

## **DERBYSHIRE DALES LOCAL PLAN EXAMINATION**

### **INSPECTOR'S PRELIMINARY QUESTIONS, CLARIFICATION AND COMMENTS RELATING TO SOUNDNESS (Protecting Derbyshire Dales Character – Chapter 5)**

#### **Introduction**

1. The purpose of this note is to seek clarification from the Council on a number of matters relating to Chapter 5 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.

#### **Policy PD1**

2. There is a degree of overlap between the 3<sup>rd</sup> and 4<sup>th</sup> bullet points so they could potentially be merged. Design and Access Statements are only required for certain forms of development as defined by Section 9 of the Town and Country Planning (Development Management Procedure) Order 2015.
3. The 5<sup>th</sup> bullet point seeks 'high quality design' for development on the edge of settlements whereas one of the core planning principles of the National Planning Policy Framework (the Framework) is to 'always seek to secure high quality design'. It would seem more appropriate to refer to 'high quality design' at the start of the policy or within the 1<sup>st</sup> bullet point rather than in a bullet point referring to development in a particular location.

#### **Policy PD2**

4. Paragraph 5.15 appears to be setting out policy tests but is contained within the justification to the policy. This paragraph and elements of the policy itself seem to be repeating national policy as contained within the Framework, albeit in places there are inconsistencies in wording which could lead to difficulties for applicants and decision makers. I would recommend stripping out those elements of Policy PD2 which repeat what is said in Chapter 12 of the Framework, albeit that the policy and/or explanation would need to make reference to national policy. There is also repetition in relation to heritage assets and conservation areas. Such changes would help to simplify what is a long and convoluted policy.
5. Paragraph 126 of the Framework makes reference to LPAs setting out a 'positive strategy.....including heritage assets most at risk through neglect, decay and other threats'. Policy PD2, although referring to 'encouraging the repair and reuse of heritage assets at risk', is not very proactively worded in this respect.
6. The 10<sup>th</sup> and 11<sup>th</sup> bullet points appear overly restrictive. For example in respect of the 10<sup>th</sup> the interiors of buildings in conservation areas are not protected and in most cases would not have any particular value. Moreover the fabric of many buildings may be able to sustain change and indeed might be improved by such change. In respect of the 11<sup>th</sup> do design proposals need to make a significant contribution? A modest householder development in a conservation area could preserve the heritage asset but would not make a 'significant contribution'.

### **Policy PD3**

7. The bullet point that relates to Sites of Special Scientific Interest (SSSIs) does not include the word 'normally' whereas paragraph 118 of the Framework states that development which has an adverse effect on a SSSI 'should not normally be permitted'. The 3<sup>rd</sup> bullet point should be split so that 'conserving and enhancing regionally and locally designated sites' is separate from the remainder of the bullet which covers a separate test.
8. Figure 8 does not show Special Protection Areas (SPA) and Special Areas of Conservation (SAC) albeit that they are shown as SSSIs. Should SPA and SAC be shown?

### **Policy PD5**

9. The policy requires that development 'protect or enhance the landscape character of the Plan area' which is more far reaching than the Framework which seeks protection of valued and designated landscapes (paragraphs 109 and 115). The policy should acknowledge that some landscapes can accommodate change to a greater degree than others and in this respect would not be 'protected'.

### **Policy PD6**

10. There appears to be inconsistency between the tests relating to the loss of ancient woodland and veteran trees compared to those applied to protected and other trees, hedgerows and woodland in that for the former the benefits of the development are to be weighed against the loss (reflecting paragraph 118 of the Framework) whereas with the latter 'the unacceptable loss.....will not be permitted'. The test relating to protected and other trees should be modified so that it sets a lower bar compared to ancient woodland and veteran trees.

### **Policy PD7**

11. There is inconsistency between paragraph 5.52 which refers to 'very good or above assessment using the BREEAM standards' and the policy itself which refers to a 'good standard'.
12. The 3<sup>rd</sup> bullet point, in requiring that renewable energy installations do not have an adverse impact on the landscape, is setting a high bar and goes beyond paragraph 97 of the Framework and indeed advice within the Planning Practice Guidance (PPG).
13. Is the 4<sup>th</sup> bullet point (flood risk) necessary having regard to the content of Policy PD8?

### **Policy PD8**

14. The policy is long, overly prescriptive and repeats national policy. National policy can be cross-referenced but does not need to be repeated.
15. Some of the criteria within the section that starts with 'where development accords with the principles listed above, it will only be permitted if' are desirable

but are unlikely to be essential e.g. grey water recycling. What is intended by the term 'ecological flood storage value'?

**Policy PD10**

16. The reference to 'Proposals Map' should be changed to 'Policies Map'. Policy PD10 and representations made will be discussed at the hearings.

**Response**

17. It would be helpful to have a response from the Council on matters raised above by 24 February 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. This would also apply to the previous set of preliminary questions and any others that arise during the examination. In this respect as advised in the Initial Questions a Schedule of MMs should be produced at an appropriate stage.

18. 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

13 February 2017