



The Planning Inspectorate

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# **Report to Derbyshire Dales District Council**

**by Mark Dakeyne BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date 13 November 2017**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Derbyshire Dales Local Plan**

The Plan was submitted for examination on 19 December 2016

The examination hearings were held between 9 and 23 May 2017

File Ref: PINS/P1045/429/7

## Abbreviations used in this report

AMR	Authority Monitoring Report
CR	Committee Report
CD	Core Document
CIL	Community Infrastructure Levy
DCLG	Department for Communities and Local Government
DCCG	Derbyshire Clinical Commissioning Groups
DCC	Derbyshire County Council
DDDC	Derbyshire Dales District Council
DDMP	Derby and Derbyshire Minerals Plan
dpa	dwellings per annum
DtC	Duty to Co-operate
EX	Examination Document
GTAA	Gypsy and Traveller Accommodation Assessment
HEDNA	Housing and Economic Development Needs Assessment
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
LDS	Local Development Scheme
LEP	Local Enterprise Partnership
LP	Local Plan
LPA	Local Planning Authority
MM	Main Modification
NDSS	Nationally Described Space Standard
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need
ONS	Office of National Statistics
PDNP	Peak District National Park
PDNPA	Peak District National Park Authority
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
S106	Section 106 of the Planning Acts
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SD	Submission Document
SHELAA	Strategic Housing and Economic Land Availability Assessment
SOCG	Statement of Common Ground
WHS	Derwent Valley Mills World Heritage Site
WNP	Wirksworth Neighbourhood Plan

## **Non-Technical Summary**

This report concludes that the Derbyshire Dales Local Plan (LP or the Plan) provides an appropriate basis for the planning of the District, provided that a number of main modifications [MMs] are made to it. Derbyshire Dales District Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

Many of the MMs concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. In some cases I have amended their detailed wording. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Ensuring that the strategic and generic policies are positively prepared, consistent with each other and national policy, and clear to the decision maker
- Updating the housing requirement to reflect the most up to date household projections
- Ensuring that the components of housing supply are up to date
- Making clear on what basis the 5 year supply of housing will be calculated
- Incorporating a Housing Implementation Strategy within the Implementation and Monitoring Section
- Modifying policies to support sustainable development in circumstances where there is no 5 year housing supply
- Removing the requirements for optional space and accessibility standards
- Making clear how the need for gypsy and traveller pitches will be met
- Allocating two additional employment sites and amending employment policies to support the growth of businesses
- Clarifying how retail policies will deal with out of centre proposals
- Modifying strategic allocation policies so that the appropriate mix of uses comes forward and adverse impacts are lessened
- Amending some settlement boundaries so that they reflect the purpose of such limits
- Ensuring that the areas subject to Policy PD10 reflect the objectives of the policy
- Making sure that the Plan is transparent in progress on delivering infrastructure

## Introduction

1. This report contains my assessment of the Derbyshire Dales Local Plan (LP or the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first consultation arrangements and whether the Plan's preparation has complied with the duty to co-operate (DtC). It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Derbyshire Dales Local Plan Pre-Submission Draft Plan dated August 2016, submitted in December 2016 is the basis for my examination. A Schedule of Modifications (SD03) arising from consultation on the document in August and September 2016 has also been submitted but as this was not subject to consultation I am not treating it as a formal addendum to the Plan. I have been provided with those representations relating to the Pre-Submission Draft and have taken them into account in my examination of the Plan and this report.

## Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any Main Modifications (MMs) necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, many of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs which I consider are necessary for soundness and screened these through an updated sustainability appraisal (SA) and Habitats Regulations Assessment (HRA). The MM schedule was subject to public consultation for six weeks during July and August 2017. I have taken account of the consultation responses in coming to my conclusions in this report. In light of the consultation responses some further amendments to the detailed wording of the MMs have been made. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA that has been undertaken.
5. The Council has also proposed some Additional Modifications which have also been publicised. But as these do not go to soundness I do not need to address them in this report.

## Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this

case the submission policies map comprises the set of plans identified as the Derbyshire Dales Local Plan Pre-Submission Draft Plan Appendix 5 – Policies Maps.

7. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map.
8. These further changes to the policies map were published for consultation alongside the MMs.
9. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the Derbyshire Dales Local Plan Pre-Submission Draft Plan Appendix 5 – Policies Maps and the further changes published alongside the MMs.

### **Consultation**

10. The Council has produced a Statement of Community Involvement (SCI) (SD09) and a Statement of Consultation (SD10) under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (LP Regulations). These indicate that the Council has given the public and organisations such as Parish Councils the opportunity to be involved, and to make representations, at various stages of the LP preparation process.
11. Although the use of digital means of communication and consultation have been the default, hard copies of the Plan and evidence documents were made available at key public buildings around the District. Paper consultation forms were provided on request and representations in writing have been accepted.
12. Public meetings, workshops, exhibitions and seminars have been held at various locations in the District. This has allowed the public to engage with Council Officers and for the process to be demystified.
13. The Council meetings of 8 August (CR02) and 8 December 2016 (CR01) considered the Draft Plan and representations submitted on it. The latter meeting resolved to submit the Plan for examination. At these meetings the public were allowed to address the Council which was a departure from normal procedures. There is nothing before me to indicate that the procedures adopted at these or other Council meetings went against the terms or spirit of the LP Regulations and the SCI.
14. Some suggest that people have not been listened to. For example it has been suggested that points made at public meetings have not been properly recorded or given due weight. However, it appears that the Council has taken into account views expressed. Moreover, positive preparation of a plan does not mean that all will be satisfied with the outcome. There is a balance to be struck between the requirements of national policy, the development needs of the area and environmental constraints.
15. The Council has exceeded the requirements of the LP Regulations and complied with its own SCI.

## Assessment of Duty to Co-operate

16. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation. The Council's evidence about the DtC is set out in the DtC Statement (SD07).
17. The most significant issue in relation to the DtC is the approach to housing market areas (HMAs) and objectively assessed needs for housing (OAN).
18. Derbyshire Dales is straddled by different HMAs. The southern part of the District, including Ashbourne, falls within the Derby-focused HMA. The northern part, primarily within the Peak District National Park (PDNP), gravitates towards the Sheffield-focused HMA. The central area around Matlock falls within overlapping HMAs with influences from Chesterfield, Sheffield and Derby.
19. At various stages the Council approached adjoining authorities about their approach to HMAs, OAN and housing provision. It became clear that other authorities, who are at different stages of plan making, have defined HMA boundaries based on a best fit. In these circumstances Derbyshire Dales has built on the evidence of neighbours and followed a similar approach. The Housing and Economic Development Needs Assessment (HEDNA) (CD28) also recognises the complex inter-relationships and the fact that core datasets such as household projections are not available below local authority level in recommending that the District's OAN be assessed as a whole. Taking into account the advice within the Planning Practice Guidance (PPG) I consider this approach to be justified.
20. In terms of housing provision to meet the OAN it became clear that no other authority was in a position to accommodate any of the housing needs identified in the HEDNA. No other authority has requested that Derbyshire Dales contribute to meeting housing needs from outside its area. For example some of Derby's unmet need is to be met within South Derbyshire and Amber Valley. Most other authorities are meeting their own OAN. Sheffield is at an early stage in plan preparation. However, it is anticipated that, if the city looks to other authorities as an alternative to releasing Green Belt land, it would be those within the City Region with stronger market relationships and better transport connections rather than Derbyshire Dales (EX/20).
21. The HEDNA assesses OAN for the District as a whole including those parts within the PDNP. Derbyshire Dales District Council (DDDC) and the Peak District National Park Authority (PDNPA) have entered into a Memorandum of Understanding which, amongst other things, recognises the national park purposes, provides a framework for liaison on development plan preparation and establishes that some 400 dwellings would be delivered in the plan period within that part of the District within the PDNP (SD07 Appendix 4). This further demonstrates co-operation on cross-boundary impacts.
22. Accordingly the LP seeks to meet the OAN for the District in full, including those parts within the PDNP, but not meet any other needs. This position is supported by the DtC evidence.

23. The DtC Statement refers to the other co-operation that the Council has undertaken with prescribed bodies and others. There has been input from the D2N2 (Derby & Derbyshire/Nottingham & Nottinghamshire) and Sheffield Local Enterprise Partnerships (LEPs) to ensure that the Plan's employment policies and proposals meet LEP priorities.
24. The Infrastructure Delivery Plan (IDP) which sits alongside the LP has been prepared in conjunction with various stakeholders, including Derbyshire County Council (DCC), NHS England, the Derbyshire Clinical Commissioning Groups (DCCG) and the Utility Companies. The IDP is a living document so will be informed by ongoing discussions with, for example, NHS England and the DCCG as they refine their priorities for primary care.
25. There has also been co-operation on issues such as the potential for renewable energy across the Peak Sub-Region; the assessment of natural and historic assets with Natural and Historic England and the Derbyshire Wildlife Trust; and the alignment of policies for the Derwent Valley Mills World Heritage Site (WHS) with other emerging LPs.
26. Other than the approach to HMAs no substantive concerns have been raised in relation to the DtC.
27. Overall I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

## **Assessment of Soundness**

### **Background**

28. The LP has a plan period of 2013-2033 and deals with strategic and other land use policies and allocations for that part of Derbyshire Dales which lies outside the PDNP. The only other development plan documents envisaged are neighbourhood plans that may come forward during the plan period. For example the Wirksworth Neighbourhood Plan (WNP) was made in June 2015.
29. Many of the representations on the Plan refer to the merits of sites which have not been allocated – omission or alternative sites. However, the purpose of the examination is to consider whether the submitted Plan is sound. So the focus of this report in relation to sites will be on whether the process followed by the Council in selecting the allocations is sound and whether those allocations will meet the development requirements, not on the merits of other sites as alternatives.

### **Main Issues**

30. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified ten main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

**Issue 1 – Whether the strategy for the distribution of development is justified and whether strategic policies are positively prepared, effective and consistent with national policy**

*Distribution of development*

31. The LP proposes a hierarchy of settlements under Policy S3. There are 5 tiers of settlements with the market towns of Matlock, Ashbourne and Wirksworth in the top tier, Darley Dale as a local service centre on its own in the 2<sup>nd</sup> tier and then villages split into the further 3 tiers. The position of settlements in the hierarchy is based on combining scores from an assessment of social and community infrastructure and the availability of employment nearby (CD43). The principle of the 5 tier approach is appropriate reflecting a strategy for supporting sustainable growth in a District which is generally rural in nature.
32. Some 32 settlements are identified within the District as having the scope to absorb some development. This is a significant increase from the 11 or so settlements identified in the 2005 Local Plan. However, the policy context has changed dramatically from a position where there was no strategic housing requirement to one where there is a sizeable need to be met in the context of significantly boosting housing supply.
33. Darley Dale has a larger population than Wirksworth but is in a lower tier. It has the Whitworth Hospital and the Whitworth Institute which are facilities which are used by people beyond the settlement. However, Darley Dale is effectively an amalgam of villages without a town centre or secondary school, unlike Wirksworth, and in this respect looks towards Matlock for many of its services. As such I consider that its designation as a local service centre where additional development can sustain and enhance services and provide more self-containment is supported. To justify this approach **MM4** makes clear the role of Darley Dale as a local service centre in describing the strategic approach to development.
34. The 3<sup>rd</sup> tier comprises the larger villages in the District with a reasonable level of facilities and services such as a primary school, some local employment and relatively easy access to larger centres, generally via 'A' roads with bus services. That said the title of the 3<sup>rd</sup> tier villages does not suggest these attributes – 'Accessible Settlements with Limited Facilities'. Moreover, the policy wording does not reflect that development can enhance the role of such settlements. As a result and to ensure an appropriate strategy **MM4** proposes that the 3<sup>rd</sup> tier be referred to as 'Accessible Settlements with Some Facilities' and that their role can improve with development.
35. The range of services within the 3<sup>rd</sup> tier villages varies. Some, such as Middleton, Darley Bridge and Tansley, no longer have a shop. Development in villages such as Brailsford and Doveridge with good road links to Derby and Uttoxeter respectively is likely to encourage commuting. However, the analysis of the factors which supports their position in the hierarchy (CD43) is robust.
36. Bonsall has a larger population than some of the 3<sup>rd</sup> tier villages such as Sudbury and a reasonable level of services. However, it is not on an 'A' road and has limited employment nearby. As such, although marginal, its position in the 4<sup>th</sup> tier is justified. Kirk Ireton and Carsington have limited facilities and



are not on main transport routes so their position in the 4<sup>th</sup> tier is also supported by evidence.

37. Whilst Policy S3 indicates a gradation of levels of development from 'significant' in the 1<sup>st</sup> tier to 'very limited' in the 5<sup>th</sup> tier, it does not propose specific amounts of development in each settlement. That said the amount of housing development in the 1<sup>st</sup> and 2<sup>nd</sup> tier settlements, taking into account commitments and allocations, is reflective of their position in the hierarchy. Ashbourne is to contribute 31% of new homes outside the PDNP, Matlock 27%, Wirksworth 14% and Darley Dale 10% (EX/21).
38. Within the 3<sup>rd</sup> tier villages there are significant variations in the amount of development that will come forward in the Plan period. This is a reflection of the suitability, availability and deliverability of sites within the different settlements. For example Cromford and Matlock Bath, although having good services and accessibility, are constrained by topography and the WHS designation. However, there is generally a good match between the settlements that score higher against sustainability criteria and the majority of development in the 3<sup>rd</sup> tier. Moreover, there will be scope for some windfall development within all 3<sup>rd</sup> tier settlements. The overall level of development in the 3<sup>rd</sup> tier (14%) reflects the relative sustainability of these villages.
39. The terms of Policy S3, which confirms that settlement boundaries are defined for the top 3 tiers of settlements, provides a degree of certainty for local communities, balancing development opportunities against environmental considerations. In this respect the principle of settlement boundaries is supported. The explanation to Policy S4 emphasises the restrictive nature of settlement boundaries. However, the Plan should also recognise that settlement boundaries are not intended to limit the supply of land for development but to direct it to the most sustainable locations. This would be achieved by **MM9** which is required for the effectiveness of the Plan.
40. The 4<sup>th</sup> and 5<sup>th</sup> tier villages do not have settlement boundaries but Policy S3 as worded does allow limited development to support existing services through infill and consolidation. However, there is a lack of consistency between the explanation and the policy itself and not enough clarity as to the type of development that might be acceptable. **MM4** provides that necessary effectiveness, consistency and guidance by referring to infill and consolidation at an appropriate scale, brownfield sites on the edge of settlements and affordable housing exception sites.
41. As the 4<sup>th</sup> and 5<sup>th</sup> tier settlements do not have defined boundaries, Policy S5 treats them as countryside. However, as worded the policy fails to recognise that limited development can take place in accordance with Policy S3. Therefore, **MM10** ensures that the two policies are positively prepared and consistent in referring to the circumstances where residential development can be permitted in the countryside under Policy S3.
42. There are suggestions that a new Garden Village should have been put forward to meet a significant proportion of the development needs of the District as an alternative to expanding existing settlements. However, no such proposal resulted from the extensive call for sites. Therefore, there is no evidence that such an option is available or deliverable. The Council sought

clarification from the Department of Communities and Local Government (DCLG) as to whether preparation of the LP should be suspended to further pursue such an option. DCLG advised that the LP should not be unduly delayed albeit that the proposition of a Garden Village could be considered in a review of the LP.

43. The Sustainability Appraisal (SA) (SD04) assessed the cumulative effects of allocations, rejected as reasonable alternatives other potential allocations and also considered the concept of a new village. However, as the location was unknown and no large areas of previously developed land exist beyond those such as Ashbourne Airfield which are to accommodate urban extensions, the assumption had to be made that it would involve a greenfield site of some 95 ha. The SA identified potential significant negative effects on biodiversity, green infrastructure, landscape and natural resources to be balanced against potential significant positive economic and social effects. However, in the absence of a suitable site, the SA concluded that the new village option does not represent a reasonable alternative and on the basis of the lack of supporting evidence I agree.

### *Strategic Policies*

44. The PPG indicates that there is no need for the local planning authority (LPA) to reiterate policies that are already set out in the National Planning Policy Framework (NPPF). Policy S1 recites the presumption in favour of sustainable development at paragraph 14 of the NPPF. Therefore, the policy is not necessary and should be deleted by **MM2**.
45. Although desirable, it is not always possible for development to make positive contributions to all three dimensions of sustainable development. A balancing of benefits and harm is often needed. In order for Policy S2 to be positively prepared and recognise the need for balance the wording needs to be adjusted by the inclusion of 'wherever possible'. This would be achieved by **MM3**.
46. Policy S2 also includes a long list of criteria that seek to achieve sustainable development. In order to improve consistency with national policy, clarity for the decision-maker and avoid duplication a number of changes are needed. In particular the policy should emphasise the scope to optimise the use of sites, the conservation of heritage assets and that avoiding damage to the natural environment cannot always be avoided but should be minimised by mitigation. These necessary modifications would be achieved by **MM3**.
47. Policy S4 has a long list of criteria to be applied against development within defined settlement boundaries which all need to be met. However, these are the areas where development should be actively encouraged. The policy should not be too prescriptive and not reiterate safeguards that are contained elsewhere in the Plan. **MM9** would achieve this by reducing the number of criteria from some 16 to 7 and is necessary to ensure that Policy S4 is positively prepared.
48. Policy S5 seeks to strictly control development in the countryside. This goes beyond the NPPF which recognises the intrinsic character and beauty of the countryside but does not protect it for its own sake. Therefore, Policy S5 requires modification to ensure consistency with national policy. **MM10** would

ensure protection and enhancement of landscape character but not the strict control of development as such.

49. Policies S4 and S5 need to be consistent with national policy. Modifications **MM9** and **MM10** are necessary to achieve this in respect of highway impacts, agricultural land and renewable energy.
50. Policy HC19 (Accessibility and Transport) and the explanation to Policy HC21 (Car Parking Standards) refer to on-street parking being detrimental to the free flow of traffic. Freely flowing traffic and higher traffic speeds are not necessarily desirable in built-up areas. For this reason and to ensure consistency with national policy, the policy and explanation should be changed to refer to the 'efficient operation of the highway network'. This would be achieved by **MM40** and **MM41**.

#### *Conclusions on Issue 1*

51. I conclude that, subject to the MMs proposed, the strategy for the distribution of development is justified and the strategic policies are positively prepared, effective and consistent with national policy.

### **Issue 2 – Whether the Plan meets the full objectively assessed needs for market and affordable housing in the area**

#### *Household Projections*

52. The PPG indicates that household projections should provide the starting point for the estimate of overall housing need. The Council used the Office of National Statistics (ONS) 2012-based household projections within its original HEDNA as a basis for establishing the housing requirement. However, in July 2016 ONS published new 2014-based household projections derived from the 2014-based Sub-National Population Projections. The Council produced a report to consider the implications of this new dataset (EX/03).
53. The 2014-based projections point to a lower figure for the District of 178 dwellings per annum (dpa) compared to 241 dpa based on the 2012-based projections. These figures take into account a vacancy/second home allowance of 8.9%. The reduced projection is largely due to lower assumed net internal migration and consequent lower growth in the population of older people who have high headship rates. No alternative analysis of the implications of the more recent projections has been put before me. Based on the evidence before me 178 dpa is a reasonable starting point.

#### *Economic Growth*

54. Both the original HEDNA and the updated work considered economic growth factors, market signals and the need for affordable housing in their analysis. In terms of economic growth two forecasts were considered – Cambridge Econometrics and Oxford Economics. The former pointed to employment growth of 3,000 jobs over the Plan period, the latter some 900 jobs. Based on the Council's objective of economic growth but taking into account an over-estimate of growth in public administration jobs in the Cambridge model, the HEDNA concluded that it was reasonable to expect employment growth of 1,700 jobs over the Plan period. To achieve this around 260 dpa would be

needed based on 2014-based headship rates compared to 301 dpa in the original HEDNA.

### *Affordable Housing Need and Market Signals*

55. Market signals and affordable housing need continue to point to affordability pressures in the District. The updated affordable housing needs assessment considered housing costs, local incomes, the supply of affordable housing through relets and the number of newly formed households. The analysis showed a need for 96 affordable dpa. This would be achieved by 34% affordable housing across the board on residential developments. Whilst this may appear a challenging requirement given a policy target of 30% and the characteristics of some of the large allocations, the Council has a good track record in delivering affordable housing schemes on exception sites and elsewhere. Moreover, a significant element of the PDNPA contribution would be from affordable dwellings having regard to its Core Strategy.
56. Furthermore, the HEDNA and the update recognise that there are inter-relationships between adjustments for economic growth, market signals and affordable housing. Increases in OAN based on economic growth objectives will be likely to deliver more market and affordable housing. At the same time it is important that there are households to occupy additional homes. Upward adjustments in OAN need to be supported by additional in-migration or household formation. The OAN will allow younger households to form more readily than previously when household formation amongst the younger age groups has been constrained by a restricted housing supply and affordability pressures and led to concealed households.

### *Housing Requirement*

57. Taking into account these factors, an affordability uplift of 24 dpa is applied to the 260 dpa economic growth led figure leading to an OAN for the District as a whole of 284 dpa. This is a similar uplift to that applied in the original HEDNA. Over the Plan period this leads to a need for 5,680 dwellings. This represents a 60% increase on demographic needs shown by the 2014-based household projections. The figure has been justified and not countered by any alternative analysis.
58. As explained under my assessment of the DtC the Plan meets the OAN for the District but is not required to meet needs from elsewhere (paragraph 20 refers). However, as submitted the Plan does not make the approach to HMAs and housing provision across the Sub-Region clear so a modification **MM11** is necessary to explain this and indicate that future local plan reviews would need to consider the potential for a wider HMA and joint working on plan preparation across district boundaries.
59. Policy S6 which sets the housing requirement reflects an OAN of at least 6,440 dwellings derived from the September 2015 HEDNA. However, taking into account the most up-to-date evidence on OAN, a reduced requirement is justified but still reflects a positively prepared Plan. This would be achieved by **MM12** which explains the reasons for the revised OAN and **MM15** which amends Policy S6 to refer to at least 5,680 dwellings.

### *The needs of older people*

60. The needs of older people are assessed in two ways by the HEDNA. For those who form an independent household, population growth is contained within the population and household projections. The analysis converts this to a requirement for 1,063 specialist dwellings (including sheltered and extra care) over the Plan period (53 dpa) with the predominant need being for market housing. These figures are included in the OAN.
61. An assessment has also been made of those requiring registered care provision i.e. those who cannot form an independent household, by using DCLG institutional population projections. This indicates a net need for 500 bedspaces over the Plan period (25 per annum). However, as such accommodation falls within the residential care use class (C2) rather than the dwelling use class (C3) this need is additional to the OAN. This distinction is not clear from the submitted Plan so is explained by **MM12** which is required to ensure that the Plan is positively prepared.

### *The national park*

62. The OAN is derived from the District as a whole, including those parts within the PDNP. However, the need for housing within the PDNP exceeds its environmental capacity taking into account national park purposes. Housing in the PDNP is mainly limited to affordable homes in the settlements considered to be the most sustainable. However, other needs will not disappear and provision should be made. It is appropriate that these needs are met within those parts of the District outside the PDNP. That said the housing need derived from the national park is not likely to be that significant, even though it equates to more than half the geographical area, given that it is relatively sparsely populated.

### *Conclusions on Issue 2*

63. I conclude that, subject to the MMs proposed, the Plan meets the full objectively assessed needs for market and affordable housing in the area.

## **Issue 3 – Whether provision is likely to meet the identified need for housing over the Plan period**

### *Flexibility in Supply*

64. The Plan as submitted indicated through Table 3 an estimate of provision of some 6,571 dwellings over the Plan period against a requirement of a minimum of 6,440 dwellings. As a result there is limited flexibility in supply against the requirement as potential provision is only 2% above the requirement. If one of the strategic allocations or other allocations or commitments do not come forward as anticipated then it is likely that the requirement will not be met.
65. However, taking into account the revised requirement of 5,680 dwellings (**MM15**), provision of some 6,684 dwellings allows for greater flexibility of 17% to be built into housing supply and a greater likelihood that the requirement will be met. The 17% figure is consistent with non-implementation and lapse rates found elsewhere, albeit not as high as the

20% 'reserve' recommended by some such as the Local Plan Expert Group. This greater flexibility in the Plan is necessary and is explained by **MM13**.

### *Components of Supply*

66. Table 3 sets out the components of the supply even though it refers to the strategic housing requirement. **MM14** is required to make it clear that the table refers to provision not the requirement. The figures in the table require adjusting to reflect completion figures and new commitments up to 31 March 2017 and other updates. In this respect some of the allocations have had the benefit of permission since the examination commenced. These changes are also reflected in **MM14**. Consequential amendments are also necessary to Policy HC2 (Housing Land Allocations) to reflect those allocations that have obtained planning permission (**MM28**).
67. Table 3 as reflected in MM14 assumes delivery of 2,675 dwellings through commitments and 2,485 homes through allocations over the Plan period. The table is based on information provided by developers and landowners through the Strategic Housing and Employment Land Availability Assessment (SHELAA) recently updated to 31 March 2017 and reinforced by Statements of Common Ground (SOCG) with developers and landowners for many of the allocated sites. Build rates of 30 dpa from larger sites are supported by information from the national housebuilders' annual reports and analysis of local sites.
68. I recognise that some of the strategic allocations on former quarry sites are challenging. However, these are allocations which make effective use of land and should be given a chance to come forward. There are signs that the Council is prepared to work proactively with landowners and developers to encourage their development. There is no contrary evidence to challenge the information before me on delivery other than general assertions based on their planning history, the constraints and lead in times. That said I recommend some adjustments to the timing of delivery on specific sites because of particular factors when I consider these in detail later.
69. The LP assumes that windfalls, sites of less than 10 dwellings, will deliver about 15 dpa. In the past the number of completions on such sites has ranged from 30 to 96 dwellings although the trend has been a declining rate of completions from this source. Based on the evidence from the SHELAA there is a compelling case for the allowance which if anything is on the conservative side.
70. The contribution from PDNPA is based on anticipated completions of 20 dpa based on an assessment of past delivery rates and future contributions from deliverable sites. Some adjustments are recommended to Table 3 to reflect information on completions in the PDNP up to 31 March 2017 (**MM14**). The Memorandum of Understanding in the DtC Statement indicates that commitments and completions will continue to be monitored on an annual basis. The assessment that the PDNP will deliver some 400 dwellings during the Plan period is reasonable.

### *Housing Trajectory and 5 year supply*

71. The housing trajectory included within the Plan shows a significant increase in housing completions compared to past rates. However, this is against the

backdrop of moving from a low base provided by the 2005 Local Plan which did not have any allocations to a position where the Council is seeking to significantly boost the supply of housing with a range of allocations. Moreover, there has been more on-site activity locally and an upturn in the housing market nationally.

72. The update on the SHELAA has informed the adjustments to Table 3 and also necessitates a modification to the housing trajectory in Appendix 3 to the Plan through **MM60** which also takes into account the adjustments to delivery referred to in paragraph 68.
73. The updated SHELAA and the housing trajectory indicate that the Council can demonstrate a 5 year supply of housing against the housing requirement of 5,680 dwellings at 1 April 2017. This is based on an annual average delivery of 284 dpa; making up the shortfall in provision since the start of the Plan period in the next 5 years (the Sedgefield approach); and applying a 20% buffer (moved forward from later in the Plan period) because of persistent under-delivery. To make it clear to the decision-maker on what basis the 5 year supply is calculated changes are required to the Implementation and Monitoring Section of the Plan (**MM60**). The apportionment of the shortfall over the whole of the Plan period (the Liverpool approach) would not significantly boost the supply of housing to the same extent as using the Sedgefield approach so the latter should be used, particularly as the Council indicates that it has a 5 year supply applying Sedgefield.
74. Achievement of a 5 year supply depends on about 65% of commitments and some 34% of allocations coming forward between 1 April 2017 and 31 March 2022. These figures are supported by the updated SHELAA together with in some cases the SOCG referred to above, but also take into account some adjustments to delivery that I recommend later in this report. There are a number of risks that may impact on this delivery as recognised by the SHELAA, including market conditions, higher development costs and infrastructure constraints. However, given that the Council suggests that it has about a 6.7 years supply, there should be sufficient flexibility built in.
75. Paragraph 47 of the NPPF requires that local planning authorities set out a housing implementation strategy describing how they will maintain delivery of a five-year supply of housing land. The Plan as submitted does not do so. Therefore, **MM60** is necessary to incorporate such a strategy. The Plan would, as a result, make it clear that the Authority Monitoring Report (AMR) will be the tool for updating the housing trajectory and the 5 year supply position. It would be premature to include the proposals within the Government's White Paper (Fixing Our Broken Housing Market) or its follow-on consultation of September 2017 at this stage.
76. Although there is flexibility built into the housing supply, there is merit in ensuring that the strategic and housing policies are framed in such a way to support sustainable development beyond settlement boundaries in the circumstances where there is no 5 year housing land supply. As currently worded Policy S5 (Development in the Countryside), Policy S10 (Rural Parishes Development Strategy) and Policy HC1 (Location of New Housing Development) do not provide this flexibility. **MM10, MM18 and MM27** would give some support for sustainable development on the edge of 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup>

tier settlements in such circumstances provided there is consideration against other policies of the LP.

77. Going further, if the indicators in the Housing Implementation Strategy suggest persistent under delivery against the housing requirement, the Plan ought to flag up that a review will be necessary. This would be achieved by **MM27** which would modify Policy HC1 and **MM60** which would provide some guidance on what would constitute persistent under delivery.
78. The ability of the Plan to respond to a shortfall in housing supply is critical because of the reliance on a number of challenging former quarry sites as components of the supply both in the next 5 years and over the Plan period as a whole.

### *Conclusions on Issue 3*

79. Accordingly, subject to the MMs proposed, provision is likely to meet the identified need for housing over the Plan period.

## **Issue 4 – Whether the policies of the Plan address the needs for all types of housing, including affordable housing and those of different groups in the community such as gypsies and travellers**

### *Affordable housing*

80. Policy HC4 states that residential developments of 10 dwellings or more should provide 'at least 30% of the net dwellings' as affordable homes. The policy requires modification to ensure that the threshold is consistent with national policy in the Written Ministerial Statement of 28 November 2014 which refers to contributions not being sought from developments of 10 units or less. This would be achieved by **MM30**.
81. The most recent Cushman and Wakefield Viability Study of December 2016 (CD19) indicates that a competitive return would be achieved by applying 30% affordable housing together with other LP requirements. More affordable housing provision could be viable in some of the higher value areas in the District but 30% would be the maximum that could be achieved in Value Area 3 (Matlock area). Moreover, if a density of 30 dwellings per hectare is applied rather than 40 which may be more realistic, viability becomes more marginal at 30% affordable housing, particularly in the lower value areas. Indeed the Study recommends that the affordable housing target should not exceed 30%. In this respect the phrase 'at least' is not justified and should be removed. **MM30** would make this change.
82. Policy HC4 indicates that affordable housing should be split between social rented (80%) and intermediate housing/discounted starter homes (20%). The split is supported by analysis in the HEDNA in relation to what those in need could afford and has also been tested in the viability studies. To ensure that it is justified a modification is required to the policy as the HEDNA and paragraph 6.6 of the Plan refer to the 80% as including both social and affordable rented homes (**MM30**).
83. Flexibility is built into the policy both in terms of the 30% provision and the split. In some circumstances less than 30% could be justified if supported by



a financial appraisal and the proportions of rented/intermediate housing may be varied depending on site circumstances and local considerations. Viability could be a consideration in respect of both strands.

84. Paragraph 50 of the NPPF states that in meeting housing need the objective should be to create sustainable, inclusive and mixed communities. As submitted the Plan does not stipulate that affordable housing should be designed as an integral part of developments even though the Council's Affordable Housing Supplementary Planning Document does so. To ensure that this important consideration is given development plan force and for consistency with national policy **MM30** is needed.
85. Rural exception sites for affordable housing are an important tool for the Council in delivering one of its corporate priorities. The Council employs a Rural Housing Enabler who works proactively with communities in bringing forward affordable housing. Policy HC5 provides the policy basis for considering such schemes.
86. One of the criteria of Policy HC5 requires that the site is accessible to a range of local services. The Council support this provision by reference to the low household incomes of those in greatest housing need. After housing costs are taken into account such households have less disposable income to meet the costs of travel. Therefore, it is important that some facilities such as a primary school are relatively close. However, the Council acknowledge that the criterion would need to be applied flexibly so that such developments could come forward in the smaller villages where a need is proven.
87. Providing the right form of tenure for the affordable housing on exception sites will often be critical to meeting the needs. Policy HC5 refers to size and type but not tenure so **MM31** is required to rectify this omission and ensure that the policy is positively prepared.

#### *Self-build Housing*

88. The Government supports self-build housing and requires local authorities to keep a register of those who want to acquire serviced plots to build their own home. At the time of the examination hearings there were some 30 entries on the DDDC register. Policy HC3 seeks to encourage developers to make provision for small builders and individuals who wish to self-build. However, given the limited demand and the need to consider the viability implications, a requirement to provide a certain proportion of a development for self-build is not justified. It is for the Council to have regard to considerations of viability and site specific circumstances rather than developers so a change to Policy HC3 is needed to make this clear and the policy effective (**MM29**).

#### *The housing needs of older people*

89. As identified earlier the need for older persons housing can be met through specialist housing (C3) or residential care provision (C2). As submitted Policy HC11 does not make reference to supporting the latter. **MM35** would ensure that both the explanation and policy do so and that the Plan is positively prepared.

### *Housing Mix*

90. The HEDNA identified a requirement for certain sizes of dwellings to be provided to meet changes in household structure and size, including the needs of younger households. This is reflected in the provisions of Policy HC11 which sets out the mix of house types that the Council would seek with an emphasis on smaller dwellings (3-bed or less). Older people also occupy smaller dwellings but often own larger properties which can be released to the market if they downsize. Such properties are often suitable for occupation by families. The implications for the viability of developments have been considered through the various assessments. The policy should be applied to developments of 11 dwellings or more to be consistent with other policies of the Plan and effective (**MM35**).
91. The Council acknowledge, as suggested by the Viability Study, that the policy should be applied cautiously but will be a starting point for negotiations. Indeed the policy itself indicates that a number of factors may well influence the final mix. The scale of the development will be one of the factors and this should be specifically referred to. In addition in order that it is clear that viability could be one of these considerations, a change to Policy HC11 is necessary to make reference to local market conditions (**MM35**). In cases where the housing mix does not accord with the policy the emphasis should be on developers to demonstrate how a development would meet the long term housing needs of the District but that the factors outlined in the policy will be taken into account. This needs to be made clear by a further change to Policy HC11 (**MM35**).

### *Space and Accessibility Standards*

92. LPAs have the options of setting additional technical requirements exceeding the minimum standards required by Building Regulations in respect of access and also applying the Nationally Described Space Standard (NDSS). The PPG requires that such optional standards are justified.
93. Policy HC11 as submitted requires that all accommodation should achieve the NDSS and meet accessibility standards set out in the optional M4 (2) of Part M of the Building Regulations. In terms of the space standard the Council indicate that dwellings currently being built in the area tend to provide space which meets the NDSS. There is no evidence that the viability of these developments has been affected by building to such a specification. However, viability is not the only consideration. Need and timing are also relevant. No specific evidence has been provided on need to justify the adoption of the NDSS and the policy does not include any transitional arrangements.
94. In terms of accessibility, the Council point to the HEDNA and the increasing population of older people and those with mobility problems. Viability would not be prejudiced. However, general reference to an ageing population or those with mobility issues is not sufficient to justify the optional accessibility standard. Moreover, the policy seeks to apply the standard across all developments.
95. Therefore, Policy HC11 is unsound. The requirements for optional space and accessibility standards are removed by **MM35**. However, the policy will still

encourage flexible living space and accommodation that will benefit those with disabilities and older people.

### *Dwellings in the countryside*

96. Policy HC13 permits rural workers dwellings if there is an essential need for them to live within sight and sound of the enterprise. The policy is consistent with paragraph 55 of the NPPF, providing criteria to judge whether the need for the dwelling is 'essential'. In some cases the need could be met by the conversion of an existing building nearby rather than through new build but this is not currently recognised by the policy. Therefore, **MM36** which would give effect to this option is necessary for consistency with national policy.
97. The conversion of existing buildings in the countryside can also contribute to sustainable development. Policy HC8 allows use for residential accommodation subject to certain criteria. These are generally consistent with national policy other than that which requires consideration of an employment or tourism use first. Paragraph 55 of the NPPF has no such stipulation and the requirement is also contrary to the greater flexibility for changes of use introduced through the permitted development regime. As a result **MM33** is needed to delete that criterion.

### *Gypsies and Travellers*

98. DCC published a Gypsy and Traveller Accommodation Assessment (GTAA) in June 2015. The GTAA suggested a need for 9 gypsy and traveller pitches in the DDDC area between 2014 and 2034. There is no evidence of any significant change in circumstances since 2015, such as an increase in unauthorised sites or encampments, to suggest that the assessment of need is out of date.
99. Policy HC6 deals with gypsy and traveller provision. As submitted the policy does not make clear the requirement. This would be rectified by **MM32** which ensures that the policy refers to a minimum of 9 pitches being provided in the Plan period. Although there is a slight mismatch between the periods that the GTAA and Plan cover, the difference is not material in the light of the low level of need identified.
100. The policy also allocates land at Watery Lane, Ashbourne to contribute to meeting that target. It has been clarified that the area of land identified would provide some 6 reasonably sized pitches which would equate to a 5 year supply of pitches based on the GTAA. The Policies Map needs amending to reflect the full extent of the 0.3 ha allocation. The number of pitches that can be provided at Watery Lane should be incorporated into Policy HC6 so that it is effective (**MM32**).
101. DCC own the Watery Lane site. In 2016 the County Council agreed to support the allocation. However, following the local government elections in early May 2017, there is an indication that DCC will review possible uses in the area (EX/22). However, as things stand DCC support remains. DDDC has agreed £10,000 of funding to draw up a design specification which will be used to invite tenders to develop the site.

102. In 2010 DCC undertook a feasibility study for a bypass linking the A52 and A515 to the north-west of Ashbourne. The study investigated 5 potential routes, only one of which directly affects the Watery Lane site. In July 2017 DCC agreed to carry out further appraisal of options for the bypass. However, the bypass is an aspiration rather than a firm commitment in that there is no preferred route or funding for either engineering feasibility work or the construction itself. The potential for a bypass near the site is not a reason to delete the allocation.
103. The south-west corner of the site is within Flood Zone 3 but the vast majority of the site lies beyond land at high risk of flooding (EX/27). The site is close to the sewage treatment works and a recycling facility. However, when I visited the site on a couple of occasions the area was fairly quiet and I did not notice any significant odours. As a site on the edge of the countryside it will provide a reasonable living environment. Badgers are known to occupy setts on and close to the site. Further survey work would be required before any development is carried out to ascertain what mitigation is required to protect badgers. The site is close to the facilities of Ashbourne and the main road network. Although the access road is of a single vehicle width, use is not intensive and there is potential for passing places. The site is sustainable in accordance with paragraph 13 of Planning Policy for Traveller Sites (PPTS).
104. Overall the evidence before me indicates that the site is likely to be deliverable and there are no overriding constraints to its development as a traveller site. The site is supported by the National Federation of Gypsy Liaison Groups.
105. No suitable sites have been put forward for allocation other than that at Watery Lane. The site at Homesford would not be acceptable as an allocation due to its effect on the WHS. Policy HC6 is not clear how the remainder of the pitch requirement will be met. However, it has become apparent during the examination that the intention is that at least 3 further pitches will be facilitated by granting planning permission(s) on windfall sites using the criteria set out in the policy. Taking into account the low level of residual need I consider that this approach is justified but the intention should be made clear by the policy (**MM32**).
106. The criteria for assessing gypsy and traveller sites should not be too restrictive as otherwise the chances of sites coming forward to meet the identified need will be reduced. In this respect criterion g) requires that sites do not have an adverse impact on the character and appearance of the area. This is a high bar to pass. An alternative wording as set out in **MM32** is necessary so that the policy encourages the use of soft landscaping to mitigate the impact on the landscape and is consistent with paragraph 26 of the PPTS.

#### *Conclusions on Issue 4*

107. For the above reasons and subject to the MMs proposed, the policies of the Plan address the needs for all types of housing, including affordable housing and those of different groups in the community such as gypsies and travellers.

## **Issue 5 – Whether the Plan meets the development needs of business through its allocations and policies**

### *Employment Allocations*

108. The HEDNA considered the need for employment floorspace in the District taking into account economic trends, projected growth in employment, commercial property conditions and a survey of businesses in the area. The study concluded that there was a requirement for up to 15 ha of additional employment land. A recent survey indicated that over 50% of businesses need to expand (EX/11).
109. The Council's call for sites did not result in many sites being put forward for consideration. Consequently most of the allocations under Policy EC2 are large strategic sites where employment can be brought forward as part of a mixed use development with economies of scale in terms of infrastructure and a degree of cross-subsidy. A significant proportion of the employment land is at Ashbourne Airfield (about 70%).
110. Two sites put forward during the examination have been given further consideration since the preparation of the SHELAA. A site on Porter Lane adjacent to an existing industrial estate and near to allocation EC2 (e) is despoiled. It does not have any overriding constraints as the impacts on the adjacent wildlife site and landscape will not be significant provided appropriate mitigation is put in place. The former Pisani Works on the A6 near Cromford lies within the WHS but is brownfield land. Other policies of the Plan can ensure that development is sensitive to the setting. Allocating these sites, although increasing the supply of employment land to 24 ha, would provide a greater range of employment sites, particularly in the north of the District, and cause no material harm. Therefore, modifications to Policy S7 (Strategic Employment Development) (**MM16**) and Policy EC2 (**MM43**) (Employment Land Allocations) are required to reflect the allocation of these two sites and to ensure that the Plan is positively prepared.
111. There has been significant progress on delivering Ashbourne Airfield with outline planning permission granted for Phase 1, including 8 ha of employment land. Full planning permission has been granted for the link road between the existing industrial estate road and the A52 which is key to unlocking the site. Funding towards the cost of the link road has been allocated from the D2N2 LEP. Release of funding is subject to the outcome of the tender process and approval of the full business case for the project, anticipated for consideration in January 2018. Delivery of the other employment sites is less advanced but the Council is confident that they will come forward, particularly as residential markets have improved which will enhance the viability of the mixed use developments on three of the allocations.

### *Other Employment Development*

112. Other policies of the Plan, particularly Policy EC1, are generally supportive of employment development in sustainable locations. That said Policy EC1 refers to supporting new business but not existing employment sites. A change is required so that the policy is flexible enough to allow existing businesses to expand in response to changes in economic circumstances. This would be achieved by **MM42**.

113. Other policies also require modification so that alone or in combination they do not result in barriers to investment. Policy S4 which relates to development within settlement boundaries contains overly-prescriptive criteria, including those relating to the extension and conversion of existing buildings. The simplification of the policy (paragraph 47 and **MM9** refer) is necessary. Policy S5 should recognise that rural employment development can take many different forms, including the expansion of existing business. **MM10** would modify and delete criteria relating to employment development in the countryside so that Policy S5 is more permissive. **MM42** ensures that Policy S5 is referenced by Policy EC1. These changes are required to ensure that the Plan is positively prepared and consistent with national policy.
114. There are a number of former employment sites (primarily redundant quarries) which need regeneration. Policy EC5 supports investment in them by encouraging mixed-use developments. Four sites which are also subject to strategic allocations are named by the policy. However, there are other legacy sites which would benefit from redevelopment or reuse. In some cases mixed use would not be appropriate because the site may be in a relatively remote location. In order to ensure that Policy EC5 recognises these circumstances and is positively prepared **MM46** is necessary.

#### *Protection of Employment Land*

115. The HEDNA and the Derbyshire Dales Business Survey of October 2016 (EX/11) highlight the importance of maintaining a sufficient supply of existing employment sites. Policy EC3 protects existing employment land and premises but also sets out the circumstances where redevelopment for other purposes would be acceptable. The policy is broadly consistent with paragraph 22 of the NPPF in avoiding the long term protection of sites where there is no reasonable prospect of the site being used for employment purposes.
116. Policy EC3 requires marketing evidence to demonstrate that a site is no longer suitable or viable for employment use. The explanation to the policy provides some indication of what a marketing exercise should entail. However, to achieve more clarity in what information would be required to demonstrate effective marketing and to emphasise the content of paragraph 22 of the Framework, **MM44** is needed.
117. The HEDNA identifies the key employment sites in the District that need to be protected long term to ensure that economic objectives are met. These sites are in sustainable locations so could be susceptible to pressure for redevelopment. Policy EC4 provides additional protection for the sites. Two employment sites in Darley Dale, Station Road/Old Road and the DFS complex, logically form part of the built-up area so should be included in the settlement boundary. However, in doing so they would be more vulnerable to redevelopment for non-employment purposes. So they should be protected by Policy EC4 and **MM45** would achieve this. There is an overlap between two of the sites protected at the Brookfield Industrial Estate, Tansley so the smaller of these is deleted by **MM45**. These modifications ensure that the policies are effective.

### *Tourism and Farm Diversification*

118. Policy EC8 supports tourism and culture, primarily related to the Peak District visitor economy. Rural tourism is a key component of this economy.

However, the requirement within the policy that tourism development is in a sustainable location and accessible by a variety of means of transport could prevent many forms of tourism coming forward, for example small scale farm diversification providing holiday accommodation. To ensure that the policy is positive in this respect and consistent with Policy EC10 **MM49** is required.

119. Farm diversification is supported by Policy EC10. The explanation to the policy refers to the preference for conversion of existing buildings rather than new build which is consistent with other parts of the Plan and national policy.

However, this is not translated into the policy itself. Therefore, **MM50** introduces a criterion which reflects this preference and ensures that Policy EC10 is consistent with national policy.

### *Conclusions on Issue 5*

120. Taking into account the above, including the MMs proposed, the Plan meets the development needs of business through its allocations and policies.

## **Issue 6 – Whether the policies of the Plan support the viability and vitality of town centres**

### *Retail Capacity*

121. An assessment of retail capacity (CD24) published in 2015 indicated that there was no capacity for additional convenience floorspace in the District taking into account the permission for the Sainsbury's extension in Matlock. However, that scheme has not been implemented and national trends suggest that it may not be taken up in the future. That said the occupancy of the former Coop store in Matlock by M & S Simply Food is likely to absorb expenditure growth in the convenience sector and have a positive impact on market share.

122. The 2015 study also suggested that there was little capacity for additional comparison floorspace until 2030. Matlock and Ashbourne have a limited market share due to the competition from higher order centres beyond the District such as Sheffield, Chesterfield and Derby. It is unlikely that the market share would increase significantly given trends towards the consolidation of the comparison goods market. Therefore, allocations for retail development are not justified. That said there are sites within the town centres that would allow policy compliant retail development such as the land between Bakewell Road and Imperial Road, Matlock which is identified by Policy S8. Such opportunities would allow the shopping centres within the District to sustain and possibly enhance their role.

### *Retail Impact Thresholds*

123. Paragraph 26 of the NPPF points to the possibility of a locally set floorspace threshold for impact assessments for out of centre town centre uses. The Plan proposes through Policy EC6 a threshold of 300 sq m which is about 20% of the default threshold in national policy. However, such a threshold would be much larger than the average comparison unit in Matlock and Ashbourne

(about 80 sq m) and above the size of most convenience units. Moreover, only one out of centre proposal in the District in the last 4 years would have required an impact assessment. The proposed 300 sq m threshold is proportionate and justified.

124. However, Policy EC6 as drafted also includes a lower threshold of 200 sq m for local centres. Moreover, some centres such as Matlock Bath (Small Town Centre) and Cromford (District Centre) are not caught by the threshold. As a result modifications (**MM47**) are required to the policy to simplify it and make it effective by requiring that all town centre use proposals outside centres are subject to the 300 sq m threshold.

#### *Town Centre Policies*

125. Policy EC6 does not provide the decision maker with the tools for dealing with a town centre use outside a centre below 300 sq m. This deficiency would be addressed by **MM47** which would require developments involving town centre uses to comply with a sequential approach to site selection and make the policy consistent with national policy.

126. The Policies Maps defines primary shopping frontages for Matlock, Matlock Bath, Ashbourne and Wirksworth. However, Policy EC7 which relates to the protection of such frontages does not refer to Matlock Bath. This would be rectified by **MM48** which would make the policy effective. The policy seeks to avoid concentrations of non-shopping uses but specific thresholds are not proposed as the different centres have a range of characteristics. As worded the policy allows flexibility and is justified.

#### *Conclusions on Issue 6*

127. Accordingly, subject to the MMs proposed, the policies of the Plan support the viability and vitality of town centres.

### **Issue 7 – Whether the allocations will deliver the housing needed over the Plan period in a manner which is consistent with other policies of the Plan and the NPPF and that necessary infrastructure is provided alongside the homes**

128. The allocations have arisen from an assessment of sites through the SHELAA. Sites have been screened out at Stage A due to strategic constraints such as flood risk, international or national nature conservation sites or unsustainable locations. At Stage B a more detailed assessment of sites has been undertaken applying the criteria set out in Footnotes 11 and 12 of the NPPF and advice in the PPG. The assessments were modified to ensure that sufficient sites were identified to meet the OAN. This process has been reviewed as part of the SA's consideration of reasonable alternatives.

129. Concerns have been raised about some of the site assessments and the extent to which constraints could be mitigated. However, although some of the sites adjacent to settlements which were screened out at Stage A could potentially have reached Stage B, it seems to me that the overall process has been robust and properly considered all reasonable alternatives in seeking to arrive at the allocations necessary to meet the OAN.



## Matlock

### *Development Strategy*

130. Matlock is the largest town in the Derbyshire Dales, its administrative centre and also the main office base for DCC. It has a healthy town centre serving the surrounding areas. Public transport services link with other towns and settlements and there are also bus routes within the town. The development strategy (Policy S8) promotes the sustainable growth of the town with a range of allocations, including some which seek to bring forward mixed-use developments with some employment uses.

### *Gritstone Road (Policy DS4)*

131. The 24 ha housing site at Gritstone Road is the largest greenfield allocation in the District. It would represent an extension of the urban area up the valley slopes to the north-east.

132. The site is predominantly a network of fields divided by stone walls and trees sloping up to woodland. There are footpaths along its western and eastern edges, the former leading into the woodland. The site is not only clearly visible from these paths and housing to the south but also in longer distance views from across the valleys.

133. The green fields are clearly valued locally. But the site is not protected by any national or local landscape designation and is not a valued landscape in terms of paragraph 109 of the NPPF. Although visible from the PDNP, the site does not form part of the National Park's immediate setting. The Landscape Sensitivity Study (CD49) indicated that land in this area adjoining the urban edge is of low sensitivity rising to medium and high sensitivity further up the slopes. Housing development would significantly change the site's character. But developing up the northern slopes of the valley is one of the ways that Matlock has expanded over the years, including in the Victorian and Edwardian eras. Moreover, housing development would be kept to the south of the aqueduct so maintaining an open landscape on the upper more sensitive slopes towards the woodland.

134. The topography of the town would make walking or cycling from the town centre to the site challenging. However, this is not a situation that is unique to this site. Moreover, there is employment on Matlock Bank at the DCC offices and the site is relatively close to part of the town's secondary school campus. It is intended that the site accommodate community facilities, including a local centre, to allow local top-up shopping. However, this is not made explicit by Policy DS4 so a modification is necessary in this regard to make the policy effective (**MM53**).

135. There is a bus service that runs through the housing estates to the south and further routes on Chesterfield Road. Discussions have taken place about introducing a shuttle bus linking the site with the town centre. Use of existing bus services is limited and changing residents' behaviour so that they are less reliant on the private car is a challenge. However, Policy DS4 includes a requirement for a travel plan and consideration of public transport, cycling and pedestrian routes. Policies HC18, HC19 and HC20 provide further support for sustainable transport modes and managing travel demand.

136. Some of the roads near to the site are congested at peak times. Cavendish Road is narrowed to a single lane by parked cars. However, Policy DS4 includes a requirement to provide a link road through the site as part of a phasing plan which will mean future residents (and indeed some existing residents) will be able to avoid pinch points and access the area from Chesterfield Road. Although traffic along the A632 can be heavy the junctions from Wolds Road and Sandy Lane would appear to have the capacity to serve the development. As currently worded Policy DS4 implies that the link road would be developed west to east which would not secure the links to Chesterfield Road early on in the development. Therefore, the policy needs to make it clear that the link road would be provided from east (Gritstone Road) to west (Pinewood Road) so that it is effective (**MM53**).
137. The provision of a surface water system designed to regulate run-off to greenfield site rates and take into account the geology of the site would be capable of reducing localised flooding incidents arising from ground water, overland flows and springs. Engineering solutions would be available to maintain the integrity of the water aqueduct where it would be crossed by highways and other infrastructure. No ecological constraints have been identified that could not be mitigated.
138. The viability of the site has been assessed as part of the Viability Study. The prospective developers, a regional housebuilder, have been progressing reports with the intention of submitting a hybrid planning application by the end of 2017 which would include details of a first phase of 71 dwellings. It is stated that delivery of this phase would be between 2018 and 2020 to be followed by an anticipated build rate of about 55 dpa thereafter. No party has disputed this rate of delivery which I consider to be reasonable.
139. In order to provide a range of sites within the District to meet OAN, allocation of the Gritstone Road site through Policies HC2 and DS4 is justified.

*Halldale Quarry (Policy DS5)*

140. The 27 ha of land at Halldale Quarry is allocated for 220 dwellings and 2 ha of employment. The site has an extant planning permission for 220 dwellings, 6400 sq m of B1 floorspace and 400 sq m of A3 floorspace. As part of this submission some preliminary work was undertaken on rock face stability. Additional geotechnical assessment will be needed to develop a remediation strategy. Potential contamination will need to be assessed. In terms of the mineral resource, the site has been inactive for many years and is considered dormant. Despite the terms of Policy MP17 of the Derby and Derbyshire Minerals Plan (DDMP) further mineral working would be unlikely to be acceptable.
141. Notwithstanding these constraints and the failure of the site to come forward over many years, the Viability Study indicates that the site is viable taking into account improving market conditions. A report from the District Valuer Service in 2016 on the planning application (EX/31) indicated that the scheme would make a reasonable developer profit (17%) albeit without any affordable housing provision or other significant contributions.
142. Even though relatively close to the built up area, the site is elevated from the town and would be challenging to access by foot or cycle. However, there is

the potential to extend the footway/cycleway further up Matlock Spa Road and link into the White Peak Cycleway Loop. A Travel Plan would be required by Policy DS5.

143. Other than Matlock Spa Road which is the main vehicular access to the site, the road network serving the site is rural in nature and would not be suitable for significant additional traffic movements. Measures to deter traffic from using minor roads to the north through Oker and Snitterton are necessary so that the policy is positively prepared and would be secured by **MM54**.
144. The site has some important landscape and ecological features which, if retained, could enhance the development and site. An additional criterion should be added to Policy DS5 to secure such mitigation and ensure consistency with national policy (**MM54**).
145. The updated SHELAA indicates delivery of some 60 dwellings in the next 5 years with the majority of the remainder in Years 6-10. Although delivery of this brownfield site will be challenging there are good reasons for its allocation. It should be given the opportunity to contribute to meeting the District's OAN and providing employment floorspace. Allocation of Halldale Quarry through Policies HC2, EC2 and DS5 is justified.

*Cawdor Quarry (Policy DS9)*

146. Policy DS9 seeks allocation of the 28 ha Cawdor Quarry site for a mixed use development of 470 dwellings and 1 ha of employment land. This is another brownfield site which has a protracted planning history. Parts of the wider site have already been developed with the Sainsbury's store and a small housing scheme. An extant planning permission exists for 432 dwellings. A recent full application has been submitted for an initial phase of 79 dwellings.
147. There are no safeguarded mineral resources but a need to stabilise rock faces and deal with contamination. That said existing reports do not reveal any insurmountable constraints. The Viability Study indicates that the site is viable.
148. There is no evidence that additional land, such as that to the west of the allocation near Snitterton, is necessary to ensure that the site comes forward. Moreover, there appear to be overriding constraints on this land due to proximity to the PDNP and heritage assets.
149. The site is relatively close to Matlock Town Centre. There is scope to improve connectivity by cycle and pedestrian routes to the site and linking to facilities such as the nearby White Peak Loop.
150. As with Halldale Quarry measures to deter traffic from using minor roads to the north should be included within Policy DS9. The policy should also be amended to prevent access to the site from the west where there is a longstanding entrance to the Permanite Works. These changes would be achieved by **MM58** and ensure a positively prepared policy.
151. The site has ecological and geological assets and there are listed buildings at Snitterton. The policy is to be amended to recognise these features and

achieve consistency with national policy (**MM58**).

152. The updated SHELAA indicates delivery of some 90 dwellings in the next 5 years with Years 6-10 and 11-15 providing some 150 dwellings for each period, equivalent to 30 dpa. These figures which are justified are more cautious than those put forward by the landowners who envisage completion of the site by 2025.
153. Although delivery of this brownfield site will be challenging there are good reasons for its allocation. It should be given the opportunity to contribute to meeting the District's OAN and providing employment floorspace. Allocation of Cawdor Quarry through Policies HC2, EC2 and DS9 is justified.

#### *Other Allocations*

154. There are additional smaller housing allocations at the former RBS, Old Hackney Lane and Normanhurst Park which will, in combination with existing commitments and windfalls, ensure a range of sites are available which would be attractive to the market. The allocations in Old Hackney Lane relate well to existing development and, with some highway improvements, are capable of being accessed safely. The site to the west of Normanhurst Park, although of some nature conservation value, is self-contained and relatively well-screened, lying between existing housing and office development and the railway. The allocated sites on the north-west edge of Matlock are not the most sensitive in terms of preventing coalescence and will not materially erode the strategic gap between Matlock and Darley Dale. There are no significant constraints to their development.

#### *Infrastructure*

155. The Transport Evidence Base Report (CD34) identified capacity constraints at two junctions in particular, Crown Square and Matlock Green. Queuing and congestion would be exacerbated by the developments proposed in Matlock. The scope to improve these junctions is limited by the constraints of their configuration and the proximity of buildings. However, some modest physical improvements to junctions may be possible to increase capacity and these would be investigated when applications come forward for the strategic allocations. That said, based on my experience, the congestion that I came across in the town at peak times was not excessive and junctions appeared to be operating satisfactorily. Moreover, people who are able will change their route or the time or mode of their travel or not travel at all to avoid undue congestion.
156. The allocation policies in the Plan require travel plans for each development with further support for sustainable transport initiatives provided by Policies S11 (Infrastructure) and HC19 (Accessibility and Transport). In order to strengthen sustainable transport interventions in line with the NPPF, the policy should make specific reference to travel demand measures (**MM40**). Although the effect of such measures is likely to be limited, some modal shift is likely. All in all the residual cumulative impacts of the allocations on the highway network would not be severe.

157. The approach within the Transport Report of using the high level advice within the PPG as a starting point was appropriate. I note that the report also used the Guidance on Transport Assessment produced by the Department of Transport. It seems to me that the methodology has balanced planning and highway considerations.
158. It will be necessary to extend primary schools in Matlock to meet the need for additional places arising from the allocations. I understand that there is the space to do so at two of the primary school sites. There is surplus capacity in the secondary school serving the town, Highfields. Each strategic allocation policy and Policy S11 require necessary developer contributions to education.
159. There may be a need to extend the doctors' practices in Matlock but the North DCCG also indicates that the move to a 7 day week will increase capacity by 25%. Again each strategic allocation policy and Policy S11 requires necessary developer contributions to community and health care facilities.

### *Wirksworth*

#### *Development Strategy*

160. Wirksworth is an attractive market town. Lead mining and quarrying were the main industries and this has led to a legacy of redundant mines and quarries. The town centre is compact and dominated by independent retailers and food and drink outlets. The WNP did not allocate any sites, leaving it to the LP. The development strategy (Policy S8) promotes the sustainable growth of the town with two large allocations, including one at Middleton Road/Cromford Road which seeks to bring forward a mixed-use development with some employment use.

#### *Middleton Road/Cromford Road (Policy DS6)*

161. Policy DS6 seeks allocation of 9.5 ha of brownfield and greenfield land between Middleton Road and Cromford Road for a mixed use development of residential and employment. Recent discussions with the landowner and indicative proposals show that the site has the capacity for about 150 homes rather than the 126 dwellings identified in the original SHELAA. Policy DS6 requires modifying accordingly (**MM55**).
162. The site has ecological assets such as open mosaic habitats and is close to a Local Wildlife Site and heritage assets, including the WHS. Although these constraints and issues of contamination are not overriding, Policy DS6 needs to recognise that the impacts should be assessed and mitigated and this consistency with national policy would be achieved by **MM55**. The landscape features on the site could be maintained by careful master planning. There are various access options given the two road frontages and the possibility of serving employment development off Ravenstor Road.
163. The site has been assessed as being viable in the Viability Study. A planning application is currently being prepared and on that basis delivery is likely to be primarily in the next 5 years as set out in a SOCG between the Council and the landowner. Delivery of the site has not been disputed. The phasing stipulation within Policy DS6 is necessary to ensure that the employment development is brought forward.

164. The allocation of the site for mixed use development through Policies HC2, EC2 and DS6 is justified.

*Middlepeak Quarry (Policy DS7)*

165. Middlepeak Quarry is allocated for primarily residential development through Policy DS7. The 62 ha site would realise some 645 dwellings with provision in the policy for community facilities. It would also make sense to include a requirement for a local centre as shown on the indicative proposals as parts of the development would be some distance from convenience shopping in the town centre. The phasing stipulation within the policy should refer to the provision of the local centre to ensure that it would be brought forward. Changes are also needed to Policy DS7 to provide biodiversity mitigation and compensation. These matters would be addressed by **MM56** which would ensure that the policy is positively prepared and consistent with national policy.

166. The site comprises primarily the voids of two dormant quarries. There is a need to stabilise quarry faces and assess contamination. Some blasting of quarry faces and earthworks will be needed to create development platforms. However, there is unlikely to be a requirement to take minerals off site in accordance with Policy MP17 of the DDMP. Based on preliminary assessment some 2 years are likely to be required for preparatory works.

167. Despite the upfront work required, the Viability Study considers that the site is viable. In terms of when it will be delivered, the projected start date as set out in the SOCG – 40 dwellings delivered by 2022 – is optimistic. Pushing back delivery will not prejudice the 5 year housing supply as it stands. Moreover, it would ensure that the development of the two allocations in Wirksworth would not overlap and provide a consistent supply of homes which the local housing market would be more likely to be able to absorb.

168. This is a particularly challenging site. However, the landowners have demonstrated a commitment to bringing the site forward. The allocation of the site for mixed use development through Policies HC2, EC2 and DS6 is justified.

*Infrastructure*

169. The Transport Evidence Base Report did not identify any significant highway or transport issues for Wirksworth arising from the allocations. Reference has been made to the need for more town centre parking but no sites or funding has been identified so it is not a matter that can be addressed specifically in this LP albeit that Policy EC6 does support adequate parking facilities for town centres.

170. The need for a new primary school for Wirksworth has been identified by DCC. The existing two infant schools and one junior school are on different sites. The infant schools do not have scope for expansion. The landowner of the two allocations has suggested Middle Peak Quarry as a potential location. Others consider that the Cromford Road site is better located in terms of accessibility. However, a preferred site will not be chosen until consultation is undertaken. Therefore, as things stand a specific allocation should not be made but Policies

DS6 and DS7 should both recognise that the development will need to contribute to a new school, by whatever means is necessary. This would be made clear by **MM55** and **MM56**. The Anthony Gell Secondary School would not have sufficient capacity for the increased demand for school places generated by the allocations so developer contributions to provide additional space are likely to be required through Policies DS6, DS7 and S11.

171. With the move to 7 day working there are indications that the existing doctors' surgery will have the capacity to accommodate the growth in the town. If this is not the case each strategic allocation policy and Policy S11 require necessary developer contributions to community and health care facilities. Such contributions could also improve access to the surgery.

### *Darley Dale*

#### *Development Strategy*

172. Darley Dale, as a Local Service Centre, has the ability to support some growth. Additional homes and jobs would help to sustain and enhance the self-containment of the settlement. The development strategy (Policy S8) promotes the sustainable growth of the settlement with two strategic housing allocations.

#### *Land to rear of former RBS (Policy DS2)*

173. Some 4.5 ha of greenfield land to the rear of the former RBS premises is allocated for 135 dwellings by Policy DS2. Although development would lead to the loss of open land, it would not extend the built up area any further towards Matlock and therefore would not erode the strategic gap. When viewed from the A6 housing would be seen against a backdrop of industrial buildings. The hillsides in the distance would be visible above the development.
174. No significant constraints have been identified to its development. A corner of the site lies within Flood Zone 3 but built development can avoid this area. The criteria within Policy DS2 recognise the need to have regard to nearby heritage assets. Delivery of housing is anticipated over the period 2018-2022 which there is no reason to dispute.
175. Planning permission has been secured on part of the allocation to meet the need for a new medical centre for Darley Dale. Policy DS2 needs to be amended to include this element and ensure that it is effective (**MM52**).
176. In order to provide a range of sites within the District to meet OAN, allocation of the site through Policies HC2 and DS2 is justified.

#### *Stancliffe Quarry (Policy DS3)*

177. Stancliffe Quarry has an area of about 10 ha. Due to the wooded nature of parts of the site and the limitations provided by the quarry faces the site is likely to be only able to deliver around 100 homes in the void as set out in Policy DS3. Development of the site would not be perceived as closing the gap between Darley Dale and Northwood due to the screening effects of the woodland and quarry faces.

178. There are constraints affecting the site which would need to be assessed including stabilising the rock faces, particularly that adjacent to Stancliffe Hall, contamination and wildlife habitat. Moreover, the sandstone is rare and some further removal of material may be desirable. These issues are recognised by the criteria within Policy DS3. However, subject to these matters being addressed the site could provide an attractive location for relatively low density housing.
179. There has been a recent change in ownership and a renewed interest in developing the site. However, no technical assessments have been undertaken and there are no indications as to how the site could be developed. That said the Viability Study concludes that the site is viable.
180. In view of the constraints affecting the site and the lack of progress in assessing these matters, the predictions of delivery within the updated SHELAA, including 50 dwellings within the next 5 years, is unrealistic. Therefore, all the delivery should be pushed back to later in the Plan period. This will not prejudice the District's 5 year housing supply as it stands.
181. This is a challenging site. However, the allocation of the site through Policies HC2 and DS3 is justified.

#### *Other Allocations*

182. I have dealt with the housing allocations at Old Hackney Lane and Normanhurst Park when considering Matlock due to their physical and functional relationship with the town.

#### *Infrastructure*

183. Despite concerns about junctions onto the A6 a need for specific highway and transport improvements has not been identified thus far. The settlement is well served by regular buses along the A6.
184. The primary schools in Darley Dale are at capacity or over-subscribed. However, there is space to extend the schools. Additional places would be funded by contributions secured by Policies DS2, DS3 and S11. There is surplus capacity in the secondary school serving the settlement, Highfields School in Matlock.
185. Other than the new medical centre referred to above there are no health service requirements.

#### *Ashbourne*

##### *Development Strategy*

186. Ashbourne is renowned as one of the finest Georgian towns in England with an extensive conservation area covering its centre. It has a large rural hinterland which relies on the town for services. However, there is also some out-commuting, particularly to Derby and Uttoxeter. The development strategy (Policy S9) promotes the sustainable growth of the town with large mixed-use allocations at the airfield and some smaller housing allocations as well as



protecting and enhancing the unique character of the town and its vitality and viability as a shopping centre.

*Ashbourne Airfield (Policies DS1 and DS8)*

187. About 90 ha of land is allocated by Policies DS1 and DS8 for mixed use developments at Ashbourne Airfield (Phases 1 and 2). The overall site which is in the form of a plateau is crossed by former runways, includes some employment buildings but is predominantly grassland. The site is contiguous with the built-up area of Ashbourne even though parts of it fall within rural parishes adjacent to the town.
188. Outline planning permission has been granted for 367 dwellings, a link road, community facilities and 8 ha of employment land on Phase 1. The allocation through Policy DS1 generally reflects this mix of uses, albeit more flexibility is required in relation to the type of employment uses (predominantly B1) so that the policy is effective and this would be secured by **MM51**. The site area for Phase 2 and Policies Maps showing Phases 1 and 2 need to be adjusted to reflect the planning permission and phasing.
189. Phase 2 would provide over 1,000 dwellings and up to 8 ha of employment land through Policy DS8. The provision of employment land is critical to the strategy of the Plan so the policy includes a requirement for a detailed phasing plan. Although discussions have been ongoing between the landowners and the local high school about a vocational training centre, the outcome is not certain. As a result community and educational facilities are included in the masterplan part of the policy but not within the phasing requirement. However, the policy should acknowledge the need for off-site highway works taking into account congestion issues in the town. This change necessary so that the policy is positively prepared would be achieved by **MM57**.
190. The site is some distance from the town centre. However, there is scope to improve connectivity by routing buses via the link road and improving cycle and pedestrian access. Moreover, it is anticipated that Phase 1 would include a local centre and Phase 2 additional community facilities.
191. Based on the technical work undertaken thus far there do not appear to be any significant constraints to development of the site. The presence of military ordnance has already been investigated. Policies DS1 and DS8 both include criteria requiring that issues such as contamination, flood risk, surface water and ecology are assessed up front. The latter is significant given the presence of the Bradley Wood Ancient Woodland and Wildlife Site adjacent to the northern boundary.
192. The provision of the link road between the Ashbourne Airfield Industrial Estate and the A52 is critical. Although the estate is the largest in the District it suffers from poor access and environment. The link road would enhance the existing industrial estate and provide the road infrastructure to serve new employment development and housing. Full planning permission has been given for the link road and Growth Deal funding obtained through the D2N2 LEP. An additional access may be required off the A52 to serve some of the Phase 2 development.

193. The Viability Study concludes that both phases are viable. Deliverability of the overall development has been demonstrated by the progress on the link road and Phase 1. Much of the work undertaken so far will inform preparations for Phase 2. Delivery of some 140 dwellings from Phase 1 is envisaged in the next 5 years. The SOCG for Phase 2 shows delivery at about 40 dpa from 2019/20 onwards rising to 80 dpa by 2028/29. Taking into account the size of the site and the relative buoyancy of the Ashbourne housing market, the site could accommodate three housebuilders so peak delivery of around 100 dpa is considered reasonable. There is nothing before me to dispute this delivery.
194. The allocation of the sites for mixed use development at Ashbourne Airfield through Policies HC2, EC2, DS1 and DS8 are justified.

*Other allocations in Ashbourne*

195. There are additional smaller housing allocations at Lathkill Drive, Mirage Hotel and Cavendish Drive which will, in combination with existing commitments and windfalls, ensure a range of sites are available which would be attractive to the market. The extent of the allocation at Cavendish Drive recognises the landscape sensitivity of the ridge and slope to the north by confining development to the plateau. There are no significant constraints to their development or delivery as demonstrated by the SOCGs.

*Infrastructure*

196. Traffic congestion in the centre of Ashbourne is significant, particularly during peak periods. The junction of Sturston Road and Derby Road is the worst affected. The allocations for the town will increase congestion unless mitigation is introduced. A scheme to improve the capacity of the aforementioned junction has been developed. Some funding has been obtained through contributions from Ashbourne Airfield Phase 1. That said, even with physical interventions congestion would still occur, although the length of queues would be less.
197. Alongside engineering works there is scope for improved traffic management in the town. DCC has already undertaken some work although the Ashbourne Traffic Study was published 8 years ago. Traffic management should be recognised as an important part of the strategy for Ashbourne through Policy S9. Therefore, **MM17** is necessary that the policy is effective and to ensure the implementation of traffic management measures.
198. There is no preferred route or funding for a 2<sup>nd</sup> bypass for Ashbourne (paragraph 102 refers). Therefore, whilst it would provide significant environmental and transport benefits, the Plan cannot go further than the support in principle provided by Policy S9.
199. Policies DS1 and DS8 require travel plans with further support for sustainable transport initiatives provided by Policies S11 (Infrastructure) and the modified HC19 (Accessibility and Transport) (**MM40**).
200. Taking all these matters into account residual cumulative impacts of development on the highway network of Ashbourne would not be severe.

201. DCC plan to reorganise the infant and junior schools in Ashbourne into three primary schools which would provide the additional capacity to serve the allocations. The reorganisation would be carried out in phases funded by existing and future contributions required by Policies DS1, DS8 and S11. Concerns have been expressed about the approach being taken by DCC but the specifics of education planning for the town are beyond the scope of this examination. Ashbourne Secondary School (Queen Elizabeth's Grammar School) has limited surplus capacity. There is likely to be a requirement for contributions towards secondary and further education provision over the Plan period.
202. Health care is provided by Ashbourne Health Centre and St Oswald's Hospital. As things stand there are no plans to expand facilities. If circumstances change each strategic allocation policy and Policy S11 require necessary developer contributions to community and health care facilities.

### *Rural Parishes*

#### *Development Strategy*

203. Beyond the market towns and the Darley Dale corridor are a network of rural villages and hamlets. The strategy promoted by Policy S10 is to allocate a range of housing sites in some of the larger more accessible villages and seek the delivery of affordable housing. The policy also seeks to protect the identity of settlements, encourage local employment opportunities and support enhancements to local services. Policy S10 needs to be amended so that it refers to supporting housing development on sustainable sites so that it is positively prepared and consistent with Policies S8 and S9 (**MM18**).

#### *Allocations*

204. There are some thirteen housing allocations proposed by Policy HC2 across five villages. The majority of the sites now have planning permissions suggesting that there are no overriding constraints or major obstacles to delivery. This position is further supported by SOCG for all but one site. Indeed delivery on all the allocated sites is envisaged to be within the next 5 years reflecting the attraction of these predominantly greenfield sites to the market.
205. Of those sites without permission, the allocation in Middleton (HC2(v)) is adjacent to an attractive new housing development and would provide a logical extension to it. Land at Marston Lane, Doveridge (HC2(o)) is a discrete parcel of land inside the A50 village bypass well-related to existing and proposed development. The site at Whitelea Nursery (HC2(y)) would involve the redevelopment of a nursery which is at the extremity of the village but close to the pub and not far from the primary school. Although the road through the village narrows in places, access is satisfactory.
206. The allocation of the housing sites in the villages through Policy HC2 is justified.

### *Infrastructure*

207. No specific highway and transport infrastructure projects for the villages have been identified at this stage. The need for localised schemes of highway improvement or traffic management may arise based on an assessment of the impact of particular developments, either individually or cumulatively, and these could be secured through Policies S11, HC19 and HC20.
208. Most of the primary schools within the rural area will require additional places to serve the new developments. These can be funded by contributions supported by Policy S11. I have not been made aware of any impediments to schools expanding. The secondary school in Matlock which serves Tansley has spare capacity. The secondary school in Ashbourne which serves Brailsford, Doveridge and Hulland Ward has limited capacity so developer contributions may be necessary. Capacity issues at the Anthony Gell Secondary School, Wirksworth which serves Middleton may arise later in the Plan period.
209. There are issues with surgery capacity in Brailsford/Hulland Ward and at Sudbury which serves Doveridge and some contributions under Section 106 of the Planning Acts (S106) have been secured. Until such time as the South DCCG and East Staffs CCG produce their estate strategies precise requirements are not clear. Policy S11 can require necessary developer contributions to health care provision.

### *Conclusions on Issue 7*

210. In conclusion and subject to the MMs set out above, the allocations will deliver the housing needed over the Plan period in a manner which is consistent with other policies of the Plan and the NPPF and that necessary infrastructure will be provided alongside the homes.

## **Issue 8 – Whether the settlement boundaries and Policy PD10 are justified having regard to the need to balance development requirements against environmental constraints and recognition of the intrinsic character and beauty of the countryside**

### *Settlement Boundaries*

211. Paragraph 4.23 of the Plan, as a precursor to Policy S4, explains the purpose of settlement boundaries. Generally the boundaries follow the extent of a settlement's existing or proposed built-up area. Additional criteria seek to refine the approach and these include having regard to existing commitments, allocations and clearly defined physical boundaries. Based on the evidence before me and from what I saw on my site visits the settlement boundaries generally follow the criteria. However, there are some exceptions which I deal with below.
212. At the north-west end of Matlock allocations at Old Hackney Lane and Normanhurst Park contiguous with the built-up area are excluded from the settlement boundary. The extension of the settlement limits to encompass these allocations and adjacent developed land around the Whitworth Hospital, Normanhurst Park and St Elphin's Park Retirement Village would ensure that the boundary reflected the criteria and may provide opportunities for

additional windfall development in a relatively sustainable location. At the same time open land critical to the strategic gap would not be eroded. **MM5** achieves this objective.

213. At Darley Dale the inclusion of industrial/commercial developments to the south-west of the railway (Station Road/Old Road) and at DFS and the historic cluster of development around Churchtown would also reflect the criteria and would not prejudice the strategic gap (**MM6**).
214. The secondary school and two areas of playing fields at Wirksworth relate well to the fabric of the settlement being within the line of the railway which generally marks the eastern boundary of the settlement. **MM8** would include them.
215. At Northwood a small parcel of detached garden land central to the village is excluded. There is no logic to this so **MM7** includes it within the boundary.
216. The above modifications (**MM5-8**) are necessary to ensure that the Plan is justified.

*A6 corridor (Policy PD10)*

217. Recent developments along the A6 have led to a degree of coalescence between the settlements of Matlock and Darley Dale despite a long standing policy to maintain a gap. Permission granted in February 2016 for specialist housing opposite the Whitworth Hospital will further erode open space along the A6, should it be implemented. However, there remain important areas of open land to the north-west of the retirement village and Normanhurst Park and to the south-west of the A6 which maintain a gap between the settlements and preserve views from the A6 across the Derwent Valley towards the PDNP and views out from, and the setting of, the National Park. The perception of open land is particularly noticeable travelling along the A6.
218. The Landscape Sensitivity Study indicated that significant areas of land between Matlock and Darley Dale were of high landscape sensitivity, including some parcels which were already developed. However, drilling down from this broad brush District wide assessment, the Council has highlighted areas which were critical to maintaining a gap and preserving views. This resulted in Policy PD10 and its spatial expression in the Policies Map. Although there would be benefits in developing some of the identified sites due to their proximity to services, these would be outweighed by the environmental harm. Based on the evidence and my visits to the area I consider that Policy PD10 is justified. That said the extent of the areas protected should be modified in two ways.
219. Firstly, some open areas on the Policies Map do not support the objectives of the policy - to safeguard open spaces between, and prevent coalescence of, the settlements. In particular land at Whitworth Park and to the north of Darley Dale should not be identified.
220. As a result land at Whitworth Park which lies within the settlement boundary would not have any specific policy protection through the Plan. However, some of the land lies within a registered historic park and garden, the site is within the setting of a listed building, the Whitworth Centre, and an avenue of

protected trees crosses its upper part. As such Policies PD2 (Historic Environment) and PD6 (Trees) would provide the controls necessary to prevent unacceptable development. In terms of the land to the north of Darley Dale Policy S5 will provide safeguards, particularly the criterion relating to not undermining the undeveloped character between settlements.

221. Secondly, land to the north and east of the retirement village and between Greenaway Lane and Two Dales should be safeguarded to prevent coalescence between Upper Hackney and Darley Dale, to preserve the landscape setting of the settlements and maintain views across the valley towards the PDNP. The Council's reassessment of the extent of the application of Policy PD10 in this area appears to me to be appropriate.
222. **MM26** amends the geographic illustration of Policy PD10 accordingly. The Policies Map will need to be amended so that the policy is effective. **MM4** emphasises the importance of safeguarding the quality of the A6 corridor.

#### *Conclusions on Issue 8*

223. For these reasons and subject to the MMs set out above the settlement boundaries and Policy PD10 are justified having regard to the need to balance development requirements against environmental constraints and recognition of the intrinsic character and beauty of the countryside.

#### **Issue 9 – Whether the generic policies of the Plan are positively prepared, effective and consistent with national policy**

##### *Policies protecting the character of Derbyshire Dales*

224. Policies PD1 to PD9 deal with issues of design and protection of the historic and natural environment. They are under the umbrella of the strategic objectives of the Plan that seek to protect the character of Derbyshire Dales. An important objective is omitted from the submitted Plan, that of protecting the setting of the PDNP. This would be rectified by **MM1** which ensures consistency with national policy.
225. The Council's approach to design is set out in Policy PD1. The policy as framed does not make it clear that high quality design should be sought for all developments in accordance with one of the core planning principles of the NPPF. There are also elements of duplication in some of the criteria. In order to ensure that Policy PD1 provides a clear framework for the decision maker **MM19** is needed.
226. In setting out the Council's approach to the historic environment Policy PD2 seeks to incorporate elements of national policy from Chapter 12 of the NPPF in both the explanation to the policy and the policy itself. In order to ensure consistency with national policy but not repetition of it, elements of Policy PD2 should be stripped out. In terms of heritage assets at risk the policy needs strengthening so that the Council take positive action not just encouragement in accordance with paragraph 126 of the NPPF. The policy includes onerous requirements relating to changes of use and development in conservation areas. The relevant criteria should be modified so that they are consistent with national policy. **MM20** would achieve these changes.

227. Paragraph 113 of the NPPF makes it clear that the criteria based policies for wildlife sites should draw a distinction between the hierarchy of international, national and locally designated sites. As submitted Policy PD3 (Natural Environment) does not distinguish sufficiently between international and national sites. This would be rectified by the inclusion of 'normally' within the criterion relating to Sites of Special Scientific Interest as set out in **MM21**.
228. Policy PD5 (Landscape) requires that development proposals 'protect and enhance' the landscape generally. This is more far reaching than the NPPF which at paragraphs 109 and 115 seeks protection and enhancement of valued and designated landscapes but otherwise anticipates that the intrinsic character and beauty of the countryside will be recognised rather than protected for its own sake. Modifications to Policy PD5 are required to achieve consistency with national policy (**MM22**).
229. Ancient woodland/veteran trees and other trees and woodlands are given similar levels of protection by Policy PD6 (Trees and Hedgerows). In order to provide a distinction as in paragraph 118 of the NPPF but still recognise the importance of indigenous trees, hedgerows and woodland, modifications are necessary to the policy (**MM23**). These changes would ensure that retention of trees, hedgerows and woodland of value is sought within developments but that any loss is only contemplated when suitable replacement planting is put forward.
230. Policy PD7 responds to climate change and sets out a range of criteria which seek to mitigate the effects of global warming. Renewable energy is a key component of the strategy and is supported provided installations do not have a significant adverse impact. In relation to landscape impact the policy sets a high bar in requiring that renewable energy does not have an adverse impact. A revision is needed to reflect a need to minimise adverse impacts. The criterion relating to flood risk is unnecessary as it duplicates Policy PD8. The explanation to the policy refers to seeking a very good BREEAM standard in commercial developments. The policy itself should reflect this. The changes proposed to Policy PD7 by **MM24** are required to ensure that the policy is positively prepared and consistent with national policy.
231. Policy PD8 (Flood Risk) as submitted included overly-prescriptive criteria relating to matters such as grey water recycling and culverts and involves repetition in relation to surface water measures. In order to ensure that it is effective and clear to the decision maker **MM25** is necessary.

#### *Other Policies*

232. In dealing with the sub-division of dwellings Policy HC9 highlights the impact on neighbouring residents whereas the adequacy of the living environment for future residents is a more pertinent consideration. The relevant criterion needs to be amended to refer to privacy, natural light and outlook for the units resulting from the conversion and this change necessary for the effectiveness of the policy would be achieved by **MM34**.
233. Policy HC15 seeks to maintain and improve community facilities. The need to offer the facility to the local community at a realistic price provides a further safeguard and would not place a significant additional burden on the owner beyond the requirement of the policy for marketing. I consider that the policy

is broadly consistent with the contents of paragraph 70 of the NPPF and the need to guard against the unnecessary loss of valued facilities. That said care homes do not fall naturally into the category of community facilities and would not be suitable for operation by the local community. As such the specific reference to them within the policy should be deleted (**MM38**) so that it is justified.

#### *Conclusions on Issue 9*

234.I conclude that, subject to the MMs proposed, the generic policies of the Plan are positively prepared, effective and consistent with national policy.

#### **Issue 10 – Whether necessary infrastructure, including open space, is likely to be delivered**

##### *Infrastructure*

235.The provision of infrastructure in a timely fashion to support development is required by Policy S11. The policy refers to a range of requirements including health, education, transport, waste water and open space. Policy HC19 provides further support for transport and accessibility improvements. The provision of infrastructure will be secured by conditions or obligations. The implications of Policy S11 for viability have been assessed through the modelling contained within the Viability Study. The policy, in referring to necessary infrastructure and taking into account development viability, is consistent with the NPPF.

236.Some proposed allocations have already obtained planning permission. It was for the Council to decide what infrastructure or contributions needed to be secured, taking into account existing and emerging development plan documents, national policy and guidance, site specific circumstances and viability considerations.

237.The IDP sets out the key elements of infrastructure that need to be delivered. The intention is to review the IDP regularly to ensure that infrastructure requirements are up to date and can be delivered to allow development to go ahead.

238.The Council intend to introduce a Community Infrastructure Levy (CIL) Charging Schedule. It is likely to be adopted in 2018. Until that time the Council is satisfied that contributions to infrastructure are unlikely to be caught by the pooling restrictions contained with the CIL Regulations.

239.It is envisaged that CIL will contribute to funding key infrastructure requirements over the Plan period such as junction/highway capacity and traffic management improvements in Matlock and Ashbourne; a 2<sup>nd</sup> Ashbourne by-pass; additional primary school capacity, particularly in Ashbourne and Wirksworth; and green infrastructure improvements on DCC Countryside Sites.

240.The role of the AMR in making transparent the progress on delivery of IDP projects, S106 contributions and CIL funding would be achieved by **MM59**. Such a change would demonstrate that the Plan is being effective in delivering infrastructure.



*Open Space*

241. Policy HC14 seeks to protect, maintain and enhance open space and outdoor recreation. Open space requirements are set out in Table 6 in the explanation to the policy. However, it is not clear from Policy HC14 that developments will need to provide open space, play areas and playing fields in accordance with these standards. As a result **MM37** is needed to amend the policy and supporting text to ensure that residential developments should contribute to open space in accordance with Table 6. The modification would also explain the meaning of qualifying developments, those of 11 dwellings or more.
242. Policy HC17 deals with promoting and protecting sport, leisure and recreation facilities. To ensure consistency with paragraph 74 of the NPPF the policy should refer to the possibility that development for an alternative form of sports or recreation provision could be a reason to permit loss of an existing facility. This change would be secured by **MM39**.

*Conclusions on Issue 10*

243. Taking into account the above, including the MMs proposed, necessary infrastructure, including open space, is likely to be delivered.

**Public Sector Equality**

244. In arriving at my conclusions on the above issues I have had regard to the Public Sector Equality Duty contained in the Equality Act 2010 and the Council's Equality Impact Assessment (CD14). In particular in relation to the protected characteristics of older people, gypsies and travellers and those with disabilities, the housing policies considered under Issue 4 will have a positive equality impact.

**Assessment of Legal Compliance**

245. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	Although there has been some slippage during the examination for reasons beyond the Council's control, the LP has been prepared broadly in accordance with the Council's updated LDS of December 2016 which envisages adoption in 2017.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in March 2016. Consultation on the LP and the MMs has complied with its requirements.
Sustainability Appraisal (SA)	SA has been carried out on the submitted Plan and MMs and is adequate.
Habitats Regulations Assessment (HRA)	The HRA in the form of the Habitats Regulations Report dated December 2016 concluded that the LP will not result in any likely significant effects on European sites alone or in combination with other plans or projects. Natural England concurs with this

	conclusion. This position has not changed with the MMs.
National Policy	The LP complies with national policy except where indicated and MMs are recommended.
2004 Act (as amended) and LP Regulations.	The LP complies with the Act and the LP Regulations.

## Overall Conclusion and Recommendation

246. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

247. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended MMs set out in the Appendix the Derbyshire Dales Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF.

*Mark Dakeyne*

INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications.