

**Agenda**  
**Session 1 – 09.30 Tuesday 9 May**  
**Matter 1**  
**Procedural and Overarching Matters**

This matter explores whether the Local Plan (LP) has been prepared in accordance with legal and procedural requirements set out in the Planning Act 2004 and the Development Plan Regulations 2012.

There are provisions relating to the Duty to Cooperate (DTC), Sustainability Appraisal (SA), publication and notification requirements and dealing with representations.

The Council has produced a Statement of Community Involvement (SCI) and a Statement of Consultation setting out how the community has been involved in the LP. Following on from publication of the LP Pre-Submission Draft in August and September 2016 the Council produced a Statement of Consultation under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (LP Regulations).

The Council has produced an overview on how it has sought to comply with the DTC in relation to 'prescribed bodies', other organisations and on cross-boundary issues in its DTC Statement. This follows on from an Interim DTC Statement of August 2016. The DTC Statement includes a Memorandum of Understanding between the District and the Peak District National Park Authority (PDNPA).

The Council has submitted a SA and SA Report and states that these have considered the significant effects of the LP and reasonable alternatives.

**Issues:**

**1. Compliance with procedural requirements including consultation/participation procedures**

The Council indicate that it has complied with the LP Regulations and its own SCI. In its statement it outlines the consultation undertaken at Key Issues and Options, Draft LP and Pre-submission Stages. Reference is made to consultation by letter, brochure, public meetings, exhibitions, workshops and seminars. Seminars have been held for Parish Councils. Although digital means have been the default method of consultation, the Council refers to paper copies of the LP and evidence base being available at Council offices and local libraries and the acceptance of hard copy letters of representation.

*1.1 Is there any evidence that the Council has not met the minimum procedural requirements or that consultation and publicity has otherwise been inadequate?*

*1.2 How have points made by participants at public and Council*

*meetings been recorded?*

*1.3 What weight has been placed on points made at public meetings or through speakers representations made at Council meetings during the LP process?*

*1.4 In what ways was public participation at the Special Council meeting on 8 December 2016 limited and why?*

*1.5 Has engagement with Parish Councils and Local Communities been acceptable?*

*1.6 Have the methods used to involve those without internet access or other hard to reach groups been satisfactory?*

*1.7 How have younger people been engaged? For example has any work been done through schools?*

## **2. Compliance with the DTC, particularly in relation to consideration of housing needs**

The Council indicates that it has fully engaged with surrounding LPA's in considering housing needs (1) referring to consultation on Housing Market Areas (HMAs) and the Housing and Economic Development Needs Assessment (HEDNA), (2) considering unmet needs and (3) drawing attention to the Memorandum of Understanding with the PDNPA. Derbyshire County Council (DCC) support the Council's approach, indicating that all adjoining LPAs have assessed and are meeting their Objectively Assessed Need (OAN).

*2.1 Is the approach within the HEDNA to a district-only OAN reasonable taking into account the overlapping HMAs which affect the District?*

*2.2. Is the failure to assess OAN based on a strategic HMA or a two tier approach (strategic and localised) fatal to the DTC?*

*2.3 Does the information about how adjoining LPAs are meeting their OAN satisfy those parties who have concerns that there may be unmet needs in the overlapping HMAs?*

*2.4 If not what other evidence should be provided?*

*2.5 Have the housing needs of neighbouring planning authorities, including the PDNPA, been taken into account particularly having regard to the overlapping HMAs?*

*2.6 Are the housing needs of Sheffield likely to have any implications for the OAN for Derbyshire Dales?*

## **3. The SA and its consideration of reasonable alternatives**

The Council refers to the scoping report for the SA and the two iterations of the SA Report. Attention is drawn to the assessment of reasonable alternatives in terms of housing targets/allocations with the latter being based on Stage B of the Strategic Housing and Economic

Land Availability Assessment (SHELAA). Mitigation and enhancement measures to deal with negative effects have been put forward.

*3.1 Does the SA meet statutory and legal requirements in relation to the assessment of reasonable alternatives?*

*3.2 Has the SA process allowed all reasonable alternative sites to be assessed at the relevant stage?*

*3.3 Have the criteria used to decide that sites are not reasonable alternatives been appropriate?*

*3.4 Are the reasons for discounting reasonable alternatives transparent and clear?*

### **Main Evidence Base**

SD09 – SCI

CD01 – Statement of Consultation

SD10 – Regulation 22 Statement

SD07 – DTC Statement

CD27 – Housing and Economic Development Needs Assessment (HEDNA)

SD12 – Legal Compliance Checklist

SD04 – SA Report

SD05 – SA Report Non-Technical Summary

### **Participants**

DDDC

Wolds Action Group (993)

Derbyshire County Council (2745)

Tansley Parish Council (3358)

Gladman Developments Ltd (3752)

The Home Builders Federation (HBF) (4794)

Acres Land and Planning for Goodall Family (5924)

### **Statements**

DDDC

Derbyshire County Council

F Burgess

Gladman Developments Ltd

Home Builders Federation

Acres Land and Planning for Goodall Family

Wolds Action Group