

COUNCIL  
26<sup>TH</sup> JANUARY 2017

Report of the Corporate Director

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## **DERBYSHIRE DALES COMMUNITY INFRASTRUCTURE LEVY**

### **PURPOSE OF THE REPORT**

This report sets out background information about the Community Infrastructure Levy, and the outcomes of work that has been undertaken to support the preparation of the Derbyshire Dales Local Plan in respect of the Infrastructure Needs and Plan Viability and the Community Infrastructure Levy (CIL). The report recommends that the District Council move forward with the introduction of a Derbyshire Dales Community Infrastructure Levy.

### **RECOMMENDATION**

1. That approval in principle be given to the introduction of a Derbyshire Dales Community Infrastructure Levy regime.
2. That the timetable for the introduction of a Derbyshire Dales Community Infrastructure Levy as set out in Section 4 be approved
3. That figures set out in Table 1 be used as the basis for public consultation as a preliminary CIL Charging Schedule
4. That delegated authority be given to the Corporate Director, Head of Regeneration and Policy, Policy Manager to undertake consultation on a preliminary charging schedule
5. That Council discharges responsibility for implementation of CIL to the Community and Environment Committee
6. That a further report be presented to Community and Environment Committee which sets out details of the consultation responses on the preliminary charging schedule.

### **WARDS AFFECTED**

All Wards outside the Peak District National Park

### **STRATEGIC LINK**

A Derbyshire Dales Community Infrastructure Levy regime will be a pivotal tool in the delivery of the Council's Corporate Plan and the Peak District Partnership Statement of Priorities.

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## **1 BACKGROUND**

- 1.1 The Community Infrastructure Levy is a planning charge introduced by the Planning and Compulsory Purchase Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development needs of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010, which have been updated on several occasions since this date.

Development may be liable for a charge under the Community Infrastructure Levy (CIL), if the local planning authority has chosen to set a charge in its area.

- 1.2 For the purposes of the legislation, the District Council is a charging authority (Derbyshire County Council is not) and as such, are able to set a rate for the CIL which does not threaten the ability to viably develop and deliver the sites and overall scale of development envisaged in the Local Plan. The National Planning Practice Guidance (NPPG) sets out that local authorities will need to draw on the infrastructure planning evidence that underpins the development strategy for their area. Charging authorities should use that evidence to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact upon the economic viability of development across their area.
- 1.3 The National Planning Policy Framework (NPPF) sets out that where practical, Community Infrastructure Levy charges should be worked up and tested alongside the Local Plan. The Community Infrastructure Levy should support and incentivise new development, particularly by placing control over a meaningful proportion of the funds raised with the neighbourhoods where development takes place.
- 1.4 At the meeting of the Local Plan Advisory Committee held on 28<sup>th</sup> September 2015 Members considered the contents of a report which had been prepared by consultants to assist with the preparation of the Local Plan that set out the outcomes of the work undertaken in respect of Infrastructure Needs, Viability and the Community Infrastructure Levy. A copy of the report to the Local Plan Advisory Committee held on 28<sup>th</sup> September 2015 is attached to this report in Appendix 1. An update report was considered by Members on 11<sup>th</sup> July 2016, a copy of which is attached to this report in Appendix 2.
- 1.5 As Members will be aware the Derbyshire Dales Local Plan was submitted to the Secretary of State on 19<sup>th</sup> December 2016, and will be subject to an Examination in Public, with the hearing sessions likely to commence in March/April 2017.
- 1.6 Given the advice in the NPPF that the a CIL regime should be worked up in parallel with a Local Plan it is now considered an appropriate time to give further consideration to the introduction of a Derbyshire Dales CIL.
- 1.7 There are a number of benefits to the introduction of a Derbyshire Dales CIL:
  - CIL will provide land owners and developers with greater certainty as to the level of contributions payable from their development
  - CIL receipts can be spent in a more flexible way than planning obligations
  - CIL will generate income for the Council to facilitate the provision of local and strategic infrastructure
  - CIL is non-negotiable
  - CIL ensures greater transparency to local people as the Council will have to publish details of how CIL has been spent
  - A proportion of CIL receipts are to be shared with the local community, with a greater proportion being available where Neighbourhood Plans are in place.
- 1.8 Once adopted a CIL applies to all development that involves 'buildings that people normally go into' with the following exceptions:
  - Development under 100sqm gross internal floorspace
  - A single dwelling ( even under 100sqm) (but not subdivisions of dwellings)

- 1.9 The CIL Regulations include mandatory exemptions for self-build housing, residential annexes and extensions as well as permitted development. Once set local planning authorities cannot determine which developments to charge as this is dictated by the CIL Charging Schedule. A CIL is charged on a £ per square metre basis on net additional (internal) floorspace, with rates being able to be imposed by geographic area or use or size. Furthermore payment is due when the development starts (or phases or instalments - the charging authorities decide). The CIL is index linked and the landowner is responsible for paying it.
- 1.10 Whilst there are benefits to the introduction of a Derbyshire Dales CIL, Members are advised that it is unlikely that the level of charges generated through a Derbyshire Dales CIL regime will be sufficient to fund the cost of all required infrastructure. It would however be utilised as one possible source of funding. The CIL cannot be used to remedy pre-existing deficiencies unless the new development makes the deficiency more severe.
- 1.11 The use of S106 obligations would continue. However their use would be limited to the specific circumstances of individual planning applications, and provide for agreement to be reached upon such issues as the provision of affordable housing and any highways/access issues related to that proposal. S106 obligations would no longer be used to seek financial and/or other contributions towards pooled infrastructure provision such as education or medical provision.

## **2 DERBYSHIRE DALES INFRASTRUCTURE NEEDS**

- 2.1 The Planning Act 2008 defines infrastructure as including the following (although this list is not exhaustive):
- Roads and other transport facilities
  - Flood defences
  - Schools and other educational facilities
  - Medical facilities,
  - Sporting and recreational facilities
  - Open spaces
- 2.2 Throughout the preparation of the Derbyshire Dales Local Plan the District Council has sought to work with other authorities and providers to assess the future infrastructure needs, taking account of the scale of development and location of development proposed in the Derbyshire Dales Local Plan. As such an Infrastructure Delivery Plan (IDP) was prepared and submitted to the Secretary of State alongside the Derbyshire Dales Local Plan.
- 2.3 The IDP generally indicates that there would not appear to be any issues in terms of infrastructure requirements that would have a detrimental impact upon growth across the plan area. It does, however identify, in general terms, where infrastructure may be required to support the level of growth identified in the Local Plan.

## **3 VIABILITY AND COMMUNITY INFRASTRUCTURE LEVY**

- 3.1 The introduction of a Derbyshire Dales CIL regime should not threaten the ability of developers to viably develop and deliver the sites and overall scale of development envisaged in the Local Plan.

- 3.2 The evidence from the Infrastructure Report suggests that at the present time, there is a justifiable aggregate funding gap of around £22million for infrastructure that could be legitimately funded through CIL with the elements of infrastructure that would be appropriate to be considered for funding through CIL being mainly transport, education and green infrastructure facilities. In terms of funding for healthcare facilities it indicates that these will emerge from the work being undertaken by the Clinical Commissioning Groups on the needs of individual practises.
- 3.3 The onus is on the District Council to demonstrate that a Derbyshire Dales CIL regime will not have an adverse impact upon the viability of development that may come forward across the plan area.
- 3.4 Consultants have undertaken a comprehensive assessment of both the deliverability and viability of sites allocated in the Derbyshire Dales Local Plan, and the extent to which there is viability headroom for the introduction of a Derbyshire Dales CIL for a wide range of development types including both residential and commercial developments.
- 3.5 Viability assessments were undertaken for a range of residential site by size location, as well as for retail and other commercial development. For each assessment, an assumption was made about the impact that the policy requirements of the Derbyshire Dales Local Plan Pre Submission Draft would have on the various types of development e.g. £1000 per/sqm was included as an allowance for site specific S106 requirements (such as site specific highways requirements for new developments)
- 3.6 The evidence in the report indicates the diversity of development viability across Derbyshire Dales. It concludes that residential and retail development are, in general, the only development types considered to be capable of bearing CIL at the current time.
- 3.7 The headroom for the introduction of a Derbyshire Dales CIL regime for residential development is only achievable where there is up to a 30% affordable housing requirement as set out in the Derbyshire Dales Local Plan Pre Submission Draft.
- 3.8 The viability to charge CIL on commercial development is limited. The analysis identifies that in current market conditions there is only headroom to charge CIL in town centres for superstores and convenience stores. In out of centre locations only superstores have capacity for CIL. There may be scope to introduce CIL for Derbyshire Dales for a wider range of commercial development types, where rental levels increase by 10% from current values.
- 3.9 Some types of retail development are able to bear a CIL charge, with retail warehousing and certain formats of supermarket indicated to have headroom – although this varies in terms of the location of the development with only town centre and out of centre locations being able to support CIL. No commercial development of offices or warehousing is considered to be sufficiently viable to have headroom for the introduction of the CIL, both at current and any enhanced rental levels.
- 3.9 Care Homes shows insufficient capacity to accommodate the introduction of CIL at current values, but some potential with a 10% increase in rental values.
- 3.10 Any significant uplift in development costs with no corresponding increase in rental levels suggests that there is little or no scope for the introduction of CIL for all commercial development types.

3.10 Taking all these factors into account the report outlines a potential CIL charging scenario which is set out below for Members information:

<b>Maximum CIL Headroom range (30 DPH / 40 DPH)</b>		<b>With allowance for buffer</b>
<b>Residential at 30% AH</b>		
Value Area High	£161-£293	£120
Value Area Medium	£58-£179	£50
Value Area Lower	£0-63	£10
<b>Retail</b>		
<b>Town Centre</b>		
Shopping Centre	£0	£0
Retail Warehousing	£0	£0
Superstore	£165	£80
Supermarket	£0	£0
Convenience Store	£49	£20
<b>Local Centre</b>		
Convenience Store	£0	£0
<b>Villages</b>		
Convenience store	£0	£0
<b>Out of Centre</b>		
Retail Warehousing	£0	£0
Superstore	£165	£80
Supermarket	£0	£0
Convenience Store	£0	£0
Care homes	£0	£0
<b>All other commercial uses</b>	£0	£0

Table 1 - Potential CIL Charging Scenarios

3.11 On the basis of the above it is considered that there is sufficient potential to justify the introduction of a Derbyshire Dales Community Infrastructure Levy.

#### **4 IMPLEMENTATION OF COMMUNITY INFRASTRUCTURE LEVY**

4.1 The introduction of a Derbyshire Dales Community Infrastructure Levy has a follow a number of statutory procedures.

- Preparation and consultation on a preliminary charging schedule,
- Preparation and consultation on a draft charging schedule, and
- Examination in Public overseen by an independent Inspector appointed by the Secretary of State.

4.2 It is considered that the timetable set out below is appropriate for the introduction of a Derbyshire dales CIL regime.

<b>Date</b>	<b>Stage</b>
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

Date	Stage
January 2018	Council –Consider Report of Examiner & Agree to Introduction of CIL
March 2018	CIL formally introduced

## 5 RISK ASSESSMENT

### 5.1 Legal

The proposals in the report accord with the Community Infrastructure Regulations. When implemented the provisions will enable greater transparency to enable the public to understand how new development is contributing to their community and deliver infrastructure the neighbourhood wants. The legal risk at this stage is low.

### 5.2 Financial

The costs of the consultant's viability report have been contained within existing budgets as part of the preparation of the Derbyshire Dales Local Plan. There will be a need for additional professional help to assist with the assessment of the various technical responses to the two rounds of public consultation as well as throughout the Examination in Public. Additional back office resources will be required to administer any Derbyshire Dales CIL, which is likely to include the purchase of additional software to generate and monitor payment of CIL Demand Notices. However these costs can be offset because the legislation allows for 5% of any CIL generated to be top sliced to cover the admin costs of the local planning authority.

### 5.3 Corporate Risk

Without a Derbyshire Dales CIL regime the District Council will not be able to continue to fund infrastructure required to meet the needs of the District by way of s106 obligations because the pooling limits have been or are likely to met in the near future.

The failure to introduce a Derbyshire Dales CIL regime therefore carries a medium risk to the District Council by way of reputational and political damage.

## 6 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

## 7 CONTACT INFORMATION

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## BACKGROUND PAPERS

Description	Date	File
Report to Local Plan Advisory Committee	September 2015	
Report to Council	July 2016	
Local Plan Infrastructure Needs, CIL and	June 2016	

Whole Plan Viability Assessment: Supplementary Update of the Infrastructure Delivery Plan	
Local Plan Infrastructure Needs, CIL and Whole Plan Viability Assessment – Update on Infrastructure Delivery Plan	September 2015
Local Plan Infrastructure Needs, CIL and Whole Plan Viability Assessment – Viability Study	September 2015
Local Plan Infrastructure Needs, CIL and Whole Plan Viability Assessment – Viability Study Update	December 2016

**APPENDIX 1**

**REPORT TO LOCAL PLAN ADVISORY COMMITTEE 25<sup>TH</sup> SEPTEMBER 2015**

## **NOT CONFIDENTIAL – For public release**

LOCAL PLAN ADVISORY COMMITTEE  
28<sup>TH</sup> SEPTEMBER 2015

Report of the Corporate Director

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## **DERBYSHIRE DALES LOCAL PLAN EVIDENCE BASE UPDATE – INFRASTRUCTURE AND VIABILITY**

### **SUMMARY**

This report sets out for Members the outcomes of work that has been undertaken to support the preparation of a revised Derbyshire Dales Local Plan in respect of the Infrastructure Needs and Plan Viability and the Community Infrastructure Levy (CIL).

### **RECOMMENDATION**

1. That the Committee endorse the findings of the evidence base report on Infrastructure Needs and Viability.
2. That a further report be presented to this Committee which outlines options for the introduction of a Derbyshire Dales Community Infrastructure Levy (CIL).
3. That the findings of the report be incorporated into a revised Derbyshire Dales Local Plan.

### **WARDS AFFECTED**

All Wards outside the Peak District National Park

### **STRATEGIC LINK**

The Derbyshire Dales District Council Local Plan will be a pivotal tool in the delivery of the Council's Corporate Plan and the Peak District Partnership Statement of Priorities.

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## **1 BACKGROUND**

1.8 At the meeting of this Committee held on 8<sup>th</sup> July 2015, Members considered a Progress Report on work that has been undertaken to further develop the Local Plan evidence base to support the preparation of a revised Derbyshire Dales Local Plan. At that meeting, it was resolved that a series of reports would be presented to future meetings of this Committee in respect of the evidence base, Local Development Scheme and Statement of Community Involvement.

1.9 This report sets out the outcomes of the work undertaken in respect of Infrastructure Needs, Viability and the Community Infrastructure Levy.

## **2 INFRASTRUCTURE NEEDS AND PLAN VIABILITY (INCLUDING COMMUNITY INFRASTRUCTURE LEVY)**

- 2.1 Advice set out in the NPPF and the Planning Practice Guidance makes it clear that the provision of infrastructure through the planning system is one of the key economic drivers required for the delivery of sustainable development. In this regard, Local Plans should plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of the NPPF.
- 2.2 Local planning authorities are advised that they should work with other authorities and providers to: assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands; and take account of the need for strategic infrastructure including nationally significant infrastructure within their areas.
- 2.3 In order to progress with the preparation of the Derbyshire Dales Local Plan, it was considered necessary to undertake an assessment of existing infrastructure on order to identify gaps in existing provision across the plan area, and to identify the infrastructure requirements necessary to support the sustainable growth of the plan area.
- 2.4 The NPPF advises that in pursuing sustainable development, careful attention needs to be given to viability and costs in plan-making and decision-taking. Crucially, Local Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as the requirement for affordable housing, design standards, infrastructure contributions etc. should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner / developer to enable the development to be deliverable.
- 2.5 It is therefore incumbent upon the District Council to demonstrate deliverability of all aspects of the Derbyshire Dales Local Plan. Given this advice, sites brought forward through the Local Plan process should be capable of being developed. In order to achieve this objective, it was considered appropriate that some viability testing of the type of sites likely to come forward through the Strategic Housing Land Availability Assessment (SHLAA) process should be undertaken. It was also considered appropriate to test the potential impact that emerging Local Plan policies may have on the deliverability of the plan as a whole.
- 2.6 The Community Infrastructure Levy is a planning charge introduced by the Planning and Compulsory Purchase Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development needs of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010. Development may be liable for a charge under the Community Infrastructure Levy (CIL), if the local planning authority has chosen to set a charge in its area.
- 2.7 For the purposes of the legislation, the District Council is a charging authority (Derbyshire County Council is not) and as such, we are able to set a rate CIL which does not threaten the ability to viably develop and deliver the sites and overall scale of development envisaged in the Local Plan. The NPPG sets out that local authorities will need to draw on the infrastructure planning evidence that underpins the development strategy for their area. Charging authorities should use that evidence to strike an

appropriate balance between the desirability of funding infrastructure from the levy and the potential impact upon the economic viability of development across their area.

2.8 The NPPF sets out that where practical, Community Infrastructure Levy charges should be worked up and tested alongside the Local Plan. The Community Infrastructure Levy should support and incentivise new development, particularly by placing control over a meaningful proportion of the funds raised with the neighbourhoods where development takes place.

2.9 In light of the above consultants were therefore appointed to undertake the following;

- an assessment of the current situation with regards to infrastructure provision across the plan area.
- the potential need for new infrastructure provision to meet growth scenarios across the plan area.
- to provide advice on the viability of sites suggested for inclusion within the latest version of the Strategic Housing Land Availability Assessment.
- to undertake an assessment on the potential feasibility of introducing the Community Infrastructure Levy on new development across the local plan area.
- to act as retained consultants to undertake a whole plan viability assessment and provide advice on deliverable levels of affordable housing, and other development needs.

### **3. INFRASTRUCTURE NEEDS**

3.1 The initial stage of the infrastructure needs assessment was to establish contact with a wide range of infrastructure and service providers to determine the extent to which previous infrastructure plans remained up to date, and to identify areas which required some further development work. To achieve this each of the providers was sent a pro-forma, in which relevant extracts from previous infrastructure plans were included. Providers were asked to review and provide comment on the information previously given. They were also asked about infrastructure availability and capacity issues and the extent to which they would be key considerations for the new Local Plan, and to highlight key planned investments and improvements.

3.2 A workshop was held with key providers in June 2015, the purpose of which was to enable attendees to discuss the emerging Local Plan and 'join up' any issues raised by the different infrastructure providers that could be addressed in the context of the preparation of the Derbyshire Dales Local Plan.

3.3 The overall conclusion in the report is that in general terms, there are few matters of serious immediate concern for the District. A copy of the report is published on the Members Portal for information.

3.4 The report identifies that local transport issues in the main town centres of Matlock, Ashbourne and Wirksworth will still need to be addressed. It suggests that this is particularly critical in Ashbourne, where the cumulative impact of the any potential development sites could add to existing congestion issues. It also suggests that in order to confirm (or otherwise) the need of a bypass for Ashbourne, more detailed analysis is required to establish the costs and benefits of such a scheme.

- 3.5 The report concludes that the anticipated future growth is unlikely to require any significant enhancements in national supply infrastructure for the main utilities of electricity, gas and water, nor the principal emergency services.
- 3.6 In regard to health services, the report identifies that a dispersed approach to development is likely to place pressure on primary care services, as a critical mass is needed to support new or expanded health practices. It is therefore suggested that a more concentrated pattern of development would assist in bringing forward new healthcare facilities. Both of the Clinical Commissioning Groups that cover the Derbyshire Dales District anticipate having a plan of future facilities needs developed later in 2015. Discussions are currently on-going with the NHS Clinical Commissioning Groups to address priorities for action in light of the likely extent of evidence emerging from the Housing and Economic Development Needs Assessment.
- 3.7 In terms of education needs, Derbyshire County Council have developed a robust methodology for quantifying the impact of additional housing development upon schools in the Derbyshire Dales and regular liaison is maintained between the District Council and the County Education Authority in this regard. The evidence indicates that improvements to primary and secondary provision in Ashbourne, as well as primary provision in Wirksworth are likely to be key issues that will need to be addressed in taking forward the Local Plan.
- 3.8 The report also indicates that continued investment in broadband through the Digital Derbyshire project will help ensure that future occupants have access to sustainable communications infrastructure.
- 3.9 In terms of the provision of community facilities such as libraries and sports facilities, the report indicates that these are likely to remain under pressure as a result of the Government's ongoing austerity measures. Whilst such facilities are essential to enhancing the quality of life for both new and existing residents, additional funding is likely to be required in order to maintain and provide new facilities. However, this is likely to be needed outside the Local Plan process. The report concludes such matters are not a significant constraint on growth.

#### **4 VIABILITY AND COMMUNITY INFRASTRUCTURE LEVY**

- 4.1 The need for viability assessments derives from the guidance in the NPPF that Local Plans need to be deliverable, and from the CIL Regulations which indicate that in considering the introduction of CIL, it should not have an adverse impact upon the delivery of development.
- 4.2 The evidence from the Infrastructure Report suggests that at the present time, there is a justifiable aggregate funding gap of around £22million for infrastructure that could be legitimately funded through CIL.
- 4.3 The approach to testing viability used by the consultants was to undertake an area based approach, based upon three value areas, which in turn were determined by house prices derived from the Land Registry. This approach involves the following key steps:
- Determination of residential value areas, development schemes and viability assumptions.

- A residual appraisal is then carried out subtracting all anticipated development costs from the scheme's Gross/Net Development Value to arrive at a residual site value for each development scheme. The appraisal includes provision for affordable housing and S106 obligations as an input.
- The residual site value for each development scheme is then benchmarked against a site value threshold (the price at which it is considered a landowner may actually sell) to determine the 'headroom' available for CIL/other planning requirements.

- 4.4 As part of the viability assessment process, consultation was undertaken with a range of developers, housebuilders, housing associations and property / planning agents. This included a facilitated workshop held in May 2015 where the assumptions about values, and development costs were discussed and generally agreed for a range of development types, including housing, retail office and industrial development.
- 4.5 Viability assessments were undertaken for a range of residential site sizes and by the different value areas, as well as for retail and other commercial development. For each assessment, an assumption was made about the impact that the policy requirements set out in the now withdrawn Derbyshire Dales Local Plan would have on the various types of development e.g. £1000 per/sqm was included as an allowance for site specific S106 requirements (such as site specific highways requirements for new developments)
- 4.6 The evidence in the report indicates the diversity of development viability across Derbyshire Dales. Residential and retail are the only development typologies considered to be generally capable of bearing CIL at the current time.
- 4.7 The viability of CIL on residential development is limited to high and mid value areas of the District when a policy of 33% and 45% affordable housing contributions is applied. However, at 30% affordable housing provision, there is considered to be potential for CIL within all areas of the District albeit at a relatively nominal level in the lower value area. Reducing the affordable housing requirements to 20% would dramatically increase the level of CIL that is viable, therefore the balance of need and priority between infrastructure funding and affordable housing is an important consideration for the Council. The report recommends that the policy requirement for the provision of affordable housing should be reduced to 30% as this is considered to be the maximum level that can be supported in order to maintain a reasonable headroom for the provision and introduction of the CIL.
- 4.8 The viability to charge CIL on commercial development is limited. Some types of retail development are able to bear a CIL charge, with retail warehousing and certain formats of supermarket indicated to have headroom – although this varies in terms of the location of the development with only town centre and out of centre locations being able to support CIL.
- 4.9 The care home typology tested demonstrates the capacity for up to £20 psm (the reason there is less headroom in the mid and lower value areas is because of the variant land value benchmark in the different value areas). All other commercial development typologies have no headroom for CIL in current market conditions.

4.10 Taking all these factors into account the report outlines a potential CIL charging scenario which is set out below for Members information

	<b>Maximum CIL Headroom</b>	<b>Potential CIL Charge</b>
	<b>£ per sq m</b>	<b>£ per sq m</b>
<b>Residential at 45% AH</b>		
Value Area High	£150	£75
Value Area Medium	£20	£10
Value Area Lower	£0	£0
<b>Residential at 30% AH</b>		
Value Area High	£250	£125
Value Area Medium	£150	£75
Value Area Lower	£20	£10
<b>Residential at 20% AH</b>		
Value Area High	£300	£150
Value Area Medium	£200	£100
Value Area Lower	£75	£40
<b>Retail</b>		
<b>Town Centre</b>		
Shopping Centre	£0	£0
Retail Warehousing	£100	£50
Superstore	£349	£175
Supermarket	£0	
Convenience Store	£247	£125
<b>Local Centre</b>		
Convenience Store	£0	£0
<b>Villages</b>		
Convenience store	£0	£0
<b>Out of Centre</b>		
Retail Warehousing	£100	£50
Superstore	£349	£175
Supermarket	£0	£0
Convenience Store	£0	£0
<b>Care homes</b>	£20	£10
<b>All other commercial uses</b>	£0	£0

4.11 It is therefore recommended that on the basis of the contents of this report that the District Council investigate further the introduction of CIL and that a further report be presented to this Committee for their consideration.

## 5 RISK ASSESSMENT

### 5.1 Legal

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Not having an up to date Local Plan in place which provides adequate

land for housing places the District Council at risk to residential development being brought forward on appeal rather than on a plan-led basis. The legal risk is therefore high.

## 5.2 Financial

The cost of preparing the Derbyshire Dales Local Plan is contained within the District Council's budget. The financial risk is, therefore, assessed as low.

## 5.3 Corporate Risk

The Regeneration and Policy Risk Register identifies that preparation of the Local Plan carries a high risk rating score of 20 – this being the highest risk in the Regeneration & Policy Risk Register, and one of the highest corporately.

This indicates that lack of progress on the preparation of the Local Plan could have a significant impact on a number of areas. The timetable set out in Section 3 is considered to be realistic however any significant delay in the preparation of the Local Plan is likely to result in some of the consequential effects continuing to occur e.g. reputation and political.

## 6 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

## 7 CONTACT INFORMATION

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## BACKGROUND PAPERS

<b>Description</b>	<b>Date</b>	<b>File</b>
Report to Council	2 <sup>nd</sup> October 2014	
Report to Local Plan Advisory Committee	8 <sup>th</sup> July 2015	
Local Plan Infrastructure Needs, CIL and Whole Plan Viability Assessment – Update on Infrastructure Delivery Plan	September 2015	
Local Plan Infrastructure Needs, CIL and Whole Plan Viability Assessment – Viability Study	September 2015	

**APPENDIX 2**

**REPORT TO LOCAL PLAN ADVISORY COMMITTEE 11<sup>TH</sup> JULY 2016**

LOCAL PLAN ADVISORY COMMITTEE  
11<sup>TH</sup> JULY 2016

Report of the Corporate Director

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## **DERBYSHIRE DALES LOCAL PLAN – EVIDENCE BASE UPDATE**

### **PURPOSE OF REPORT**

The purpose of this report is to advise Members of the latest position with regards to the evidence base on Strategic Flood risk, Infrastructure and Viability, as well considerations in relation to the proposal advocated for a Garden Village and Gypsies and Travellers.

The report recommends that this updated evidence be taken into account in taking the Derbyshire Dales Local Plan forward.

### **RECOMMENDATION**

1. That Committee note the contents of the report, and that they are taken into account in taking the Derbyshire Dales Local Plan forward.

### **WARDS AFFECTED**

All Wards outside the Peak District National Park

### **STRATEGIC LINK**

The Derbyshire Dales Local Plan will be a pivotal tool in the delivery of the Council's Corporate Plan and the Derbyshire Dales and High Peak Sustainable Communities Strategy

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## **1 BACKGROUND**

- 1.1 Members will recall that at meetings of this Committee held on 21<sup>st</sup> September 2015 and 28<sup>th</sup> September 2015 considering reports which set out details of the evidence base that had been prepared at that time to inform the preparation of the Derbyshire Dales Local Plan. This consisted of the Assessment of Housing and Economic Development Needs, Strategic Landscape Sensitivity, Gypsy and Traveller Accommodation Assessment, Settlement Hierarchy and Infrastructure and Viability.
- 1.2 The conclusions reached in each of these reports have been utilised in the preparation of the Derbyshire Dales Draft Local Plan. Whilst these reports have had been influential in determining the extent of the policies and proposals contained within the Derbyshire Dales Draft Local Plan, to ensure that the plan is capable of being “sound” at any future Examination in Public, it has been necessary to prepare additional evidence to ensure that the policies and proposals included within the Derbyshire Dales Local Plan are based upon robust and up to date evidence. This report therefore sets out details of the evidence base as it relates to the following:

- Strategic Flood Risk
- Infrastructure & Plan Viability

1.3 This report also seeks to provide Members with information to assist them take forward the Derbyshire Dales Local Plan in respect of the following:

- Garden Village Proposals
- Gypsy & Travellers

## **2 EVIDENCE BASE UPDATE REPORT**

### Strategic Flood Risk Assessment

2.1 The National Planning Policy Framework (NPPF) in Paragraph 100 sets out that Local Plans should be supported by a Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. It goes on that Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- applying the Sequential Test;
- if necessary, applying the Exception Test;
- safeguarding land from development that is required for current and future flood management;
- using opportunities offered by new development to reduce the causes and impacts of flooding; and
- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.

2.2 In 2009 a Level 1 Strategic Flood Risk Assessment (SFRA) for Derbyshire Dales was undertaken by Halcrow, which sought to identify those areas which could be considered to be at risk from flooding from all potential sources including fluvial and groundwater flooding. During the preparation of the withdrawn Derbyshire Dales Local Plan the Environment Agency indicated that the SFRA prepared in 2009 was out of date and did not reflect up to date data that was available in respect of flood risk.

2.3 To minimise the risk that the Environment Agency would object to the contents of the emerging Derbyshire Dales Local Plan on the basis that the policies and proposals included within the plan did not reflect up to date evidence in the form of an SFRA in February 2016 JBA Consulting Ltd were appointed by the District Council to undertake a Level 1 SFRA covering the whole of the District Council's jurisdiction.

- 2.4 This work has now been completed<sup>1</sup>. The objective of the SFRA being to take into account the most recent policy and legislation in the National Planning Policy Framework:
- To provide an update, taking into account the latest available flood risk information.
  - To investigate and identify the extent and severity of flood risk from all sources presently and in the future within the local planning authority area of Derbyshire Dales District Council.
  - To provide a comprehensive set of maps presenting flood risk from all sources that can be used as part of the evidence base for the local plan.
  - To identify any critical flood modelling and data gaps.
  - To engage with all relevant stakeholders.
  - To include explicit guidelines on how to use the SFRA and ensure it is maintained as a 'live document'.
- 2.5 The updated SFRA has considered all sources of flooding including fluvial, surface water, groundwater, sewers and reservoirs within the study area. Flooding records show the principal risk is from fluvial flood risk. Additionally, surface water, groundwater and sewer flooding are well recorded throughout the study area. Potential flood risk from canals and reservoir inundation has also been assessed. It concludes that flood history shows that Derbyshire Dales has been subject to flooding from several sources of flood risk. Flooding records show the principal risk is from fluvial flood risk, although additionally, surface water and sewer flooding feature throughout the study area.
- 2.6 The SFRA provides guidance for the application of the Sequential and Exception Tests for both the Local Plan and for detailed, site-specific Flood Risk Assessments, along with defining the sequential approach to development and flood risk.
- 2.7 It advises that when necessary, development and redevelopment should require a Flood Risk Assessment (FRA) appropriate to the scale of the development and to the scope agreed with the Lead Local Flood Authority (LLFA). FRAs must be produced to the current national and local standards and include information on all current and future flood risk. These documents should utilise the Surface Water Management Plan (SWMP), Preliminary Flood Risk Assessment (PFRA), Flood Risk Management Plan (FRMP) and SFRA for the Derbyshire Dales District as sources of information. FRAs should consider flood risk from all sources including residual risk, along with promotion of SuDS to create a conceptual drainage strategy and safe access/egress at the development in the event of a flood. Latest climate change guidance (published in February 2016) should also be taken into account, for the lifetime of developments.
- 2.8 It also provides guidance on Sustainable Drainage Systems and seeks to encourage on-site attenuation of water wherever feasible. Finally it includes up to date flood risk mapping, which identifies the extent to which areas of the District are at risk from flooding.
- 2.9 In order to satisfy the requirements of Paragraph 100 in NPPF two of the sites allocated (HC2(j) Land at Bridge Garage, Darley Bridge and HC2(m) Land to the rear

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<sup>1</sup> [http://www.derbyshiredales.gov.uk/images/documents/L/Local%20Plan%20evidence%20base%20docs%20July%202016/2016s3951\\_-\\_Derbyshire\\_Dales\\_District\\_-\\_Final\\_Level\\_1\\_SFRA\\_v2.0.pdf](http://www.derbyshiredales.gov.uk/images/documents/L/Local%20Plan%20evidence%20base%20docs%20July%202016/2016s3951_-_Derbyshire_Dales_District_-_Final_Level_1_SFRA_v2.0.pdf)

of former RBS premises, Darley Dale) within the Derbyshire Dales Draft Local Plan where parts of the allocation are located within Flood Zone 3 have been subject to the Sequential Test. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. The NPPF advises that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. This work has concluded that that site HC2(m) passes the Sequential Test, whilst site HC2(j) has fails it.

2.10 Paragraph 102 of the NPPF requires that where the Sequential Test cannot be met then an Exception Test has to be met. It advises that for the Exception Test to be passed both of the following requirements must be met:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

2.11 There is clearly a sustainability benefit to bringing forward site HC2(j) as it contributes towards meeting the District Council's housing needs in a sustainable location. However to date no site specific flood risk assessment has been provided by the landowner of the site to demonstrate that development on the site will be safe for its lifetime, and does not increase flood risk elsewhere. As such further consideration is necessary as to whether this allocation within the Derbyshire Dales Draft Local Plan is continued.

### Infrastructure and Viability

2.12 Members will recall that at a meeting of this Committee held on 28<sup>th</sup> September 2015 giving consideration to report on the work that had been undertaken by consultants to support the preparation of a revised Derbyshire Dales Local Plan in respect of the Infrastructure Needs and Plan Viability and the Community Infrastructure Levy (CIL). The report advised Members that in order to progress with the preparation of the Derbyshire Dales Local Plan, it was necessary to undertake an assessment of existing infrastructure in order to identify gaps in existing provision across the plan area, and to identify the infrastructure requirements necessary to support the sustainable growth of the plan area, giving careful attention to viability and costs in plan-making and decision-taking.

2.13 The report concluded at that time there would not appear to be any issues in terms of infrastructure requirements that would have a detrimental impact upon growth across the plan area. Furthermore the report concluded that in terms of viability, because of the nature of the housing market in Derbyshire Dales it was unlikely that there should be any undue concerns about the viability and deliverability of sites over the plan period. (Minute 167/15)

2.14 To ensure that the policies and proposals within the Derbyshire Dales Draft Local Plan remain capable of being delivered over the plan period consultants were appointed to undertake an update on viability and infrastructure needs.

- 2.15 At the time of writing this report work is on-going in respect of the viability assessment of the policies and proposals in the Derbyshire Dales Local Plan. As such an update on viability will be presented to Council on 27<sup>th</sup> July 2016.
- 2.15 In terms of infrastructure needs the consultant's report<sup>2</sup> considers three broad areas;
- Transport
  - Utilities and Environment
  - Community Services
- 2.16 In terms of transport it highlights the impact that road noise from the surface of the A50(T) could have an adverse impact upon new development in Doveridge unless appropriate mitigation measures are put in place. It acknowledges the conclusions of the Transport Evidence Base which are considered as a separate item on the agenda of this meeting, and that Derbyshire County Council are currently preparing a bid to the Larger Major Transport Scheme Fund to explore options for an Ashbourne Bypass.
- 2.17 In terms of rail services it identifies that a passing loop on the Derwent Valley Community Railway potentially between Cromford and Whatstandwell could enable the operation of half-hourly services in the future, but to deliver this would be reliant essentially upon funding, other than from Network Rail.
- 2.18 In relation to other transport related issues it identifies that development proposals have the opportunity to fund enhancements to bus services to serve individual sites, there is generally sufficient car parking spaces across the town centres to accommodate day to day needs but there are occasions where car park capacity is reached. Any improvement to the car park management regime it considers could be funded through the LTP and/or developer contributions. The report also notes the benefits that could be achieved by the White Peak Loop along the Matlock-Bakewell corridor.
- 2.19 The impact of the policies and proposals in the Derbyshire Dales Draft Local Plan on the Utilities has been reviewed, and is based upon consultation with Western Power Distribution, National Grid and Severn Trent Water. As a result no strategic (or local) infrastructure improvements have been identified as being required at this stage for either the gas or electricity networks. The National Grid confirmed that there are no anticipated capacity issues with either the gas or electricity distribution networks in the plan area.
- 2.20 Severn Trent have advised that there are some localised capacity issues associated with the drainage network in the vicinity of some of the sites included within the Derbyshire Dales Draft Local Plan – they do not consider these to be significant constraints as any upgrades to the network in the vicinity of these sites are likely to be achieved and would be funded by the developers. Ashbourne Water Treatment Works will need to be upgraded to respond to the cumulative impact of both existing and future demand. Severn Trent Water are currently planning for the works to be expanded in a number of phases. There is room on and adjacent to the existing site for expansion subject to planning and the agreement of the Environment Agency. At

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<sup>2</sup> [http://www.derbyshiredales.gov.uk/images/documents/I/Derbyshire\\_Dales\\_2016\\_Update\\_Report\\_with\\_Appendix\\_Final.pdf](http://www.derbyshiredales.gov.uk/images/documents/I/Derbyshire_Dales_2016_Update_Report_with_Appendix_Final.pdf)

other sites the report indicates that there is no clear mitigation scheme and this will need to be addressed taking into account the nature and timing of each site as they are brought forward.

- 2.21 Although telecommunication networks are not considered to be a key driver of, or barrier to, new residential development, the report acknowledges that from 31 December 2016 a number of EU directives relating to telecommunications will apply, including one that ensures that "member states will be required to ensure that newly constructed buildings and properties subject to major renovation works are equipped with a high-speed-ready in-building physical infrastructure, up to the network termination points". These will have to be taken into account in taking the Derbyshire Dales Local Plan forward.
- 2.22 In terms of Education the report sets out that Derbyshire County Council as Education Authority have a well-established and on-going approach to the assessment of education needs across the plan area. It sets out that Derbyshire County will continue to seek financial contributions from developers to enable the provision of primary and secondary school places.
- 2.23 Derbyshire County Council in their response to the consultation on the Derbyshire Dales Draft Local Plan set out the following detailed comments in respect of education requirements:

*"In Ashbourne, housing development within the normal area of Hill Top Infant and Nursery School and Parkside Community Junior School will probably trigger the need to provide additional places at both schools, secured either via Section 106 planning obligations or CIL. DCC has already responded to planning applications for residential development at a number of the proposed site allocations requesting contributions towards the provision of primary school places at these schools.*

*In Doveridge, it is likely that current planning applications will utilise the available surplus and projected surplus capacity at the primary school. In future, any further residential development will likely result in a requirement for the provision of additional primary school places, to be funded by developers.*

*In Hulland Ward, any further development will result in a requirement for additional primary school places at Hulland Primary School.*

*In Brailsford, construction of a new primary school will provide accommodation for new primary school pupils from development already benefitting from planning permission. Any further development in this area may result in a need for additional places at Brailsford Primary School or contributions towards additional provision at the new school site.*

*QEGS is projected to have a small amount of surplus capacity and could accommodate some additional secondary pupils from a small level of housing development. However, significant housing growth within the normal area of QEGS would see the small amount of projected surplus capacity taken up. There would be a need for developer contributions (secured either via Section 106 planning obligations or CIL) to provide additional secondary places in order to mitigate the cumulative impact of housing development in the QEGS normal area.*

*The primary schools serving the Darley Dale planning area are all at capacity or over-subscribed currently, and projections are showing rising pupil numbers for all but one primary school in this area. Therefore, any residential development in this area will result in a need for the provision of additional primary places, to be funded either via Section 106 planning obligations or CIL.*

*In Matlock, further housing development would result in the need for provision of additional primary school places at All Saints Infant School, All Saints Junior School and Castle View Primary School. However, the site of All Saints Infant School is limited in its potential for expansion. Therefore, there may be a requirement for an alternative site for the provision of either an infant school or primary school for Matlock.*

*In Tansley, housing development would result in the need for provision of additional primary school places which could be delivered subject to funding from developers via Section 106 planning obligations or CIL.*

*Highfields School is the normal area school for secondary provision in Matlock, Darley Dale and Tansley and is projected to have sufficient surplus capacity to accommodate additional secondary pupils from future housing development in these areas.*

*In Wirksworth, additional primary school places would be required to accommodate additional pupils from housing development. However, neither infant school site can be expanded, although there is some space at the junior school. It is not clear how additional infant places could be provided. DCC would look to negotiate a site for a primary school in the Wirksworth area.*

*In Middleton, housing development would result in the need for provision of additional primary school places at Middleton Community Primary School which could be delivered, subject to funding from developers via Section 106 planning obligations or CIL.*

*Anthony Gell School is the designated normal area school for secondary provision and is projected to have sufficient surplus capacity to accommodate additional secondary pupils from future housing development in its normal area.*

- 2.24 In respect of healthcare the report advises that the need for additional health facilities will depend on the amount and type of housing being developed, and whether there will be significant elderly or young populations. This will determine the required make-up of the clinical workforce and may, for example, highlight the need for practice nurse, dental, ophthalmic and pharmacy support. It advises that all the Clinical Commissioning Groups (CCG) that cover Derbyshire Dales are in the process of producing Strategic Estate Strategies which are due to be published in Summer 2016, and will set out the need for future facilities. However it notes that without large developments triggering capital works (e.g. new health centres) any enhanced services are likely to rely on 'revenue' funding (e.g. to cover additional staff or rental costs), which developer contributions are unlikely to be able to provide for.
- 2.25 Whilst the report sets out an overview of the position with regards to the need for healthcare provision in the future, direct discussions have been held with representatives of all three CCGs that cover the plan area. As part of these discussions the CCGs have been asked three specific questions :
1. Is existing health care provision adequate to serve the existing and future needs of the area ?
  2. Is there an need to improve health care provision in the Derbyshire Dales ?
  3. If there is a need to improve health care provision, what assistance is required from the Local Planning Authority.?

2.26 Each of the CCG's have been provided with details of the scale and location of proposed residential developments and they have predicted the impact upon existing facilities. However, each of them has informed me that it is no longer policy and practice to simply build more GP surgeries or employ more GP's. The approach that is being taken to deal with increasing demands is far broader and includes the following:

- a) Utilisation of technology to facilitate GP service transformation as a means of improving capacity in the health care system as opposed to increasing the number of GP services.
- b) Initiatives in the community which avoid the need for people to call on GP services are increasingly seen as a more effective means of improving the health and well-being of people.
- c) Encouraging GP practices to work more collaboratively with each other in order to improve overall capacity within the health care system.
- d) There is a move nationally and regionally to encourage GP practices to operate more flexibly by extending opening hours and moving to 7 day working.

2.27 As a result of these discussion the position in regard to health care facilities across the Derbyshire Dales is as follows:

- *NHS Southern Derbyshire Clinical Commissioning Group - At the present time, taking into account the scale of development proposed in the emerging Derbyshire Dales Local Plan, the CCG does not envisage the need to invest in any new build GP practices and that the four practices that currently serve the Southern Derbyshire Dales are adequate to meet future needs. However, there may be a need to improve capacity at the existing practice serving Hulland Ward and assistance has been provided District Council in this regard through s.106 contributions from permitted developments.*
- *North Derbyshire Clinical Commissioning Group - At the present time, all 3 General Practice surgeries that serve the northern Derbyshire Dales are beyond their optimum patient levels. As a consequence of the scale of new residential development proposed in the emerging Derbyshire Dales Local Plan, there is likely to be a need to consider the existing arrangements in further detail. However, the solution to this lies with the existing GP practices who need to work collaboratively together. The District Council has requested the CCG to provide details of their requirements and we will use the planning process to secure resources to assist.*
- *East Staffordshire Clinical Commissioning Group - In response to development pressures in East Staffordshire, there is a need to increase capacity for health care provision across the CCG area. Proposed developments envisaged in Doveridge will place increased pressure on the existing Dove River Practice (Sudbury) and options for the potential expansion and/or relocation of the Dove River (Sudbury) Practice need to be explored with the Practice Partners in order to accommodate an expected increase in patient numbers over the plan period. Again, the District Council has offered to use the planning process to secure resources to assist.*

2.28 The three main emergency services, Police, Fire and Rescue and Ambulance, are responsive organisations with a duty to serve the population within their area, and so the deployment of resources is based on response times to serve this population. These services are not considered to be a significant driver or barrier to growth, as they will deploy resources to serve the scale and location of new development.

- 2.29 The provision of community facilities such as libraries and sports facilities is changing and likely to remain under pressure with future funding settlements for the District Council. Although not a significant influence on growth, such facilities are essential to enhance the quality of life for new residents and the existing population, but funding will be needed outside the Local Plan process. The report notes that the District Council is in the process of appointing consultants to undertake a study of Built Sports Facilities, Playing Pitch and Open Spaces – the outcome of which will need to be taken forward into the Derbyshire Dales Local Plan prior to submission to the Secretary of State.
- 2.30 Notwithstanding the traffic and transport issues considered elsewhere on the agenda of this meeting, taking all the above factors into account it is considered that there still remains no significant barriers from an infrastructure perspective that could be considered to be an impediment to the delivery of the Derbyshire Dales Local Plan over the plan period.

#### Other Matters – Proposed Garden Village

- 2.30 As Members will be aware the District Council has received a suggestion from Darley Dale Town Council (and now supported by Matlock Town Council) for the allocation of land for a new village within the proposals in the Derbyshire Dales Local Plan.
- 2.31 The emphasis in the NPPF is that Local Plans should only include proposals if they have a reasonable prospect of being implemented over the plan period. Whilst there are potential advantages of such a proposal, given the advice in the NPPF proposals that are not likely to be brought forward and implemented over the plan period should not therefore be included within the plan. As such it is necessary to consider the likelihood of a proposal for a Garden Village being brought forward and implemented over the plan period.
- 2.32 The Corporate Director and Policy Manager have met with representatives of Darley Dale Town Council to discuss their proposals for a Garden Village. As a result of this meeting the Corporate Director and Policy Manager contacted a developer at the suggestion of Darley Dale Town Council to seek their views about the extent to which there was likely to be market demand for such a proposal. The advice being given is that there is unlikely to be market demand for such a proposition.
- 2.33 Although a number of possible locations and sites were suggested by Darley Dale Town Council none of the sites or locations identified were either available or of sufficient size to enable such a proposition to come forward through the Local Plan process. Nor as Members will be aware have any sites of a sufficient size come forward through the call for sites process which could be justified as being suitable as an allocation as a stand-alone new village proposal in the Local Plan.
- 2.34 In the absence of any available sites from willing landowners it would be wholly inappropriate to allocate land for such a provision within the Derbyshire Dales Local Plan as it could potentially jeopardise the soundness of the whole Local Plan.
- 2.35 It was suggested by Darley Dale Town Council that the preparation of the Derbyshire Dales Local Plan should be paused in order to give further consideration to this proposal. Advice sought from the Department for Communities and Local Government is that in terms of preparing the Derbyshire Dales Local Plan this should not be unduly delayed in order to give any significant additional consideration to the suitability of a

including a site(s) for a new village proposal within the Derbyshire Dales Local Plan. A copy of the response from the Department for Communities and Local Government is set out in Appendix 1 to this report.

- 2.36 In such circumstances it is considered that it is not necessary to consider this matter further as part of the preparation of the Derbyshire Dales Local Plan.

### Other Matters – Gypsies and Travellers

- 2.37 As Members will be aware the Gypsy and Traveller Accommodation Assessment indicated that 9 pitches were required to meet the needs of the Gypsy and Traveller Community in Derbyshire Dales over the plan period, and that Policy HC6 set out proposals to allocate land at Watery Lane, Ashbourne as a site for Gypsies and Travellers provided that a need remains for such uses within the plan area.
- 2.38 A number of representations were received during the consultation on the Derbyshire Dales Draft Local Plan which suggested that Policy HC6 did not satisfy the requirements of the Government's Planning Policy for Travellers Sites.
- 2.39 A review of the requirements set out in the Government's Planning Policy for Travellers Sites has been undertaken, and an assessment undertaken as to the extent to which the policy in the Derbyshire Dales Draft Local Plan complies with national policy.
- 2.40 This indicates that an assessment should be undertaken to determine the extent to which there is a need for sites to meet the needs of the Gypsy and Traveller Community and in producing Local Plans:
- a) identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets
  - b) identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15
- 2.41 The GTAA breaks the requirement down of 9 pitches for Derbyshire Dales such that 6 pitches are required to be provided within the first five years and the 1 pitch every five years thereafter.
- 2.42 Consequently in order to comply with the requirements of the Planning Policy for Travellers Sites the Derbyshire Dales Local Plan should as a minimum make provision for 6 pitches over the first five years of the plan period as well as identify the approach to addressing the needs beyond the first five years of the plan.
- 2.43 It is therefore considered that in taking the Derbyshire Dales Local Plan forward revisions to Policy HC6 should be made to ensure compliance with the Planning Policy for Travellers Sites.

## **3 RISK ASSESSMENT**

### **3.1 Legal**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless

material considerations indicate otherwise. Not having an up to date Local Plan in place which provides adequate land for housing places the District Council at risk to residential development being brought forward on appeal rather than on a plan-led basis. The legal risk is therefore low.

### 3.2 **Financial**

The financial risk is assessed as low.

### 3.3 **Corporate Risk**

The Derbyshire Dales Local Plan will be a pivotal tool in the delivery of the Council's Corporate Plan. In order to fulfil this role it is necessary to ensure that robust evidence-based and "sound" documents are prepared. Failure to do so will undermine the ability of the District Council to achieve its key aims and objectives. The Corporate Risk associated with the preparation of the Local Plan has been identified as High Risk.

## 4 **OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

## 5 **CONTACT INFORMATION**

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## 6 **BACKGROUND PAPERS**

<b>Description</b>	<b>Date</b>	<b>File</b>
Reports to Local Plan Advisory Committee	July 2015 to February 2016	G/5/P1
Report to Council	October 2015	G/5/P1
National Planning Policy Framework		G/5/P1
SFRA	June 2016	G/5/P1
Infrastructure Report	June 2016	G/5/P1

LETTER FROM  
DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT



**Department for  
Communities and  
Local Government**



**Mr P Wilson  
Corporate Director  
Derbyshire Dales District Council  
Town Hall  
Matlock  
Derbyshire DE4 3NN**

**Please ask for:** Sarah Hunt  
**Tel:** 0303 44 48081  
**Email:** Sarah.hunt@communities.gsi.gov.uk

**Date:** 15 June 2016

Dear Mr Wilson

**LOCALLY LED GARDEN VILLAGES**

Thank you for your letter dated 24 May regarding locally led garden villages.

As you are aware, the Government wants to see up-to-date local plans in place as soon as possible. I am encouraged that your authority is working towards the submission of its local plan and I would encourage you to progress this plan to adoption at the earliest opportunity.

I would suggest that the proposition of a garden village as a way of meeting the Council's Objectively Assessed Housing Need is properly considered through an early review, or partial review of the local plan, especially given that any such proposal appears to be in its infancy. I am happy to meet with your authority to discuss this further.

We have made clear our expectation that all local authorities should have an up-to-date local plan in place. Local plans are the primary basis for identifying what development is needed in an area and deciding where it should go and are therefore vital for giving communities the certainty they deserve for how local housing needs will be met. We have set out that where no local plan has been produced by early 2017, we may intervene and arrange for a plan to be written in consultation with local people, where it would accelerate production of a local plan. In March 2016, we consulted on the criteria to inform intervention decisions and this included a question on whether we should take exceptional circumstances into account in these decisions. We are currently analysing the responses and will be making a response shortly.

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Yours sincerely,



**Sarah Hunt**  
**Local Plans Team**