

DERBYSHIRE DALES LOCAL PLAN EXAMINATION

STAGE 1 MATTERS, ISSUES AND QUESTIONS FOR THE EXAMINATION AND HEARING SESSIONS

Hearings Commence: Tuesday 9 May 2017
Stage 1 – 9 to 11 May 2017
Stage 2 – 16 to 19 May and 23 May 2017

Venue for Sessions: Committee Room, Matlock Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN

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DERBYSHIRE DALES LOCAL PLAN EXAMINATION

Session 1 – 09.30 Tuesday 9 May

Matter 1

Procedural and Overarching Matters

This matter explores whether the Local Plan (LP) has been prepared in accordance with legal and procedural requirements set out in the Planning Act 2004 and the Development Plan Regulations 2012.

There are provisions relating to the Duty to Cooperate (DTC), Sustainability Appraisal (SA), publication and notification requirements and dealing with representations.

The Council has produced a Statement of Community Involvement (SCI) and a Statement of Consultation setting out how the community has been involved in the LP. Following on from publication of the LP Pre-Submission Draft in August and September 2016 the Council produced a Statement of Consultation under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (LP Regulations).

The Council has produced an overview on how it has sought to comply with the DTC in relation to 'prescribed bodies', other organisations and on cross-boundary issues in its DTC Statement. This follows on from an Interim DTC Statement of August 2016. The DTC Statement includes a Memorandum of Understanding between the District and the Peak District National Park Authority (PDNPA).

The Council has submitted a SA and SA Report and states that these have considered the significant effects of the LP and reasonable alternatives.

Issues:

1. Compliance with procedural requirements including consultation/participation procedures

The Council indicate that it has complied with the LP Regulations and its own SCI.

Is there any evidence that the Council has not met these minimum requirements or that consultation and publicity has otherwise been inadequate?

For example, has engagement with Parish Councils and Local Communities been acceptable?

How have those without internet access been accommodated?

2. Compliance with the DTC, particularly in relation to consideration of housing needs

Is the approach within the Housing and Economic Development Needs Assessment (HEDNA) to a district-only Objectively Assessed Need (OAN) reasonable taking into account the overlapping Housing Market Areas (HMAs)

which affect the District?

Have the housing needs of neighbouring planning authorities, including the PDNPA, been taken into account particularly having regard to the overlapping HMAs?

3. The SA and its consideration of reasonable alternatives

Does the SA meet statutory and legal requirements in relation to the assessment of reasonable alternatives?

Main Evidence Base

SD09 – SCI

CD01 – Statement of Consultation

SD10 – Regulation 22 Statement

SD07 – DTC Statement

CD27 – Housing and Economic Development Needs Assessment (HEDNA)

SD12 – Legal Compliance Checklist

SD04 – SA Report

SD05 – SA Report Non-Technical Summary

Participants

DDDC

Derbyshire County Council (2745)

Acres Land and Planning for Goodall Family (3358)

Gladman Developments (3752)

The Home Builders Federation (HBF) (4794)

Session 2 – 11.00 Tuesday 9 May 2017

Matter 2

The Spatial Strategy

The matter considers whether the strategy for the distribution of development is justified and whether strategic policies are positively prepared, effective and consistent with national policy.

The LP proposes a hierarchy of settlements through Policy S3 (Market Towns, a Local Service Centre and a villages defined as 3rd, 4th and 5th tier) with different levels of development directed to settlements depending on the position in the hierarchy. 4th and 5th tier settlements do not have settlement boundaries. Not all settlements within the 3rd tier have allocations – the Council indicate that allocations depend on the availability and suitability of sites.

The Council has not taken forward the Garden Village option as it states that no

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sites of sufficient size were put forward, some sites were beyond the District and there was insufficient evidence that such an option would be commercially viable.

Policies S2, S4 and S5 are generic policies that cover sustainable development principles and development within settlement boundaries and the countryside. The Council are preparing modifications to the policies in response to preliminary questions (see EX/02).

Specific sites and settlement boundaries will be discussed at the Stage 2 hearings.

Issues:

1. The position of settlements in the hierarchy

Is the position of settlements in the hierarchy within Policy S3 justified having particular regard to accessibility to services and employment?

2. Levels of growth within the settlement hierarchy

Should similar proportionate levels of growth be identified for each settlement within a particular tier of the hierarchy?

3. The requirements of Policy S3 in terms of where development can take place

Is the approach of only having settlement boundaries for the 1st, 2nd and 3rd tier settlements appropriate?

Does Policy S3 provide a sufficiently clear and positive framework for dealing with proposals for development related to the 4th and 5th tier settlements and other rural areas?

4. The Garden Village Option

Are the reasons for rejecting the Garden Village option justified?

5. The generic strategic policies S2, S4 and S5

Are these policies positively prepared, effective and consistent with national policy taking into account any proposed modifications?

Main Evidence Base

SD03 - Schedule of Modifications

CD37 & 38 Rural Accessibility Studies

EX/02 - Council response to Inspector's Preliminary questions of 7 February

Participants

DDDC

Roger Yarwood for Mr Clements and Mr Nutting (2164)

Tansley Parish Council (3358)

Gladman Developments Ltd (3752)

HBF (4794)
Mr John Youatt (5588)
CPRE (5628)
Acres Land and Planning for Goodall Family (5924)
Arcus for Longcliffe Quarries Limited (5975)
Mr P Fox (6070)
PDP for Wildgoose Homes (6212)

Session 3 – 13.30 Tuesday 9 May 2017

Matter 3

Objectively Assessed Need (OAN) and the Housing Requirement

This matter explores whether the amount of housing proposed in the LP is appropriate to meet the needs of the District to 2033.

The Council has used the Office of National Statistics (ONS) 2012-based Household Projections as a starting point for its OAN and housing requirement. Upward adjustments have been made to support economic growth and improve affordability. The Council proposes making provision for at least 6,440 dwellings (Policy S6). The Council has considered the implications of the 2014-based household projections in a report of February 2017 (EX/03).

In response to preliminary questions the Council has clarified how the OAN has taken into account 'vacancies' from holiday and second homes and international migration (EX/02).

The Council indicates that the OAN takes into account the needs of older people for specialist housing. The need for some 436 C2 (care home) bed spaces is additional to the OAN. The Council has proposed a Modification to the LP to clarify this point.

The Council explains that the OAN covers the whole of the District including the PDNP but that, because of National Park purposes, the level of development within the PDNP is constrained.

Issues

1. **The Housing Market Area**

This issue is covered under Matter 1.

2. **The OAN and 2014-based household projections**

Is the Council's analysis of the implications of the 2014-based household projections contained within EX/03 robust? Does the analysis have any implications for the housing requirement?

3. Adjustments in the OAN to take into account economic growth, affordable housing needs and market signals

*Have sufficient upward adjustments been made in the OAN to take into account economic growth, affordable housing needs and market signals?
In particular is the OAN adjustment of 21 homes per annum to improve affordability sufficient?*

4. The needs of older people

*Have the needs of older people been taken into account in the OAN having regard to growth in population of this age group?
Should those older people who require care home bed spaces be included in the OAN?*

5. The PDNPA contribution

Is the PDNPA contribution of 400 dwellings for the LP period justified?

Main Evidence Base

CD27 – Housing and Economic Development Needs Assessment

EX/02 - Council response to Inspector's Preliminary questions of 7 February

EX/03 - Implications of 2014-based Population and Household Projections for Housing Need in Derbyshire Dales

Participants

DDDC

Roger Yarwood (2164)

Gladman Developments Ltd (3752)

HBF (4794)

Mr Paul Roe (5781)

Session 4 – 9.30 Wednesday 10 May 2017

Matter 4

How will the Housing Requirement be met and a Five Year Housing Land Supply Maintained?

This matter considers how the housing requirement of 6,440 dwellings (Policy S6) derived from the OAN will be met; whether those means of meeting the requirement have been justified and will be effective; and whether the LP will be able to maintain a five year housing land supply.

The Council has clarified some points on the components of the housing supply set out in Table 3 – the figures are ‘net’; the PDNPA contribution; the windfall allowance; and allocated sites (see EX/02). The table indicates that 6,571 dwellings would be delivered from various sources some 2% above the requirement.

The Council has indicated that Policy HC1 will be modified to take into account the circumstances where housing land supply falls below five years (see EX/02).

Delivery from individual sites will be considered during Stage 2 hearings.

Issues

1. The extent of flexibility built into housing supply

Is there sufficient flexibility built into the housing supply such that the housing requirement is likely to be met?

2. The housing trajectory

Is the housing trajectory set out in the Strategic Housing and Economic Land Availability Assessment¹ (SHELAA) and at Appendix 3 of the LP realistic taking into account past completion rates?

Are build rates of 30 dwellings per annum (dpa) from larger sites realistic and supported by evidence?

Is there any updated information on commitments and completions to inform the examination?

3. Delivery from commitments and allocations

Is the delivery of some 74% of commitments and 36% of allocations within the first 5 years of the LP realistic?

¹ Figure 2 page 20

4. **Constraints to delivery**

In general terms are the strategic housing allocations deliverable having regard to the infrastructure requirements and constraints affecting them? What are the implications for meeting the housing requirement if one or more of the strategic housing allocations do not come forward?

5. **Housing implementation strategy**

Are the provisions of Chapter 9 of the LP (Implementation and Monitoring) sufficient to meet the requirement for a Housing Implementation Strategy?

6. **The wording of housing supply policies**

How is Policy HC1 (and any other relevant policies) to be modified to respond to a shortfall in the five year housing land supply?

Main Evidence Base

CD25 and CD26– SHELAA and appendices

SD11 – Council Monitoring Report

EX/02 - Council response to Inspector's Preliminary questions of 7 February

EX/05 - Council response to Inspector's Preliminary questions of 14 February

Participants

DDDC

Roger Yarwood (2164)

Gladman Developments Ltd (3752)

HBF (4794)

PDP for FW Harrison (6212)

Session 5 – 13.30 10 May 2017

Matter 5

Affordable Housing, Housing Mix and Standards

This matter considers affordable housing (Policies HC4 and HC5) including the requirement that developments over 10 units provide 30% provision and the criteria for considering exception sites. Policy HC4 requires that 80% of affordable housing is social rented.

Policy HC11 seeks to secure a particular mix of housing sizes within market and affordable developments.

Policy HC11 also seeks accommodation that achieves the Nationally Described Space Standard and the accessibility standard set out in Part M4 (2) of the Building Regulations.

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The Council has proposed some modifications to Policy HC11 (M31-M33).

Self-build housing is to be encouraged by Policy HC3.

Issues

- 1. The affordable housing policy and requirement (30%) (Policy HC4)**
Would the 30% requirement ensure that competitive returns are provided to enable development to come forward?
Should the policy include a criterion that affordable housing be designed as an integral part of residential development?
- 2. The split between rented and intermediate housing (80/20%)**
Is the 80/20% split supported by housing needs evidence?
Does the 80/20% split within Policy HC4 provide choice and flexibility and take into account viability?
- 3. Affordable Housing Exception Sites (Policy HC5)**
Are the criteria of Policy HC5 sufficiently flexible to support affordable housing on exception sites, particularly in rural areas? In this respect criteria a), d) and the final paragraph including a) to d) will be discussed.
- 4. The housing mix (Policy HC11)**
Is the housing mix sought by Policy HC11 too prescriptive?
What are the implications for the deliverability of sites?
- 5. Space and Accessibility Standards (Policy HC11)**
Are the space and accessibility standards within Policy HC11 justified as required by the Planning Practice Guidance (PPG)?
- 6. Self-build housing (Policy HC3)**
Does the policy provide sufficient encouragement for self-build housing whilst recognising that it should be applied with flexibility having regard to viability considerations?

Main Evidence Base

CD27 – Housing and Economic Development Needs Assessment

CD25 – SHELAA

CD19-CD22 – Viability Studies

SD03 - Schedule of Modifications

EX/05 - Council response to Inspector's Preliminary questions of 14 February

Participants

DDDC

Roger Yarwood (2164)

HBF (4794)

WYG for William Davis (5317)
CPRE (5628)

Session 6 - 15.30 10 May 2017
Matter 6
Gypsy and Traveller Provision

This matter considers the provision made for gypsies and travelers.

The Derbyshire and East Staffs Gypsy and Traveller Accommodation Assessment (GTAA) of 2014 indicated a need for 9 pitches in the District over the Plan period. It does not appear that this has been disputed.

Policy HC6 safeguards land at Watery Lane, Ashbourne for a gypsy and traveller site. The Council has indicated that this 0.3ha site would meet its 9 pitch target for the plan period.

Policy HC6 also contains criteria against which other proposals will be considered. The Council has indicated that modifications will be made to the criteria so that they are consistent with Planning Policy for Traveller Sites (PPTS).

Issues

1. The pitch requirement

*Is the target of 9 pitches derived from the GTAA sufficiently up to date?
Is there any change in circumstances since 2014 which may affect the need for pitches, for example an increase in unauthorised sites and encampments or temporary permissions?*

2. The allocation (Watery Lane, Ashbourne)

*Is the Watery Lane site a suitable and sustainable location for gypsies and travellers?
Is the site deliverable?*

3. Allocations to meet the pitch requirement

*Assuming that Watery Lane is a suitable site is it of sufficient size to meet the 9 pitch target?
Should other sites be allocated to ensure that the need is met and to increase choice?*

4. The criteria within Policy HC6

Are the criteria within Policy HC6 as modified consistent with PPTS and supportive of new sites in suitable locations?

Main Evidence Base

CD53 – GTAA

SD03 - Schedule of Modifications

EX/05 - Council response to Inspector's Preliminary questions of 14 February

Participants

DDDC

Derbyshire County Council (2745)

Mr John Youatt (5588)

Roger Yarwood for NFGLG (5650)

Mr Paul Siddall (5923)

Clifton Parish Council (6058)

Session 7 - 9.30 11 May 2017

Matter 7

Employment Development

This matter considers the provision and protection of employment land.

Policy S7 makes provision for at least 15 hectares of employment land for the Plan period. Policy EC2 allocates 6 sites providing 22 ha of land, albeit 14-16 ha is at Ashbourne Airfield (Phases 1 and 2).

Policy EC1 provides criteria for supporting new business and industrial development whereas Policies EC3 and EC4 protect employment land generally and some key sites specifically.

Issues

1. Allocations and the delivery of employment land

Is there a reasonable prospect that the employment land allocated will be delivered?

Should consideration be given to a greater number and range of sites being allocated to increase the prospect that more local higher skilled jobs are created?

2. The effectiveness of Policies EC1, EC3 and EC4 and consistency with Policies S3 and S5

Will the modifications to be made in response to preliminary questions ensure that Policies S3 and S5 are consistent with Policy EC1?

Main Evidence Base

SD03 - Schedule of Modifications

CD27 – Housing and Economic Development Needs Assessment

CD25 – SHELAA

EX/02 - Council response to Inspector's Preliminary questions of 7 February

EX/07 - Council response to Inspector's Preliminary questions of 14 February

Participants

DDDC

Roger Yarwood for Mr Millward and Slinter Plant Services (2164)

Acres Land and Planning for Goodall Family (5924)

Arcus for Longcliffe Quarries Limited (5975)

PDP for FW Harrison (6212)

Session 8 - 11.00 11 May 2017

Matter 8

Town Centres and Tourism

This matter considers policies for town centre development and tourism.

The retail studies indicate that there is no capacity for additional convenience floorspace and only limited capacity for comparison floorspace.

Policy EC6 includes a retail hierarchy and a number of criteria to support the hierarchy. One of the criteria includes a threshold of 200 sq m above which proposals for town centre uses will require an impact assessment.

Policy EC7 designates primary shopping frontages in the main town centres but does not include any thresholds in terms of non-retail uses as the Council maintains that there is a need for flexibility.

Modifications are proposed to Policies EC8 and EC10 in response to consultation responses and preliminary questions to ensure that they are positively prepared and consistent with national policy.

Issues

1. Retail capacity

Notwithstanding the retail studies is there scope for Matlock in particular increasing its market share so that leakage is reduced?

2. The threshold for retail impact assessment

Is the threshold retail impact threshold proportionate?

3. Tourism and Farm Diversification Policies

Will the modifications proposed to Policies EC8 and EC10 ensure that they are positively prepared and consistent with national policy?

Main Evidence Base

SD03 - Schedule of Modifications

CD23 – Retail Impact Thresholds

CD24 – Retail Study Update

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EX/07 - Council response to Inspector's Preliminary questions of 14 February

Participants

DDDC

Session 9 – 13.30 11 May 2017

Matter 9

Infrastructure and Community Facilities

This matter considers infrastructure provision and its implications for viability and deliverability.

Policy S11 of the Plan seeks to ensure that infrastructure is delivered in the right place and at the right time. The Council advises that it is working towards the adoption of a Community Infrastructure Levy (CIL) by early 2018 but in the meantime will rely on obligations under Section 106 of the Planning Act for key infrastructure.

Open space and recreational facilities are protected by Policy HC14. The policy also requires open space and recreational facilities to be provided with new developments.

The infrastructure requirements for individual sites and the implications for their viability will be discussed at the Stage 2 hearings.

Issues

1. The effect of infrastructure requirements/developer contributions on development viability

Will Policy S11 ensure that necessary infrastructure is delivered and in a timely fashion?

Have the implications of the policy for the viability of developments been taken into account?

2. Pooling of Contributions

Are there any implications arising from the pooling restrictions with the CIL Regulations for the delivery of infrastructure?

3. The introduction of a CIL Charging Schedule

Are there any implications from the introduction of CIL for the delivery of infrastructure?

4. Open Space and Recreation Facilities

Is Policy HC14 (as proposed to be modified) clear as to the delivery of open space and recreation facilities related to new development?

Main Evidence Base

CD20, 21 and 22 – Viability and Community Infrastructure Levy Reports

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CD34 and 35 – Transport Evidence Base Reports

EX/04 – CIL Report to Council

EX/02 - Council response to Inspector's Preliminary questions of 7 February

EX/05 - Council response to Inspector's Preliminary questions of 14 February

EX/08 - Council response to Inspector's Preliminary questions of 15 February

Participants

DDDC

Derbyshire County Council (2745)

Tansley Parish Council (3358)

Gladman Developments Ltd (3752)

Arcus for Longcliffe Quarries Limited (5975)

Mr D Elsworth (6001)