

Gladman House, Alexandria Way
Congleton Business Park
Congleton, Cheshire
CW12 1LB

T: 01260 288800
F: 01260 288801

www.gladman.co.uk

By email only to: localplan@derbyshiredales.gov.uk

Dear Sir/Madam,

Re: Darley Dale Neighbourhood Plan – Regulation 16 consultation

This letter provides Gladman Developments Ltd (Gladman) representations in response to the draft version of the Darley Dale Neighbourhood Plan (DDNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy.

Legal Requirements

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the DDNP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.*
- (d) The making of the order contributes to the achievement of sustainable development.*
- (e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.*
- (g) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017*

National Planning Policy Framework and Planning Practice Guidance

On the 24th July 2018, the Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework (NPPF/the Framework). The first revision since 2012, it implemented 85 reforms announced through the Housing White Paper. This version of the NPPF was itself superseded on the 19th February 2019, with the latest version, largely only making alterations to the Government's approach for the Appropriate Assessment as set out in Paragraph 177 of the NPPF.

Paragraph 214 of the 2019 NPPF sets out the transitional arrangements for the implementation of revised national planning policy. Paragraph 214 confirms that development plan documents submitted on or after the 24th January 2019 will be examined against the latest version of the NPPF. Given that the DDNP was submitted for Examination before the 24th January 2019, the comments provided within this representation reflect the national policy requirements as previously defined by the 2012 version of the NPPF.

The Framework sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role in which they play in delivering sustainable development to meet development needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through both plan-making and decision-taking. For plan-making this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account the latest and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 16 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 17 further makes clear that neighbourhood plans should set out a clear and positive vision for the future of the area and policies contained in those plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 184 of the Framework makes clear that local planning authorities will need to clearly set out their strategic policies to ensure that an up-to-date Local Plan is in place as quickly as possible. The Neighbourhood Plan should ensure that it is aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

Planning Practice Guidance

It is clear from the requirements of the Framework that neighbourhood plans should be prepared in conformity with the strategic requirements for the wider area as confirmed in an adopted development plan. The requirements of the Framework have now been supplemented by the publication of Planning Practice Guidance (PPG).

On 11th February 2016, the Secretary of State (SoS) published a series of updates to the neighbourhood planning chapter of the PPG. In summary, these update a number of component parts of the evidence base that are required to support an emerging neighbourhood plan.

On 19th May 2016, the Secretary of State published a further set of updates to the neighbourhood planning PPG. These updates provide further clarity on what measures a qualifying body should take to review the contents of a neighbourhood plan where the evidence base for the plan policy becomes less robust. As such it is considered that where a qualifying body intends to undertake a review of the neighbourhood plan, it should include a policy relating to this intention which includes a detailed explanation outlining the qualifying bodies anticipated timescales in this regard.

Further, the PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded.

Relationship to Local Plan

To meet the requirements of the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.

The development plan that covers the Darley Dale Neighbourhood Plan area and the development plan which the DDNP will be tested against is the Derbyshire Dales Local Plan (DDLPL) which was formally adopted by Derbyshire Dales District Council (DDDC) on 7th December 2017. The Local Plan sets out the Council's overall vision, objectives and policies for future development of those parts of the Derbyshire Dales that lie outside the Peak District National Park for the period 2013-2033.

The adoption of the Local Plan completed the replacement of the 'saved policies' in the Derbyshire Dales Local Plan (2005), which have now been replaced in their entirety.

Darley Dale Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the DDNP as currently proposed. Whilst Gladman support the fact that the Parish Council has amended the DDNP in light of our previous representations, Gladman still consider that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend modifications to the Plan that should be explored through the examination process.

NP11: Design Principles for Residential Development & Subsequent Policies NP12 – NP19

Policies NP11 through to NP19 provide a range of design criteria, that proposals for development in each defined area of the NPA, will be required to adhere to.

Whilst Gladman recognise the importance of high quality design, planning policies should not be overly prescriptive and need flexibility in order for schemes to respond to sites specifics and the character of the local area. Whilst, Gladman note that the NP seeks to define different design criteria for developments in each of the 8 defined areas, there will not be a 'one size fits all' solution in relation to design and sites should be considered on a site by site basis with consideration given to various design principles.

In particular, it is noted that Policy NP11 requires the use of Building for Life 12 standards (or the most recent national standards) to be met and developers are encouraged to ensure that development proposals accord with these standards and that a development proposal scores a minimum of 9 greens. The use of 'encouraged' is supported as this adds a degree of flexibility. However, Gladman is concerned with the requirement that a scheme must score a minimum of 9 greens. Although the importance of design is noted, the requirement to score a minimum of 9 greens is considered onerous and goes beyond the requirements of design guidance.

The use of Buildings for Life 12 should be voluntary at the discretion of the developer and therefore the policy should be modified to as follows:

"Developers are encouraged to take account the principles outlined in Building for Life 12 (or its successor) when considering the design of a development proposal."

Conclusions

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the DDNP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area.

Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours faithfully,

John Fleming
Gladman Developments Ltd.