

DERBYSHIRE DALES LOCAL PLAN EXAMINATION

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

Introduction

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

Duty to Cooperate (DTC)

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

OAN

3. The Housing and Economic Development Needs Assessment (CD27) took into account the 2012-based household projections as a starting point in considering housing need. In July 2016 the 2014-based household projections were released. The Needs Assessment should be sensitivity tested against these recent projections. I understand that G L Hearn is undertaking work in this regard but I have not seen any output. In addition any implications for international migration arising from the decision to leave the European Union should be considered. ***Please indicate whether these factors have been taken into account?*** The Government's White Paper published today - 'Fixing our broken housing market' - indicates that the Government will consult on options for introducing a standardised approach to assessing housing requirements albeit that such an approach is unlikely to be in place such that this examination can take it into account. That said the White Paper also refers to Councils having clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people. ***Is the Council satisfied that the plan will achieve this objective?*** In particular CD27 identifies a need for over 1100 units of older persons housing including specialist housing. ***Is Policy HC11 sufficiently positive to encourage such provision?***
4. The OAN has three components – demographic need, supporting employment growth and improving affordability. However, this approach does not appear to take into account adjusting the OAN for both the need for affordable housing and market signals as recommended by the Planning Practice Guidance (PPG). In this regard it is noted that the some 100 households per year will require support in meeting their housing need and that CD28 suggests a 'modest upwards

adjustment to housing provision in order to enhance affordable housing delivery'¹.
How has the OAN been adjusted to take into account both the need for affordable housing and market signals?

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

Housing Requirement

6. Policy S6 indicates a requirement for at least 6,440 dwellings over the plan period of 2013-2033. It is assumed that it is anticipated that there will be a constant rate of delivery of 322 dwellings per annum. The housing requirement would be met by a number of components set out in Table 3 which shows not so much the 'housing requirement' more an indication as to how the 'requirement' will be met. I seek clarification on how some of these have been arrived at.
7. I assume that the 'net' in terms of commitments and windfall in Table 3 of the LP takes into account any loss of dwellings through demolitions and changes of use. The same factor would presumably also apply to the other figures in the table and the 6,440 in Policy S6 itself. **In this respect would it seem clearer if the explanation to the policy and table indicated that all figures are 'net'?**
8. The PDNP contribution is shown as 358 dwellings. **How has this figure been arrived at? Is it the estimate of 400 dwellings referred to in the DTC Statement and Appendices minus completions since 2013?**
9. The windfall allowance is shown as 261 units. **How has this figure been derived?** Taking into account the assessment of the contributions from windfalls in the SHELAA (CD25) the figure should be 255.
10. Allocated sites are shown in paragraph 4.31, Table 3 and Policy S6 as providing 3188 dwellings whereas Policy HC2 and the Key Diagram show 3215 dwellings (3515 minus the 300 dwellings at Ashbourne Airfield to be delivered beyond the plan period). **Does this anomaly need to be corrected?**
11. Table 3 does not indicate that there is much flexibility when comparing the components of supply against the housing requirement as there is only a difference of some 130 dwellings between the two. **How, if at all, can more flexibility be built into housing supply to make it more likely that the housing requirement will be met. For example should a non-implementation buffer be included? If so what % would be appropriate?**

¹ Page 124 - Implications

Five Year Housing Supply and Housing Trajectory

12. The Council indicate that there is more than a 5 year housing land supply (HLS) against a requirement which takes into account the shortfall between 2013 and 2016 and a 20% buffer. However, this is based on a number of assumptions that need to be tested. Completions over the last 3 years average out at 134 dpa. The housing trajectory indicates a significant increase in completions more than doubling from 225 in 2016/17 to 538 in 2017/18 and then rising to a peak in 2018/19 of 811 dwellings. If 3065 dwellings came forward in the period 2016-2021 that would be nearly half of the supply coming forward in less than a third of the remaining plan period. ***Is this robustly evidenced and realistic?***
13. Looking at the components of the housing supply, of the housing commitments 1320 out of 1785 dwellings are expected to be delivered (74%). It is assumed that these figures are derived from the SHLAA. ***Is there evidence to indicate that the assumptions are robust and the figure is realistic e.g. past take up of planning permissions?***
14. On a similar note out of a total provision from allocated sites of 3515 dwellings (Policy HC2), some 1265 potential units are shown in the 5 year HLS (36% of the allocations). It is assumed that these figures are derived from the SHLAA. ***Is there robust evidence that this number of units is deliverable?*** Taking a couple of examples for HC2(j)² the Site Assessment from the SHLAA suggests that all 147 units would be delivered in the 5 year period even though there are a number of constraints identified. Similarly all 100 units at HC2(l)³ are anticipated to be delivered in the 5 year period despite issues of viability and environmental constraints. DS9⁴ does not appear to be included in the SHLAA, albeit that it is shown on the map for Matlock in Appendix 3. The housing contribution is not shown as a housing allocation under Policy HC2 (apart from the former Permanite Works) even though other strategic sites/mixed development allocations form part of the policy. ***Is there any reason for this? Is the site likely to deliver any dwellings in the 5 year HLS?***
15. On a more general point a significant number of the dwellings are on sites with substantial infrastructure requirements e.g. Ashbourne Airfield (25% of allocations) and/or with contamination and ground condition issues such as former quarries e.g. Stancliffe Quarry, Cawdor Quarry, Halldale Quarry and Middlepeak Quarry (45% allocations). ***Are these sites deliverable within the plan period?***
16. With regard to Major Permissions, apart from the sites at Marston Montgomery and Wirksworth I could not see assessments for the sites in the SHLAA. ***If they are not included in the SHLAA is there evidence elsewhere to support the number of units to be delivered in the 5 year period?***

² Land to rear of RBS, Darley Dale

³ Land at Stancliffe Quarry, Darley Dale

⁴ Land at Cawdor Quarry, Matlock

17. The 4th bullet of paragraph 47 of the National Planning Policy Framework (the Framework) refers to the setting out of a housing implementation strategy describing how a LPA will maintain delivery of a 5 year supply of housing land. **Does the Council have such a strategy?**
18. **Following on from the above do the housing policies e.g. HC1, need to be amended to take into account the circumstances where a five year HLS of deliverable sites cannot be demonstrated?** For example the housing policies of the LP do not appear to allow for sustainable development beyond settlement boundaries in such circumstances.
19. On housing supply generally it would be helpful to have a table including allocated and major sites and projected delivery over each year of the 5 year HLS period and then in subsequent 5 year periods. **Is it possible to provide such a table?**

Employment Provision

20. Of the employment allocations under Policy EC2 the vast majority of the land is at Ashbourne Airfield (Phases 1 and 2). The combined site accounts for over 70% of the allocated land. **Should the land fail to come forward for any reason what flexibility is built into the LP?** In relation to Policy EC1 I note that the 15th bullet point states that business development in the countryside will be supported and the final section of the policy is also permissive. **Is it the intention of the policy overall to support sustainable economic development outside settlement boundaries notwithstanding the terms of Policies S3 and S5 and thus provide flexibility? If so the policies will need to be consistent with each other?**

Policy Wording Generally

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

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

Introduction

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

Portrait and Spatial Vision

24. Darley Dale does not feature in Figure 1, in the description of the plan area or in the Spatial Vision even though it is comparatively large. It would seem appropriate to include references in these sections.
25. Key Issues for the LP – the text of KI 8 appears more restrictive than that of KI 4 in that the latter refers to 'sustainable locations' and 'character and appearance' whereas the former is more positive. Moreover, KI 8 only refers to the rural economy although elsewhere e.g. SO14 and SO15 objectives are not specific to the rural economy. **Should KI 8 be amended to be consistent with KI 4 and related strategic objectives?**
26. In the response to representations it is indicated that an additional strategic objective will be included under 'Protecting Derbyshire Dales Character', namely 'To protect the setting of the Peak District National Park.' **Is it intended that this be included?**

Spatial Strategy

27. Policy S1 - There is no need for this policy which merely recites the presumption in favour of sustainable development at paragraph 14 of the Framework.
28. Policy S2 – There are a large number of bullet points. **Are the Council satisfied that they are all necessary having regard to national policy and other policies of the plan?** The bullet point relating to density could be strengthened to indicate that development should be built to the highest density commensurate with its location and characteristics. As the policy stands it would not seem to support higher densities where appropriate. There are 3 separate criteria relating to nature conservation but nothing specific about heritage assets.
29. Policy S3 – Darley Dale is not mentioned at paragraph 4.15 although all other settlement tiers are mentioned.
30. Paragraph 4.21 refers to development on the edge of the 10 'Infill and Consolidation Villages' as being appropriate in some circumstances whereas that part of the policy relating to 5th tier settlements and the last paragraph of Policy S3 refers to 'very limited development within the physical confines of the settlement' and to 'infill and consolidation'. That said the policy then goes on to refer to development well related to the existing pattern of development and of appropriate scale being permitted in 4th and 5th tier settlements. Some of this wording would also suggest that the policy is more permissive for these lower tier settlements than for higher tier towns and villages where settlement boundaries 'limit' development. That said there are references to 'limited' or 'very limited' scope for development within the policy. **Please explain these apparent inconsistencies and consider how the policy could achieve greater clarity?**
31. It is noted that housing allocations under Policy HC2 have been proposed for some 3rd tier settlements but not for others. **Is this a reflection of existing**

commitments and/or environmental constraints as well as 'their current size and infrastructure' (paragraph 4.20 refers)?

32. Issues relating to the position of certain settlements in the hierarchy and the appropriateness of settlement boundaries as proposed will be discussed at the hearings.
33. Policy S4 – The policy is not positively worded and appears overly prescriptive. For example the 2nd section refers to development only being permitted if it meets 9, or in the case of residential development, 12 criteria. **Are these criteria not covered by other policies in the plan?** In the 2nd section the bullet point relating to heritage assets is not consistent with the Framework and the different tests within paragraphs 133 and 135. The bullet point relating to existing buildings in settlement boundaries appears restrictive in that most buildings in such locations would be suitable for re-use. It could be expressed in such a way as to seek that development retains buildings that positively contribute to the settlement and that works and extensions respect their character. **Please give consideration as to how the policy could be more positively worded?**
34. The criteria relating to residential schemes do not appear to be necessary. Density is covered by Policy S2. Criterion b) is covered by Policy HC11. Any reference to amenity space would be better dealt with under Policy HC11, albeit that the term 'appropriate area' is unclear. The plan should be read as a whole.
35. Policy S5 – **Are the criteria towards the end of the policy not largely covered by other policies in the plan?** The policy seeks to 'protect' the landscape rather 'than recognising the intrinsic character and beauty of the countryside' as set out in the Framework's core planning principles. The bullet point relating to heritage assets is not consistent with paragraphs 133 to 135 of the Framework. The bullet point relating to agricultural land could be made simpler if worded along the following lines – 'any significant loss of the best and most versatile agricultural land is outweighed by the benefits of the development and the development cannot be sited on land of lesser agricultural value'. The bullet point relating to traffic is more restrictive than paragraph 32 of the Framework. **Is the policy consistent with the Framework?**
36. Policy S3 allows development in 4th and 5th tier villages which do not have settlement boundaries. Therefore, this should be added to Policy S5 as a form of new residential development that can be granted to ensure consistency. If policies elsewhere e.g. HC1, are amended to indicate the circumstances where permission may be granted outside settlement boundaries if a five year HLS of deliverable sites cannot be demonstrated, then Policy S5 would also need to be amended accordingly. **Is the policy consistent with other policies in the plan?**
37. Policy S6 – Comments and questions about OAN and the housing requirement have been made above. A number of other issues have been raised in representations which are likely to be discussed at the hearings e.g. HMA; economic growth, market signals and affordable housing uplifts; meeting the

Peak District National Park OAN; effect on commuting patterns; and older persons housing.

38. Policy S7 – The inclusion of ‘...allocated in Policy EC2’ would make the policy more consistent with the wording of Policy S6. Paragraph 4.33 refers to up to 15 hectares of employment land as recommended by CD27 whereas the policy refers to at least 15 hectares of provision. It is assumed that this is because provision above 15 hectares would be supported e.g. by Policy EC1 and would not undermine the plan’s strategy.
39. Policy S8 – ***Is the wording in paragraph 4.43 describing Tansley accurate (see representations)?*** In Policy S8 a) it would be helpful to cross reference with Policy PD10.
40. Policy S10 – The policy does not include under b) ‘supporting the development of new housing on sustainable sites’ whereas this phrase is included in Policies S8 and S9. ***Was this omission intended and, if so, why?***
41. Policy S11 – The delivery of infrastructure will be discussed at the hearings. ***What is the latest timetable for the likely introduction of a CIL Charging Schedule? How does this timetable fit with the timing of detailed feasibility studies by some agencies referred to in paragraph 4.66?***

Response

42. It would be helpful to have an initial response from the Council on the most straightforward matters raised above before the end of next week (17 February) and an indication of the timetable for producing the other information requested.
43. I am not inviting comments from other parties at this stage. I want to clarify the Council’s position first. This will help me set out pre-hearing questions in due course on which all parties with relevant representations will have the opportunity to respond.

Thank you.

Mark Dakeyne

INSPECTOR

7 February 2017