



DERBYSHIRE DALES DISTRICT COUNCIL
The Neighbourhood Planning (General) Regulations 2012 Regulation 18

DECISION STATEMENT

DARLEY DALE NEIGHBOURHOOD DEVELOPMENT PLAN

1. Summary

- 1.1 Following an independent Examination, Derbyshire Dales District Council is satisfied that the draft Darley Dale Neighbourhood Development Plan meets the basic conditions and the provision made by or under sections 38A and 38B of the 2004 Act.
- 1.2 Derbyshire Dales District Council confirms that the draft Darley Dale Neighbourhood Development Plan will proceed to a Neighbourhood Planning Referendum on the 21st January 2020.

2. Background

- 2.1 The Parish of Darley Dale was designated as a Neighbourhood Area in accordance with Section 61G of the Town and Country Planning Act (as amended by the Localism Act 2011) on the 18th August 2014. The designation of a Neighbourhood Area is one of the statutory requirements needed to be in place to enable a Neighbourhood Plan to be adopted, and formally become a part of the Development Plan, and be used in the determination of planning applications by the District Council.
- 2.2 The draft Darley Dale Neighbourhood Development Plan was subject to local consultation, under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012, from 12th March to 4th June 2018 and was submitted to the District Council for its formal publicity stage on 30th November 2018. The formal statutory publicity period on the Darley Dale Neighbourhood Plan commenced on 25th February and finished on the 9th April 2019.
- 2.3 The District Council appointed an independent Examiner, Andrew Matheson MSc MPA DipTP MRTPI FCIH, to review whether the Plan met the basic conditions as set out in Schedule 4B to the Town and Country Planning Act 1990 and whether the Darley Dale Neighbourhood Development Plan should proceed to referendum.
- 2.4 The Examiner's report concluded that subject to a number of recommended modifications that the draft Darley Dale Neighbourhood Development Plan is able to

comply with the 'basic conditions' and other relevant statutory provisions, and that the draft plan as modified could be submitted for a referendum.

- 2.5 Having considered each of the recommendations included in the Examiner's Report, and the reasons for them, the District Council has resolved that the modifications are required in order for the draft Darley Dale Neighbourhood Development Plan to meet the "basic conditions" set out in the in Schedule 4B to the Town and Country Planning Act 1990. The recommended modifications are set out in Appendix 1 to this statement.

3. Decision and Reasons

- 3.1 The District Council, at the Environment and Community Committee on 30th October 2019 resolved that the recommendations as proposed by the Examiner are necessary to ensure that the draft plan meets the basic conditions, to meet the relevant legal requirements and to enhance the clarity of the plan. The Darley Dale Neighbourhood Development Plan has therefore been modified for the referendum to reflect the Examiner's recommendations.
- 3.2 The Examiner considered whether the referendum area should extend beyond the Neighbourhood Area and recommended that the Plan should proceed to referendum based on the Neighbourhood Area as approved by the District Council on the 18th August 2014. The District Council has considered whether to extend the area in which the referendum is to take place and can see no reason to extend the Neighbourhood Development Plan area for the purpose of holding the referendum, concurring with the recommendation of the Examiner.
- 3.4 The examiner has concluded that with the minor modifications made the Plan meets the basic conditions and other relevant legal requirements. The Council concurs with this view and is satisfied that the draft Darley Dale Neighbourhood Plan (Referendum Version December 2019) meets the basic conditions and complies with the provision made by or under sections 38A and 38B of the 2004 Act.
- 3.5 The District Council resolved, at the Environment &Community Committee on 30th October 2019, that to meet the requirements of the Localism Act 2011 a referendum which poses the question '**Do you want Derbyshire Dales District Council to use the Neighbourhood Plan for Darley Dale to help it decide planning applications in the neighbourhood area?**' be held in the Parish of Darley Dale as soon as practically possible.
- 3.5 The date on which the referendum will take place has now been set - 21st January 2020.

Derbyshire Dales District Council - Environment & Community Meeting 30th October 2019 Plan [Available online: <https://www.derbyshiredales.gov.uk/your-council/council-a-committee-meetings/agendas-and-minutes/community-environment>]

Appendix One: Examiner’s Recommendation and Derbyshire Dales District Council response.

Recommendation	Text	Reason	Derbyshire Dales consideration of recommendation and action proposed.
1	Remove from the front cover wording relating to the submission status of the Plan and amend the Plan period (here and in all other Plan references) to 2019 - 2033.	For clarity	The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.
2	Review the “Contents” pages once the text has been amended to accommodate the recommendations from this Report.	For clarity and accuracy	The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.
3	Under the heading “What is the Darley Dale Neighbourhood Plan?” in the second sentence of paragraph 2 insert after “It covers” the following: ‘the Neighbourhood Area which is’; amend the title of Map 1 to ‘Area’ in place of “Plan area”.	For clarity and accuracy	The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.
4	Retitle section 2 as: ‘Why is a Neighbourhood Plan needed?’	For clarity	The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.
5	5.1 Reword paragraph 10 as: ‘The Neighbourhood Plan, when ‘made’, will form part of the development plan for Derbyshire Dales which will be applicable	For clarity and accuracy	The Derbyshire Dales District Council accepts the Examiner’s

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	within the Neighbourhood Area, which also includes the Derbyshire Dales Local Plan 2013 – 2033 and the Derbyshire County Council Minerals Local Plan (November 2002) [reference needed] and the Derbyshire Waste Local Plan (March 2005) [reference needed].’		recommendation. No action required.
	5.2 In paragraph 13 in the first sentence add ‘dwellings’ after “5680” and the second sentence replace “three” with ‘four’; in the tabulation that immediately follows the paragraph add a fourth line: HC2m Land at Stancliffe Quarry 10.16ha 100		The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.
	5.3 Add to paragraph 14 the closing quotation mark at the end of the paragraph and text as follows: ‘Under Policy S3 of the Local Plan a Settlement Development Boundary for Darley Dale is defined as shown on Map 2.’		The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.
	5.4 Title and provide a source reference for the new Map 2 relocated from within Appendix D; alter the numbering of subsequent maps accordingly.		The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.
	5.5 Item (g) within paragraph 17 should be corrected to ‘Darley Dale’.		The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.

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	<p>5.6 Paragraph 18 should be made a footnote (correcting the paragraph reference) and replaced with: 'Neighbourhood Plans are required to "have regard to national policies and advice contained in guidance issued by the Secretary of State"; national policies are primarily set down within the National Planning Policy Framework (NPPF) and guidance is set down in the Planning Practice Guidance (PPG) (both of these are updated from time to time). As the Neighbourhood Area is adjacent to, and in places contiguous with, the boundary of the Peak District National Park, the 1995 Environment Act places a duty on "relevant authorities" to have regard to the purposes of the National Park.'</p>		<p>The Derbyshire Dales District Council accepts the Examiner's recommendation. No action required.</p>
6	<p>Under the heading "Darley Dale in context":</p> <p>6.1 In paragraph 40 amend the bullet point "Rivers and streams" to 'River Derwent and streams'.</p> <p>6.2 Correct a typographical error in paragraph 43 by replacing "opens" with open and add 'Policy' before "PD10".</p> <p>6.3 Provide the sources for the data illustrated on Maps 3 & 4 and for Map 4 add 'Local Plan' before "Policy PD10" in the title.</p> <p>6.4 In paragraph 50 remove the inverted comma after "Parish".</p>	For clarity and accuracy	<p>The Derbyshire Dales District Council accepts the Examiner's recommendation. No action required.</p>

Recommendation	Text	Reason	Derbyshire Dales consideration of recommendation and action proposed.
7	<p>Under the heading “Community Objectives”:</p> <p>7.1 Within Community Objective 1(b) replace “Dales” with ‘Dale’.</p> <p>7.2 Delete footnote 23 and revise the wording of Community Objective 5 as: ‘Encouraging voluntary pre-application community engagement so that developers can identify and address community priorities for the particular location proposed.’</p>	For clarity and accuracy	The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.
8	<p>8.1 Review section 5 in the light of changes to the Policies as recommended in this Report.</p> <p>8.2 In the first sentence of paragraph 63 delete “how” between “that” and “development” and in the third line of paragraph 64 replace “being” with ‘bring’.</p>	For clarity and accuracy	The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.
9	<p>Within the section headed “9. Engagement with the Community: A Key Principle”:</p> <p>9.1 Add to paragraph 69: ‘All decisions on planning applications are undertaken by Derbyshire Dales District Council as the Local Planning Authority’.</p> <p>9.2 Correct the opening to Key Principle 1 as:</p>	For clarity	The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.

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	<p>‘Applicants submitting a major development proposal or a proposal for’</p> <p>9.3 Replace the opening of Key Principle 2 with: ‘Applicants are encouraged to include within their application submission details of:.....’</p>		
10	<p>Under the heading ‘Protecting the Landscape Character of Darley Dale’:</p> <p>10.1 In the table within paragraph 78 in the first line of column two amend “A6/Derwent corridor” to ‘A6/River Derwent corridor’.</p> <p>10.2 Delete paragraph 81 and renumber subsequent paragraphs accordingly.</p>	For clarity and accuracy	The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.
11	Within Policy NP 1: Protecting the Landscape Character of Darley Dale delete the paragraph number 1 and amend the semi-colon to a colon at the end of the introductory sentence.	For clarity and to meet Basic Condition 1	The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.
12	Within Policy NP 2: Protecting the Landscape Character of Darley Hillside delete the paragraph number 1 and amend the semi-colon to a colon at the end of the introductory sentence.	For clarity and to meet Basic Condition 1	The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.

Recommendation	Text	Reason	Derbyshire Dales consideration of recommendation and action proposed.
13	Within Policy NP 3: Protecting the Landscape Character of Broadwalk delete the paragraph number 1 and amend the semi-colon to a colon at the end of the introductory sentence.	For clarity and to meet Basic Condition 1	The Derbyshire Dales District Council accepts the Examiner's recommendation. No action required.
14	<p>Within Policy NP 4: Protecting the Landscape Character of Churchtown':</p> <p>14.1 Delete the paragraph number 1 and amend the semi-colon to a colon at the end of the introductory sentence.</p> <p>14.2 Amend criterion (a) to read: 'Plots that follow the linear development pattern with gaps sufficient to glimpse the wider valley from within the character area'.</p>	For clarity and to meet Basic Condition 1	The Derbyshire Dales District Council accepts the Examiner's recommendation. No action required.
15	<p>Within Policy NP 5 Protecting the Landscape Character of Parkway and Oker:</p> <p>15.1 Delete the paragraph number 1 and amend the semi-colon to a colon at the end of the introductory sentence.</p> <p>15.2 Within criterion (a) replace the phrase "that maintains the visual connections with the ridge lines so that the ridgelines are visible between buildings" with 'allows glimpsed views onto the backdrop of local hills avoiding building across the end of streets where this blocks off views to the wider countryside'.</p>	For clarity and to meet Basic Condition 1	The Derbyshire Dales District Council accepts the Examiner's recommendation. No action required.

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	15.3 Delete criterion (b).		
16	<p>Within Policy NP 6 Protecting the Landscape Character of Two Dales: 16.1 Delete the paragraph number 1 and amend the semi-colon to a colon at the end of the introductory sentence.</p> <p>16.2 Within criterion (b) add 'that' between "layout" and "follows".</p>	For clarity and to meet Basic Condition 1	The Derbyshire Dales District Council accepts the Examiner's recommendation. No action required.
17	<p>Within Policy NP 7 Protecting the Landscape Character of Lower Hackney:</p> <p>17.1 Delete the paragraph number 1 and amend the semi-colon to a colon at the end of the introductory sentence.</p> <p>17.2 Within criterion (b) delete the words "or the ridgeline".</p> <p>17.3 At the end of criterion (c) add 'and'.</p> <p>17.4 At the end of criterion (d) add a full stop.</p>	For clarity and to meet Basic Condition 1	The Derbyshire Dales District Council accepts the Examiner's recommendation. No action required.
18	Within Policy NP 8 Protecting the Landscape Character of Upper Hackney delete the paragraph number 1 and amend the semi-colon to a colon at the end of the introductory sentence.	For clarity and to meet Basic Condition 1	The Derbyshire Dales District Council accepts the Examiner's recommendation. No action required.

Recommendation	Text	Reason	Derbyshire Dales consideration of recommendation and action proposed.
19	Within Policy NP 9 Protecting the Landscape Character of Farley delete the paragraph number 1 and amend the semi-colon to a colon at the end of the introductory sentence.	For clarity and to meet Basic	The Derbyshire Dales District Council accepts the Examiner's recommendation. No action required.
20	<p>Under the heading "Protecting the Setting of the Peak District National Park":</p> <p>20.1 In paragraph 106 insert the closing inverted comma at the end of the paragraph.</p> <p>20.2 In paragraph 109 replace "will not have a visual impact" with 'will appropriately assess and address their impact'.</p> <p>20.3 In paragraph 110 replace "NP 9" with 'Policy NP 10'.</p> <p>20.4 Reword Policy NP 10 as follows: 'The impact on the Peak District National Park and its setting of major development proposals within the Neighbourhood Area should be assessed and addressed to ensure that their design, layout and boundary treatments are appropriate.'</p>	For clarity and accuracy and to meet Basic Condition 1	The Derbyshire Dales District Council accepts the Examiner's recommendation. No action required.
21	<p>Under the heading "The Importance of Good Design in Residential Development":</p> <p>21.1 In paragraph 115 insert 'Policies' before "NP 12 – NP 19" and</p>	For clarity and accuracy	The Derbyshire Dales District Council accepts the Examiner's recommendation. No

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	<p>change the last word from “areas” to ‘area’.</p> <p>21.2 In paragraph 117 add ‘Policy’ before “PD1”.</p> <p>21.3 In Table 3 delete row/bullet point 3 and the related footnote 38; also in row 4 delete the duplicate ‘bullet’ symbol.</p> <p>21.4 At the end of paragraph 119 delete the last sentence (and delete Appendix C); it is sufficient to reference the Building for Life guidance, not least because the guidance may vary over the lifetime of the Plan.</p> <p>21.5 Delete the incorrect paragraph 123 and replace this with the wording of footnote 42 on page 41; renumber subsequent footnotes accordingly.</p> <p>21.6 Insert ‘Policy’ before all the Policy numbers in paragraphs 125 and 127.</p> <p>21.7 In paragraph 128 insert ‘and’ between “character” and “what”; replace “at NP” with ‘in Policies NP’.</p>		action required.
22	<p>Within Policy NP 11 Design Principles for C3 Residential Development:</p> <p>22.1 Replace the semi-colon at the end of the introductory sentence with a colon.</p>	For clarity and accuracy and to meet Basic Conditions 1	The Derbyshire Dales District Council accepts the Examiner’s recommendation. No

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	<p>22.2 Within criterion (b) add ‘, particularly’ between “ages” and “to access”.</p> <p>22.3 Reword criterion (d) as: ‘regard for the content of the Darley Dale Place Analysis [footnote reference] (which is briefly summarised in Table 3)’; add a footnote reference to the Place Analysis.</p> <p>22.4 Merge criteria 3 and 4 as: ‘For major developments 41, the use of national design guidance (BfL 12 or equivalent) in developing design concepts, testing the final designs for quality and demonstrating how local distinctiveness has been reinforced.</p>	& 3	action required.
23	<p>23.1 Remove “and Future Management” from the title of Table 4 and within the Table delete the column headed “Future Management” and in the 4th row (about “Plots”) amend “places” to ‘placed’.</p> <p>23.2 Within Policy NP 12: 23.2.1 Replace the opening sentence, including its number, with: ‘Planning permission will be supported for residential development in Darley Hillside where the proposal is of high design quality that will positively contribute to the character of</p>	For clarity and to meet Basic Condition 1	The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.

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	<p>its setting and may demonstrate:’ 23.2.2 In criterion (a) replace “is inspired by the use of a” with ‘inspiration taken from’.</p>		
24	<p>24.1 Remove “and Future Management” from the title of Table 5 and within the Table delete the column headed “Future Management”.</p> <p>24.2 Within Policy NP 13: 24.2.1 Replace the opening sentence, including its number, with: ‘Planning permission will be supported for residential development in Broadwalk where the proposal is of high design quality that will positively contribute to the character of its setting and may demonstrate:’ 24.2.2 In criterion (c) replace “is inspired by the use of” with ‘inspiration taken from’.</p>	For clarity and to meet Basic Condition 1	The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.
25	<p>25.1 Remove “and Future Management” from the title of Table 6 and within the Table delete the column headed “Future Management”.</p> <p>25.2 Within Policy NP 14: 25.2.1 Replace the opening sentence, including its number, with: ‘Planning permission will be supported for residential</p>	For clarity and to meet Basic Condition 1	The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.

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	<p>development in Darley Hillside where the proposal is of high design quality that will positively contribute to the character of its setting and may demonstrate:’.</p> <p>25.2.2 In criterion (a) replace “is inspired by the range of” with ‘inspiration taken from’.</p>		
26	<p>26.1 Remove “and Future Management” from the title of Table 7 and within the Table delete the column headed “Future Management”.</p> <p>26.2 Within Policy NP 15:</p> <p>26.2.1 Replace the opening sentence, including its number, with: ‘Planning permission will be supported for residential development in Parkway and Oker where the proposal is of high design quality that will positively contribute to the character of its setting and may demonstrate:’</p> <p>26.2.2 Replace criterion (b) with ‘a development that is well connected and provides appropriate linkages to improve connectivity across the wider neighbourhood; and’.</p> <p>26.2.3 In criterion (d) replace “is inspired by the range of” with ‘inspiration taken from’.</p>	For clarity and to meet Basic Conditions 1 & 3	The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.
27	<p>27.1 Remove “and Future Management” from the title of Table 8 and within the Table delete the column headed “Future Management”.</p> <p>27.2 Within Policy NP 16:</p>	For clarity and to meet Basic Condition 1	The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.

Recommendation	Text	Reason	Derbyshire Dales consideration of recommendation and action proposed.
	<p>27.2.1 Replace the opening sentence, including its number, with: ‘Planning permission will be supported for residential development in Two Dales where the proposal is of high design quality that will positively contribute to the character of its setting and may demonstrate.’.</p> <p>27.2.2 In criterion (a) replace “is inspired by the range of” with ‘inspiration taken from’.</p> <p>27.2.3 Merge criterion (c) with criterion (b), removing the semicolon after “plots”); renumber subsequent criteria accordingly.</p> <p>27.2.4 Within criterion (e) delete “has”.</p> <p>27.2.5 Within criterion (f) amend “allows” to ‘allow’.</p>		
28	<p>28.1 Remove “and Future Management” from the title of Table 9 and within the Table delete the column headed “Future Management”.</p> <p>28.2 Within Policy NP 17: 28.2.1 Replace the opening sentence, including its number, with: ‘Planning permission will be supported for residential development in Lower Hackney where the proposal is of high design quality that will positively contribute to the character of</p>	For clarity and to meet Basic Condition 1	The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.

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	<p>its setting and may demonstrate:’</p> <p>28.2.2 In criterion (b) replace “is inspired by” with ‘inspiration taken from’.</p> <p>28.2.3 Merge criterion (d) with criterion (c), removing the semicolon after “distinctiveness”; renumber subsequent criteria accordingly.</p>		
29	<p>29.1 Remove “and Future Management” from the title of Table 10 and within the Table delete the column headed “Future Management”.</p> <p>29.2 Within Policy NP 18:</p> <p>29.2.1 Replace the opening sentence, including its number, with: ‘Planning permission will be supported for residential development in Upper Hackney where the proposal is of high design quality that will positively contribute to the character of its setting and may demonstrate:’.</p> <p>29.2.2 In criterion (a) replace “is inspired by” with ‘inspiration taken from’.</p> <p>29.2.3 In criterion (b) delete “includes”.</p> <p>29.2.4 In criterion (c) delete “has”.</p>	For clarity and to meet Basic Condition 1	The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.

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30	<p>30.1 Remove “and Future Management” from the title of Table 11 and within the Table delete the column headed “Future Management”.</p> <p>30.2 Within Policy NP 19 replace the opening sentence, including its number, with: ‘Planning permission will be supported for residential development in Farley where the proposal is of high design quality that will positively contribute to the character of its setting and may demonstrate.’</p>	For clarity and to meet Basic Condition 1	The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.
31	<p>Under the heading “Enhancing the Provision of Community Facilities”: 31.1 In paragraph 133 replace “Grade 11” with ‘Grade II’.</p> <p>31.2 Within paragraphs 135 and 136 insert ‘Policy’ before ‘NP 20’.</p>	For clarity and accuracy	
32	Within the first paragraph of Policy NP 20 insert after “development of” and before “community” ‘new and improvement of existing’.	For clarity and to meet Basic Condition 1	The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.
33	<p>Under the heading “Implementation”:</p> <p>33.1 In paragraph 137 replace “which is the key principle enshrined in this Plan” with ‘(see earlier Key Principle)’.</p>	For clarity	The Derbyshire Dales District Council accepts the Examiner’s recommendation. No

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	<p>33.2 Delete paragraph 138 and the related Appendix D; renumber subsequent paragraphs accordingly.</p> <p>33.3 In paragraph 139 delete “Whilst Derbyshire Dales District Council will be responsible for development management,” since this has already been stated.</p> <p>33.4 In paragraph 142 delete the first sentence since its future tense will be inappropriate (and the plan hierarchy has already been stated).</p>		action required.
34	Under the heading “Monitoring and Review” move the last sentence of paragraph 145 to the beginning of paragraph 146.	For clarity	The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.
35	Ensure that the hyperlink in Appendix A is, and continues to be, operational; delete Appendices C & D.	For clarity	The Derbyshire Dales District Council accepts the Examiner’s recommendation. No action required.