



DERBYSHIRE DALES DISTRICT COUNCIL

RESPONSE TO

**INSPECTOR'S PRELIMINARY QUESTIONS,
CLARIFICATION AND COMMENTS RELATING TO LEGAL
COMPLIANCE AND SOUNDNESS (OAN, housing
requirement, housing land supply and spatial strategy)**

DERBYSHIRE DALES LOCAL PLAN EXAMINATION

INSPECTOR'S PRELIMINARY QUESTIONS, CLARIFICATION AND COMMENTS RELATING TO LEGAL COMPLIANCE AND SOUNDNESS (OAN, housing requirement, housing land supply and spatial strategy)

Introduction

1. The purpose of this note is to seek clarification from the Council on a number of key matters such as objectively assessed need (OAN), the housing requirement, housing land supply and the spatial strategy to help me better judge how the Examination should proceed and to better focus my pre-hearing questions. These matters have emerged from my preparation so far, including assessing representations. I will have further questions during the preparation period. Some of the answers to the points that I raise may be contained within the evidence base. ***If that is the case please could you draw my attention to where I can find the information?***

District Council Response

In responding to the Inspector's questions, the District Council will cross reference to relevant aspects of the evidence base wherever necessary.

Duty to Cooperate (DTC)

2. I have read the DTC Statement (SD07) and the supporting appendices. I note the representations about the number of different housing market areas (HMA) that cover the District. This will be an issue for the hearings. That said I do not have any fundamental concerns about the DTC itself at this stage.

OAN

3. The Housing and Economic Development Needs Assessment (CD27) took into account the 2012-based household projections as a starting point in considering housing need. In July 2016 the 2014-based household projections were released. The Needs Assessment should be sensitivity tested against these recent projections. I understand that G L Hearn is undertaking work in this regard but I have not seen any output. In addition any implications for international migration arising from the decision to leave the European Union should be considered. ***Please indicate whether these factors have been taken into account?***

District Council Response

The District Council has commissioned GL Hearn to specifically assess the implications of the 2014-based population and household projections. A copy of this assessment is attached. This document will be added to the Examination Library.

In respect of the UK's decision to leave the EU, there are two relevant considerations. Firstly ONS' (2014-based) projections already build in an

assumption that international migration to the UK will fall in the short-term (from 330k now to 185k in 2020/1 and thereafter). Secondly, international migration to Derbyshire Dales is a very small component of overall population change.

Table 3 on page 9 in the attached update shows that international migration to Derbyshire Dales is projected to average 3 persons per annum in the ONS 2014-based Sub-National Population Projections. Over the last decade (2005-15) net international migration has averaged 1 person per annum. Given the low numbers associated with international migration it is not expected that the UK's decision to leave the UK will have any substantive impact on housing need in Derbyshire Dales District.

The Government's White Paper published today - 'Fixing our broken housing market' - indicates that the Government will consult on options for introducing a standardised approach to assessing housing requirements albeit that such an approach is unlikely to be in place such that this examination can take it into account. That said the White Paper also refers to Councils having clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people. ***Is the Council satisfied that the plan will achieve this objective?*** In particular CD27 identifies a need for over 1100 units of older persons housing including specialist housing. ***Is Policy HC11 sufficiently positive to encourage such provision?***

District Council Response

The District Council considers that Policy HC11 has been drafted to clearly support delivery of a range of housing which meets the future needs of the District's population. It seeks to provide a choice of accommodation options for older people including both general needs and specialist housing provision; with the expectation that some households will choose to downsize and is based upon the evidence set out in Figure 210 on Page 290 of CD28. Policy HC11 also notes that there are a range of types of specialist accommodation, and is clear that development schemes in suitable locations will be supported which respond to these needs.

Policy HC12 provides further support for the creation of annexes to dwellings and conversion of outbuildings. In the District Council's view these policies will clearly achieve the Government's objectives and are sufficiently positive to encourage delivery.

4. The OAN has three components – demographic need, supporting employment growth and improving affordability. However, this approach does not appear to take into account adjusting the OAN for both the need for affordable housing and market signals as recommended by the Planning Practice Guidance (PPG). In this regard it is noted that the some 100 households per year will require support in meeting their housing need and that CD28 suggests a 'modest upwards adjustment to housing provision in order to enhance affordable housing delivery'¹.

¹ Page 124 - Implications

How has the OAN been adjusted to take into account both the need for affordable housing and market signals?

District Council Response

The OAN has been derived from consideration of demographic trends, economic growth, market signals and the need for affordable housing.

The HEDNA (CD28) recognises that there are inter-relationships between these factors, with for instance any increases from the demographic need likely to result in delivery of additional market and affordable housing; and the affordable housing need sensitive to market housing costs. Figure 208 should be seen simply as one way of presenting the results.

Using the updated OAN analysis in the enclosed report, the OAN for 284 dpa represents a 60% increase on the demographic need shown by the 2014-based Household Projections. The upward adjustments made will contribute both to boosting delivery of affordable housing; and to increasing supply, addressing the market signals. The higher level of provision, by improving affordability, will allow more younger households to form.

5. The OAN should take into account an allowance for vacant homes and those that would be lost to other factors such as holiday homes and second homes. Vacancies appears to have been included thorough an uplift in the data in moving from households to dwellings (8.9%). However, with regard to the other factor and taking into account the attractiveness of the area and its proximity to the Peak District National Park (PDNP) I assume that the number of holiday and second homes is significantly above the national average. ***Has this been taken into account in the OAN and housing requirement?***

District Council Response

Yes it has. Typically a vacancy level of around 2.5% would be required in a functioning housing market for frictional vacancy. The higher rate used in the OAN calculation in Derbyshire Dales specifically taken into account the level of second homes. The figure is based on 2011 Census data on unoccupied dwellings (whether second homes or other vacant properties).

Housing Requirement

6. Policy S6 indicates a requirement for at least 6,440 dwellings over the plan period of 2013-2033. It is assumed that it is anticipated that there will be a constant rate of delivery of 322 dwellings per annum. The housing requirement would be met by a number of components set out in Table 3 which shows not so much the 'housing requirement' more an indication as to how the 'requirement' will be met. I seek clarification on how some of these have been arrived at.

District Council Response

The Inspector is correct. Table 3 indicates how the housing requirement of 6,440 will be met. The components that make up the housing requirement take account of demographic change, economic growth, and market signals – the extent of each being set out in the Housing and Economic Needs Assessment (CD28 - Page 287, Figure 208). If the Inspector considers that it would be appropriate to include greater clarity within the Local Plan on this issue, the District Council will prepare a suggested modification prior to the commencement of the hearing sessions.

7. I assume that the 'net' in terms of commitments and windfall in Table 3 of the LP takes into account any loss of dwellings through demolitions and changes of use. The same factor would presumably also apply to the other figures in the table and the 6,440 in Policy S6 itself. ***In this respect would it seem clearer if the explanation to the policy and table indicated that all figures are 'net'?***

District Council Response

The Inspector is advised that all the figures set out in Table 3 are 'net' figures. The District Council will prepare a modification to clarify this prior to commencement of the hearing sessions.

8. The PDNP contribution is shown as 358 dwellings. ***How has this figure been arrived at? Is it the estimate of 400 dwellings referred to in the DTC Statement and Appendices minus completions since 2013?***

District Council Response

The Inspector is correct. There were 42 completions within the Derbyshire Dales area of Peak District National Park over the period 2013-2016 (CD25 - Table 4, Page 18). The estimated PDNPA contribution of 400 dwellings minus completions in the period 2013-2016 results in a future estimated provision of 358 dwellings for the period 2016-2033.

9. The windfall allowance is shown as 261 units. ***How has this figure been derived?*** Taking into account the assessment of the contributions from windfalls in the SHELAA (CD25) the figure should be 255.

District Council Response

The explanation for how the windfall allowance has been derived is set out in on Page 13 of the SHELAA (CD25), with the detailed data underpinning this set out in Appendix 6 in Document CD26. The windfall allowance takes account of both small and larger windfall sites continuing to come forward over the plan period. The figure of 261 is the net windfall allowance for the period 2016-2033 and takes account of completions and commitments. The text on Page 13 indicates that the windfall allowance is "in the order of 170 units" on small sites, whereas the detailed data in Appendix 6 indicates that the figure is actually 176. There is a

rounding effect in Appendix 6 which accounts for the difference between the figure shown of 262 and the windfall allowance assumed at 261.

As the adopted Derbyshire Dales Local Plan (2005) does not allocate any sites for residential development, all sites that have come forward with the benefit of planning permissions since that time are by definition windfall sites. By deducting both completions and commitments it avoids any potential for double counting and provides a residual level of genuine windfall development that is not already accounted for.

10. Allocated sites are shown in paragraph 4.31, Table 3 and Policy S6 as providing 3188 dwellings whereas Policy HC2 and the Key Diagram show 3215 dwellings (3515 minus the 300 dwellings at Ashbourne Airfield to be delivered beyond the plan period). ***Does this anomaly need to be corrected?***

District Council Response

The total amount of development allocated on the sites identified in Policy HC2 is 3215 dwellings – however site HC2(y) Land at Tansley House Gardens had at the time of the preparation of the Derbyshire Dales Local Plan Pre Submission Draft the benefit of planning permission on part of the site for 27 dwellings. These units are included within the 1785 commitments. To avoid double counting the figure of 3188 is identified as the amount being brought forward on allocated sites. Prior to the commencement of the hearing sessions, the District Council will prepare a modification by way of a footnote to Policy HC2 which clarifies this point.

11. Table 3 does not indicate that there is much flexibility when comparing the components of supply against the housing requirement as there is only a difference of some 130 dwellings between the two. ***How, if at all, can more flexibility be built into housing supply to make it more likely that the housing requirement will be met. For example should a non-implementation buffer be included? If so what % would be appropriate?***

District Council Response

The Inspector will note 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) for Derbyshire Dales as a whole at 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.

The District Council acknowledges that as set out in the Derbyshire Dales Local Plan Pre Submission Draft there is limited flexibility in the housing supply against the identified provision of 6440. However, having regard to the most recent 2014-based projections, the District Council considers there to be more than adequate provision to ensure flexibility against the lower overall requirement, and to maintain provision for economic growth and meeting affordable housing needs.

The District Council acknowledges that some of the proposed housing allocations involve substantial infrastructure requirements and/or contamination and ground conditions issues. The proposed allocations in the Pre Submission Draft Derbyshire Dales Local Plan, when considered against a lower housing requirement, would provide in the region of 13% over provision to account for flexibility.

In terms of a figure for non-implementation, the District Council has not included any provision for the non-implementation of planning permissions and in doing so we were guided by the Inspector who undertook the Examination in Public of the High Peak Local Plan who indicated in Paragraph 62 of his report ² that...

"The Council has not made any provision for the possibility that some existing planning permissions may lapse. There is no requirement for this in either the Framework or the PPG. No evidence has been presented on fallout rates. In the light of the limited assumption made about windfalls and the amount of dwellings with planning permission, I consider that a specific estimate of lapsed permissions is not necessary in this case."

Five Year Housing Supply and Housing Trajectory

12. The Council indicate that there is more than a 5 year housing land supply (HLS) against a requirement which takes into account the shortfall between 2013 and 2016 and a 20% buffer. However, this is based on a number of assumptions that need to be tested. Completions over the last 3 years average out at 134 dpa. The housing trajectory indicates a significant increase in completions more than doubling from 225 in 2016/17 to 538 in 2017/18 and then rising to a peak in 2018/19 of 811 dwellings. If 3065 dwellings came forward in the period 2016-2021 that would be nearly half of the supply coming forward in less than a third of the remaining plan period. ***Is this robustly evidenced and realistic?***

District Council Response

The District Council acknowledges that some of the assumptions in relation to the calculation of its 5 year housing land supply will need to be tested at the hearing sessions of the EIP. For information, the Inspector is advised that the District Council consider that the Housing Trajectory set out Figure 2 on Page 20 of the SHELAA (CD25) to be more up to date than that which is included in the Derbyshire Dales Local Plan Pre Submission Draft.

The District Council is mindful that the NPPF clearly states that it is Government policy to significantly boost the supply of housing, and as such it is considered somewhat inevitable that the past rates of completions will be exceeded. This is particularly the case against the backdrop of an adopted 2005 Local Plan which did not include any allocations for housing development. The District Council therefore considers that completion rates over the first five years of the plan will increase significantly. The District Council considers that the Derbyshire Dales

² http://www.highpeak.gov.uk/media/161/Inspectors-report/pdf/Inspectors_Report.pdf

Local Plan Pre Submission Draft meets the national policy objective to significantly boost the supply of housing.

Delivery of 322 dpa would represent stock growth of 0.9% per annum. This is a level which a range of local authorities within the region and nationally have achieved historically. Leaving aside constraint-based factors, it is considered that this level of provision would be unachievable from a market perspective.

As part of the assessment of the deliverability of sites identified as being suitable for residential development within the Derbyshire Dales Local Plan, as set out in Paragraph 2.40 on Page 12 of the SHELAA (CD25) the District Council sought the co-operation of relevant landowners/developers and agents to identify what actions they were undertaking to bring their sites forward and to identify phasing programmes and build out rates for each site. By taking this approach the District Council consider that it has robust evidence to support the development rate within the Housing Trajectory. This information can be provided for the Inspector if it is considered necessary to do so.

The Inspector is further advised that the District Council is continuing to monitor both housing commitments and completions and will prepare prior to the commencement of the hearing sessions of the EIP, an updated position with regards to these, as well as an updated housing trajectory. The District Council is also in the process of preparing Statement of Common Grounds between itself and the relevant landowners, developers and their agents. These will set out the latest position land supply and anticipated phasing rates for each site.

As such the District Council is confident that its assumptions on phasing are based upon robust evidence.

13. Looking at the components of the housing supply, of the housing commitments 1320 out of 1785 dwellings are expected to be delivered (74%). It is assumed that these figures are derived from the SHLAA. ***Is there evidence to indicate that the assumptions are robust and the figure is realistic e.g. past take up of planning permissions?***

District Council Response

The figure of 1320 is the net number of commitments which are anticipated to come forward during the first five years of the Local Plan – details of the anticipated phasing of commitments are set out in Appendix 8 of the SHELAA (CD26).

In assessing the delivery rate on individual sites the District Council was mindful of the advice in Footnote 11 in the NPPF which states that:

"To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence

that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.”

The District Council assumed a build rate of 30 dwellings per annum on larger sites which is based upon conservative estimates of build rates which have come forward across the plan area in the past. For those larger commitments or where there are known constraints the District Council made assumptions about when development was likely to commence and the potential phasing thereafter. The approach to build rate is confirmed in Table 5.6 on Page 27 in Document CD19 Derbyshire Dales CIL Viability Update Report Final December 2016.

As such the District Council is confident that the assumptions are robust and realistic.

14. On a similar note out of a total provision from allocated sites of 3515 dwellings (Policy HC2), some 1265 potential units are shown in the 5 year HLS (36% of the allocations). It is assumed that these figures are derived from the SHLAA. ***Is there robust evidence that this number of units is deliverable?*** Taking a couple of examples for HC2(j)³ the Site Assessment from the SHLAA suggests that all 147 units would be delivered in the 5 year period even though there are a number of constraints identified. Similarly all 100 units at HC2(l)⁴ are anticipated to be delivered in the 5 year period despite issues of viability and environmental constraints.

District Council Response

As set out above, the District Council has sought to ensure that the assumptions that it makes in the Derbyshire Dales Local Plan about the phasing of allocated sites is informed by evidence from the land owners/developers and agents. The District Council can provide this and updated information to demonstrate the assumptions are robust with regards to the phasing of development on each of the allocated sites.

DS9⁵ does not appear to be included in the SHLAA, albeit that it is shown on the map for Matlock in Appendix 3. The housing contribution is not shown as a housing allocation under Policy HC2 (apart from the former Permanite Works) even though other strategic sites/mixed development allocations form part of the policy. ***Is there any reason for this? Is the site likely to deliver any dwellings in the 5 year HLS?***

District Council Response

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

³ Land to rear of RBS, Darley Dale

⁴ Land at Stancliffe Quarry, Darley Dale

⁵ Land at Cawdor Quarry, Matlock

completed. The reason that the whole site, including the Permanite extension, is included within Appendix 3 is to ensure that in the event that a revised planning application comes forward for the site to replace the existing commitment, that the policy requirements for the site are met.

It is anticipated that 90 dwellings will be brought forward on the site within the first five years.

15. On a more general point a significant number of the dwellings are on sites with substantial infrastructure requirements e.g. Ashbourne Airfield (25% of allocations) and/or with contamination and ground condition issues such as former quarries e.g. Stancliffe Quarry, Cawdor Quarry, Halldale Quarry and Middlepeak Quarry (45% allocations). **Are these sites deliverable within the plan period?**

District Council Response

The District Council is mindful of the challenges posed by these sites. In order to substantiate the delivery of housing on these sites, the District Council will as part of the EIP, produce evidence to demonstrate that the sites are deliverable within the plan period.

16. With regard to Major Permissions, apart from the sites at Marston Montgomery and Wirksworth I could not see assessments for the sites in the SHLAA. **If they are not included in the SHLAA is there evidence elsewhere to support the number of units to be delivered in the 5 year period?**

District Council Response

Of the five sites identified as Major Permission in Table 4 on Page 18 of CD25 four the sites at Haarlem Mill (SHLAA217), Coneygreave House (SHLAA182) Marston Montgomery (SHLAA279) and Bakewell Road, Matlock (SHLAA352) were identified as potential sites for inclusion in the Derbyshire Dales Local Plan and subject to a detailed assessment.

The site at Ashbourne Airfield is identified on Page 40 of CD26 as site SHLAA500 and which is identified as having the benefit of planning permission. Planning permission for the link road to serve both the new employment land and the residential development was approved on 25th May 2016. Given that a detailed assessment of the site had been undertaken during consideration of the planning application – at a time prior to work fully commencing on the SHLAA process, it was considered that it was not necessary to undertake a further detailed assessment of the site.

The phasing for each of these sites is set out in Appendix 9 to Document CD26, and is based upon the same assumptions as set out in response to Paragraph 13 above.

17. The 4th bullet of paragraph 47 of the National Planning Policy Framework (the Framework) refers to the setting out of a housing implementation strategy

describing how a LPA will maintain delivery of a 5 year supply of housing land.
Does the Council have such a strategy?

District Council Response

The District Council considers that the housing implementation strategy envisaged by paragraph 47 is encapsulated in the Implementation and Monitoring section of the Derbyshire Dales Local Plan Pre Submission Draft. Specifically, the District Council will use its Annual Authority Monitoring Report as a means of identifying whether the key targets in the Local Plan are being met. Paragraph 9.7 makes it clear that if key targets are not met such as the maintenance of a five year housing land supply a review of the Local Plan will be triggered. Alternatively, modifications could be made to the plan through the EIP to deal with any such scenario.

18. ***Following on from the above do the housing policies e.g. HC1, need to be amended to take into account the circumstances where a five year HLS of deliverable sites cannot be demonstrated?*** For example the housing policies of the LP do not appear to allow for sustainable development beyond settlement boundaries in such circumstances.

District Council Response

The District Council acknowledges 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 revised housing target identified above, 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.

19. On housing supply generally it would be helpful to have a table including allocated and major sites and projected delivery over each year of the 5 year HLS period and then in subsequent 5 year periods. ***Is it possible to provide such a table?***

District Council Response

A table is set out in Appendix 9 in the SHELAA (CD26). If the Inspector wishes the information provided in an alternative format then the District Council can prepare one prior to the commencement of the hearing sessions of the EIP.

Employment Provision

20. Of the employment allocations under Policy EC2 the vast majority of the land is at Ashbourne Airfield (Phases 1 and 2). The combined site accounts for over 70% of the allocated land. ***Should the land fail to come forward for any reason what flexibility is built into the LP?***

District Council Response

The HEDNA report (CD27 – paragraph 13.28) identifies that 12.4 hectares of land is required to support the expected net growth in jobs. A margin of 2.3 hectares of land is added to ensure that there is a choice of available sites and to provide some flexibility with land supply.

Ashbourne Airfield (Phase 1) will deliver 8 hectares of land (53% of the Policy S7 requirement) and the District Council is extremely confident that this site is deliverable. Evidence will be presented to the EIP to demonstrate this point.

Detailed planning permission exists for the provision of the link road and work is currently being undertaken on the detailed design and costs of providing such a road. Furthermore the D2N2 Local Enterprise Partnership has committed to provide a grant for £1m towards the cost so the link road on the premise that it will accelerate the delivery of the Phase 1 employment land.

In terms of Phase 2 detailed discussions are on-going with the landowners to ensure that the scheme will be brought forward includes the requisite amount of employment land required. The District Council will provide evidence in this regards for the hearing sessions of the EIP.

In relation to Policy EC1 I note that the 15th bullet point states that business development in the countryside will be supported and the final section of the policy is also permissive. ***Is it the intention of the policy overall to support sustainable economic development outside settlement boundaries notwithstanding the terms of Policies S3 and S5 and thus provide flexibility? If so the policies will need to be consistent with each other?***

District Council Response

The intention of the 15th bullet point is to support the continued growth of the local economy and compliment the advice in Paragraph 28 of the NPPF. As currently worded the policy would allow in principle economic development outside of settlement boundaries in the “countryside”. The latter part of Policy EC1 does however seek to ensure that the scale of development is appropriate to its location.

Policy S5 allows for specific employment development within a countryside location – but “where a rural location can be justified”. As such, the District Council acknowledges the apparent inconsistency between the two policies. Similarly Policy S3 seeks to limit development in “countryside” locations to that which has an essential need to be located there.

The NPPF does not indicate that rural economic development should be limited to that which requires a rural location. The District Council will therefore prepare modifications to Policy S3 and Policy S5 prior to commencement of the hearing sessions to remove these inconsistencies.

Policy Wording Generally

21. Many of the policies are very long having many criteria that need to be satisfied. Some appear to be more restrictive than the Framework. There appears to be repetition between policies. Specific examples are provided in the commentary below.

Other Comments on Plan Content and Policies in page order (Chapters 1 to 4 only)

Introduction

22. On page 1 it would be useful to confirm the scope of the LP in the sense that it will be the sole LP for the District as supported by paragraph 153 of the Framework and there is not an intention to produce any additional development plan documents other than any Neighbourhood Plans that might come forward
23. I note that the Wirksworth Neighbourhood Plan makes reference to allocations and 'complimentary' sites (para 3.4.1). Haarlem Mill appears to have planning permission. ***Are there any reasons why the other sites are not allocated or are they also commitments?***

District Council Response

Although the Wirksworth Neighbourhood Plan June 2015 makes reference to three 'complimentary sites' (para 3.4.1) it does not allocate them. The Wirksworth Neighbourhood Plan Proposals Map 2, identifies two sites as 'complimentary' - Haarlem Mill at Derby Road/Cinder Lane and the former Ward's Nursery on the east side of Derby Road. The land at Station Yard is not shown on the Neighbourhood Plan Proposals Maps 1&2.

The site at Haarlam Mill, has the benefit of planning permission for the conversion and alterations of mill to office/light industrial use, and erection of 30 dwellings and associated infrastructure and access which was issued on 19th July 2016. The site was subject to assessment in the SHELAA under reference SHLAA217.

The site at the former Ward's nursery, was granted planning permission for 33 affordable dwellings and access on 23rd September 2016. This site was not subject to assessment through the SHELAA process and as such this site is a windfall site which contributes to meeting the housing requirement.

The site at Station Yard is situated within the Settlement Development Boundary of Wirksworth. There has been no assessment of the site through the SHELAA process and as such there can be no certainty that the site is available for development. In the event that the site came forward for development it would be subject to would assessment through the normal development management process and if planning permission is granted it would contribute towards meeting the housing supply as a windfall site.

Portrait and Spatial Vision

24. Darley Dale does not feature in Figure 1, in the description of the plan area or in the Spatial Vision even though it is comparatively large. It would seem appropriate to include references in these sections.

District Council Response

The District Council will seek to prepare modifications to these parts of the Local Plan to include more reference to Darley Dale.

25. Key Issues for the LP – the text of KI 8 appears more restrictive than that of KI 4 in that the latter refers to ‘sustainable locations’ and ‘character and appearance’ whereas the former is more positive. Moreover, KI 8 only refers to the rural economy although elsewhere e.g. SO14 and SO15 objectives are not specific to the rural economy. ***Should KI 8 be amended to be consistent with KI 4 and related strategic objectives?***

District Council Response

The District Council agrees with the Inspector that the inference from the wording of KI8 economic development could be restricted in parts of the plan area. The District Council will therefore prepare modifications to ensure consistency between KI4 and KI8 prior to commencement of the hearing sessions.

26. In the response to representations it is indicated that an additional strategic objective will be included under ‘Protecting Derbyshire Dales Character’, namely ‘To protect the setting of the Peak District National Park.’ ***Is it intended that this be included?***

District Council Response

In response to representations made by the National Trust it was intended that this be included. The District Council will therefore prepare a modification prior to commencement of the hearing sessions.

Spatial Strategy

27. Policy S1 - There is no need for this policy which merely recites the presumption in favour of sustainable development at paragraph 14 of the Framework.

District Council Response

In preparing the Derbyshire Dales Local Plan Pre Submission Draft, the District Council reviewed other Local Plans and Inspectors reports which consistently indicated a need for a policy of this nature in order to clarify the relationship between the NPPF and the policies contained within the Local Plan. However, if the Inspector considers this policy to be superfluous the District Council raises no objection to its removal.

28. Policy S2 – There are a large number of bullet points. ***Are the Council satisfied that they are all necessary having regard to national policy and other policies of the plan?*** The bullet point relating to density could be strengthened to indicate that development should be built to the highest density commensurate with its location and characteristics. As the policy stands it would not seem to support higher densities where appropriate. There are 3 separate criteria relating to nature conservation but nothing specific about heritage assets.

District Council Response

The formatting of the bullet points in Policy S2 is a typographical error. The District Council will prepare a modification to correct this.

Policy S2 sets out the Sustainable Development Principles for the whole Plan. The bullet points allow the principles to be established for all aspects of the plan and includes key topic areas that reflect the character of the District and the important relationship with the National Park. It is agreed that Policy S2 would benefit from an additional bullet point concerning heritage assets and the District Council will prepare a modification to this effect prior to the hearings.

The District Council will also prepare modifications to Policy S2 such that it cross refers to policies elsewhere in the Derbyshire Dales Local Plan.

The issue in respect of density is addressed by the District Council in response to the Inspectors comments in Paragraph 34. The District Council will prepare modifications Policy S2 to strengthen the reference to density.

29. Policy S3 – Darley Dale is not mentioned at paragraph 4.15 although all other settlement tiers are mentioned.

District Council Response

The District Council will prepare modifications to the Derbyshire Dales Local Plan prior to the hearings sessions of the EIP to address this omission.

30. Paragraph 4.21 refers to development on the edge of the 10 'Infill and Consolidation Villages' as being appropriate in some circumstances whereas that part of the policy relating to 5th tier settlements and the last paragraph of Policy S3 refers to 'very limited development within the physical confines of the settlement' and to 'infill and consolidation'. That said the policy then goes on to refer to development well related to the existing pattern of development and of appropriate scale being permitted in 4th and 5th tier settlements. Some of this wording would also suggest that the policy is more permissive for these lower tier settlements than for higher tier towns and villages where settlement boundaries 'limit' development. That said there are references to 'limited' or 'very limited' scope for development within the policy. ***Please explain these apparent inconsistencies and consider how the policy could achieve greater clarity?***

District Council Response

The intention of the Local Plan was to seek to allocate land for development in the first three tiers of settlements, these being the largest and most sustainable settlements in the district and therefore the most suitable to accommodate new development. The District Council however did not wish to encourage through policy, the stagnation and possible decline of other more isolated rural settlements in the plan area, especially those with only limited services and facilities. Whilst such settlements are incapable of accommodating large scale development, there is still a need to facilitate a degree of organic growth where suitable opportunities exist. As such it was considered that the policy approach should allow for small scale windfall development by way of infill and consolidation to occur as a means of supporting and sustaining these smaller rural settlements. Such development may be within the built framework of the settlement or well related to it. Isolated development beyond the confines of the settlement would not be permitted.

As sites were allocated within the first three tiers of settlements to meet the future housing requirement, and these were included within the proposed Settlement Development Boundaries, the District Council took the view that it was not necessary to make provision for any additional sustainable development in those settlements.

If the Inspector considers that further clarity is required to the policy intentions, The District Council will prepare modifications to the Derbyshire Dales Local Plan prior to the hearings sessions of the EIP.

31. It is noted that housing allocations under Policy HC2 have been proposed for some 3rd tier settlements but not for others. ***Is this a reflection of existing commitments and/or environmental constraints as well as 'their current size and infrastructure' (paragraph 4.20 refers)?***

District Council Response

The Derbyshire Dales Strategic Housing and Employment Land Availability Assessment (CD25 & CD26) undertook a detailed assessment of sites that were considered might have potential to meet the future housing requirements of Derbyshire Dales. Whilst some sites are allocated in some of the third tier settlements, the SHELAA identified sites in the other settlements but for the reasons set out in the document did not consider them suitable for allocation. As such the allocations in the Derbyshire Dales Local Plan are a reflection of the availability and suitability of the sites to meet the future housing requirements of the District.

32. Issues relating to the position of certain settlements in the hierarchy and the appropriateness of settlement boundaries as proposed will be discussed at the hearings.

District Council Response

The District Council notes this point and looks forward to discussing them at the hearing sessions.

33. Policy S4 – The policy is not positively worded and appears overly prescriptive. For example the 2nd section refers to development only being permitted if it meets 9, or in the case of residential development, 12 criteria. **Are these criteria not covered by other policies in the plan?**

District Council Response

The District Council will consider this point further and prepare appropriate modifications to Policy S4 prior to the commencement of the hearing sessions of the EIP.

In the 2nd section the bullet point relating to heritage assets is not consistent with the Framework and the different tests within paragraphs 133 and 135. The bullet point relating to existing buildings in settlement boundaries appears restrictive in that most buildings in such locations would be suitable for re-use. It could be expressed in such a way as to seek that development retains buildings that positively contribute to the settlement and that works and extensions respect their character. **Please give consideration as to how the policy could be more positively worded?**

District Council Response

The District Council will consider this point further and prepare appropriate modifications to Policy S4 prior to the commencement of the hearing sessions of the EIP

34. The criteria relating to residential schemes do not appear to be necessary. Density is covered by Policy S2. Criterion b) is covered by Policy HC11. Any reference to amenity space would be better dealt with under Policy HC11, albeit that the term 'appropriate area' is unclear. The plan should be read as a whole.

District Council Response

The District Council agrees with the Inspector that the Local Plan should be read as a whole. As such it will review whether the criteria highlighted should be deleted from Policy S2 and whether the reference to amenity space is more appropriately dealt with under Policy HC11 or other policies of the Local Plan. The District Council will propose modifications prior to the hearing sessions of the EIP.

35. Policy S5 – **Are the criteria towards the end of the policy not largely covered by other policies in the plan?**

District Council Response

The District Council will consider this point further and prepare appropriate modifications to Policy S5 prior to the commencement of the hearing sessions of the EIP

The policy seeks to 'protect' the landscape rather 'than recognising the intrinsic character and beauty of the countryside' as set out in the Framework's core planning principles. The bullet point relating to heritage assets is not consistent with paragraphs 133 to 135 of the Framework.

District Council Response

The District Council will consider modifications to Policy S5 to ensure that it adequately reflects the advice contained within Paragraphs 133 to 135 of the NPPF.

The bullet point relating to agricultural land could be made simpler if worded along the following lines – 'any significant loss of the best and most versatile agricultural land is outweighed by the benefits of the development and the development cannot be sited on land of lesser agricultural value'. The bullet point relating to traffic is more restrictive than paragraph 32 of the Framework. ***Is the policy consistent with the Framework?***

District Council Response

The District Council agrees with the Inspector in regards to the bullet point relating to agricultural land and will prepare a modification to the Local Plan accordingly.

In terms of the bullet point relating to traffic being more restrictive than paragraph 32 of the Framework, as the Inspector will be aware the plan area is characterised by dispersed rural settlements, often with narrow rural roads bordered by hedgerows and stone walls. These features are often key to the defining landscape character of the plan area. The intention of this aspect of policy S5 is to seek to ensure that traffic generated by development does not have a detrimental impact upon these important landscape features.

The District Council has not included this element within Policy S5 with the intention of it being more restrictive than Paragraph 32 in the NPPF. Rather its inclusion is intended to reflect the importance that these features have on character of the plan area.

If the Inspector considers that this aspect of Policy of S5 is more restrictive than Paragraph 32 of the NPPF then the District Council will seek to modify the policy accordingly.

36. Policy S3 allows development in 4th and 5th tier villages which do not have settlement boundaries. Therefore, this should be added to Policy S5 as a form of new residential development that can be granted to ensure consistency.

District Council Response

The District Council agrees with the Inspector on this point and will prepare a suitable modification to the Local Plan.

If policies elsewhere e.g. HC1, are amended to indicate the circumstances where permission may be granted outside settlement boundaries if a five year HLS of deliverable sites cannot be demonstrated, then Policy S5 would also need to be amended accordingly. ***Is the policy consistent with other policies in the plan?***

District Council Response

The District Council submitted the Derbyshire Dales Local Plan Pre Submission Draft for Examination in Public on the basis that it considered that it could demonstrate a five year housing land supply. If the Inspector considers that the Local Plan requires modification to allow for more flexibility about the location of where development may be acceptable to ensure that a five year supply of housing is maintained then the District Council will prepare an appropriate modification to Policy S5 to ensure that it is consistent with other policies in the Local Plan.

37. Policy S6 – Comments and questions about OAN and the housing requirement have been made above. A number of other issues have been raised in representations which are likely to be discussed at the hearings e.g. HMA; economic growth, market signals and affordable housing uplifts; meeting the Peak District National Park OAN; effect on commuting patterns; and older persons housing.

District Council Response

The District Council notes this point and looks forward to discussing them at the hearing sessions..

38. Policy S7 – The inclusion of ‘...allocated in Policy EC2’ would make the policy more consistent with the wording of Policy S6.

District Council Response

To ensure consistency with the approach taken in Policy S6 the District Council agrees with the Inspector and will prepare an appropriate modification to the Local Plan.

Paragraph 4.33 refers to up to 15 hectares of employment land as recommended by CD27 whereas the policy refers to at least 15 hectares of provision. It is assumed that this is because provision above 15 hectares would be supported

e.g. by Policy EC1 and would not undermine the plan's strategy.

District Council Response

The Inspector has assumed correctly.

39. Policy S8 – **Is the wording in paragraph 4.43 describing Tansley accurate (see representations)?** In Policy S8 a) it would be helpful to cross reference with Policy PD10.

District Council Response

A number of representations raise concern about the description of Tansley in Paragraph 4.43 the District Council. The Officer response to these representations was:

"Comments regarding the description of Tansley within paragraph 4.43 are noted. The sustainability of Tansley as a settlement has been assessed as part of a review of the Settlement Hierarchy Paper, of which settlements were scored based upon their social and economic functions. Tansley was assessed as an accessible settlement with limited facilities. These villages are assessed to have good social infrastructure, some local employment opportunities and good accessibility to the towns and centres. Tansley is located within easy reach of the main road networks and whilst the bus service may be limited, there is a bus service available. All settlements have been assessed using the same methodology and therefore it is considered that no change is required to the description of Tansley in paragraph 4.43."

On the basis of the evidence in the Settlement Hierarchy Paper (CD43), the District Council maintains that Paragraph 4.43 accurately describes Tansley. A review of the bus timetable (<http://www.derbybus.info/times/timetables/150L-160222.pdf>) indicates that the current services do facilitate commuting to Matlock in both the morning and evening with an hourly services – two hourly services at other times.

If the Inspector considers that it is necessary to include a cross reference in Policy S8 to Policy PD10, rather than the plan be read as a whole then the District Council will prepare an appropriate modification to the Local Plan.

40. Policy S10 – The policy does not include under b) 'supporting the development of new housing on sustainable sites' whereas this phrase is included in Policies S8 and S9. **Was this omission intended and, if so, why?**

District Council Response

This was an unintentional omission, the District Council will prepare an appropriate modification to Policy S10 to correct this.

41. Policy S11 – The delivery of infrastructure will be discussed at the hearings. **What is the latest timetable for the likely introduction of a CIL Charging**

Schedule? How does this timetable fit with the timing of detailed feasibility studies by some agencies referred to in paragraph 4.66?

District Council Response

The District Council approved a draft timetable for the implementation of a Derbyshire Dales Community Infrastructure Levy at a meeting of Council on 26th January 2017:

Date	Stage
April/May	Six weeks consultation on preliminary charging schedule
June/July	Report back to Council on consultation responses and seek authority for public consultation on draft charging schedule
October	Consultation on Draft Charging Schedule
November	Examination – Hearing or Written Reps
January 2018	Council –Consider Report of Examiner & Agree to Introduction of CIL
March 2018	CIL formally introduced

A copy of the report to Council is attached to this response.

The draft timetable for the introduction of the Community Infrastructure Levy has been prepared without any reference to the on-going work being undertaken by the relevant delivery agencies. Given that the various delivery agencies are working to different timetables the District Council considers that the introduction of a Derbyshire Dales CIL regime should proceed unencumbered by having to achieve specific milestones of other agencies. Furthermore the introduction of a Derbyshire Dales CIL regime has to meet the various statutory requirements which in essence dictate the time required to bring it forward. In the event that applications come forward in advance of a CIL regime, where appropriate the District Council will seek to utilise s106 obligations to provide financial contributions towards key infrastructure.

Response

42. It would be helpful to have an initial response from the Council on the most straightforward matters raised above before the end of next week (17 February) and an indication of the timetable for producing the other information requested.
43. 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 DaKeene

INSPECTOR

7 February 2017