



DERBYSHIRE DALES DISTRICT COUNCIL

RESPONSE TO

**INSPECTOR'S PRELIMINARY QUESTIONS,
CLARIFICATION AND COMMENTS RELATING TO
SOUNDNESS (Strengthening the Economy – Chapter 7)**

DERBYSHIRE DALES LOCAL PLAN EXAMINATION

INSPECTOR'S PRELIMINARY QUESTIONS, CLARIFICATION AND COMMENTS RELATING TO SOUNDNESS (Strengthening the Economy – Chapter 7)

Introduction

1. The purpose of this note is to seek clarification from the Council on a number of matters relating to Chapter 7 of the Local Plan. These matters have emerged from my preparation so far, including assessing representations. I will have further questions during the preparation period.

Preamble to Chapter

2. Paragraph 7.3 refers to investment in infrastructure being crucial to unlocking new housing and employment development in Ashbourne and around Matlock. The implication is that such investment will be supported by 'public sector' funding. Is this the case and have Local Growth Funds been committed to such projects?

District Council Response

In regard to Ashbourne, securing a second access (off the A52) and link road to open up the employment land at Ashbourne Airfield Industrial Estate remains the top priority within the District Council's Economic Plan. The project has received a Growth Deal allocation of £1m from the D2N2 Local Enterprise Partnership. Release of the funding is governed by a two stage process – Stage 1: Business case, preliminary design and costs, Stage 2: Final business case, detailed costing and design, construction contract.

Stage 1 funding approval has been received from D2N2 (9th June 2016). In addition, detailed planning permission for the new link road has been granted by the District Council (16/00168/FUL) on 25 May 2016. Preparation of a detailed design, cost estimate and tender pack for the proposed new link road and access (funded by the private sector, Derbyshire Dales District Council and Derbyshire County Council) is underway and is due to be completed in April 2017. Following the completion of design work, the next stage will include formalisation of land transfers and funding agreement prior to the Stage 2 Local Enterprise Partnership submission and subsequently letting a construction contract.

The intention is to complete stage 2 to enable funding to be released and a start on site in 2017/18.

In regard to Matlock, none of the former quarry sites are reliant upon external Growth deal funding.

3. I asked questions dated 7 February on Employment Provision and Policies EC1 and EC2.

Policy EC2

4. Phase 1 at Ashbourne Airfield (EC2(a)) was granted planning permission in 2014 and therefore is a commitment (paragraph 8.31 refers). Similarly land at Cawdor Quarry has an extant planning permission (paragraph 8.37 refers). In terms of plan consistency should the sites be included as allocations?

District Council Response

The intention of identifying the sites (regardless of whether they have the benefit of planning permission or otherwise) in Policy EC2 is to provide an indication of those which will be brought forward over the plan period to meet the identified requirement of 15 hectares of employment land.

The District Council, therefore, does not consider it absolutely necessary to make a modification to Policy EC2. However if the Inspector considers that Policy EC2 should be modified to address any issues of inconsistency of approach then the District Council will prepare an appropriate modification.

Policy EC3

5. In response to representations it was indicated that further supporting text would be added to the policy to emphasise the content of paragraph 22 of the Framework. Is this still the intention? The modification has not been picked up in document SD03.

District Council Response

The omission of further supporting text to this policy is an oversight. The District Council will prepare a modification prior to commencement of the hearing sessions.

Policy EC4

6. The policy should be cross-referenced with Policy EC3 not EC2. Is Policy EC4 necessary having regard to the terms of Policy EC3?

District Council Response

The Inspector is correct – the reference to Policy EC2 should be a reference to Policy EC3. The District Council will prepare a modification prior to commencement of the hearing sessions.

Policy EC4 seeks to identify the key employment sites in the district as assessed through the HEDNA report (CD28 - Figure 199, page 246). The HEDNA report recognised (paragraph 17.105) that the Local Plan needed to set a clear policy framework in regard to existing employment sites and that there was justification in seeking to protect existing sites for continued employment use in order to meet the existing and future economic objectives of the plan area. Furthermore,

substantive evidence would be needed to justify the loss of employment land (as emphasised in Policy EC3).

Policy EC4 therefore seeks to clearly identify those sites which are regarded as being the most important concentrations of employment land within the plan area and therefore, most able to provide the widest range of employment opportunities. The inclusion of Policy EC4 therefore provides necessary clarity.

Policy EC6

7. Paragraph 7.20 refers to the creation of biodiversity habitats in town centres. The scope for this would appear to be limited so it is not clear why this has been emphasised. Moreover it has not been reflected in the policy itself so presumably is not considered essential.

District Council Response

The creation of biodiversity habitats in town centres is not a policy pre-requisite, however opportunities do arise through urban landscape schemes and summer/winter landscape bedding schemes etc. Paragraph 7.20 is therefore intended to highlight the fact that where suitable opportunities do exist, improvements to improve biodiversity should be considered.

Whilst Policy EC6 does not make reference to the need to create biodiversity habitats in town centres Policy PD3 seeks to encourage development to include measure to contribute positively to the overall biodiversity of the plan area to ensure that there is a net overall gain for biodiversity. The District Council consider that reading the plan as a whole that this is sufficient to encourage in appropriate circumstances the introduction of town centre biodiversity habitats.

8. The second sentence of paragraph 7.25 does not make sense. Should it read: 'The assessment of capacity for additional convenience floorspace across the plan area does not show any potential scope for additional floorspace'?

District Council Response

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

Policy EC7

9. The policy refers to changes of use from retail to other town centre uses only being permitted where it will not create a concentration of non-shopping uses. However, there is no definition of what would constitute a concentration e.g. by reference to thresholds for the number of non-retail uses in a given frontage or within a row. Have such thresholds been considered?

District Council Response

In formulating Policy EC7, the District Council did consider whether there was a need for specific thresholds to be included within the policy. Previous Local Plans (1998) have included such thresholds however this approach was not carried forward in the Adopted 2005 Local Plan as it was considered that there was a need for greater flexibility as the character and appearance of a frontage can be more significant than its length. This remains the District Council's view.

Whilst there will always be a need to ensure that there is a reasonable balance between retail and non-retail uses, the imposition of a threshold which is applicable to all primary frontages in the main town centres would not reflect the different characteristics of each town centre. Clearly, there is a need to maintain a healthy proportion of A1 uses in town centres in order to ensure their continued vitality and viability, however this also needs to be balanced against a desire for greater vibrancy in the retail core outside shop trading hours and to prevent an increase in vacancies which would create 'dead' frontages through the imposition of restrictive policy.

Policy EC7 as currently drafted was originally formulated during the joint working arrangements with High Peak Borough Council. High Peak Borough Council have since adopted this policy in exactly the same form (Adopted High Peak Local Plan 2016 - Policy CF2)

Policy EC8

10. Paragraph 7.31 appears to have a couple of typos. On line 1 the reference to 'higher proportion' does not square with the first part of the sentence. The number on the last line should presumably be 5,007 people?

District Council Response

Paragraph 7.31 is an extract from the District Council's Visitor Economy Plan¹ and sets out the context of the value of tourism to the local economy. The opening sentence of Paragraph 7.31 to a higher proportion is a reference to the fact that of visitors to Derbyshire as a whole 90% are day visits and 10% stay overnight. In Derbyshire Dales the proportion of overnight stay is higher at 15% of all visitors. The number on the last line should read 5,000 people.

The District Council will prepare a modification prior to commencement of the hearing sessions to improve the clarity of this Paragraph.

11. The cross reference to policy about farm diversification should be Policy EC10 not EC9.

District Council Response

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

¹ http://www.derbyshiredales.gov.uk/images/documents/V/Visitor_Economy_Plan_2015-2019.pdf

12. The last section of the policy would be more positive if 'only' was deleted. Is it realistic to expect all forms of tourist and culture development to be in a sustainable location and accessed by a variety of means of transport? For example small scale farm diversification such as holiday accommodation would not easily meet such a requirement but could comply with Policy EC10.

District Council Response

The District Council is agreeable to the Inspectors suggestion that the word 'only' is deleted from Policy EC8 and will prepare a modification prior to commencement of the hearing sessions.

The District Council acknowledges that not all tourism related development could be located in a sustainable location which is accessible by a variety means of transport, because of the nature of public transport provision across the plan area. As such it will prepare a modification to Policy EC8 that seeks to address this issue and any potential inconsistency with Policy EC10.

Policy EC10

13. The explanation to the policy (paragraph 7.43) indicates a preference for conversion of existing buildings but this is not reflected in the policy. Would the inclusion of an additional criterion to address this issue be appropriate?

District Council Response

The District Council's preference is that the full potential of existing buildings is utilised prior to the erection of new buildings. The inclusion of an additional criterion within the policy to achieve this objective would, in the District Council's opinion, be appropriate. The District Council will therefore prepare a modification prior to commencement of the hearing sessions.

Response

14. It would be helpful to have a response from the Council on matters raised above by 24 February if possible. If the Council consider that any of the above comments and questions need to be addressed by Main Modifications (MMs) then please let me know. In this respect as advised in the Initial Questions a Schedule of MMs should be produced at an appropriate stage in advance of the hearings.
15. I am not inviting comments from other parties at this stage. I want to clarify the Council's position first. This will help me set out pre-hearing questions in due course on which all parties with relevant representations will have the opportunity to respond.

Thank you.

Mark Dakeyne

INSPECTOR

14 February 2017