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LOCAL PLAN ADVISORY COMMITTEE

Minutes of a Meeting held on Monday 11 July 2016 in the Council Chamber, County Hall, Matlock at 6.00pm

PRESENT

Councillor Lewis Rose, OBE - In the Chair

Councillors Martin Burfoot, Albert Catt, Ann Elliott, Chris Furness, Neil Horton, Tony Morley, Garry Purdy, Mike Ratcliffe, Peter Slack, Andrew Statham and Jacquie Stevens.

Paul Wilson (Corporate Director), Mike Hase (Planning Policy Manager), Esther Lindley (Senior Planning Policy Officer), Jim Fearn (Communications and Marketing Manager) and Jackie Cullen (Committee Assistant).

81 members of the public.

APOLOGIES

Apologies for absence were received from Councillors Tony Millward and Andrew Shirley. Councillors Chris Furness and Neil Horton attended as Substitute Members.

101/16 – PUBLIC PARTICIPATION

In accordance with the procedure for public participation, the following members of the public addressed the meeting:

- Hilary Essen, Matlock resident, spoke with regard to health provision and infrastructure viability, asking how the District Council could ensure extra resources would be provided.
- Mr Frederick Burgess, resident, commented on the strategy of the draft Local Plan, and proposed that the OAN target figure of 6,400 houses should be reduced. Mr Burgess suggested that the result of recent discussions between the Council's Chief Executive and the Planning Minister regarding the National Park effect should be considered before finalising the target.
- Mr David Elsworth addressed the Council in his capacity as Chartered Civil Engineer (retired) and commented on the transport assessment which focused on the Class A road network and not the local roads. Mr Elsworth considered the proposed volumes

of traffic to be unacceptable and indicated that the Planning Minister could reconsider based on clear evidence that the number of new houses proposed was not tenable.

- Mr Stuart Briddon refuted William Davis' claims that there were no protected species found on the Gritstone Road/Pinewood Road site. Local residents had seen endangered birds, bats and badger setts (for which photographic evidence had previously been submitted) and requested that this be taken into consideration.
- Mrs Sharon Briddon commented on the recent proposal to increase the size of the site at Gritstone Road by 10ha without there having been any public consultation. Mrs Briddon also refuted William Davis' report on the basis that it was biased, and suggested that widening the access by reducing the pavements would pose a risk to the vulnerable, especially school children.
- Mr Peter Wild, Resident, spoke against the inclusion of site HC2(v), Wolds Farm, with regard to its proximity to the Derwent Valley Heritage Site and upper zone. Mr Wild referred to an 1850s map showing that water from Wolds Spring crossed the site, and this was a sensitive landscape which was in danger of being lost forever.
- Mr David Roberts suggested that site HC2(aa), Snitterton Fields, did not meet the strict assessment criteria and was concerned that a precedent would be set if this site went forward, by allowing developers to successfully appeal against any future refusal for planning. Mr Roberts claimed that the number of houses proposed for this site could be accommodated on other identified sites and its withdrawal would thus not jeopardise the local plan.
- Mrs Vicki Raynes objected to the inclusion of Tansley House Gardens, particularly in light of the possible inclusion of the Whitelea site and the Goldhill site. Tansley House Gardens provided an important green buffer zone. Mrs Raynes commented on the lack of amenities in the village, including shop, doctor's surgery, pre-school and a poor bus service. Mrs Raynes noted that no cumulative survey had been undertaken to assess the impact of all the proposed developments in Tansley, and asked the District Council for assurance that the infrastructure could cope.
- Mr Julian Wallbank referred to Item 6 on the Agenda – the Site Assessment Update – and requested that sites SHLAA 380 and 384 be rejected on the grounds that the assessments had not been properly undertaken. In particular, Snitterton Fields received the worst assessment of the 135 sites assessed.
- Mr James Collins commented that the RBS Matlock site was the most sustainable of all sites and was capable of accommodating 24 units using the existing footprint for 19 of these, and 5 more within the listed bank building. Mr Collins noted that the Highways Authority had raised no objection to this number of units and that as it was a brownfield site it should be included in the Local Plan.
- Mr Simon Haslam proposed the removal of site HC2(AA) as the impact on the heritage assets had not been considered and that the County Archaeologists had previously indicated that such setting issues should weigh against allocation.

- Mr Dave Garner commented on the landscape assessment and access with regard to Gorse Bank, Wirksworth, and proposed that this site be reconsidered based on the natural screening of the site.

Late representations received after publication of the Agenda were circulated at the meeting.

102/16– DERBYSHIRE DALES LOCAL PLAN – TRANSPORT EVIDENCE BASE

Members considered a report prepared by consultants AECOM which advised on the extent to which the proposed allocations within the Derbyshire Dales Draft Local Plan were likely to have an impact upon the highways network across the plan area. The report also recommended that further consideration be given to its contents in conjunction with Derbyshire County Council as Highways Authority prior to taking forward the Derbyshire Dales Local Plan.

The Corporate Director reminded those present at the meeting that the strategic planning matters were being considered and no decisions were to be made at this meeting. The results of the re-assessment of 11 sites put forward since the consultation would be reported at the next meeting of this committee on Wednesday, 13 July.

The Corporate Director advised that the issues relating to highways congestion and traffic were to be considered at Derbyshire County Council the following day (Tuesday, 12 July), where a decision would be taken as to whether or not the Highways Authority would raise any objections to the Local Plan as it was in its current state. To this end, the Council meeting scheduled for 27 July had been cancelled, and a Local Plan Advisory Committee meeting would be held instead, at which time the final version of the Local Plan would be presented. The Corporate Director reminded the public that they would have a final opportunity to address this Committee on that date, prior to the statutory consultation, at which they could submit their representations. An update on discussions with the CCGs and healthcare services would also be provided at the meeting on 27 July.

A copy of the consultants' report was attached as Appendix 1 to the report, and in summary it identified a number of locations on the existing highways network where the congestion ratio of peak hour congestion to non-peak hour congestion was higher than elsewhere on the network, as set out in the report. The impact upon junctions was considered, and the report acknowledged some key routes that would be "under stress" as a result of proposed developments. The impact of development based on various percentage increases in traffic volume on the Crown Square junction in Matlock was tabled, concluding that practically for Matlock the only opportunity to mitigate the impact of development was the introduction of sustainable travel initiatives. The impact of development on the Sturston Road/Derby Road junction in Ashbourne was also summarised, together with the implications of development within Brailsford and traffic routing to Derby.

Paragraph 32 of the NPPF advised that all developments that generated significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes had been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site could be achieved for all people; and
- improvements could be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development were severe.

All allocations identified within the Derbyshire Dales Draft Local Plan had been assessed by Derbyshire County Council as the Highways Authority as being able to achieve a safe and suitable access for all people.

The key issue was the cumulative impact that the traffic generated from the level of development being proposed within the Derbyshire Dales Draft Local Plan had on the highways network, and the extent to which mitigation was required. Some significant investment would be required to encourage the use of alternative modes of transport to accommodate the levels of growth proposed, including encouraging financial contributions and/or Community Infrastructure Levy to deliver required transport and accessibility improvements. It was recommended that further discussions were undertaken with Derbyshire County Council, with a view to preparing a complementary delivery strategy for sustainable transport interventions across the plan area.

The key consideration after the implementation of sustainable transport interventions was the extent to which the residual effects as set out in the report were considered to be “severe” as advised in the NPPF. As there was no definitive definition as to what level of impact was considered to be “severe”, it was essentially for the local planning authority to determine at what point the impact of traffic on the highways network was considered as severe. At the time of writing this report the County Council had not yet come to any overall conclusions about what they considered to constitute a severe impact. It was therefore recommended that delegated authority be given to the Corporate Director, in conjunction with the Chair of this Committee, to continue discussions, with the County Council and to report back to a future meeting of this Committee or of Council.

It was moved by Councillor Jacquie Stevens, seconded by Councillor Garry Purdy and

RESOLVED
(unanimously)

1. That Committee note the contents of Transport Evidence Base Report as set out in Appendix 1 to the report.
2. That delegated authority be given to the Corporate Director in conjunction with the Chairman of the Local Plan Advisory Committee to undertake further discussions with Derbyshire County Council as Local Highways Authority in respect of the implications of the Transport Evidence Base report for the Derbyshire Dales Local Plan.
3. That the outcome of the discussions with Derbyshire County Council be reported to a future meeting of this Committee or Council and taken into account in taking the Derbyshire Dales Local Plan forward.

103/16 - DERBYSHIRE DALES LOCAL PLAN – EVIDENCE BASE UPDATE

Members considered a report on the latest position with regard to the evidence base on Strategic Flood risk, Infrastructure and Viability, as well considerations in relation to the proposal advocated for a Garden Village and Gypsies and Travellers. The report recommended that this updated evidence be taken into account in taking the Derbyshire Dales Local Plan forward.

The National Planning Policy Framework (NPPF), Paragraph 100, sets out that Local Plans should be supported by a Strategic Flood Risk Assessment and should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, as detailed in the report.

As a result of the Strategic Flood Risk Assessment (SFRA) prepared in 2009 being out of date, JBA Consulting Ltd were appointed by the District Council to undertake a Level 1 SFRA covering the whole of the District Council's jurisdiction, the objectives of which were listed in the report. This work had now been completed, and a link to the relevant website was included in the report.

The updated SFRA had considered all sources of flooding including fluvial, surface water, groundwater, sewers and reservoirs within the study area, and the results of the findings were summarised in the report together with guidance for a sequential approach to development and flood risk, and guidance on Sustainable Drainage Systems. Finally it included up to date flood risk mapping, which identified the extent to which areas of the District were at risk from flooding.

It was noted that in order to satisfy the requirements of Paragraph 100 in the NPPF, two of the sites allocated (HC2(j) Land at Bridge Garage, Darley Bridge and HC2(m) Land to the rear of former RBS premises, Darley Dale) had been subjected to the Sequential Test, and this had concluded that site HC2(m) passed, whilst site HC2(j) failed. Paragraph 102 of the NPPF required that where the Sequential Test could not be met then an Exception Test had to be met, as outlined in the report. As no site-specific flood risk assessment had been provided by the landowner of site HC2(j) to demonstrate that development on the site would be safe for its lifetime and did not increase flood risk elsewhere, further consideration was necessary as to whether this allocation within the Derbyshire Dales Draft Local Plan was continued.

The report commissioned by consultants to support the preparation of a revised Derbyshire Dales Local Plan in respect of the Infrastructure Needs and Plan Viability and the Community Infrastructure Levy (CIL) concluded at that time that there would not appear to be any issues in terms of infrastructure requirements that would have a detrimental impact upon growth across the plan area (Minute 167/15).

To ensure that the policies and proposals within the Derbyshire Dales Draft Local Plan remained capable of being delivered over the plan period consultants were appointed to undertake an update on viability and infrastructure needs.

A link to the consultants' report was given in the report, and in terms of infrastructure needs this considered three broad areas: transport, utilities and environment, and community services (including education, healthcare facilities and community facilities), as detailed in the report. Derbyshire County Council's response to the consultation on the Derbyshire Dales Draft Local Plan in respect of education requirements was included in the report, together with a summary of the position with regard to health care facilities across the Derbyshire Dales following discussions with CCGs.

The District Council had received a suggestion from Darley Dale Town Council (and now supported by Matlock Town Council) for the allocation of land for a new village within the proposals in the Derbyshire Dales Local Plan. The emphasis in the NPPF was that Local Plans should only include proposals if they had a reasonable prospect of being implemented over the plan period. The Corporate Director and Policy Manager had met with representatives of Darley Dale Town Council to discuss their proposals for a Garden Village, and had subsequently contacted a developer at the suggestion of Darley Dale Town Council to seek their views about the extent to which there was likely to be market demand for such a proposal. The advice given was that there was unlikely to be market demand for such a proposition. Furthermore, none of the sites or locations identified by Darley Dale Town Council was either available or of sufficient size to enable such a proposition to come forward through the Local Plan process, nor had any sites of a sufficient size come forward through the call for sites process which could be justified as being suitable as an allocation as a stand-alone new village proposal in the Local Plan. It was suggested by Darley Dale Town Council that the preparation of the Derbyshire Dales Local Plan should be paused in order to give further consideration to this proposal. Advice sought from the Department for Communities and Local Government was that preparation of the Derbyshire Dales Local Plan should not be unduly delayed in order to give any significant additional consideration to the suitability of including a site(s) for a new village proposal within the Derbyshire Dales Local Plan. A copy of the response from the Department for Communities and Local Government was set out in Appendix 1 to the report. In such circumstances it was considered unnecessary to consider this matter further as part of the preparation of the Derbyshire Dales Local Plan.

With regard to the Gypsy and Traveller Community in Derbyshire Dales, 9 pitches were required to meet their needs over the plan period, and Policy HC6 set out proposals to allocate land at Watery Lane, Ashbourne provided that a need remained for such uses within the plan area. A number of representations were received during the consultation on the Derbyshire Dales Draft Local Plan which suggested that Policy HC6 did not satisfy the requirements of the Government's Planning Policy for Travellers Sites. A review of the requirements set out in the Government's Planning Policy for Travellers Sites had been undertaken, together with an assessment of the extent to which the policy in the Derbyshire Dales Draft Local Plan complied with national policy. This indicated that the extent to which there was a need for sites to meet the needs of the Gypsy and Traveller Community should be determined, and in producing Local Plans to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets, and identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15

In order to comply with the requirements of the Planning Policy for Travellers Sites the Derbyshire Dales Local Plan should as a minimum make provision for 6 pitches over the first five years of the plan period as well as identify the approach to addressing the needs beyond the first five years of the plan. It was therefore considered that in taking the Derbyshire Dales Local Plan forward, revisions to Policy HC6 should be made to ensure compliance with the Planning Policy for Travellers Sites. It was noted that one site had been allocated for 4 pitches, but the report did not identify the other 2 pitches. The Corporate Director advised that this was still under discussion and would be brought back to the Committee on 27 July.

It was moved by Councillor Garry Purdy, seconded by Councillor Tony Morley and

RESOLVED
(unanimously)

1. That Committee note the contents of the report, and that they are taken into account in taking the Derbyshire Dales Local Plan forward.

104/16 - DERBYSHIRE DALES LOCAL PLAN – SITE ASSESSMENT UPDATE

Members considered a report setting out details of alternative development sites suggested to the District Council through the recent consultation on the Derbyshire Dales Draft Local Plan; details of additional evidence and reassessment of the suitability of sites previously considered inappropriate and currently omitted from the Local Plan, and information on the deliverability of sites presently allocated in the Draft Local Plan.

11 alternative sites had been submitted to the District Council following the six week public consultation. Additional evidence about the suitability of some sites previously considered inappropriate for development had also been submitted. An assessment of these additional sites and evidence had now been undertaken, using the same two-stage methodology for assessing sites in the SHELAA, as set out in the report. Further work had also been undertaken to demonstrate the deliverability of sites currently allocated in the Local Plan.

A list of those additional sites that failed Stage A, along with reasons for the failure at Stage A were tabled in the report, and identified on the maps in Appendix 1 to the report.

The additional new sites that passed Stage A were then tested against an extensive range of criteria to appraise their suitability, availability and achievability, as detailed in the report. The detailed assessment of those 9 sites that passed Stage A and that had been appraised at Stage B was set out in Appendix 2 to the report, with site location maps provided in Appendix 1 to the report.

The outcome of the assessment of the additional sites concluded that SHLAA511 (Land to the north of Derby Road, Doveridge) was suitable, available and achievable for residential development of 22 dwellings. Consideration as to whether this site should be identified as an allocation in the Derbyshire Dales Local Plan to meet the District Council's housing needs would need to be given at a future meeting of this Committee.

The assessment process also concluded that SHLAA505 (Land to the rear of Shand House, Darley Dale) was suitable for small scale development of 4 dwellings. Consideration would need to be given as to whether this site should be incorporated with the existing adjoining site (SHLAA180 – Land off Normanhurst Park, Darley Dale) which was allocated for the residential development of 20 dwellings in policy HC2(n) of the Derbyshire Dales Draft Local Plan.

As a result of the public consultation, additional evidence about the suitability of some sites previously considered inappropriate for development was submitted to the District Council by interested parties and sought to demonstrate the suitability of sites for allocation within the Local Plan. Representations requesting the re-assessment of sites omitted from the Local Plan were received, alongside technical studies and evidence to demonstrate the sites' suitability for development to meet the District Council's housing needs. Information was also received requesting that some sites currently allocated for development in the Local Plan be modified with increased site allocation boundaries and capacities.

An assessment of the additional material, evidence and representations had been undertaken and the conclusion of the re-assessment process is set out in Appendix 3 to the report.

Based on the re-assessment of sites, further consideration would need to be given at a future meeting of this Committee as to whether any of the sites should now be identified as suitable, available and achievable and included as allocations for residential development and also whether requests for increased site capacities and amended allocation boundaries should be taken forward within the Derbyshire Dales Local Plan. Consideration would therefore need to be given as to whether the following sites were included/amended within the Local Plan:

- SHLAA344 – Land at Royal Bank of Scotland/Bankhouse, Snitterton Road, Matlock - 16 dwellings
- SHLAA478 – Land at Whitelea Nursery, Whitelea Lane, Tansley – 26 dwellings
- SHLAA473 – Land at Middle Peak Quarry, Wirksworth – increased capacity to 645 dwellings
- SHLAA244/225 – Land at Gritstone Road/Pinewood Road, Matlock – amended site boundary

An update on these sites would be presented at the 27 July meeting of this Committee.

For all sites currently identified within Policy HC2 – Housing Land Allocations in the Draft Local Plan - the landowner/agent/interested party had been asked to provide evidence in respect of the sites’ availability (i.e. ownership details, developer interest, work ongoing to overcome any constraints to development) and achievability (likely timescales for delivery and phasing of development and anticipated build out rates). The evidence obtained for some of the sites had been inconclusive and despite further requests being made information had not been forthcoming. In the absence of further information to demonstrate that the sites listed below were developable and deliverable and in light of the lack of evidence, further consideration would need to be given as to whether these particular sites should be removed as allocations within the Derbyshire Dales Local Plan. This would be presented at the 27 July meeting of this Committee.

Reference	Location	No dwellings
HC2(f)	Land to the north of Main Road, Brailsford	45 dwellings
HC2(i)	Land at Slinger Mining Ltd, Cromford Hill, Cromford	28 dwellings
HC2(j)	Land at Bridge Garage, Darley Bridge	13 dwellings
HC2(z)	Land at Matlock Transport, Northwood Road, Northwood	14 dwellings

It was moved by Councillor Garry Purdy, seconded by Councillor Chris Furness and

RESOLVED
(unanimously)

That the Committee note the information provided and details of the site assessments and that the information be taken into consideration as part of the ongoing plan preparation process of the Derbyshire Dales Local Plan, to be reviewed at a meeting of this Committee on 27 July 2016.

MEETING CLOSED 8.11PM

CHAIRMAN