within Regulation 123 and is satisfied that prior to the implementation of CIL, this will not inhibit the effectiveness of the policy.

Policy HC15

32. Are the Council satisfied that the policy is consistent with paragraph 70 of the Framework? Criterion c) appears superfluous as, if the local community was interested in acquisition at a 'realistic price', this would be caught by criterion b). Alternatively perhaps it should only apply to Assets of Community Value?

District Council Response

Paragraph 70 in the NPPF seeks to ensure that social, recreational and community facilities are protected from loss, and wherever possible are enhanced in order to enhance the sustainability of communities. The approach taken in Policy HC15 is to protect existing facilities and also to support the provision of new facilities in accordance with the objectives of the NPPF. The District Council is therefore satisfied that the approach taken in Policy HC15 has the same objective as Paragraph 70.

In respect of criterion (b) and criterion (c), there is a subtle difference. Criterion (b) requires the facility to be marketed through a robust and comprehensive marketing exercise at a realistic price for a period of at least 12 months. The definition of what constitutes a 'realistic price' is a matter to be agreed having regard to market conditions.

In the event that the exercise required by criterion (b) fails, there is a further opportunity for the facility to be safeguarded by the involvement of the local community, possibly through an ACV but not necessarily exclusively. The policy therefore seeks to facilitate this opportunity.

Policy HC17

33. In the first paragraph 'acceptable' should be replaced with 'permitted'. The 2nd part of the policy is not entirely consistent with paragraph 74 of the Framework. Was this the intention? What is the justification for the differences?

District Council Response

The District Council will prepare a modification to the first paragraph of the Policy that replaces 'acceptable' with 'permitted'

In terms of the second part being consistent with Paragraph 74 of the NPPF the District Council considers that criterion (a) and criterion (c) are compatible with the national policy. Although criterion (b) would appear not be wholly consistent with Paragraph 74 NPPF the District Council considers that this is an appropriate requirement to include because it seeks to further the biodiversity benefits of the plan by seeking to ensure that any open space or recreational facility which is under threat of loss can be assessed for its nature conservation value as part of the determination of any planning application.

The District Council acknowledges that Policy HC17 does not address the following requirement of Paragraph 74 in the NPPF:

- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

As such, the District Council will prepare a modification prior to the commencement of the hearing sessions of the EIP to address this omission.

Policy HC19

34. The statement in paragraph 6.55 about effective travel demand measures in Matlock and Ashbourne does not appear to have any specific expression through the policy. Given that such measures are crucial to development coming forward should this requirement not be built into Policy HC19 and/or the strategic site allocation policies?

District Council Response

The Inspectors comments are noted. Prior to the commencement of the hearing sessions, the District Council will prepare a modification to address this point.

35. The bullet point relating to on-street parking is not very well expressed. The free flow of traffic is not always desirable. The following is suggested: 'Ensuring development does not lead to an increase in on-street parking to the detriment of the safe and efficient operation of the highway network'.

District Council Response

The Inspectors comments and suggestions are noted. Prior to the commencement of the hearing sessions, the District Council will prepare a modification to address this point.

36. If developer contributions are to be secured by Section 106 obligations what are the implications of the pooling limitations contained within Regulation 123 of the Community Infrastructure Levy Regulations 2010 for the effectiveness of the policy?

District Council Response

As set out in the response EX02 the District Council only resolved to begin the process of introducing a Derbyshire Dales Community Infrastructure Levy at a Council meeting on 26th January 2017.

The timetable for the introduction of a Derbyshire Dales CIL envisages that it will be brought into effect in March 2018, with the use of S106 obligations to secure appropriate contributions continuing until that time.

The District Council continues to monitor the pooling limitations contained within Regulation 123 and is satisfied that prior to the implementation of CIL, this will not inhibit the effectiveness of the policy.

Policy HC21

37. The Written Ministerial Statement of March 2015 stated that 'local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network'. What justification is provided for the policy and the maximum parking standards contained within Appendix 2?

District Council Response

The District Council received a representation from the Home Builders Federation (Rep No. 4794/66) on this matter during the consultation on the Derbyshire Dales Local Plan Pre Submission Draft.

In response Officers indicated in the report to Council on 8th December 2016 (CR01) that Vehicular parking standards for new development should be provided having regard to adopted standards, as set out in Appendix 2 of this Local Plan and was modified from "in accordance with" in the Derbyshire Dales Local Plan Draft Plan to reflect the content of the WMS.

It is not the District Council's intention to impose local parking standards on development, rather it seeks to provide some discretion about when and how the parking standards outlined in Appendix 2 are applied.

Response

38. It would be helpful to have a response from the Council on matters raised above by 24 February if possible. If the Council consider that any of the above comments and questions need to be addressed by Main Modifications (MMs) then please let me know. In this respect as advised in the Initial Questions a Schedule of MMs should be produced at an appropriate stage.
39. I am not inviting comments from other parties at this stage. I want to clarify the Council's position first. This will help me set out pre-hearing questions in due course on which all parties with relevant representations will have the opportunity to respond.

Thank you.

Mark Dakeyne

INSPECTOR

14 February 2017