



DERBYSHIRE DALES DISTRICT COUNCIL
RESPONSE TO
INSPECTOR'S PRELIMINARY QUESTIONS,
CLARIFICATION AND COMMENTS RELATING TO
SOUNDNESS (Strategic site Allocations – Chapter 8)

DERBYSHIRE DALES LOCAL PLAN EXAMINATION

INSPECTOR'S PRELIMINARY QUESTIONS, CLARIFICATION AND COMMENTS RELATING TO SOUNDNESS (Strategic Site Allocations – Chapter 8)

Introduction

1. The purpose of this note is to seek clarification from the Council on a number of matters relating to Chapter 8 of the Local Plan. These matters have emerged from my preparation so far, including assessing representations. I will have further questions during the preparation period.

General

2. It would be helpful if each policy cross-referenced with the relevant allocation policies, HC2 and EC2.

District Council Response

The District Council will prepare modifications to the Plan prior to commencement of the hearing sessions to provide cross-referencing between allocation policies.

3. The comments at paragraph 8.2 illustrate the point raised in my questions dated 7 February (paragraph 15) about infrastructure and on-site constraints. It may be desirable to bring these sites forward but are they such that they can contribute to the 5 year supply and/or be deliverable in 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.

The deliverability of allocation sites has been assessed as part of the SHELAA process. Information on anticipated delivery is taken from information provided direct from developers, and the use of professional judgement taking into account site constraints and infrastructure requirements. The District Council has continued to regularly update this information by supplementing it with discussions undertaken through pre-application meetings, meetings with key infrastructure providers, further analysis of technical documents received through agencies and progress in terms of planning applications received. The District Council is also in the process of preparing Statements of Common Ground in regard to a number of these sites. These will set out the latest position in regard to deliverability and phasing.

4. All the policies include a requirement for developer contributions. What are the implications of the pooling limitations contained within Regulation 123 of the Community Infrastructure Levy Regulations 2010 for the effectiveness of the policies?

District Council Response

In response to the Inspectors questions (IN02 – Q41), the District has set out the timetable for the introduction of CIL (EX/02). Following the introduction of CIL, it is the intention that most infrastructure requirements will be funded by CIL.

The District Council is mindful that Regulation 123(3) of the CIL Regulations restricts the use of planning obligations such that no more than five planning obligations can be entered into after 6th April 2010 which are funding the same infrastructure project or type of infrastructure. Under the provisions of the Regulations, the charging authority has the ability to choose between listing types of infrastructure or infrastructure projects or combining the two. Before a planning obligation can be entered into to fund an infrastructure project or a type of infrastructure, it is necessary to carry out an investigation to ascertain whether the pooling restriction will be infringed by the new planning obligation. The District Council has reviewed s.106 agreements entered into since 6th April 2010 and at the present time there is no conflict with Regulation 123(3). Prior to the introduction of CIL, the District Council will continue to monitor this situation.

In the period prior to the introduction of CIL, it is the Council's understanding that legally, the pooling limitation operates separately as regards types of infrastructure and infrastructure projects. Therefore, if five planning obligations providing for a type of infrastructure have been entered into since 6th April 2010 then no more can be imposed as the limit has been reached. However, it is still possible to impose planning obligations in relation to a specific infrastructure project within that type of infrastructure, provided that the separate limit in relation to the specific project has not been breached and the project does not appear on the reg. 123 list.

5. The strategic allocations will be discussed at the hearings.

Policy DS1

6. As previously commented this is a commitment (paragraph 8.31 refers). Does the mixed use in the policy reflect the planning application(s)? If the applications and any permissions are different what scope is there for achieving the mix of uses proposed in first part of the policy?

District Council Response

The District Council can confirm that policy does reflect the mixed use set out in the planning application (ref: 06/10/2014) which comprises the whole of the Phase 1 policy allocation.

7. There are then a whole series of criteria which again are desirable but if not addressed by any planning permissions are unlikely to be achievable. In the cases of those criteria that require assessment of matters such as archaeology and flood risk have these not already been provided as part of any application? Similarly have the extent of developer contributions been agreed?

District Council Response

The criteria set out in Policy DS1 have been a requirement and subject to consideration as part of the determination of planning application (14/00074/OUT) for the site, including a Flood Risk Assessment and Sustainable Drainage Strategy and an Archaeological Assessment. Whilst the appraisal of these issues has already been undertaken as part of the planning application, the District Council has set out the requirement for these assessments as part of Policy DS1 to ensure that in the event that a revised planning application comes forward for the site in the future, the same policy requirements are met.

The developer contributions have been agreed under the s106 agreement.

Policy DS2

8. The explanation to the policy at paragraph 8.7 refers to the opportunity of providing a new medical centre. To increase certainty would it be appropriate to specifically refer to this 'community facility' within the 1st bullet point of the policy?

District Council Response

The District Council agrees with the Inspector and will prepare a modification prior to commencement of the hearing sessions.

Policy DS3

9. There are a number of criteria which, as indicated in the explanation, result in abnormal costs such as stabilisation of the rock face and remediation. What are the implications of these costs for delivery of the development and the provision of contributions to affordable housing, infrastructure and community facilities?

District Council Response

A viability study (CD19) was commissioned as part of developing the Local Plan and assessing the initial deliverability of sites. The study has tested the viability of all strategic allocation sites within the Derbyshire Dales Local Plan, with assumptions based upon abnormal and additional costs that may be associated with the development of each individual sites. There is no evidence from the viability work undertaken in respect of the Local Plan to suggest that this site is not deliverable.

10. What are the implications of 'the impact on the existing mineral resource' in terms of the timing of delivery of housing? Does Policy MC17 of the Derbyshire Minerals Local Plan form part of the evidence base? If not please could a copy be provided?

District Council Response

The mineral reserve in Stancliffe Quarry is circa 165,000 tonnes. Whilst the site is currently inactive, the site is used for the supply of stone for specific projects,

therefore extraction is sporadic but is generally about 30,000 tonnes every couple of years.

In 2008, planning permission was granted (08/00311/FUL) for the redevelopment of site to include re-modelling of the quarry, formation of access road to A6 and erection of self-catering hotel and 38 no. holiday lodges. As part of this permission, a specific condition was imposed to secure the extraction and stockpiling of stone reserves for future use. It is anticipated that a similar approach would be adopted to the current allocation i.e. stone reserves would be extracted in advance of development and stockpiled.

A copy of Policy MP17 is provided under separate cover as a policy extract. The Derby and Derbyshire Minerals Local Plan can be viewed at :
http://www.derbyshire.gov.uk/environment/planning/planning_policy/minerals_waste_development_framework/default.asp

Policy DS4

11. What are the implications of excluding the 'upper northern slopes' from built development in terms of achieving 430 dwellings?

District Council Response

The 'upper northern slopes' have been excluded from the development site based upon significant adverse impacts upon the landscape character, visual amenity and settlement pattern and impacts resulting from the underground springs and drainage issues. These identified constraints were initially considered as part of the SHELAA process and are evident within the individual site assessments of CD26, SHELAA Appendices. Further evidence was prepared to support the Allocations within the Local Plan including the Strategic Flood Risk Assessment (CD39). The site was initially appraised as two separate sites as part of the SHELAA process. Assessment of SHLAA224 site (off Pinewood Road) concluded 75% of the site to be developable, and SHLAA225 site (off Gritstone Road) concluded 50% of the site to be developable based upon the constraints that exist. The capacity of 430 dwellings on the site is based upon the net developable area for residential development, whereas Policy DS4 sets out the gross area of the site. The gross area is set out within the policy to ensure the necessary infrastructure is accommodated and delivered within the site.

Planning applications for the site are currently being prepared for submission. The prospective developer intends to submit an application for Phase 1a of the site, off Gritstone Road for circa 72 dwellings. An outline planning application is to be submitted for Phases 1b and 2, off Pinewood Road along with a link road, connecting with Phase 1a then Gritstone Road.

12. The setting out of the policy needs to be amended so that the criterion relating to community facilities is a separate bullet point to the masterplan point.

District Council Response

The District Council agrees with the Inspector and will prepare a modification prior to commencement of the hearing sessions.

13. The issues raised in representations will be discussed at the hearings.

Policy DS5

14. The points about abnormal costs and mineral resource made in relation to Policy DS3 are also relevant to this site. Are there any stability issues?

District Council Response

In June 2014, the site was subject of a rockface stability walkover assessment as part of planning application 14/00541/OUT. The assessment indicated that a full geotechnical assessment would need to be undertaken and a detailed remediation strategy formulated for the rock faces as part of a Reserved Matters submission. In some areas, little or no protection may be required beyond the removal of obviously unstable material, whilst other areas may require much greater levels of protection.

The sites viability and deliverability has been assessed and was considered in detail by the District Valuation Office as part of the planning application for the site. Further viability assessments have been undertaken by appointed consultants Cushman & Wakefield's - Local Plan Viability Study, which assessed the viability of the site based upon a number of assumptions and costs (CD19). Both viability assessments conclude that the site is viable and deliverable taking into account all abnormal and associated costs. The viability assessments can be made available to the inspector if requested.

Is the requirement for a scheme addressing potential light pollution necessary? It does not appear to be a criterion which is applied to other strategic sites, including Cawdor Quarry.

District Council Response

Halldale Quarry has been driven into the Masson hillside from the north, the main consequence of which is that the highest and steepest quarry faces are on its southern and south eastern sides. Three limestone faces rise vertically in three distinct lifts from the quarry floor which occupies an extensive area in the central / north western portion of the site. On its western and south western sides, quarry waste tipped against the rock face has created a long, steep, undulating slope which rises from the quarry floor to the quarry edge.

On the northern and western sides, long bunds of material are well vegetated with belts of trees and shrubs which provide effective screening of the quarry floor in views from the north and west. Extensive areas of mixed vegetation also occupy parts of the western and south western quarry slopes, again helping to screen views from these sides and are prominent within views of the higher parts of the quarry from the north.

Due to its prominent hillside location, there are extensive views of the site from a number of local vantage points including Matlock Bank and Upper Hackney. Whilst Halldale Quarry provides a dramatic and familiar backdrop to views across the valley, especially from Matlock Bank, fortuitously for the enjoyment of these views, the derelict and despoiled land within the quarry itself is not visible.

Unlike many quarries, Halldale is formed from a relatively level based section cut into the hillside rather than the more usual 'hole in the ground'. Topographically, this means that the greater Halldale Quarry forms a bowl of land flanked to the eastern edge by a group of ranked, sheer cliffs and to the north and west by steep inclines of former quarry over burden and spoil leading gradually to exposed rock faces at the east, west and south.

The potential for light pollution in Halldale Quarry is therefore considered to be a relevant factor which should be taken into consideration in the site planning and design process with appropriate mitigation measures.

Policy DS6

15. The points about abnormal costs made in relation to Policy DS3 are also relevant to this site. There are also ecological constraints, in particular the 'open mosaic habitats'. Are these constraints likely to make the site undevelopable?

District Council Response

Abnormal and associated costs have been assessed for all strategic sites in CD19, 'Derbyshire Dales District Council – Local Plan Infrastructure Needs, CIL and Whole Plan Viability Assessment', by appointed consultants, Cushman and Wakefield. The study concludes that the site is viable and deliverable.

A planning application for the site is currently being prepared for submission. The viability of the site will therefore be evidenced as part of the Council's statement to the EIP.

The District Council has sought to reduce potential impacts from the development upon the loss of biodiversity through the pre-submission draft schedule of minor modifications (SD03). Modifications M44, M45, M46 are proposed in response to representations made by Derbyshire Wildlife Trust (Rep No. 199/657). The Derbyshire Wildlife Trust set out that these requested changes to the policy will "*ensure the biodiversity loss is fully mitigated and compensated*". The District Council does not consider that the ecological constraints make the site undevelopable.

16. The wording of the 6th bullet point is awkward.

District Council Response

The District Council agrees with the Inspector and will prepare a modification prior to commencement of the hearing sessions.

17. Should the policy refer to contributions to a replacement primary school to be consistent with Policy DS7?

District Council Response

The District Council agrees with the Inspector will prepare a modification prior to commencement of the hearing sessions.

Policy DS7

18. The points about abnormal costs and mineral resource made in relation to Policy DS3 are also relevant to this site. There are ecological, instability and contamination constraints. Only development within the worked out quarry is likely to be acceptable. Is the site viable and developable?

District Council Response

Abnormal and associated costs have been assessed for strategic sites in CD19, 'Derbyshire Dales District Council – Local Plan Infrastructure Needs, CIL and Whole Plan Viability Assessment', by appointed consultants, Cushman and Wakefield. The study concludes that the site is viable and deliverable.

Derbyshire County Council has advised that the existing mineral resource can be safeguarded by prior extraction of the stone or by disposing of the old permission either by formal revocation or by an obligation that the permission would not be used. The landowner is currently undertaking discussion and negotiations with Derbyshire County Council to remove existing minerals permissions on the site.

The principle of the site for development was initially assessed as part of the SHELAA process and comments from all relevant agencies have been taken into account as part of that process. To assess the suitability of the site further, the District Council has worked closely with the landowners, agents of the site and is undertaking further discussions with the relevant agencies to develop the master planning process. In addition 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 of the site and any updated anticipated phasing rates for the site.

19. The first part of the policy refers to dwellings and community facilities but the 2nd bullet point to employment and residential development. What is the intended mixed use? There appears to be a need for a new primary school in Wirksworth. Given that this site is the largest allocation in the town and the policy includes community facilities should explicit reference be made within the policy to a primary school? Or is the replacement primary school likely to be on an existing County Council site?

District Council Response

The proposal is to redevelop the site for mixed use comprising approximately 645 dwellings, convenience retail facilities in the form of a local village centre and community facilities/services (pub/restaurant) with the potential for some small scale B1 Office accommodation. The District Council will prepare a modification prior to commencement of the hearing sessions to clarify this point.

Derbyshire County Council's formal response to the Derbyshire Dales Local Plan Pre Submission Draft makes it clear that there is a need for new primary school provision in the town, however this provision cannot be accommodated on any existing County Council site.

Land at Middle Peak Quarry has the potential to meet the future primary school needs for Wirksworth and specific reference is made in the 14th bullet point. However, land at Middleton Road, Wirksworth also has potential to contribute towards education provision as referenced in the proposed response to Q17 above.

20. Should the 4th bullet point refer to the B5023 rather than B5036?

District Council Response

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

Policy DS8

21. The first bullet point refers to community/educational facilities. Should these facilities be referred to in the first part of the policy and the 2nd bullet relating to phasing?

District Council Response

The District Council agrees with the Inspector and will prepare a modification prior to commencement of the hearing sessions.

22. Elsewhere in the Local Plan there is reference to significant impacts on junctions in Ashbourne as a result of proposed developments. As the largest development in the town should the policy include specific reference to the need for off-site highway works?

District Council Response

The District Council agrees with the Inspector and will prepare a modification prior to commencement of the hearing sessions.

Policy DS9

23. As the majority of the site has planning permission should Cawdor Quarry be a commitment rather than an allocation?

District Council Response

Although the site is a current commitment, the District Council would like to retain the site as an allocation 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 are met.

24. The policy refers to about 470 dwellings. It is assumed that this derives from the 432 dwellings granted planning permission and the 50 dwellings allocated under Policy HC2(w)?

District Council Response

The Inspector is correct. The calculation comprises 432 dwellings permitted in Cawdor Quarry minus 12 dwellings already completed at Limestone Croft which forms part of the Cawdor site serviced off Snitterton Road. The site allocation HC2(w) of 50 dwellings plus the residual 420 dwellings in Cawdor Quarry provides 470 dwellings in total.

25. On the basis that planning permission has already been granted have the assessments referred to in the various criteria not already been carried out and the contributions agreed? For example the last criterion relating to 'contamination and ground condition surveys' appears to have been addressed (paragraph 8.36 refers).

District Council Response

The Inspector is correct. The requirements set out in the policy have been met through the existing planning permission for the site. However as mentioned above, in the event that any revised proposals are submitted for the site in the future, there will be a need to revisit these issues as appropriate.

26. Representors suggest that the scheme granted planning permission is not viable and additional development, including a greater number of dwellings (790), is necessary to bring the site forward. What evidence is before the Council in terms of viability? Is there scope for increasing the housing numbers for the site?

District Council Response

Representations have been submitted (5304/541) which seek to increase the capacity of Cawdor Quarry to 790 dwellings plus a minimum of 30,000sqm retail and leisure floorspace; and a minimum of 3,000sqm commercial office floorspace. These representations have been submitted on behalf of a company who have no formal agreement with the owner of Cawdor Quarry to pursue an alternative scheme for redevelopment. The alternative proposal has not been supported by any evidence to demonstrate that it is achievable and the District Council does not believe that this amount of development can be achieved within the site.

At the present time, there is an alternative scheme for development in Cawdor Quarry under consideration (application code: 16/00923/OUT). This scheme proposes development beyond the limits of the extant planning permission and includes land not proposed for allocation within the Local Plan. The applicants are currently formulating up to date viability information in support of this proposal.

Whilst the District Council raises no objection to increasing the housing numbers on the site, within the confines of the extant permission boundary plus the allocations proposed within the Local Plan (HC2(w)), the potential for this is considered to be extremely limited due to site constraints.

Response

27. It would be helpful to have a response from the Council on matters raised above by 2 March if possible. If the Council consider that any of the above comments and questions need to be addressed by Main Modifications (MMs) then please let me know. In this respect as advised in the Initial Questions a Schedule of MMs should be produced at an appropriate stage in advance of the hearings.
28. 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.

Mark Dakeyne

INSPECTOR

15 February 2017