

DARLEY DALE NEIGHBOURHOOD PLAN 2017 - 2033

**The Report of the Independent Examiner to Derbyshire Dales District Council
on the Darley Dale Neighbourhood Plan**

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26th September 2019**

Summary

I was appointed by Derbyshire Dales District Council, in agreement with the Darley Dale Town Council, in June 2019 to undertake the Independent Examination of the Darley Dale Neighbourhood Plan.

The Examination has been undertaken by written representations. I visited the Neighbourhood Area on 10th September 2019.

The Neighbourhood Plan proposes a local range of policies and seeks to bring forward positive and sustainable development in the Darley Dale Neighbourhood Area. There is an evident focus on safeguarding the very distinctive, largely rural character of the area whilst accommodating future change and growth.

The Plan has been underpinned by extensive community support and engagement. The social, environmental and economic aspects of the issues identified have been brought together into a coherent plan which adds appropriate local detail to sit alongside the Derbyshire Dales Local Plan.

Subject to a series of recommended modifications set out in this Report I have concluded that the Darley Dale Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.

I recommend that the referendum should be held within the Neighbourhood Area.

Report Index

	<i>Page</i>
Introduction	3
The Role of the Independent Examiner	3
Darley Dale Neighbourhood Area	4
Consultation	5
Representations Received	6
The Neighbourhood Plan	6
Basic Conditions	7
The Plan in Detail:	8
Front Cover	8
Contents	8
1. What is the Darley Dale Neighbourhood Plan?	8
2. Why do we want a Neighbourhood Plan?	8
3. How does this Neighbourhood Plan fit with District and national planning policies?	8
4. Consultation	10
5. Darley Dale in context	10
6. Community Vision	10
7. Community Objectives	10
8. Sustainable Development Principles	10
9. Engagement with the Community: A Key Principle	10
10. Protecting the Landscape Character of Darley Dale	11
11. Protecting the Setting of the Peak District National Park	14
12. The Importance of Good Design in Residential Development	14
13. Enhancing the Provision of Community Facilities	19
14. Implementation	19
15. Monitoring and Review	20
Appendices	20
Other matters raised in representations	20
EU and ECHR Obligations	21
Conclusions	22
Listing of Recommendations	23

Introduction

This report sets out the findings of the Independent Examination of the Darley Dale Neighbourhood Plan 2017 - 2033. The Plan was submitted to Derbyshire Dales District Council by Darley Dale Town Council in their capacity as the 'qualifying body' responsible for preparing the Neighbourhood Plan.

Neighbourhood Plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently incorporated within the National Planning Policy Framework (NPPF) in 2012 and this continues to be the principal element of national planning policy. A new NPPF was published in July 2018 (and updated in February 2019) but the transitional arrangements in para 214 Appendix 1 on Implementation apply and thus this Examination is unaffected by the changed NPPF; accordingly all references to the NPPF in this Report are to the original 2012 NPPF document (unless otherwise indicated).

This report assesses whether the Darley Dale Neighbourhood Plan is legally compliant and meets the 'basic conditions' that such plans are required to meet. It also considers the content of the Plan and, where necessary, recommends modifications to its policies and supporting text. This report also provides a recommendation as to whether the Darley Dale Neighbourhood Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Darley Dale Neighbourhood Plan would then be used in the process of determining planning applications within the Plan boundary as an integral part of the wider Plan.

The Role of the Independent Examiner

The Examiner's role is to ensure that any submitted Neighbourhood Plan meets the legislative and procedural requirements. I was appointed by Derbyshire Dales District Council, in agreement with Darley Dale Town Council, to conduct the examination of the Darley Dale Neighbourhood Plan and to report my findings. I am independent of both Derbyshire Dales District Council and Darley Dale Town Council. I do not have any interest in any land that may be affected by the Plan.

I possess the appropriate qualifications and experience to undertake this role. I have over 40 years' experience in various local authorities and third sector body as well as with the professional body for planners in the United Kingdom. I am a Chartered Town Planner and a panel member for the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). I am a Member of the Royal Town Planning Institute.

In my role as Independent Examiner I am required to recommend one of the following outcomes of the Examination:

- the Darley Dale Neighbourhood Plan is submitted to a referendum; or
- the Darley Dale Neighbourhood Plan should proceed to referendum as modified (based on my recommendations); or
- the Darley Dale Neighbourhood Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. If recommending that the Neighbourhood Plan should go forward to referendum, I must then consider whether or not the referendum area should extend beyond the Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 Act (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

These are helpfully covered in the submitted Basic Conditions Statement and, subject to the contents of this Report, I can confirm that I am satisfied that each of the above points has been properly addressed and met.

In undertaking this examination I have considered the following documents:

- Darley Dale Neighbourhood Plan 2017 - 2033 as submitted
- Darley Dale Neighbourhood Plan Basic Conditions Statement (November 2018)
- Darley Dale Neighbourhood Plan Consultation Statement with Appendices (August 2018)
- Sustainability Appraisal and Strategic Environmental Assessment Screening Report Darley Dale Neighbourhood Development Plan (June 2018)
- Content at: www.darleydale.gov.uk/neighbourhood-plan.html
- Content at: www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/neighbourhood-planning/darley-dale-neighbourhood-plan
- Representations made to the Regulation 16 public consultation on the Darley Dale Neighbourhood Plan
- Derbyshire Dales Local Plan 2013 - 2033 adopted in December 2017
- National Planning Policy Framework (NPPF) (2012, 2018 & 2019)
- Neighbourhood Planning Regulations (2012)
- Planning Practice Guidance (PPG) (March 2014 and subsequent updates)

I carried out an unaccompanied visit to the Neighbourhood Area on 10th September 2019. I looked at each of the settlements and the countryside within Darley Dale. I also viewed all the various sites and locations identified in the Plan document.

The legislation establishes that, as a general rule, Neighbourhood Plan examinations should be held without a public hearing, by written representations only. Having considered all the information before me, including the representations made to the submitted plan which I felt made their points with clarity, I was satisfied that the Darley Dale Neighbourhood Plan could be examined without the need for a public hearing. The Qualifying Body and the Local Planning Authority have helpfully responded to my enquiries so that I may have a thorough understanding of the facts and thinking behind the Plan, and the correspondence has been shown on the Derbyshire Dales District Council Neighbourhood Planning website for the Darley Dale Neighbourhood Plan.

Darley Dale Neighbourhood Area

A map showing the boundary of the Darley Dale Neighbourhood Area has been provided within the Neighbourhood Plan. Further to an application made by Darley Dale Town Council, Derbyshire Dales District Council approved the designation of the Neighbourhood Area on 18th August 2014. This satisfied the requirement in line with the purposes of preparing a Neighbourhood Plan under section 61G(1) of the Town and Country Planning Act 1990 (as amended).

Consultation

In accordance with the Neighbourhood Planning (General) Regulations 2012, the Qualifying Body have prepared a Consultation Statement to accompany the Plan.

The Planning Practice Guidance says:

“A qualifying body should be inclusive and open in the preparation of its Neighbourhood Plan [or Order] and ensure that the wider community:

- is kept fully informed of what is being proposed
- is able to make their views known throughout the process
- has opportunities to be actively involved in shaping the emerging Neighbourhood Plan [or Order]
- is made aware of how their views have informed the draft Neighbourhood Plan [or Order].” (Reference ID: 41-047-20140306)

The Consultation section of the Plan notes that consultations were undertaken “to ensure that local people of all ages and from across the parish can shape and influence the scope and intent of this Neighbourhood Plan”. Poster publicity and 5 public consultations were held during 2014. At these consultations attendees were asked: ‘What do people most value about Darley Dale?’, ‘What do people like least or would like to improve?’ and ‘What else does Darley Dale need?’. The responses helped to inform the questionnaire survey of 2500 households in early 2015 which was followed by an exhibition/display of the results on the Town Council web site and at the Whitworth Institute. Feedback from the Household Questionnaire was collated and summarised in reports available as supporting evidence to the Plan. Also in 2015 there was a school consultation and consultations with local businesses and potential developers. The Parish Magazine, Community Voice, has been used to publicise the Neighbourhood Plan and Whitworth Trust development proposals. In preparation for the pre-submission consultation the draft Plan was put on the Town Council website, Community Voice had a special feature on both the draft Plan and the Local Plan and gave publicity for the consultation meetings. The Regulation 14 consultation took place from 4th April to 14th May 2016 but was repeated from 12th March to 4th June 2018 as the adoption of a new Derbyshire Dales Local Plan and the changes made to the Neighbourhood Plan after the 2016 consultation made this desirable. The feedback and resultant changes made to the draft Plan following the Regulation 14 consultation (with other background detail) have been included with the Consultation Statement submitted alongside the Plan. It is evident that the double consultation exceeded the statutory requirement and meant that the Plan was available for 3 to 4 months for formal comment (in addition to the earlier less formal opportunities).

However, I note that a few representations comment that they have heard very little/too little about the consultation process prior to the notification from the local authority. Two particular representations query the extent to which contributions from young people – the next generation – and voluntary groups have been sought through the consultation process. I can see that the consultation process has been spread across a number of years and it is inevitable that there will have been variations in the level of consultation, particularly perhaps pre and post Local Plan adoption. The Qualifying Body has commented:

“As the Plan makes clear, Darley Dale is a collection of settlements, and it is to these settlements that residents tend to feel their primary loyalty. People describe themselves as living in Two Dales, or Hackney, or Churchtown first and Darley Dale second. If the town has a “heart” it is most probably the Whitworth Centre and Park but these can feel rather remote from Farley or Morledge. Peoples’ concerns about the development of their area thus tend to be highly localised, as the recent concerns about the Hackney Lane site illustrate.

This lack of a “Town” identity may partly explain the relatively low levels of response in the consultation process - although consultations were held in several different parts of the town.

It was probably also a factor in the Working Group's decision to adopt a criteria-led approach to development rather than to propose specific sites.

The consultation process was concentrated in two main periods - mid 2014 to mid 2015, and late 2017 to mid 2018. Considerable publicity in the local press and social media was given to local consultations and copies of the draft plan were available at several locations in Darley Dale. Local associations and organisations were contacted. Participation in consultation sessions varied from just a handful of people to thirty to forty in a session. However the response to the household questionnaire was 10% (some 250 out of 2500 households) - almost twice the response rate to the draft Local Plan. Throughout the last 5 years progress on the Neighbourhood Plan has been on the agenda at each Town Council meeting and the Council website has carried drafts of the main documents." I also note that young people were particularly involved in looking at the potential of Whitworth Park.

Accordingly, overall I am satisfied that the consultation process accords with the requirements of the Regulations and the Practice Guidance and that, in having regard to national policy and guidance, the Basic Conditions have been met. In reaching my own conclusions about the specifics of the content of the Plan I will later note points of agreement or disagreement with Regulation 16 representations, just as the Qualifying Body have already done for earlier consultations. That does not imply or suggest that the consultation has been inadequate, merely that a test against the Basic Conditions is being applied.

Representations Received

Consultation on the submitted Plan, in accordance with Neighbourhood Planning Regulation 16, was undertaken by Derbyshire Dales District Council from 26th February to 9th April 2019. I have been passed the representations – 45 in total – which were generated by the consultation and which have now been included alongside the details of the Plan on the Derbyshire Dales District Council Neighbourhood Planning website. I have not mentioned every representation individually within the Report but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met.

The Neighbourhood Plan

Darley Dale Town Council is to be congratulated on its extensive efforts to produce a Neighbourhood Plan for their area that will guide development activity over the period to 2033. I can see that a sustained effort has been put into developing a Plan with a vision that "In 15 years' time Darley Dale Parish will be a welcoming and thriving community for all ages. It will still be a predominantly rural area but it will also provide a high-quality environment in which to live, work and spend leisure time. New development will have blended sensitively with the existing character of the settlements. Great care will have been taken to protect the special landscape which defines the Parish so that the buildings and landscape continue to inspire local people and visitors alike". The Plan document is well presented with a distinctive combination of text, clear images and Policies that are, subject to the specific points that I make below, well laid out and helpful for the reader. The Plan has been kept to a manageable length by not overextending the potential subject matter and the coverage of that.

It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community's intent is sustained

in an appropriately modified wording for the policy. It is evident that the community has made positive use of “direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area” (Planning Practice Guidance Reference ID: 41-001-20140306).

Individually I can see that the Policies address legitimate matters for a Neighbourhood Plan as identified with the community. I will later look at the Policies in turn so as to ensure that the Basic Conditions are met, which include an obligation to have regard to Local Plan strategic policies.

Having considered all the evidence and representations submitted as part of the Examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It works from a positive vision for the future of the Neighbourhood Area and promotes policies that are, subject to amendment to variable degrees, proportionate and sustainable. The Plan sets out the community’s priorities whilst seeking to identify and safeguard Darley Dale’s distinctive features and character. The plan-making had to find ways to reconcile the external challenges that are perceived as likely to affect the area with the positive vision agreed with the community. All such difficult tasks were approached with transparency, with input as required and support from Derbyshire Dales District Council.

However, in the writing up of the work into the Plan document, it is sometimes the case that the phraseology is imprecise, not helpful, or it falls short in justifying aspects of the selected policy. This is not uncommon in a community-prepared planning document and something that can readily be addressed in most instances. Accordingly I have been obliged to recommend modifications so as to ensure both clarity and meeting of the ‘Basic Conditions’. In particular, Plan policies as submitted may not meet the obligation to “provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17). I bring this particular reference to the fore because it will be evident as I examine the policies individually and consider whether they meet or can meet the ‘Basic Conditions’.

Basic Conditions

The Independent Examiner is required to consider whether a Neighbourhood Plan meets the “Basic Conditions”, as set out in law following the Localism Act 2011; in December 2018 a fifth Basic Condition was added relating to the Conservation of Habitats and Species Regulations 2017. In order to meet the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the Plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

The submitted Basic Conditions Statement has very helpfully set out to address the issues in relation to the first four of these requirements in the same order as above and, where appropriate, has tabulated the relationship between the policy content of the Plan and its higher tier equivalents. I note that the Local Plan is the Derbyshire Dales Local Plan adopted in December 2017. At the time of Neighbourhood Plan submission the fifth Basic Condition had not been added but as the Plan does not allocate land for development and is supportive of Darley Dale’s rural features, I am satisfied that the making of the Plan will not breach the Basic Condition relating to the Habitats and Species Regulations 2017.

I have examined and will below consider the Neighbourhood Plan against all of the Basic Conditions above, utilising the supporting material provided in the Basic Conditions Statement and other available evidence as appropriate.

The Plan in Detail

I will address the aspects of the Neighbourhood Plan content that are relevant to the Examination in the same sequence as the Plan. Recommendations are identified with a bold heading and italics, and I have brought them together as a list at the end of the Report.

Front cover

A Neighbourhood Plan must specify the period during which it is to have effect. I note that there two references to the Plan period 2016 – 2033 and 2017 – 2033; a correction needs to be made. Whilst the dates are prominently and helpfully on the front cover, since the Plan cannot be retrospective and it will not have effect until 2019 at the earliest, the Plan period ought to be 2019 - 2033.

Recommendation 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.

Contents

The Contents list will need to be reviewed once the text has been amended to accommodate the recommendations from this Report. I note the footnote here and throughout the document about the way in which the Plan policies will be applied; like Derbyshire Dales District Council I believe this is a helpful note for readers.

Recommendation 2:

Review the “Contents” pages once the text has been amended to accommodate the recommendations from this Report.

1 What is the Darley Dale Neighbourhood Plan?

This is a helpful introductory section but it should be explained that the Parish is the “Neighbourhood Area” for the purposes of the Plan.

Recommendation 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”.

2 Why do we want a Neighbourhood Plan?

The “we” in the title here is inappropriate since the Plan is about to become part of the wider Development Plan.

Recommendation 4:

Retitle section 2 as: ‘Why is a Neighbourhood Plan needed?’.

3 How does this Neighbourhood Plan fit with District and national planning policies?

Strictly speaking the Development Plan does not include the National Planning Policy Framework, although that does provide the basis for the preparation for the Development Plan documents. Similarly it cannot be said that the Neighbourhood Plan will have “significant weight” in the determination of planning applications, mainly because it will not always be relevant or will be relevant to varying degrees. Although the section heading

suggests the relationship with “national planning policies” will be addressed, in fact this has been omitted.

The representation from the local authority noted that the detail of housing sites allocated in the Local Plan is incorrect as the sites number four not three – the one omitted is at Stancliffe Quarry. The Qualifying Body agrees that this was a drafting error and that a correction is required in the table that follows paragraph 13.

The representation from the Peak District National Park Authority (whilst acknowledging the content in Section 11) suggests that this section ought to make reference to the duty to have regard to the purposes of the National Park. Both the Qualifying Body and the Local Authority have agreed that such added contextual detail would be helpful.

A representation suggests that the Plan ought to include a map of “the future development boundary” by which I believe is meant the Settlement Development Boundary. I can see that the inclusion of such a map within this section might be the most appropriate place for its inclusion and it could be of practical benefit to prospective developers. Both the Local Authority and the Qualifying Body agree that this would be appropriate although the latter pointed out that the Settlement Development Boundary is included for a different purpose within Appendix D (on which I will comment later).

Recommendation 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 within the Neighbourhood Area, which also includes the Derbyshire Dales Local Plan 2013 – 2033, the Derbyshire Minerals Local Plan (November 2002) [reference needed] and the Derbyshire Waste Local Plan (March 2005) [reference needed].’

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
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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.’

5.4 Title and provide a source reference for the new Map 2 sourced from the District Council; alter the numbering of subsequent maps accordingly.

5.5 Item (g) within paragraph 17 should be corrected to ‘Darley Dale’.

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.’

4 Consultation

This is a helpful and brief summary.

5 Darley Dale in context

This is a helpful overview but there are a few matters of detail to be addressed. A representation queries why the maps of existing employment locations omit the Langrove Mill site but the Local Authority has advised that as this site is not identified as an existing employment site within the Derbyshire Dales Local Plan its inclusion might cause confusion.

The Qualifying Body has suggested that, for clarity, the paragraph 40 bullet point “Rivers and streams” should be amended to ‘River Derwent and streams’.

Recommendation 6:

Under the heading “Darley Dale in context”:

6.1 In paragraph 40 amend the bullet point “Rivers and streams” to ‘River Derwent and streams’.

6.2 Correct a typographical error in paragraph 43 by replacing “opens” with open and add ‘Policy’ before “PD10”.

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.

6.4 In paragraph 50 remove the inverted comma after “Parish”.

6 Community Vision

No comment.

7 Community Objectives

I note that Objective 1(b) incorrectly refers to “Darley Dales Place Analysis”. The footnote to Objective 5 suggests that it is not an Objective but an “aspirational *policy*”, and then in Section 9 it becomes a “Key Principle”.

Recommendation 7:

Under the heading “Community Objectives”:

7.1 Within Community Objective 1(b) replace “Dales” with ‘Dale’.

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.’

8 Sustainable Development Principles

As with the Contents list, section 5 will need to be reviewed once the Plan policies have been amended to accommodate the recommendations from this Report. There are also two typographical errors in the text.

Recommendation 8:

8.1 Review section 5 in the light of changes to the Policies as recommended in this Report.

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’.

9. Engagement with the Community: A Key Principle

Whilst it is made clear within this section that the pre-application engagement sought is a voluntary process, and the representation from the local authority is keen to ensure that this is absolutely clear, it seems strange that the body that will make the ultimate decision on the planning application (and will thereby apply the Policies in the Neighbourhood Plan) is apparently excluded from mention. The Neighbourhood Plan is intended to encapsulate the community's policy positions to better inform prospective developers and planning decisions but it cannot amend the statutory determination procedures. The Qualifying Body has responded that: "The principle of pre-application community engagement both in policy making and in determining planning applications is endorsed in the NPPF. The NP [Neighbourhood Plan] is not excluding DDDC from the process – but setting out the preferred approach with the community in terms of engagement. It is expected and understood that DDDC are the decision makers [and] this is set out in the opening section para 1(1)." For clarity however I believe it would be worth repeating that here. I will later comment on the inclusion of Appendix D (Pre-Application Community Engagement Form) within the Neighbourhood Plan.

Recommendation 9:

Within the section headed "9. Engagement with the Community: A Key Principle":

9.1 Add to paragraph 69:

'All decisions on planning applications are undertaken by Derbyshire Dales District Council as the Local Planning Authority'.

9.2 Correct the opening to Key Principle 1 as:

'Applicants submitting a major development proposal or a proposal for

9.3 Replace the opening of Key Principle 2 with:

'Applicants are encouraged to include within their application submission details of:.....'

10. Protecting the Landscape Character of Darley Dale

It is puzzling why most policies comprise solely a section numbered "1" (that is then followed by a number of criteria). Since there is no second section then the "1" appears superfluous. Having said this, I suggested to the Qualifying Body that it might be helpful to prospective developers to have the content of the "Landscape Character" policies combined with the "Design Principles" content – resulting in single policies with two primary elements. Whilst the Local Authority identified that the suggestion would "be in line with the Derbyshire Dales Local Plan, which seeks to address key issues relating to design and landscape under an interrelating theme 'Chapter 5: Protecting Derbyshire Dales Character'", the Qualifying Body noted that the two Policies had been split to avoid them being too wordy. On balance the simpler amendment of removing the superfluous numbering is sufficient.

Paragraph 81 says that "specific support will [also] be given for implementing Green Infrastructure initiatives" but it is not an actual feature of the Plan. A representation notes with dismay that "the valley floor and the river and its habitat are not even mentioned in this section". The Qualifying Body responded that "It was not considered necessary to provide specific information on the biodiversity of the river valley in addition to that already in the Local Plan (see section on Environmental Quality and Health). The River is described at para 36. However, the contribution of the river valley to landscape character is recognised and it is identified as a key attribute at para 40 – it is suggested that the bullet point 'rivers and streams' could be amended to the 'River Derwent and streams.'

Corridor number 1 after para 78 page 27 identifies the A6/Derwent Corridor – for clarity this might also be shown as the River Derwent.

Recommendation 10:

Under the heading 'Protecting the Landscape Character of Darley Dale':

10.1 In the table within paragraph 78 in the first line of column two amend “A6/Derwent corridor” to ‘A6/River Derwent corridor’.

10.2 Delete paragraph 81 and renumber subsequent paragraphs accordingly.

NP 1: Protecting the Landscape Character of Darley Dale

The Local Authority representation notes that criteria (e) duplicates the Derbyshire Dales Local Plan Policy PD5 and is not necessary. The Qualifying Body commented that “[Policy] NP1 is intended as an overarching policy that establishes the key development principles – not building on the steep slopes is one of them”. On that basis and because there is a general conformity with the Local Plan Policies no amendment is required.

Recommendation 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.

As amended Policy NP 1 meets the Basic Conditions.

Policy NP 2 Protecting the Landscape Character of Darley Hillside

Recommendation 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.

As amended Policy NP 2 meets the Basic Conditions.

Policy NP 3 Protecting the Landscape Character of Broadwalk

Recommendation 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.

As amended Policy NP 3 meets the Basic Conditions.

Policy NP 4 Protecting the Landscape Character of Churchtown

I felt that the phrase “strong visual links have been maintained with both the ridge lines and the valley sides” lacked clarity as to the expectation of developers. The Qualifying Body responded: “Churchtown is described in the Place Analysis as a loose ribbon settlement. As Churchtown sits in the valley bottom and development is fragmented, the gaps between the buildings and the trees allow glimpses to the ridgelines on either side of the valley (the west side being outside the Plan area) as well as long views up and down the valley. To maintain these visual links any new development needs to be low density and to ensure that gaps remain between buildings and that the plots follow the linear development pattern (so you can glimpse the wider valley from within the character area).” The clarification ought therefore to form the basis for an amendment.

Recommendation 14:

Within Policy NP 4: Protecting the Landscape Character of Churchtown’:

14.1 Delete the paragraph number 1 and amend the semi-colon to a colon at the end of the introductory sentence.

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’.

As amended Policy NP 4 meets the Basic Conditions.

Policy NP 5 Protecting the Landscape Character of Parkway and Oker

I queried the intent of the phrase “a layout ... that maintains the visual connections with the ridge lines so that the ridgelines are visible between buildings”. The Qualifying Body supplied an alternative wording which is less obscure. I also queried the intent of the phrase: “roads and footpaths should run to the edge so that they connect and integrate with adjoining areas”. The Local Authority also expressed a concern that the phrase is too restrictive and conflicts with the criteria set out in Policy PD1 of the Derbyshire Dales Local Plan and may also be inconsistent with Building for Life Standards. The Qualifying Body explained that “Parkway especially does not integrate with the rest of Darley Dale being a single access estate. The road loops around internally and this type of layout makes walking distances long, and makes it more likely that people use their cars and is not desirable.” I believe that the wording from Building for Life would address this issue satisfactorily but this is more of a design than a landscape issue and therefore will be addressed later under Policy NP 15.

Recommendation 15:

Within Policy NP 5 Protecting the Landscape Character of Parkway and Oker:

15.1 Delete the paragraph number 1 and amend the semi-colon to a colon at the end of the introductory sentence.

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’.

15.3 Delete criterion (b).

As amended Policy NP 5 meets the Basic Conditions.

Policy NP 6 Protecting the Landscape Character of Two Dales

Recommendation 16:

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.

16.2 Within criterion (b) add ‘that’ between “layout” and “follows”.

As amended Policy NP 6 meets the Basic Conditions.

Policy NP 7 Protecting the Landscape Character of Lower Hackney

I queried the wording of criterion (b) because it seemed to accommodate “ridgeline” development but page 26 of the Plan had seemed to suggest that the ridgeline or upper slopes are valued for their lack of development. The Qualifying Body agreed that the reference to the ridgeline ought to be deleted.

Recommendation 17:

Within Policy NP 7 Protecting the Landscape Character of Lower Hackney:

17.1 Delete the paragraph number 1 and amend the semi-colon to a colon at the end of the introductory sentence.

17.2 Within criterion (b) delete the words “or the ridgeline”.

17.3 At the end of criterion (c) add ‘and’.

17.4 At the end of criterion (d) add a full stop.

As amended Policy NP 7 meets the Basic Conditions.

Policy NP 8 Protecting the Landscape Character of Upper Hackney

Recommendation 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.

As amended Policy NP 8 meets the Basic Conditions.

Policy NP 9 Protecting the Landscape Character of Farley

Recommendation 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.

As amended Policy NP 9 meets the Basic Conditions.

11 Protecting the Setting of the Peak District National Park

Paragraph 109 says that pre-application engagement will “seek to ensure that proposals for major development will not have a visual impact on the setting” of the National Park; however paragraph 110 is more accurate in suggesting that the visual impact of proposals will be assessed and addressed. All development will have some impact.

It is apparent that the reference to “NP 9” at paragraph 110 should be ‘NP 10’.

The representation from the local authority suggests that this Policy duplicates rather than “works in conjunction with” Policy PD5 of the Local Plan. The Qualifying Body has commented that they are keen to have a policy of this sort in their Plan as it reflects the community’s concern about the impact of major development in the Parish on the setting of the National Park. However, disparities of wording can often serve to confuse and provide the basis for differences that might be exploited and sometimes less can be more. In particular it is difficult to see how criterion 2 might be relevant since there is no part of the Neighbourhood Area that is *within* the National Park and some rewording is required. The Policy must provide “a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17).

Recommendation 20:

Under the heading “Protecting the Setting of the Peak District National Park”:

20.1 In paragraph 106 insert the closing inverted comma at the end of the paragraph.

20.2 In paragraph 109 replace “will not have a visual impact” with ‘will appropriately assess and address their impact’.

20.3 In paragraph 110 replace “NP 9” with ‘Policy NP 10’.

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.’

As amended Policy NP 10 meets the Basic Conditions.

12. The Importance of Good Design in Residential Development

Paragraph 112 acknowledges the importance that the NPPF places on good design. However the NPPF (para 59) also says that “design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally”.

The representation from the local authority suggests that bullet point 3 in the tabulation on page 36 and the related footnote 38 add nothing to Policy HC1 in the Local Plan and therefore they are not needed (especially if differences of wording give rise to confusion) eg who defines what is the “built-up area”. The Qualifying Body accepted that this is reasonable and they acknowledged the defined Settlement Development Boundary within the Local Plan.

Paragraph 119 says that the Plan “encourages” the use of BfL12; paragraph 123 says that the Plan “requires” the use of BfL12. The Qualifying Body acknowledged that ‘encourages’ is correct.

In relation to footnote 42 on page 41 the Local Authority has commented that connectivity is an important principle to any development (not just Parkway and Oker). Therefore the wording ought to be incorporated within the introductory paragraphs of Chapter 12 and criterion (b) of Policy NP 11 might be altered to better pick up the issue.

Recommendation 21:

Under the heading “The Importance of Good Design in Residential Development”:

21.1 In paragraph 115 insert ‘Policies’ before “NP 12 – NP 19” and change the last word from “areas” to ‘area’.

21.2 In paragraph 117 add ‘Policy’ before “PD1”.

21.3 In Table 3 delete row/bullet point 3 and the related footnote 38; also in row 4 delete the duplicate ‘bullet’ symbol.

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.

21.5 Delete the incorrect paragraph 123 and replace this with the wording of footnote 42 on page 41; renumber subsequent footnotes accordingly.

21.6 Insert ‘Policy’ before all the Policy numbers in paragraphs 125 and 127.

21.7 In paragraph 128 insert ‘and’ between “character” and “what”; replace “at NP” with ‘in Policies NP’.

Policy NP 11: Design Principles for C3 Residential Development

A representation queries why “design principles” should only apply to residential development (and C3 residential development at that). The Qualifying Body responded that “The community want all development to be of a high design standard but the focus of concern related to housing development principally for C3 use”.

I have noted that criterion (d) appears to allow a choice between using the “principals” (*sic*) in the “Darley Dale Place analysis” or those in the “Table 3” summary – Policy NP11 also says that it sets down “principles”. Given that the three do not all say the same thing (although they may be based around the same ideas) there is confusion about to which set

of “principles” a designer is to work. As the detailed policies derive from the Darley Dale place analysis then they must be the most significant “principles”. The Qualifying Body agreed that the detailed policies derive from the Place Analysis and that the summary tables are only intended to provide an accessible summary of the description of the character areas.

Criteria 3 and 4 appear to address the same point in different words. The Policy is clear that the use of “BfL12 or equivalent” will be “encouraged” but then suggests that a minimum score of “9 greens” should be achieved. As noted in paragraph 119, BfL is part of the design process rather than an obligatory part of planning consenting.

Recommendation 22:

Within Policy NP 11 Design Principles for C3 Residential Development:

22.1 *Replace the semi-colon at the end of the introductory sentence with a colon.*

22.2 *Within criterion (b) add ‘, particularly’ between “ages” and “to access”.*

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.*

22.4 *Merge criteria 3 and 4 as:*

‘For major developments ⁴¹, the use of national design guidance (BfL12 or equivalent) in developing design concepts, testing the final designs for quality and demonstrating how local distinctiveness has been reinforced.’

As amended Policy NP 11 meets the Basic Conditions.

Table 4 and Policy NP 12: Design Principles for C3 Residential Development in Darley Hillside.

In relation to Table 4 (and its equivalents for the other character areas), as the “Future Management” column does not relate to any Policy content, the Local Authority has suggested that column ought either to be incorporated within the Policy or be deleted. I believe that the deletion option is to be preferred since the content often strays close to or into prescriptive detail (which would not show appropriate regard for the NPPF).

The Local Authority has also suggested that Policy NP 12 (and its equivalent for the other character areas) ought to have a revised opening which is acceptable to the Qualifying Body and I agree that this would help ensure that the Policies will be applied appropriately in the determination of related planning applications.

Recommendation 23:

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’.*

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 its setting and may demonstrate.’

23.2.2 *In criterion (a) replace “is inspired by the use of a” with ‘inspiration taken from’.*

As amended Policy NP 12 meets the Basic Conditions.

Table 5 and Policy NP 13 Design Principles for C3 Residential Development in Broadwalk

Recommendation 24:

24.1 Remove “and Future Management” from the title of Table 5 and within the Table delete the column headed “Future Management”.

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’.

As amended Policy NP 13 meets the Basic Conditions.

Table 6 and Policy NP 14 Design Principles for C3 Residential Development in Churchtown

Recommendation 25:

25.1 Remove “and Future Management” from the title of Table 6 and within the Table delete the column headed “Future Management”.

25.2 Within Policy NP 14:

25.2.1 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 its setting and may demonstrate.’

25.2.2 In criterion (a) replace “is inspired by the range of” with ‘inspiration taken from’.

As amended Policy NP 14 meets the Basic Conditions.

Table 7 and Policy NP 15 Design Principles for C3 Residential Development in Parkway and Oker

Footnote 42 on page 41 was deleted within an earlier recommendation. As with Policy NP 5 I queried the intent of the phrase “routes run to the edge of the site to improve pedestrian and vehicular connectivity”. The Local Authority also expressed a concern about the phrase. The resolution reached earlier but to be applied with Policy NP 15 was to adopt the wording approach from BfL12.

Recommendation 26:

26.1 Remove “and Future Management” from the title of Table 7 and within the Table delete the column headed “Future Management”.

26.2 Within Policy NP 15:

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.’

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’.

26.2.3 In criterion (d) replace “is inspired by the range of” with ‘inspiration taken from’.

As amended Policy NP 15 meets the Basic Conditions.

Table 8 and Policy NP 16 Design Principles for C3 Residential Development in Two Dales

Recommendation 27:

27.1 Remove “and Future Management” from the title of Table 8 and within the Table delete the column headed “Future Management”.

27.2 Within Policy NP 16:

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.’

27.2.2 In criterion (a) replace “is inspired by the range of” with ‘inspiration taken from’.

27.2.3 Merge criterion (c) with criterion (b), removing the semi-colon after “plots”;
renumber subsequent criteria accordingly.

27.2.4 Within criterion (e) delete “has”.

27.2.5 Within criterion (f) amend “allows” to ‘allow’.

As amended Policy NP 16 meets the Basic Conditions.

Table 9 and Policy NP 17 Design Principles for C3 Residential Development in Lower Hackney

Recommendation 28:

28.1 Remove “and Future Management” from the title of Table 9 and within the Table delete the column headed “Future Management”.

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 its setting and may demonstrate.’

28.2.2 In criterion (b) replace “is inspired by” with ‘inspiration taken from’.

28.2.3 Merge criterion (d) with criterion (c), removing the semi-colon after “distinctiveness”; renumber subsequent criteria accordingly.

As amended Policy NP 17 meets the Basic Conditions.

Table 10 and Policy NP 18 Design Principles for C3 Residential Development in Upper Hackney

Recommendation 29:

29.1 Remove “and Future Management” from the title of Table 10 and within the Table delete the column headed “Future Management”.

29.2 Within Policy NP 18:

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.’

29.2.2 In criterion (a) replace “is inspired by” with ‘inspiration taken from’.

29.2.3 In criterion (b) delete “includes”.

29.2.4 In criterion (c) delete “has”.

As amended Policy NP 18 meets the Basic Conditions.

Table 11 and Policy NP 19 Design Principles for C3 Residential Development in Farley

Recommendation 30:

30.1 Remove “and Future Management” from the title of Table 11 and within the Table delete the column headed “Future Management”.

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.’.

As amended Policy NP 19 meets the Basic Conditions.

13 Enhancing the Provision of Community Facilities

Within the pre-amble to Policy NP 20 there are a few text corrections.

Recommendation 31:

Under the heading “Enhancing the Provision of Community Facilities”:

31.1 In paragraph 133 replace “Grade 11” with ‘Grade II’.

31.2 Within paragraphs 135 and 136 insert ‘Policy’ before ‘NP 20’.

Policy NP 20: Enhancing the Provision of Community Facilities

Within this Policy it is unclear whether “development” is intended to mean improvements only (as implied in paragraph 135 and the inclusion of element 2 of the Policy) or extend to new construction and improvements (to existing) community facilities. The Qualifying Body responded that: “The reference was left flexible – there will be significant population growth in Darley Dale and the NP group are aware that additional community facilities may be required. In the short-term improvements to the Whitworth (for example) are anticipated but the NP group were aware of the likely need for new provision (either as part of a refurbishment or new development) for young people as well, but no specific location had been identified.” Accordingly the wording needs to accommodate both new development and improvement to existing premises.

Recommendation 32:

Within the first paragraph of Policy NP 20 insert after “development of” and before “community” ‘new and improvement of existing’.

As amended Policy NP 20 meets the Basic Conditions.

14 Implementation

As the Neighbourhood Plan is on the verge of becoming part of the wider Development Plan some of the content and wording here are likely to give rise to confusion. In particular the inclusion of a “Pre-Application Community Engagement Form” exclusively for the use of the Town Council is an administrative rather than a land use matter. Further, it has potential to confuse with the Local Authority’s own pre-application expectations and the statutory planning application process. If the Town Council wish to include a pro-forma on their website then that provides clarity about the voluntary and limited purpose for its use. The earlier references to the “Key Principle” of community engagement are sufficient for the purposes of the Neighbourhood Plan.

Recommendation 33:

Under the heading “Implementation”:

33.1 In paragraph 137 replace “which is the key principle enshrined in this Plan” with ‘(see earlier Key Principle)’.

33.2 Delete paragraph 138 and the related Appendix D; renumber subsequent paragraphs accordingly.

33.3 In paragraph 139 delete “Whilst Derbyshire Dales District Council will be responsible for development management,” since this has already been stated.

33.4 In paragraph 142 delete the first sentence since its future tense will be inappropriate (and the plan hierarchy has already been stated).

15 Monitoring and Review

Clarity could be added to this section if paragraph 145 only dealt with review and paragraph 146 with amendment.

Recommendation 34:

Under the heading “Monitoring and Review” move the last sentence of paragraph 145 to the beginning of paragraph 146.

Appendices

Although for ease of use there should be footnote hyperlink references to the lengthy Place Analysis document wherever it is referenced within the text, it is also convenient (as the Qualifying Body wishes) for the hyperlink to appear as Appendix A, provided that the hyperlink is corrected to work. Appendix B will be retained. As noted earlier, Appendices C & D should be deleted.

Recommendation 35:

Ensure that the hyperlink in Appendix A is, and continues to be, operational; delete Appendices C & D.

Other matters raised in representations

Some representations have suggested additional content or sites that the Plan might include. However, given that the Neighbourhood Plan sits within the Development Plan documents as a whole, keeping content pertinent to Darley Dale identified priorities is entirely appropriate. As noted within the body of this Report it is a requirement that a Neighbourhood Plan addresses only the “development and use of land”. Even within this restriction there is no obligation on Neighbourhood Plans to be comprehensive in their coverage – unlike Local Plans - not least because proportionate supporting evidence is required.

Many representations indicate support for all or parts of the draft Plan and this helps in a small but valuable way to reassure that the extensive public consultation has been productive.

I have not mentioned every representation individually but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met.

European Union (EU) and European Convention on Human Rights (ECHR) Obligations

A further Basic Condition, which the Darley Dale Neighbourhood Plan must meet, is compatibility with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

There is no legal requirement for a Neighbourhood Plan to have a sustainability appraisal. The Sustainability Appraisal and Strategic Environmental Assessment Screening Report carried out by Derbyshire Dales District Council for the Darley Dale Neighbourhood Plan (June 2018) considered whether or not the content of the Plan required a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plan and Programmes Regulations 2004. In accordance with Regulation 9 of the SEA Regulations 2004, Derbyshire Dales District Council determined: "it is considered unlikely that there will be considerable significant environmental effects arising from the Darley Dale Neighbourhood Plan, (as submitted and assessed as part of this screening exercise (DDNP March 2018), that have not been considered in the Sustainability Appraisal and Habitats Regulations Assessment of the Derbyshire Dales Local Plan, adopted in December 2017. The DDNP does not allocate any sites, or propose projects or development. Therefore sensitive natural or heritage sites cannot be affected by the proposals contained within the DDNP.... In conclusion it is considered that a strategic environmental assessment will not be required." In making this determination, the District Council had regard to Schedule 1 of the Regulations and carried out consultation with the relevant public body who concurred with the screening opinion. Particularly in the absence of any adverse comments from the statutory body or the Local Planning Authority (either at the Screening or the Regulation 16 Consultation) I can confirm that the Screening undertaken was appropriate and proportionate, and that the Plan has sustainability at its heart.

The Basic Conditions Statement submitted alongside the Darley Dale Neighbourhood Plan confirms as regards the European Convention on Human Rights that "Whilst an Equality Impact Assessment Report has not been specifically prepared, great care has been taken throughout the preparation and drafting of this Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups."

I therefore confirm that the Darley Dale Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998. No evidence has been put forward to demonstrate that this is not the case.

Taking all of the above into account, I am satisfied that the Darley Dale Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with, the ECHR.

Conclusions

This Independent Examiner's Report recommends a range of modifications to the Policies, as well as some of the supporting content, in the Plan. Modifications have been recommended to effect corrections, to ensure clarity and in order to ensure that the Basic Conditions are met. Whilst I have proposed a significant number of modifications, the Plan itself remains fundamentally unchanged in the role and direction set for it by the Qualifying Body.

I therefore conclude that, subject to the modifications recommended, the Darley Dale Neighbourhood Plan:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the Plan for the area;
- is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

On that basis I *recommend* to the Derbyshire Dales District Council that, subject to the incorporation of modifications set out as recommendations in this report, it is appropriate for the Darley Dale Neighbourhood Plan to proceed to referendum.

Referendum Area

As noted earlier, part of my Examiner role is to consider whether the referendum area should be extended beyond the Plan area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case. I therefore ***recommend*** that the Plan should proceed to referendum based on the Neighbourhood Area as approved by the Derbyshire Dales District Council on 18th August 2014.

Recommendations: (this is a listing of the recommendations exactly as they are included in the Report)

Rec	Text	Reason				
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				
2	Review the “Contents” pages once the text has been amended to accommodate the recommendations from this Report.	For clarity and accuracy				
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				
4	Retitle section 2 as: ‘Why is a Neighbourhood Plan needed?’.	For clarity				
5	<p>5.1 Repword paragraph 10 as: ‘The Neighbourhood Plan, when ‘made’, will form part of the development plan for Derbyshire Dales which will be applicable within the Neighbourhood Area, which also includes the Derbyshire Dales Local Plan 2013 – 2033, the Derbyshire Minerals Local Plan (November 2002) [reference needed] and the Derbyshire Waste Local Plan (March 2005) [reference needed].’</p> <p>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:</p> <table border="1" data-bbox="280 1227 1200 1263"> <tr> <td data-bbox="280 1227 440 1263">HC2m</td> <td data-bbox="440 1227 820 1263">Land at Stancliffe Quarry</td> <td data-bbox="820 1227 1043 1263">10.16ha</td> <td data-bbox="1043 1227 1200 1263">100</td> </tr> </table> <p>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.’</p> <p>5.4 Title and provide a source reference for the new Map 2 sourced from the District Council; alter the numbering of subsequent maps accordingly.</p> <p>5.5 Item (g) within paragraph 17 should be corrected to ‘Darley Dale’.</p> <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>	HC2m	Land at Stancliffe Quarry	10.16ha	100	For clarity and accuracy
HC2m	Land at Stancliffe Quarry	10.16ha	100			

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
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
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
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: ‘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>	For clarity
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
11	<p>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.</p>	For clarity and to meet Basic

		Condition 1
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
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
14	Within Policy NP 4: Protecting the Landscape Character of Churchtown': 14.1 Delete the paragraph number 1 and amend the semi-colon to a colon at the end of the introductory sentence. 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'.	For clarity and to meet Basic Condition 1
15	Within Policy NP 5 Protecting the Landscape Character of Parkway and Oker: 15.1 Delete the paragraph number 1 and amend the semi-colon to a colon at the end of the introductory sentence. 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'. 15.3 Delete criterion (b).	For clarity and to meet Basic Condition 1
16	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. 16.2 Within criterion (b) add 'that' between "layout" and "follows".	For clarity and to meet Basic Condition 1
17	Within Policy NP 7 Protecting the Landscape Character of Lower Hackney: 17.1 Delete the paragraph number 1 and amend the semi-colon to a colon at the end of the introductory sentence. 17.2 Within criterion (b) delete the words "or the ridgeline". 17.3 At the end of criterion (c) add 'and'. 17.4 At the end of criterion (d) add a full stop.	For clarity and to meet Basic Condition 1
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
19	Within Policy NP 9 Protecting the Landscape Character of Farley delete the paragraph number 1 and amend the semi-colon to a colon	For clarity and to meet

	at the end of the introductory sentence.	Basic Condition 1
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
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 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>	For clarity and accuracy
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> <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>	For clarity and accuracy and to meet Basic Conditions 1 & 3

	<p>22.4 Merge criteria 3 and 4 as: ‘For major developments 41, the use of national design guidance (BfL12 or equivalent) in developing design concepts, testing the final designs for quality and demonstrating how local distinctiveness has been reinforced.’</p>	
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 its setting and may demonstrate:’. 23.2.2 In criterion (a) replace “is inspired by the use of a” with ‘inspiration taken from’.</p>	<p>For clarity and to meet Basic Condition 1</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>	<p>For clarity and to meet Basic Condition 1</p>
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 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:’. 25.2.2 In criterion (a) replace “is inspired by the range of” with ‘inspiration taken from’.</p>	<p>For clarity and to meet Basic Condition 1</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: 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:’. 26.2.2 Replace criterion (b) with ‘a development that is well connected and provides appropriate linkages to improve</p>	<p>For clarity and to meet Basic Conditions 1 & 3</p>

	<p>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>	
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> <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 semi-colon 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>	For clarity and to meet Basic Condition 1
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:</p> <p>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 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 semi-colon after “distinctiveness”; renumber subsequent criteria accordingly.</p>	For clarity and to meet Basic Condition 1
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
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:</p>	For clarity and to meet Basic Condition 1

	'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.'	
31	Under the heading "Enhancing the Provision of Community Facilities": 31.1 In paragraph 133 replace "Grade 11" with 'Grade II'. 31.2 Within paragraphs 135 and 136 insert 'Policy' before 'NP 20'.	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
33	Under the heading "Implementation": 33.1 In paragraph 137 replace "which is the key principle enshrined in this Plan" with '(see earlier Key Principle)'. 33.2 Delete paragraph 138 and the related Appendix D; renumber subsequent paragraphs accordingly. 33.3 In paragraph 139 delete "Whilst Derbyshire Dales District Council will be responsible for development management," since this has already been stated. 33.4 In paragraph 142 delete the first sentence since its future tense will be inappropriate (and the plan hierarchy has already been stated).	For clarity
34	Under the heading "Monitoring and Review" move the last sentence of paragraph 145 to the beginning of paragraph 146.	For clarity
35	Ensure that the hyperlink in Appendix A is, and continues to be, operational; delete Appendices C & D.	For clarity