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COUNCIL

Minutes of a Special Council Meeting held on Thursday 2 October 2014 in the Council Chamber, Town Hall, Matlock at 6.00 pm.

PRESENT

Councillor Geoff Stevens, MBE - In the Chair

Councillors Jennifer Bower, Richard Bright, Steve Bull, Sue Burfoot, David Chapman, Tom Donnelly, Ann Elliott, David Fearn, Richard FitzHerbert, Steve Flitter, David Frederickson, Chris Furness, Neil Horton, Angus Jenkins, Mike Longden, Tony Millward, Jean Monks, Garry Purdy, Irene Ratcliffe, Mike Ratcliffe, Lewis Rose, OBE, Peter Slack, Andrew Statham, Jacquie Stevens, Colin Swindell, Judith Twigg and Jo Wild.

Dorcas Bunton (Chief Executive), Paul Wilson (Corporate Director), Sandra Lamb (Head of Corporate Services), Mike Hase (and Jackie Cullen (Committee Assistant).

20 members of the public.

APOLOGIES

Apologies for absence were received from Councillors Jacque Bevan, Ken Bull, David Burton, Bob Cartwright, Albert Catt, Cate Hunt, Andrew Lewer, Andrew Shirley, Philippa Tilbrook, Barrie Tipping and Carol Walker.

PUBLIC PARTICIPATION

In accordance with the procedure for Public Participation, Beverley Oakley, Local Resident, spoke regarding concerns about the 'green belt' with particular reference to walkers, visitors and footpaths, and her concerns about demands on the area's infrastructure, should more housing be built in and around Ashbourne.

142/14 – DERBYSHIRE DALES LOCAL PLAN – EXAMINATION IN PUBLIC

Councillor Angus Jenkins arrived at 6.15pm during discussion of this item.

The Council considered a report that informed Members of the outcome of the Derbyshire Dales Local Plan Examination in Public and outlined the options available to progress the Local Plan with appropriate recommendations.

On 13th May 2014, the District Council submitted the Derbyshire Dales Local Plan Pre

Submission Draft to the Secretary of State for Independent Examination. The Secretary of State, in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended), appointed Inspector Keith Holland BA (HONS) DIPTP MRTPI ARICS to conduct the examination, to determine whether the Local Plan was sound.

The Examination in Public (EIP) of the Derbyshire Dales Local Plan opened on 22nd July 2014 for a period of two days. During the two days of the EIP, the Inspector considered the District Council's position in respect of the Duty to Co-operate, and the Objectively Assessed Need for housing.

The EIP was adjourned at the close of business on 23rd July 2014 pending the preparation of a report by the Inspector in which he would set out his initial findings on the matters discussed.

The Inspector's Initial Report was presented to the District Council on 29th July 2014, and was attached as Appendix 1 to the report.

The Chief Secretary to the Treasury had recently reaffirmed the position with regard to The National Planning Policy Framework (NPPF), stating that a '*radical building policy was necessary over the longer term*' and that as a nation we need to be providing 250,000 to 300,000 homes per annum. The requirements on Local Planning Authorities were set out in the report, together with a judgement by the Court of Appeal on the meaning of Paragraph 47 of the NPPF.

In the light of the Inspector's report there were three choices available to the Council, as set out below:-

Option 1 - Continue with the Examination in Public

There were considered to be no advantages to pursuing this option. The EIP would continue in full knowledge that the plan would not be found 'sound' and, therefore, could not be adopted. There was also the prospect that the plan could be further undermined by the conclusions already drawn by the Inspector. Given that the plan would be found unsound in any event, the Council would lose 3-4 months pursuing an EIP which would not result in a positive outcome thus representing a considerable waste of time, effort and money.

Option 2 - Suspend the Examination in Public

This option would require the Council to undertake the following within a period of 6-9 months:-

1. Review all potential housing sites and re-appraise their suitability for allocation in the plan. Identify a further suite of sites to be proposed for allocation which are capable of meeting the current shortfall of circa 2000 dwellings or as close thereto. However, as outlined above, some initial work on this has been undertaken and it is doubtful that there are sufficient sites currently identified and available which are capable of meeting the additional level of provision without a further 'call for sites'.
2. Undertake further discussions with neighbouring authorities under the Duty to Co-operate at both Officer and Member level if there are insufficient sites available to meet full OAN within the district.
3. Consider responses to public consultation and approve a new plan for consideration at EIP (January 2015).
4. Re-open EIP February 2015.

Option 3 - Withdrawal of the Derbyshire Dales Local Plan

This option would involve the Council withdrawing the plan now; however, it would still be required to undertake the tasks outlined in Option 2 above, albeit in accordance with a more realistic timescale. The implications of pursuing Option 3 were that:-

- The Council will be unable to resist applications for housing development in the interim unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of providing land for housing.
- The longer the delay in the submission of the Local Plan, the evidence base used to support the plan becomes increasingly out of date, thus necessitating further updates to be undertaken. This is already a risk we are facing due to the age of some of the studies which go back to 2008 and, as a result, the District Council may have to incur costs associated with commissioning updated evidence. However, where feasible opportunities for joint working would be explored to minimise costs.
- The District Council will need to review all potential housing sites (including sites previously excluded) and re-appraise their suitability for allocation in the plan.
- The District Council will need to consider the identification and allocation of new housing sites and subject these to public consultation.
- The District Council will need to undertake further discussions with neighbouring authorities under the Duty to Co-operate at both Officer and Member level if there are insufficient sites available to meet full OAN within the district.
- The District Council will need to positively search for and potentially allocate a site for the Gypsy and Traveller community should the County-wide GTAA indicate a need to make site provision within the Derbyshire Dales.
- The additional work involved in the withdrawal of the Derbyshire Dales Local Plan is far more extensive than a suspension under Option 2. Adoption of the Local Plan would not therefore be achievable for a period of at least 18 months.

It was moved by Councillor Lewis Rose, OBE, seconded by Councillor Garry Purdy, and

RESOLVED
(unanimously)

1. That the findings of the Local Plan Inspector are noted.
2. That Option 3 as described in the report is chosen and that the Derbyshire Dales Local Plan is withdrawn from the current Examination in Public with immediate effect and that the Planning Inspectorate is advised accordingly
3. That presentation of the Derbyshire Dales Local Plan is progressed through the Local Plan Advisory Committee, and that its recommendations are presented to Council for endorsement, as and when it is necessary to do so.

MEETING CLOSED 7.30PM
CHAIRMAN