

NATIONAL PARK

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EFFECT

I refer to Para 4 of my statement accompanying the booklet prepared by the Wolds Rise Group.. In it I mentioned correspondence between various parties about the effect of the Peak District National Park on the Derbyshire Dales District Council Local Plan. I now attach copies of the correspondence.

19.5.16 Letter from Local MP to Mr. Johnson 18 Amberdene Matlock includes reference to "National Park effect"

5.4.16 From CEO DDDC to Local MP seeks guidance on the so called National Park effect

June 16 from Local MP to Mr and Mrs Peter W 22 Gritstone Road Matlock again referring to need for guidance on the N.P.effect

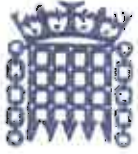
23.6.16 Letter from the then Minister of State for Housing and Planning to our Local MP referring to the so called N.P. Effect.

28.9.16 Letter from Local MP to Mr. and Mrs Hardy 16 Far Cross which leaves no doubt as to the existence of a so called National Park effect.

There have been a number of consultation, planning advisory committee and Full Council meetings over the past years. I have attended and spoken at most of them. As I consider that the area actually available for development in the Derbyshire Dale District is practically halved by the National Park, I have asked the Councillors and Planning Officer to at least mention the National Park effect as a possible constraint to their planning. There is a flat refusal to recognise any such restraint. Worse any one trying to have the constraint mentioned is either told that there is no such thing as NP effect OR that one is advocating shifting a large number of the required DDDC housing target to land in the National Park area. None of us advocate building in the National Park. They have their own problems with villages needing population increase and that is nothing to do with the question of how to deal with the DDDC housing plans.

Since the Brexit vote the only person left in the Govt. sources is our Local MP but I feel that the National Park effect still needs to be acknowledged and perhaps some policy guidance could yet be sought'

I hope the Inspector will feel able to take this matter further, unless of course he is able to recognise the National Park effect at this stage and consequently reduce the overall target figure being discussed.



Rt Hon Patrick McLoughlin MP

House of Commons
London SW1A 0AA

Mr G R & Mrs M E Hardy
16 Far Cross
Matlock
Derbyshire
DE4 3HG

28th September 2016
Ref: PM / AD

Dear Mr & Mrs Hardy

Thank you for your recent letter regarding the Derbyshire Dales Local Plan and the proposed development at Gritstone Road in Matlock.

The role of a Member of Parliament in planning decisions is very limited. They are strictly the responsibility of the planning authorities, and I have no power to intervene in the process at any stage, or to try to influence officers, councillors or inspectors.

That is why I have encouraged all constituents who have contacted me to make their voice heard in the recent consultation on the Plan.

It is absolutely essential that the Council is fully aware of the strength of local feeling, so you were able to make representations yourself and encourage neighbours, friends and family to also take part in the consultation.

However, even after the Plan is approved by the District Council, it will still be subjected to a public inquiry run by the independent Planning Inspectors, who will consult local residents once again. It remains for the community to put forward the strongest possible case as to whether or not this allocation should be included in the Local Plan.

Finally, I do acknowledge the difficult task faced by local authorities preparing Local Plans in areas part-covered by national parks and I believe there is room for improvement in terms of the guidance being offered to them. I have already communicated with the Planning Minister and Derbyshire Dales District Council on this issue on a number of occasions.

Patrick McLoughlin - Working for Derbyshire Dales
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Our Ref: 2723625
Your Ref:

Date: 20 September 2016

Dear Mr Hardy,

Thank you for your letter of 11 September 2016 to Gavin Barwell MP, about the Derbyshire Dales Local Plan. As it relates to Local Plan issues I have been asked to reply.

I am sorry to hear of your concerns about the proposed development in Derbyshire Dales. However, the Government is clear that councils and their communities are best placed to take decisions on local planning matters in their area without unnecessary interference from central government.

The Government sets the legislative policy framework within which the planning system operates. The National Planning Policy Framework and Planning Practice Guidance can both be found at <http://tinyurl.com/q7qj2g8>. A plain English guide to the Planning System is also available at <http://tinyurl.com/oenrua6>.

Local Authorities interpret legislation, national policy and guidance according to local circumstances and are responsible for Local Plan preparation and local decision-taking. The Government does not set national housing targets or require councils to provide more houses than are needed. It asks councils to identify and plan to meet the objectively assessed needs of their communities based on robust evidence as far as is consistent with national policy as a whole.

Policy is also clear that councils need to ensure there is sufficient infrastructure available to accommodate proposals brought forward in their Local Plan. This is an integral part of an evidence base, and will be tested at examination. The Framework provides strong protection for the Green Belt, National Parks and other designated rural land. The Framework also makes clear that land of the lowest environmental and amenity value - including so-called brownfield land - should be used as a priority.

The Government is committed to supporting strong, vibrant and healthy communities. Local Plans provide the best mechanism for deciding where development should and shouldn't go, helping realise the aspirations of communities

for their places. The Government therefore encourages all councils to get Local Plans in place as soon as possible. Up-to-date Local Plans will help guard against 'speculative' or unwanted development by setting the framework in which decisions on particular proposals are taken (whether that decision is taken locally or by the Planning Inspectorate at appeal). You can find out details about the progress of the Local Plan in your area at: <http://tinyurl.com/3w7hy95>.

Councils can only adopt a Local Plan that is sound - it must conform with national policy, be supported by evidence and take the views of local people into account. Each Local Plan is subject to a public examination in front of an independent Inspector and before the examination anyone with an interest in the plan will have an opportunity to make representations and may request to appear before the examination. The inspector cannot impose changes to the plan but he or she may recommend that the council undertake further work on the plan.

Without an up-to-date Local Plan decisions on where development should take place can still be taken but they become more influenced by other relevant material considerations – including national policy. However, the Framework is clear that, even in the absence of an up-to-date Local Plan, applications should not be approved if the adverse impacts would significantly and demonstrably outweigh the benefits; or if specific policies in the Framework indicate that development should be restricted. In addition emerging plans and associated evidence may carry some weight in planning decisions before they are ultimately adopted. Councils must continue to make decisions on planning applications as they are made, alongside preparing plans to guide future development.

Neighbourhood planning introduced in the Localism Act is a key part of the Government's reforms to help local communities play a much stronger role in shaping the areas in which they live and work and in supporting new development proposals. Once brought into force a neighbourhood plan will become part of the development plan, which for the first time puts the views of communities on how their area should develop on a statutory footing.

Planning law establishes that planning applications must be determined in line with an area's development plan unless material considerations indicate otherwise. All planning applications must be advertised by the council by site notice and on their web-site. At such a time you or any resident may make comments on a proposal and the council must take your views into account in reaching a decision.

You may wish to contact your council directly to find out what opportunities they are for you to influence planning decisions in your area, both in plan-making and decision-taking. If you are looking for advice about particular plans or planning applications and are unable to secure an appropriate response from the local authority, Planning Aid England may be able to assist <http://tinyurl.com/bmgx7tq>.

Yours sincerely,


Sunah Thammaiah
Planning Development Plans



**Department for
Communities and
Local Government**

The Rt Hon Patrick McLoughlin MP
House of Commons
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SW1A 0AA

Brandon Lewis MP
Minister of State for Housing and Planning

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Our Ref: 2424629
Your Ref: PM/AD/Park Effect

Dear Patrick,

23 JUN 2016

Thank you for your letter of 19 May enclosing one from Dorcas Bunton, Chief Executive of Derbyshire Dales District Council, about the so called 'national park effect' on the local plan.

Carrying out an assessment of your housing need is just the first step as Councils look to revise or draft a Local Plan. It is absolutely right that they should understand what their total housing need is, as evidence to underpin their approach to plan making, without seeking to apply particular constraints at this stage. But those constraints will be absolutely key as they develop their approach and consider how far they can go in seeking to meet their identified needs.

I understand that Derbyshire Dales are aiming to publish their Plan this summer and my officials will be in touch with the Council to discuss progress and offer help and support in order for them to get their plan in place as quickly as possible.

BRANDON LEWIS MP



Rt Hon Patrick McLoughlin MP
House of Commons
London SW1A 0AA

Mr & Mrs Peter Wild
22 Gritstone Road
Matlock
Derbyshire
DE4 3GB

June 2016
Ref: PM / AD

Dear Mr & Mrs Wild

Thank you for your letter of 9th June, which I received on 14th June, regarding planning policy in relation to the so-called 'national park effect' and the development of brownfield land. I appreciate hearing from you on these important issues.

On the first issue, I do acknowledge the difficult task faced by local authorities preparing Local Plans in areas part-covered by national parks and I believe there is room for improvement in terms of the guidance being offered to them. I have already communicated with the Planning Minister and Derbyshire Dales District Council on this issue on a number of occasions.

However, despite extensive correspondence, there remains some ambiguity as to whether the presence of a national park allows a dispensation to local authorities from having to meet their housing needs in full. I enclose some recent correspondence from both the Planning Minister and the Chief Executive of the District Council on this topic.

You will see that while the Minister stresses the importance of identifying an area's Objectively Assessed Needs as a first step, he suggests that the option remains open for a local authority to justify why it cannot meet the full extent of those needs where barriers and constraints, such as a national park, exist.

On the other hand, Mrs Bunton's letter shows that there is still some uncertainty and local authorities need to have greater confidence that Local Plans will not be thrown out by the Inspectors if they are to pursue this argument.

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Following receipt of her letter, I wrote again to the Planning Minister to relay the desire for more clarity from Government and I am currently awaiting his response. I will let you know if I receive any further information on this topic which may be of interest to you.

On the issue of the utilisation of brownfield land, I can understand your desire for a more rigid 'brownfield-first' policy. However, as you know, housebuilding fell to its lowest level since the 1920s under the last Labour Government. In order to turn this around as swiftly as possible and ensure our children are not priced out of the areas they have grown up, the NPPF quite rightly puts the emphasis on development being *viable and deliverable*.

Unfortunately, brownfield sites often need significant investment in order to get development off the ground, which can be a protracted process. If we were to introduce a rigid 'brownfield-first' policy, there would always be a significant risk that rate of housebuilding would suffer and in turn it would become even harder for our younger generations to get onto the housing ladder.

Nevertheless, this Government is still firmly committed to seeing more brownfield sites developed as quickly as possible, and I enclose a circular letter from the Planning Minister which outlines some of the steps being taken. I do hope you find it useful.

If you have any further concerns or queries, please don't hesitate to get in touch.

Yours sincerely

Patricia M'haughel


CANTON



**Department for
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The Rt Hon Patrick McLoughlin MP
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Our Ref: 2424829
Your Ref: PM / AD / Park Effect

Dear Patrick,

23 JUNE 2016

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Carrying out an assessment of your housing need is just the first step as Councils look to revise or draft a Local Plan. It is absolutely right that they should understand what their total housing need is, as evidence to underpin their approach to plan making, without seeking to apply particular constraints at this stage. But those constraints will be absolutely key as they develop their approach and consider how far they can go in seeking to meet their identified needs.

I understand that Derbyshire Dales are aiming to publish their Plan this summer and my officials will be in touch with the Council to discuss progress and offer help and support in order for them to get their plan in place as quickly as possible.



BRANDON LEWIS MP



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Our Ref: 2135363
Your Ref: PM/LM/Planning

11 MAR 2016

Dear Patrick

Thank you for your letter of 10 February in response to my original reply about planning in Derbyshire Dales.

I understand that the Derbyshire Dales Local Plan was withdrawn from examination in October 2014. The Inspector's report stated that the housing target of 4,400 homes would not meet the area's Objectively Assessed Need (OAN). The inspector expects the OAN for the plan period to be 'at least 6,500' but was clear that 'this figure should not be taken as definitive as the chosen figure involves judgements about considerations such as market signals and policy aspirations which are difficult to quantify with any precision and which the Council needs to weight in accordance with its priorities'. The Inspector further stated that it is very unlikely that High Peak Borough Council and Derbyshire Dales "would in combination be able to meet the OAN for the two areas given that both authorities are areas with sensitive landscapes".

As I explained previously, carrying out an assessment of housing need is just the first step as a Council looks to draft or revise a Local Plan. As the plan-making process develops further, consideration is then given to identify constraints and barriers and an assessment will be undertaken by the Council in how they can work with their neighbours, which includes Peak District National Park Authority through Duty to Cooperate to address their housing needs.

The Duty to Cooperate is not a duty to agree. However, the expectation is that authorities should make every effort to secure the necessary cooperation on strategic cross-boundary matters throughout the preparation of the local plan of which addressing housing need is one.

The higher figure would include the part of the Peak District National Park that is within the Derbyshire Dales boundary. As Peak District National Park Authority is the planning authority and Derbyshire Dales District Council is the housing authority, Peak District National Park Authority would be expected to draw on the housing assessments of their constituent local authorities under the Duty to Co-operate.

I understand that Derbyshire Dales District Council will publish their Local Plan in Autumn 2016.


BRANDON LEWIS MP

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1. DDCC
2. HOUSING MINISTER TO LOCAL MP
3. HOUSING MINISTER TO ALL MPs
4. LOCAL MP TO RESIDENTS



**INVESTORS
IN PEOPLE**

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Mrs Dorcas Bunton
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5th May 2016

Rt Hon Patrick McLoughlin MP
House of Commons
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Dear Patrick,

DERBYSHIRE DALES LOCAL PLAN - 'PARK-EFFECT'

Thank you for your letter received on 25th April 2016, with regards to the Local Plan and the 'park effect'.

As you will be aware, the National Planning Policy framework requires Local Planning Authorities to ensure that their Local Plan meets the full, objectively assessed needs for housing (NPPF Paragraph 47). Furthermore, NPPF paragraph 14 is clear that the presumption in favour of sustainable development for plan making means that Local Planning Authorities should positively seek opportunities to meet the development needs of their area and that objectively assessed needs should be met "..... unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted". The definition of a restricted area includes National Parks.

There is therefore, a very explicit statement in the NPPF which absolves National Parks from the requirement to meet their Objectively Assessed Needs. Therefore, the inevitable consequence of this in the case of the Derbyshire Dales, is that out of an Objectively Assessed Need for 6,440 dwellings in the period 2013-2033, the National Park are only proposing to deliver 400 dwellings. The remaining 6,040 dwellings therefore need to be identified in the 50% of the Derbyshire Dales which lies outside the National Park unless we can demonstrate that the adverse effects of development significantly outweigh the presumption that sufficient land should be allocated to meet objectively assessed needs.

In this regard, evidence through appeal decisions made by the Secretary of State clearly indicates that Inspectors are consistently affording greater weight to the social and economic benefits of delivering increased housing rather than the adverse environmental effects of development. The District Council is therefore in an invidious position of wanting to secure the adoption of a new Local Plan, however we are concerned that unless we seek to deliver our OAN in full, the risk of failure increases.

Continued...

**Dorcas Bunton, B.Sc., C.P.F.A.
Chief Executive**

Town Hall, MATLOCK, Derbyshire. DE4 3NN

For general enquiries telephone 01629 761100 or visit www.derbyshiredales.gov.uk



Continued...

In an area such as the Derbyshire Dales, there is no shortage of land owners and developers who want to propose their land for development. However, the implicit requirement of the NPPF to accommodate almost 100% of our housing needs in only 50% of our land area means that our towns and villages face the prospect of having to accommodate development on a scale that has never previously been encountered.

However, there is no guidance provided by Central Government or advice in the NPPF which acknowledges the difficulties faced by Local Authorities who are impacted by a National Park. Similarly, there is no policy guidance on what constitutes 'special circumstances' or an explanation of the circumstances which would justify not meeting Objectively Assessed Needs in full.

In the absence of any clear policy or guidance which deals with the 'park effect', Local Planning Authorities have no alternative other than to seek to meet their Objectively Assessed Needs in full, or face the prospect of their Local Plan being rejected.

The Inspector who recently conducted the Examination into the Lewes District Council / South Downs National Park Local Plan concluded that there would be unacceptable environmental consequences due to the constraints of the National Park, flood risks and other significant factors including the capacity of the road network. However, despite such factors he still increased the housing requirement from 5,600 to 6,900 dwellings.

Most of the towns and villages within the Derbyshire Dales, quite understandably object to the significant release of greenfield sites for development in order to meet Objectively Assessed Needs. However, in the case of the Derbyshire Dales, it is not possible to say that development in locations such as Matlock, Ashbourne, Brailsford, Doveridge or Hlland Ward is likely to result in material harm to the landscape character of the National Park because they will not. Therefore, unless there are clear objections from the relevant agencies on matters such as highways, flood risk etc. there is an expectation in the NPPF that such sites will be released for development.

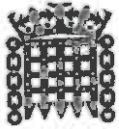
In my opinion, what is required is a clear acknowledgement in National Policy guidance that where Authorities have a National Park within their area, their ability to meet their OAN in full is not only severely compromised but is also highly undesirable. As such, they should only be required to meet an agreed proportion of their OAN which can be considered through the Inquiry process. Continuation of the current policy which forces Local Planning Authorities to meet their OAN in full unless they can demonstrate that there is inadequate capacity to do so will merely result in excessive amounts of development which will destroy the quality and fabric of our rural communities.

Yours sincerely,



Chief Executive





Rt Hon Patrick McLoughlin MP
House of Commons
London SW1A 0AA

Mr J Johnson
18 Amber Dene
Matlock
Derbyshire
DE4 3HR

19th May 2016
Ref PM / AD

Dear Mr Johnson

Thank you for your recent email regarding the Derbyshire Dales Local Plan and the proposed development at Gritstone Road and Pinewood Road, Matlock. I apologise for the slight delay in coming back to you.

I do appreciate the strength of public feeling in the area in relation to this site, which has generated a substantial amount of opposition in the community. However, I must make clear that the role of a Member of Parliament in planning decisions is very limited. They are strictly the responsibility of the planning authorities, and I have no power to intervene in the process at any stage, or to try to influence officers, councillors or inspectors.

During the site selection process for the Local Plan, the Council will take into account advice from planning officers, and will look at factors such as those raised in the petition text. There will also be contributions on roads, access and traffic congestion from the County Council, which is also responsible for the provision of sufficient school places. Drainage and flooding issues are also taken into account with input from the Environment Agency amongst others.

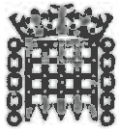
Once a proposed development site has made it into the Local Plan and the Plan has been adopted, a planning application will still have to be submitted for the site and the various concerns and considerations I mention above will be looked into again in even more detail. This will also give local residents a further opportunity to make their concerns known.

It is vital that the views of local residents are taken into account and I recently wrote to the Chief Executive of the District Council to make her aware of some of the concerns that had been raised directly with me. I enclose a copy of her response, in which she provides additional background information on how this

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proposal has come about and the wider context of the Draft Local Plan. The Council openly acknowledge the concerns of residents about the impact it would have on traffic, flood risk and local infrastructure, but have included it within the Draft Local Plan at this stage in order to explore whether these constraints can be overcome.

Finally, in relation to the issue of the so-called 'national park effect', due to which the south of the District is facing increased development pressures, I have been liaising with both the Planning Minister and the District Council. It is clear from my communications that greater clarity is needed on the issue of whether or not the presence of a National Park within an authority's boundaries allows it a special dispensation not to have to meet its development needs in full. I will try to keep you updated on this, should I be successful in obtaining some definitive answers.

Thank you once again for taking the time to make me aware of your concerns on this issue.

Yours sincerely

Patrick M'oughle