



This information is available free of charge in electronic, audio, Braille and large print versions, on request.

For assistance in understanding or reading this document or specific information about this Agenda or on the "Public Participation" initiative please call the Committee Team on 01629 761133 or email committee@derbyshiredales.gov.uk

11 January 2022

To all Councillors:

As a Member of the Council, please treat this as your summons to attend the **Extraordinary Council Meeting** on **Wednesday, 19 January 2022** at **6.00pm** at Wheeldon Hall, Highfields School, Upper Lumsdale, Matlock, Derbyshire DE4 5NA.

This meeting will be recorded and published for viewing after the conclusion of proceedings on the District Council's website at www.derbyshiredales.gov.uk or via our YouTube channel.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "James McLaughlin".

James McLaughlin
Director of Corporate and Customer Services

AGENDA

1. APOLOGIES

Please advise the Committee Team on 01629 761133 or email: committee@derbyshiredales.gov.uk of any apologies for absence.

2. PUBLIC PARTICIPATION

To enable members of the public to ask questions, express views or present petitions on the subject matters(s) identified in the summons **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by electronic mail) **BY NO LATER THAN 12 NOON OF THE DAY PRECEDING THE MEETING**. As per Procedural Rule 14.4 at any one meeting no person may submit more than 3 questions and no more than 1 such question may be asked on behalf of one organisation.

3. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member, her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at that time.

Page Nos.

4. **DERBYSHIRE DALES LOCAL PLAN REVIEW**

03 - 28

This report advises Members of the work that has been undertaken in respect of the review of the adopted Derbyshire Dales Local Plan. It advises Members of those aspects of the adopted Derbyshire Dales Local Plan that it is considered will be necessary to modify taking account of an updated evidence base, updated guidance in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance. The report also outlines a timetable for the next stages of the review process completion.

5. **RURAL AREA DESIGNATION – S157 HOUSING ACT 1985**

29 - 37

This report seeks members' approval for the submission of an application to the Secretary of State for Rural Area Designation under s157 of the Housing Act 1985.

15. SEALING OF DOCUMENTS

To authorise that the Common Seal of the Council be affixed to those documents, if any, required in completing transactions undertaken by Committees or by way of delegated authority to others, since the last meeting of Council.

NOTE

For further information about this Agenda or on "Public Participation" call 01629 761133 or email: committee@derbyshiredales.gov.uk

COUNCIL
19 JANUARY 2022

Report of the Director of Regeneration and Policy

DERBYSHIRE DALES LOCAL PLAN REVIEW

SUMMARY

This report advises Members of the work that has been undertaken in respect of the review of the adopted Derbyshire Dales Local Plan. It advises Members of those aspects of the adopted Derbyshire Dales Local Plan that it is considered will be necessary to modify taking account of an updated evidence base, updated guidance in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance. The report also outlines a timetable for the next stages of the review process completion.

RECOMMENDATIONS

1. That the extent of work undertaken on the statutory review of the adopted Derbyshire Dales Local Plan is noted.
2. That, those aspects of the Derbyshire Dales Local Plan set out in Appendix 1 which are considered necessary to be modified be approved, as a basis for further more detailed work.
3. That the detailed further work on those aspects of the adopted Derbyshire Dales Local Plan identified in Appendix 1 be subject to scrutiny by the Local Plan Working Group prior to a further reports to future meetings of Council.
4. That for the purposes of Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 the review of the Derbyshire Dales Local Plan be determined as having been completed.
5. That the timetable for the ongoing modification of the Derbyshire Dales Local Plan as set out in Paragraph 3.10 be approved.

WARDS AFFECTED

All wards outside the Peak District National Park

STRATEGIC LINK

The Derbyshire Dales District Council Local Plan will be a pivotal tool in the delivery of the Council's Corporate Plan, in particular those priorities relating to *Place* and *Prosperity*.

1 BACKGROUND

- 1.1 Derbyshire Dales District Council, is the local planning authority for that part of its area that sits outside of the Peak District National Park. In December 2017 the Derbyshire Dales Local Plan was formally adopted. It sets out the policies and proposals for the use and development of land for the period 2013-2033. Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires local planning authorities to review Local Plans at least once every five years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. To comply with this duty, a review of the Derbyshire Dales Local Plan must be completed by December 2022.
- 1.2 At an Extraordinary Meeting of Council on 9th November 2020 Members resolved that a review of the adopted Derbyshire Dales Local Plan be undertaken and agreed a timetable for its review (Minute 141/20). At this meeting Members were advised that the following issues were likely to be the most debated aspects of the Local Plan review:
- Overall housing requirements for the period up to 2040 – including amounts and types of both market and affordable housing
 - Housing allocations to meet the outstanding housing requirements
 - Extent to which the current policies in the adopted Derbyshire Dales Local remain in conformity with the NPPF/NPPG and valid for the use in the determination of planning applications
 - The extent to which policies are considered sufficient to address matters relating to climate change
 - The level of residential development within the National Park
 - The necessity or otherwise for a new village to accommodate the future housing requirements
 - Gypsy and Traveller provisions and
 - Infrastructure Capacity and Future Requirements
- 1.3 Members also agreed at a separate meeting on 9th November 2020 that as part of the Derbyshire Dales Covid Economic Recovery Plan, to ensure that *“the forthcoming review of the Derbyshire Dales Local Plan (and the studies and surveys commissions in support of the Local Plan review) address economic recovery as a key theme, including residential and leisure uses in town centres, broadband investments and clean growth.”* (Minute 139/20).
- 1.4 During the course of the last twelve months work has been ongoing on the review of the Derbyshire Dales Local Plan. The following pieces of work have commenced to inform and update the evidence base and assist with the review of the Local Plan:
- Strategic Housing Requirements 2017- 2040
 - Employment Land and Retail Capacity 2017-2040
 - Infrastructure and Whole Plan Viability
 - Strategic Flood Risk Assessment Report

- Strategic Environmental Assessment & Habitats Regulations Assessment
- Strategic Housing & Employment Land Availability Assessment (SHELAA)

1.5 At the Extraordinary Meeting of Council on 9th November 2020 Members additionally resolved that upon receipt of external advice from consultants appointed to provide an updated evidence base, that these should be subject to consideration at Member workshops and further reports be presented to the Local Plan Working Group.

1.6 Member workshops were held in respect of Housing and Employment Land Requirements on 18th May 2021 and the Strategic Flood Risk Assessment on 7th September 2021. A meeting of the Local Plan Working Group was held on 13th October 2021 to discuss Housing and Employment Land requirements and options for the Local Plan review. At this meeting the Local Plan Working Group were advised about the initial findings of the Sustainability Appraisal¹ of the Housing and Employment Growth Options, as well as the need for Members to take into account the Corporate Plan, the District Council's Economic Plan and it's Covid-19 Economic Recovery Plan at the time when a decision is required by Council on which of the housing options to take forward for the period up to 2040.

1.7 Members are reminded that the District Council's Corporate Plan has 'Prosperity – Supporting Better Homes and Jobs' as one of its key priorities because of the low local wages and high local house prices. It sets out that this will be achieved by promoting housing development that meets the needs of the present and future population of the District, and taking forward initiatives that will boost the Derbyshire Dales Economy. Furthermore the District Council's Economic Plan 2019-20333 sets out an aspiration to see growth in higher value jobs in manufacturing, professional, scientific and technical jobs, along with a growth in workplace earnings, GVA and occupied employment land. The Derbyshire Dales Covid-19 Economic Recovery Plan, approved by the District Council in November 2020 sets three priority actions:

1. Invest in regenerating housing and employment sites
2. Re-Invest in Bakewell Road, Matlock
3. Re-shape Regeneration Services to drive investment in brownfield and other key housing/employment sites.

1.8 The District Council's Covid-19 Economic Recovery Plan also includes the following action:

Ensure the forthcoming review of the Derbyshire Dales Local Plan (and the studies and surveys commissioned in support of the Local Plan review) addresses economic recovery as a key theme, including residential and leisure uses in town centres, broadband investment, and clean growth.

¹ The purpose of the Sustainability Appraisal being to assess the likely social, environmental and economic effects of the growth options, both positive and negative and to ensure that decisions are made which contribute towards achieving sustainable development.

- 1.9 The Local Plan Working Group also met on 16th November 2021 to consider the key policy areas of the Local Plan identified for review as included in this report
- 1.10 At the current time consultants are in the process of finalising an updated Gypsy and Traveller Accommodation Assessment; the Infrastructure and Whole Plan Viability Study; as well as the Strategic Environmental Assessment and Habitats Regulation Assessment. The SHELAA, which is being conducted by Officers in-house, is also on-going. The outcomes of these studies will provide further evidence to underpin any detailed modifications required to the Local Plan following the completion of the review process. It is recommended that the detailed modifications to the adopted Derbyshire Dales Local Plan take account of the principle issues identified in Appendix 1 and that the detailed modifications be subject to scrutiny by the Local Plan Working Group prior to consideration of further reports at future meetings of Council.

2 METHODOLOGY FOR REVIEW OF THE ADOPTED DERBYSHIRE DALES LOCAL PLAN

- 2.1 Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires local planning authorities to review Local Plans at least once every five years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community.
- 2.2 The advice in the National Planning Practice Guidance is that reviews should be proportionate to the issues in hand, the guidance also suggests that policies age at different rates according to local circumstance and a plan does not become out of date automatically after 5 years. The review process is a method to ensure that a plan and its policies remain effective at managing the use and development of land in the future. The Plan review requirement is set out in paragraph 33 of the NPPF which states:

“Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future”

- 2.3 In order to comply with the guidance in the NPPF an assessment and comprehensive appraisal of both the text and existing policies within the Adopted Local Plan has been undertaken. This process has sought to identify whether:

- The vision, policy objectives and spatial strategy of the Local Plan is being effectively delivered; and
- Whether the Plan meets current national planning policy requirements; and
- Whether there have been any local changes which have significant/material spatial implications for the strategy and policies within the Plan.

2.4 A systematic approach has been undertaken to the review of both the text and individual policies contained within the adopted Derbyshire Dales Local Plan. The following criteria have been used to determine whether any modifications to the Derbyshire Dales Local Plan was required.

- Do the policies have regard to/comply with the National Planning Policy Framework/National Planning Practice Guidance?
- Have there been any relevant Ministerial Statements and/or Government policy updates published in the last three years that are relevant?
- Are the policies achieving their objectives and is their purpose still relevant?
- Are the policies meeting stated objectives and targets and do they remain effective?
- Are there any changes in local circumstances and/or evidence that should be considered drawing upon the emerging revised Local Plan evidence base?
- How frequently has the policy been used?
- Does the policy have any implications for wider Development Plan documents, including made Neighbourhood Plans, Supplementary Planning Documents that need to be revised?
- Does the policy or Local Plan itself contain any triggers requiring the policy to be reviewed?
- Has there been any issues with interpretation, duplication and contradiction when implementing the policy from a Development Management perspective?
- Has there been any unintended development consequences as a result of the implementation of the policy?
- Are there any relevant planning applications where the decision has been challenged at appeal? What were the Inspectors findings in respect of the policy?
- Does the policy include any flexibility to deliver across a range of circumstances?

2.5 In appraising the contents of the adopted Derbyshire Dales Local Plan a range of sources of information have been utilised to identify the areas of the Plan which may require amendment. Various sources of information have been drawn upon including the following:

- National Planning Policy Framework and National Planning Practice Guidance
- Government publications, legislation and ministerial statements
- Information drawn from the emerging Local Plan review evidence base on Housing and Economic Needs Assessment, Infrastructure and Viability, Strategic Flood Risk Assessment, Strategic Housing and Employment Land Availability Assessment and information obtained from the Housing Delivery Test and five year housing land supply position.
- Data on policy implementation from the Authority Monitoring Report
- Council Plans, Policies and Strategies such as the Corporate Plan, Economic Plan, COVID Recovery Plan, Climate Change Strategy and Action Plan.
- Made Neighbourhood Development Plans and Adopted Supplementary Planning Documents.
- Planning Inspectors appeal decision statements on planning applications determined by the Authority.

3 DERBYSHIRE DALES LOCAL PLAN - AREAS FOR MODIFICATION

- 3.1 The review of the adopted Local Plan, undertaken in accordance with the methodology set out above has identified those parts of the Local Plan where modifications are considered appropriate to ensure compliance with the National Planning Policy Framework and Practice Guidance, reflect local circumstances and Council aspirations.
- 3.2 Taking all factors into account it is, however, considered that the Derbyshire Dales Local Plan is broadly consistent with the National Planning Policy Framework and Planning Practice Guidance
- 3.3 The review has also identified other aspects of the Local Plan which will need to be modified to reflect the revised evidence including the policies maps, introductory text and portrait of the Derbyshire Dales, the Plans spatial vision and objectives, key diagram, monitoring schedule and supporting appendices.
- 3.4 As to be expected some aspects of the Local Plan will require more wholesale change than others. This will range from simple presentational issues to a more detailed policy and text rewrite to reflect changes in circumstances, evidence and desired outcomes. The suggested areas for modification to provide a framework for decision making for the period up to 2040 are set out in Appendix 1 are summarised below:
- Revisions to policies will be needed to ensure that the Plan appropriately addresses the need to tackle climate change and that all opportunities are taken to encourage adaptation, mitigation and

resilience. Strengthened policy guidance on new build, retrofit/refurbishment and renewable development could be provided but will need to be balanced against considerations of delivery and viability.

- Policies on design will need to be revised to address the increased emphasis on 'Building Beautiful' and the introduction of 'Model Design Codes'.
- The extent of Settlement Development Boundaries may need to be revised to reflect development which has taken place since 2017 and any future housing and employment land allocations. It is considered that in order to assist with interpretation that the term "infill and consolidation" for Tier 5 settlements will also need to be revised.
- Strengthening of policy areas to support greater opportunities for the re-use, conversion of buildings, agricultural enterprises and support for the rural economy may be necessary.
- The Infrastructure and Developer Contributions policy will need to be revised to reflect emerging evidence in the Infrastructure Delivery Plan and the adopted Supplementary Planning Document on Developer Contributions. The adoption of revised affordable housing thresholds and rates of off-site financial contributions for affordable housing will require viability testing to ensure that they do not adversely impact the delivery of the plan as a whole.
- Revisions to policies on the natural environment will be required to ensure the Local Plan makes adequate provision for biodiversity net gain.
- The flood risk policy will need to be revised to consider the impacts of development "on all sources of flood risk" and to take account of the revised Derbyshire Dales Strategic Flood Risk Assessment and recommendations relating to the cumulative impact of development on flood risk.
- Updated evidence on the local housing and employment land need for the period to 2040 will need to be reflected in the strategic housing and employment policies and subsequent land allocations. 10% of the Local Plans housing requirement will need to be accommodated and allocated on sites no larger than one hectare to comply with the NPPF.
- Amendments to the policy area on affordable housing will be necessary to ensure compliance with revisions in the NPPF, notably to include the Councils approach to the delivery of First Homes and Exception Sites and the definition of 'affordable housing'. The Local Plan will also need to reflect the outcome of any application by the District Council to the Secretary of State for Rural Area Designation. Revisions to the policy on housing mix, type and specialist housing will be required to address revised evidence on housing need.
- The policy on Gypsy and Traveller accommodation will need to be amended to reflect a revised pitch requirement for the District for the period 2017-2040, land allocations to meet this need will also be required.
- Changes to the Use Classes Order to permit certain changes of use without requiring planning permission will need to be reflected in Local Plan policies for town centres and economic development

- Revised wording for policies on new and existing economic development, including tourism may be required to ensure aspirations for economic recovery and support for the rural economy are provided and to comply with the NPPF approach to employment development in the countryside.
- 3.5 Appendix 1 sets out an indication of the principle areas of the Adopted Derbyshire Dales Local Plan that require modification in order to provide a framework for the determination of planning applications up to 2040. Notwithstanding the contents of Appendix 1 further work will be necessary to prepare new and revised text and policy wording.
- 3.6 At the current time it is envisaged that a schedule of proposed changes to the adopted Derbyshire Dales Local Plan will be prepared, setting out the detailed revisions to policy wording required. In order for there to be some scrutiny of the proposed modifications to the text and policies it is proposed that such a schedule of modifications be presented to the Local Plan Working Group prior to a further report being presented to a future meeting of Council.
- 3.7 As set out in Paragraph 1.1 above in order to comply with Regulation 10A of the Town and County Planning (Local Planning) (England) Regulations 2012 local planning authorities are required to review local plans at least once every five years. Advice from DLUCLG is that in legal terms the duty under Regulation 10A can be considered discharged at the point at the local planning authority considers it has undertaken a thorough review of the Local Plan. It does not require the local planning authority to have completed the formal stages of a Local Plan preparation process including public consultation and examination in public.
- 3.8 In light of this advice it is considered that the process that the District Council has undertaken over the course of the past 14 months is sufficient to be able to determine that at this time the statutory requirements under Regulation 10A have been met.
- 3.9 However in order to ensure that any modifications to the Local Plan can be identified as part of the adopted Local Plan they will need to be subject to public consultation and an examination in public held before an independent Planning Inspector.
- 3.10 The next steps for the review of the Derbyshire Dales Local Plan are as follows:

| Milestone | Date |
|---|---------------|
| Completion of Review of Derbyshire Dales Local Plan | January 2022 |
| Draft Modifications | April 2022 |
| Draft Submission Modifications | October 2022 |
| Submit Modifications to Secretary of State | December 2022 |
| Examination in Public (End) | April 2023 |
| Adoption of Modifications | June 2023 |

4 RISK ASSESSMENT

4.1 Legal

Regulation 10A the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires local planning authorities to review Local Plans, and Statements of Community Involvement at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community.

The legislation does not, however, prescribe how to go about undertaking a review of a Local Plan. If following the completion of the review of the Derbyshire Dales Local Plan it is considered appropriate to take forward a formal revision of the current version of the Local Plan then this will need to be taken forward in accordance with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

This is a statutory requirement and the proposals accord with the provisions of the relevant legislation.

At the current time, the legal risk connected to this report as has been assessed as low.

4.2 Financial

Within the revenue budget for 2021/22 there is £55,832 for expenditure associated with the review of the Derbyshire Dales Local Plan; a further £74,829 has been included in the draft revenue budget for 2022/23, which will be subject to approval at the March Council meeting. This expenditure will be financed by a transfer from the Local Plan Reserve. Taking account of this expenditure and of planned contributions to the reserve, the Local Plan Reserve has a forecast balance of £155,275 at

31 March 2023. This is expected to be sufficient for future requirements. The financial risk is therefore assessed as low.

4.3 Corporate Risk

Failure to undertake a review of the Derbyshire Dales Local Plan within the five year period set out in the legislation will expose the District Council to significant risk in relation to its ability to make and defend decisions on planning applications. Managing the review process and risks as set out in the report will minimise any risk to the District Council.

5 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

CLIMATE CHANGE

Appendix One includes detailed of areas of policy relevant to climate change considered necessary to be modified, as a basis for further more detailed work. This includes:

- revision to policies will be needed to ensure that the Plan appropriately addresses the need to tackle climate change and that all opportunities are taken to encourage adaptation, mitigation and resilience
- revisions to policies on the natural environment will be required to ensure the Plan makes adequate provision for biodiversity net gain.
- revisions to the flood risk policy to consider the impacts of development “on all sources of flood risk” and to take account of the revised Derbyshire Dales Strategic Flood Risk Assessment and recommendations relating to the cumulative impact of development on flood risk. This assessment includes climate change allowances - predictions of anticipated change such as peak river flow and peak rainfall intensity

Following the conclusion of this more detailed work a further report will be brought before Council. At this stage a full Climate Change Impact Assessment will be undertaken.

6 CONTACT INFORMATION

Mike Hase, Policy Manager

Tel: 01629 761251 E-mail: mike.hase@derbyshiredales.gov.uk

7 BACKGROUND PAPERS

| Description | Date | Location |
|-------------------------------------|---------------|---|
| Adopted Derbyshire Dales Local Plan | December 2017 | https://www.derbyshiredales.gov.uk/images/L/DDDC_Planning_Doc_2_018_vweb2.pdf |
| National Planning Policy | February 2019 | https://assets.publishing.service.gov.uk |

| | | |
|--|---------------|---|
| Framework | | v.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF Feb 2019 revised.pdf |
| Planning Practice Guidance | | https://www.gov.uk/government/collections/planning-practice-guidance |
| Report to Council on Local Plan Review | November 2020 | https://www.derbyshiredales.gov.uk/images/AGENDA_09-11-2020 Local Plan Review 7pm.pdf |

APPENDIX 1 - REVIEW OF LOCAL PLAN POLICIES

| Local Plan Chapter / Policy | Page No. | Requires Modification? | Reason for Modification |
|-------------------------------------|----------|------------------------|---|
| | | | Spatial Vision, Aims and Objectives |
| Introduction | 5 | ✓ | Revisions to update introductory text will be needed, for instance plan period timeframe, list of evidence base reports and Made Neighbourhood Development Plans to include Doveridge, Darley Dale, Brailsford and Ashbourne for instance. The Plan Period will need to be amended to reflect to revised timeframe of 2017-2040 and updated evidence on the Duty to Cooperate outlined. Updated information on the supporting Sustainability Appraisal, Habitats Regulations Assessment and Equalities Input Assessment will be required. |
| Portrait of the Derbyshire Dales | 9 | ✓ | Revisions to the description of the Plan Area likely, for instance revised population data, number of listed buildings and minimal updates to supporting figures and tables will be needed to reflect revised evidence base. Updated commentary of the economic, social and environmental characteristics of the Plan area will be required. |
| Key Issues for the Local Plan | 18 | ✓ | The 'Key Issues' for the Derbyshire Dales will require amendment to ensure that they reflect the revised evidence base and spatial portrait of the Plan Area. The 'Key Issues' facing the District remain largely unchanged since the Plan was adopted in 2017, however some revisions will be required to reflect local issues and updated guidance in the NPPF/NPPG. |
| Spatial Vision, Aims and Objectives | 22 | ✓ | The Local Plan forms part of the Council's policy framework and should provide the spatial dimension for delivering the Council's ambitions for the District. Accordingly it is envisaged that revisions to the Plans Vision, Aims and Strategic Objectives will be needed to reflect the Council's policies plans and strategies that have been published since the Local Plan was adopted in 2017. The links between the Key Issues and Strategic Objectives will also need to be updated. Notable documents that will need to be reflected as part |

| Local Plan Chapter / Policy | Page No. | Requires Modification? | Reason for Modification |
|---|----------|------------------------|--|
| | | | of the Local Plan review include, but are not limited to; The Corporate Plan; Economic Plan; COVID Recovery Plan: Climate Change Strategy and Action Plan. The Vision of the Local Plan will need to align closely to the Corporate Plan and its key themes of Place and Prosperity. |
| | | | The Spatial Strategy |
| S1 Sustainable Development Principles | 30 | ✓ | The policy remains in general conformity with the National Planning Policy Framework and Planning Practice Guidance and provides overarching objectives upon which development proposals can be assessed. However revisions may be needed to ensure policy appropriately references the need to tackle climate change through adaptation/mitigation and deliver biodiversity net gain. Policy criteria on design will need to be revised to address the National Model Design Code. The Local Plan review will need to consider how the policy requirements for meeting the Model Design Code will be met including availability of resources and expertise. |
| S2 Settlement Hierarchy | 33 | ✓ | The policy has been effective in directing development to the most sustainable locations, the position of settlements within the tiers of the hierarchy is likely to remain unaltered as limited change in the provision of services and facilities has taken place. The implementation and interpretation of the term 'infill and consolidation villages' will need to be reconsidered. Settlement Development Boundaries will need to be redrawn to reflect changes in development delivered on the ground and to include revised proposed allocations. |
| S3 Development within Defined Settlement Boundaries | 35 | ✓ | Policy largely working effectively, however to assist in the determination of planning applications it is considered that revisions are required to criteria (d) which is considered too prescriptive and can only be applied and defended on applications where development relates to heritage assets. |
| S4 Development in the Countryside | 36 | ✓ | Revisions to policy are needed to ensure consistency of approach with Policy EC8 (Tourism) and applications for tourism development, notably the interpretation of a sustainable location for such a land use and determining its |

| Local Plan Chapter / Policy | Page No. | Requires Modification? | Reason for Modification |
|--|----------|------------------------|---|
| | | | <p>accessibility to services and facilities within an 'attractive 10 minute walk'.</p> <p>Policy S4 requires revision to provide a more proactive approach to schemes which support the wider rural economy. In accordance with the NPPF the policy approach will need to support opportunities for the re-use/conversion of buildings; agricultural enterprises and support for the wider rural economy.</p> |
| S5 Strategic Housing Development | 39 | ✓ | Strategic housing requirement to be amended to reflect revised housing need for plan period 2017-2040 as informed by Local Plan Review evidence base study. |
| S6 Strategic Employment Development | 40 | ✓ | Strategic employment requirement to be amended to reflect revised employment need for plan period 2017-2040 as informed by Local Plan Review evidence base study. |
| S7 Matlock/Wirksworth/Darley Dale Development Area Strategy | 42 | ✓ | The policy context remains relevant, updating to the policy will be required in parts to reflect progress and implementation of projects for instance the reference to the 'White Peak Loop'. |
| S8 Ashbourne Development Strategy | 45 | ✓ | The policy context remains relevant, updating to the policy will be required to reference progress and implementation of projects, Ashbourne Airfield for instance. |
| S9 Rural Parishes Development Strategy | 47 | ✓ | The policy context remains relevant, very limited revisions of significance anticipated. |
| S10 Local Infrastructure Provision and Developer Contributions | 48 | ✓ | <p>The policy wording is perceived to be too broad and has led to issues about its implementation and delivery.</p> <p>It is envisaged that a revised policy will be required that sets out clearly the types of infrastructure for which contributions will be sought, the scale/threshold of development which will be required to contribute and the rate at such charges will</p> |

| Local Plan Chapter / Policy | Page No. | Requires Modification? | Reason for Modification |
|--|----------|------------------------|--|
| | | | <p>be set.</p> <p>Any revised policy wording relating to contribution rates and thresholds will need to be subject to appropriate viability testing to ensure that they do not stifle development.</p> |
| | | | Protecting Derbyshire Dales Character |
| PD1 Design and Place Making | 51 | ✓ | <p>The Authority Monitoring Report indicates that policy PD1 is being implemented effectively, however there is a need to revise the policy wording to address changes in national guidance as set out in the National Design Guide and Model Design Codes and greater emphasis on ‘building better and building beautiful’. The Local Plan should set out the design outcomes that development should pursue as well as the tools and processes that are expected to be used to embed good design. The Local Plan review will need to consider how the policy requirements for meeting the Model Design Code will be met including availability of resources and expertise. Opportunities to encourage climate change adaptation/mitigation measures in the design of buildings and places should be encompassed within the revised policy.</p> |
| PD2 Protecting the Historic Environment | 53 | ✓ | <p>The policy context remains relevant, very limited revisions of significance anticipated. The supporting policy text could be improved to provide guidance on assessing development harm and impact on the significance of heritage assets and balancing this against public benefit. The Local Plan review will need to provide guidance on how future adaptations to properties to address climate change will be considered in the context of the historic environment.</p> |
| PD3 Biodiversity and the Natural Environment | 55 | ✓ | <p>The National Planning Policy Framework sets out that planning should provide biodiversity net gains where possible. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures. Revisions to the policy PD3 will be required to ensure the plan delivers a net gain for biodiversity. The</p> |

| Local Plan Chapter / Policy | Page No. | Requires Modification? | Reason for Modification |
|-----------------------------|----------|------------------------|--|
| | | | <p>Government announced it would mandate net gains for biodiversity in the Environment Bill in the 2019 Spring Statement.</p> <p>The Environment Bill received Royal Assent on 9 November 2021, meaning it is now an Act of Parliament.</p> <p>Mandatory biodiversity net gain as set out in the Environment Act applies in England only by amending the Town & Country Planning Act (TCPA) and is likely to become law in 2023. The Bill sets out the following key components to mandatory Biodiversity Net Gain:</p> <ul style="list-style-type: none"> • Minimum 10% gain required calculated using Biodiversity Metric & approval of net gain plan • Habitat secured for at least 30 years via obligations/ conservation covenant • Habitat can be delivered on-site, off-site or via statutory biodiversity credits • There will be a national register for net gain delivery sites • The mitigation hierarchy still applies of avoidance, mitigation and compensation for biodiversity loss • Will also apply to Nationally Significant Infrastructure Projects (NSIPs) • Does not apply to marine development • Does not change existing legal environmental and wildlife protections <p>Biodiversity net gain will be a new challenge for the Authority going forward and the Local Plan review will need to determine the appropriate approach to securing net gain for biodiversity for sites of different scales, in conjunction with Derbyshire County Council and Derbyshire Wildlife Trust. The Local Plan review will need to set out a clear philosophy on the approach to be taken to Biodiversity Net Gain.</p> |

| Local Plan Chapter / Policy | Page No. | Requires Modification? | Reason for Modification |
|---|----------|------------------------|--|
| PD4 Green Infrastructure | 60 | ✓ | The policy context remains relevant, revisions necessary to address links to biodiversity net gain and associated benefits of flood risk management and evidence base. |
| PD5 Landscape Character | 63 | x | The policy context remains relevant, very limited revisions of significance anticipated. |
| PD6 Trees, Hedgerows and Woodlands | 64 | x | The policy context remains relevant, very limited revisions of significance anticipated. |
| PD7 Climate Change | 66 | ✓ | Revisions to the policy to ensure it aligns with the District Councils Climate Change Strategy and Action Plan will be required. The policy will need to comprehensively cover climate change adaptation, mitigation and resilience. It should seek to strengthen the policy on new build development, retrofit and/or refurbishment and renewable energy developments may be considered but will need to be balanced against development delivery; viability; building regulation requirements and District Council resources to ensure implementation of the requirements of the policy. |
| PD8 Flood Risk Management and Water Quality | 68 | ✓ | Supporting text and amendments to wording will need revising to place greater emphasis on mitigation, resilience, and adaption and to ensure the policy aligns with revisions to the National Planning Policy Framework which requires development to consider 'all sources of flood risk'. Revisions to reflect the updated Derbyshire Dales Strategic Flood Risk Assessment and recommendations relating to the cumulative impact of development on flood risk will be necessary. |
| PD9 Pollution Control and Unstable Land | 70 | x | The policy context remains relevant, very limited revisions of significance anticipated. |
| PD10 Matlock to Darley Dale A6 | 71 | ✓ | Policy has been implemented effectively since adoption and should be retained. Changes to the defined boundary and areas of land protected by |

| Local Plan Chapter / Policy | Page No. | Requires Modification? | Reason for Modification |
|---|----------|------------------------|--|
| Corridor | | | PD10 may be necessary alongside consideration as to whether the area covered by PD10 should be contracted or widened. |
| | | | Healthy and Sustainable Communities |
| HC1 Location of Housing Development | 72 | x | The policy context remains relevant, very limited revisions of significance anticipated. Any changes will be as a result of changes elsewhere in the Plan such as to the Settlement Hierarchy. |
| HC2 Housing Land Allocations | 73 | ✓ | Policy revisions will be required to reflect amended housing land allocations to meet the housing need identified in the Local Plan Review. In accordance with paragraph 69 of the NPPF at least 10% of the housing requirement will need to be accommodated and allocated on sites no larger than one hectare. In order to meet this requirement a review of existing housing commitments since the start of the plan period will be required to ascertain how many are under one hectare and therefore determine whether additional allocations on sites under one hectare will be required in the Local Plan. |
| HC3 Self-Build Housing Provision | 74 | x | The policy context remains relevant limited revisions of significance anticipated. It is suggested that mechanisms to encourage the delivery of self build could be explored further, although this is against a low number of entries on the Self and Custom Build Register. |
| HC4 Affordable Housing | 75 | ✓ | Amendments to the policy will be required to reflect changes in the National Planning Policy Framework. This will include changes in the definitions of affordable housing and ensuring that policies continue to seek to deliver an appropriate level of affordable housing on sites above the qualifying threshold of 10 units and more as set out in the NPPF/NPPG. The revised policy and Local Plan will need to set out the Councils approach to the delivery of First Homes as a new tenure of affordable housing introduced in 2021. |
| HC5 Meeting Local Affordable Housing Need (Exception Sites) | 76 | ✓ | The revised policy and Local Plan will need to set out the Councils approach to the delivery of First Homes as a new tenure of affordable housing introduced in 2021. The policy approach to First Homes will be informed by work undertaken as part of the revised evidence base on the Local Plan. |

| Local Plan Chapter / Policy | Page No. | Requires Modification? | Reason for Modification |
|--|----------|------------------------|---|
| | | | The NPPG sets out that exception sites can be used to deliver any form of affordable housing, including First Homes, provided this is supported by appropriate evidence of local need. Rural exception sites can deliver a small proportion of market housing, provided that it can be demonstrated that this is necessary in order to ensure the overall viability of the site. Revisions to the Local Plan will need to allow the Council to maintain its successful record of delivering affordable housing. |
| HC6 Gypsy and Traveller Provision | 77 | ✓ | <p>The pitch requirement for the plan period 2017-2040 will need to be updated to reflect evidence in revised Gypsy and Traveller Assessment prepared for Derbyshire and recent decisions made by the Planning Inspectorate on appeal.</p> <p>A revised policy is likely to be needed to allocate land to meet the Districts revised requirements and maintain a five year supply of specific deliverable sites for gypsy and traveller accommodation.</p> |
| HC7 Replacement Dwellings | 78 | x | The policy context remains relevant limited revisions of significance anticipated. It is suggested that the wording could be altered to ensure proposals are appropriate and comparable with the development that is to be replaced rather than the setting or surroundings. The policy could be stronger on seeking to retain and preserve existing buildings in the first instance. |
| HC8 Conversion and Re-Use of Buildings for Residential Accommodation | 79 | ✓ | Policy S4 criteria (n) sets out that planning permission will be granted for development 'in the case of proposals to re-use an existing building or building that are capable and worthy of conversion'. Policy HC8 does not include this requirements and should therefore refer to the requirement for proposals to be 'worthy of conversion'. Revisions to the policy will then ensure consistency of approach when the Plan is read as a whole. |
| HC9 Residential Sub-Division of | 80 | ✓ | Policy revisions will be necessary to address changes in the National Planning Policy Framework, which at paragraph 80 sets out that planning |

| Local Plan Chapter / Policy | Page No. | Requires Modification? | Reason for Modification |
|-------------------------------------|----------|------------------------|--|
| Dwellings | | | policies should avoid isolated homes in the countryside unless “the development would involve the subdivision of an existing residential building”. The existing reference to location and sustainability of a proposal in criteria (e) of HC9 will need to be revised. |
| HC10 Extensions to Dwellings | 81 | x | The policy context remains relevant limited revisions of significance anticipated. Policy being implemented effectively. |
| HC11 Housing Mix and Type | 82 | ✓ | <p>Policy HC11 will need to be updated to reflect revised evidence on the mix, size and tenure of housing required as identified in the housing needs study prepared as part of the Local Plan review. Furthermore revisions to the policy requirement for the delivery of specialist housing will be necessary to ensure the policy continues to contribute towards the creation of sustainable communities. In respect of specialist housing accommodation for the elderly the Local Plan will need to ensure that it provides sufficient support for applications for both new build schemes and proposals for redevelopment.</p> <p>In light of recent discussions with a development company in respect to their approach to the delivery of the mix of properties consideration will be given to the extent to which the mix of properties should be reflective of bedroom numbers or property floor area.</p> |
| HC12 Elderly Needs Accommodation | 83 | ✓ | Revisions to policy will be required to reflect the emerging Local Plan evidence base. The provision of elderly accommodation may be better suited to be amalgamated into Policy HC11 alongside specialist housing. Minor changes to policy wording on extensions, annexes and self- contained accommodation may be needed to ensure consistency. |
| HC13 Agricultural and Rural Workers | 84 | x | The policy context remains relevant limited revisions of significance anticipated. Policy being implemented effectively. |

| Local Plan Chapter / Policy | Page No. | Requires Modification? | Reason for Modification |
|---|----------|------------------------|--|
| Dwellings | | | |
| HC14 Open Space and Outdoor Recreation Facilities | 87 | x/✓ | Any revision to this policy will be based upon emerging evidence, and further consideration about its effectiveness in the decision-making process. |
| HC15 Community Facilities and Services | 88 | ✓ | Policy has been implemented effectively however the interpretation of 'community use' has been challenged at appeal. The future policy approach should seek to balance the continued need for a community facility against the provision within the Use Classes order which allows changes of use in certain circumstances. It is considered that banks and specialist housing could be included as protected community facilities and services. The Local Plan could also consider including supporting text/and or policy to encourage the delivery of community services through social enterprise schemes. |
| HC16 Notified Sites | 89 | ✓ | Updates to policy and notified sites listed to be informed by input from Derbyshire County Council as Education Authority. |
| HC17 Promoting Sport, Leisure and Recreation | 89 | x/✓ | The policy context remains relevant limited revisions of significance anticipated. This policy has largely been implemented effectively, however it is suggested that more could be secured corporately in terms of contributions toward new facilities for sport, leisure and recreation. Strengthening of policy approach to protection and delivery of land for allotments could be addressed here. The Local Plan revised policy will need to address the outcome of the forthcoming 'Call for Sites' for allotments and consider whether the Local Plan can include either allocations and/or policy to ensure allotments are given due protection to resist their loss to other development pressures. Any revisions to policy will need to reflect emerging evidence. |
| HC18 Provision of Public Transport Facilities | 92 | x | The policy context remains relevant limited revisions of significance anticipated. |

| Local Plan Chapter / Policy | Page No. | Requires Modification? | Reason for Modification |
|---|----------|------------------------|---|
| HC19 Accessibility and Transport | 92 | ✓ | <p>It is suggested that the wording of the policy should be revised to enable schemes to be assessed in terms of their impact on highway safety. At the present time the District Council is relying upon wording in policies S3/S4 to refuse schemes on highway safety grounds. Policy revisions necessary to ensure consistency and compliance with guidance in NPPF. The NPPF states that ‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’. The revised policy should include this policy criteria.</p> <p>The revised policy should also promote active travel opportunities, especially in town centre locations. The revised policy will need to consider the approach to the provision of charging points for electrical vehicles.</p> |
| HC20 Managing Travel Demand | 93 | ✓ | <p>Revisions to the policy could include the need to encourage electric vehicle charging points and strengthen the role of managing travel demands and contribution towards tackling climate change.</p> |
| HC21 Car Parking Standards | 94 | x | <p>No significant revisions to policy envisaged pending input from Highways Authority on parking standards in Appendix 2 of the Local Plan</p> |
| | | | Strengthening the Economy |
| EC1 New and Existing Employment Development | 97 | ✓ | <p>Revisions to policy wording will be needed to ensure aspirations for economic recovery, diversification and support for the rural economy are appropriately set out. It is suggested that the policy requirement for proposals to be in a ‘sustainable locations’ will need to be applied more flexibly to ensure the District Council is able to support existing valuable businesses whom may wish to expand and support for the growth in high quality employment opportunities.</p> <p>Policy needs to be able to balance the economic benefits arising from development against the relative sustainability of its location. Minor revisions needed to ensure policy compliance with the NPPF on employment development in the countryside.</p> |

| Local Plan Chapter / Policy | Page No. | Requires Modification? | Reason for Modification |
|---|----------|------------------------|--|
| EC2 Employment Land Allocations | 98 | ✓ | Policy to be revised to reflect employment land allocations identified through Local Plan review. |
| EC3 Existing Employment Land and Premises | 100 | ✓ | <p>The protection of existing employment land and premises has been amended by changes to the Town and Country Planning Use Class Order (1987), which now permits change of use of certain B uses (employment/business) to other uses without requiring planning permission through the creation of a new Class E. Revisions to EC3 and the scope of protection to sites and premises that can lawfully be given will need to be undertaken.</p> <p>The Local Plan Policy evidence base will need to be used to assess the demand, and allocate land for, those developments that fell within the former Use Class B</p> |
| EC4 Retention of Key Employment Sites | 100 | x | The policy context remains relevant, very limited revisions of significance anticipated, assuming that the employment sites to be retained remain the same. Any revisions including additions to the list of sites would need to be merited and subject to public consultation |
| EC5 Regenerating an Industrial Legacy | 101 | x | The policy context remains relevant, very limited revisions of significance anticipated. Flexibility in the policy should be considered in the event that other sites emerge that fall under the auspices of the policy. |
| EC6 Town and Local Centres | 103 | ✓ | Amendments to planning guidance and practice for Town Centres as outlined within the NPPF will need to be taken into consideration when revising the Local Plan. The Local Plan will need to recognise the role that town centres play at the heart of local communities and set out a positive approach to their growth, management and adaptation. This could include a more flexible approach to the type and range of uses in town and local centres to encourage footfall and promote vitality and viability. |

| Local Plan Chapter / Policy | Page No. | Requires Modification? | Reason for Modification |
|--|----------|------------------------|---|
| | | | Active encouragement for residential development at first floor may be considered for instance. Changes to the Use Classes Order and permitted development rights to allow more flexibility for change of use of commercial premises will also need to be reflected. Changes in shopping habits (primarily due to COVID) and evidence from the emerging retail assessment prepared to support the Local Plan will need to be reflected and balanced against Council aspirations to support the role and function of town and local centres and economic recovery. |
| EC7 Primary Shopping Frontages | 105 | ✓ | Local Plan policies for town centres are no longer expected to identify primary and secondary shopping frontages. They should, however provide policies which support the vitality of town centres, recognising that a wide range of complementary uses can, if suitably located support the role and function of these locations. Policy EC7 will require revision. |
| EC8 Promoting Peak District Tourism and Culture | 106 | x | The policy context remains relevant, very limited revisions of significance anticipated. |
| EC9 Holiday Chalets, Caravan and Campsite Developments | 107 | x | The policy context remains relevant, very limited revisions of significance anticipated. Consistency of approach to policy S4 will need to be considered, to ensure that reference to ‘an attractive ten minute walk’ is appropriate – for instance should the plan refer only to a ten minute walk and/or sustainable location and remove reference to ‘attractive’ which is arguably ambiguous and subjective. |
| EC10 Farm Enterprises and Diversification | 108 | ✓ | Revisions to policy wording needed to ensure aspirations for economic recovery, diversification and support for the rural economy are appropriately set out. It is recommended that criteria (d) be amended as the issue of highway capacity is addressed in policy HC19 of the Plan. The revised Local Plan should be more definitive as to whether the issue of ‘highway capacity’ should apply to all schemes not just those on rural roads to align the policy |

| Local Plan Chapter / Policy | Page No. | Requires Modification? | Reason for Modification |
|---|-----------|------------------------|---|
| | | | with NPPF and NPPG tests regarding highway impacts. |
| EC11 Protecting and Extending Our Cycle Network | 109 | x | Limited revision envisaged to ensure that the Local Plan includes adequate protection to new and potential future routes. |
| | | | Strategic Site Allocations |
| DS1 – DS9 | 111 - 122 | ✓ | The strategic site allocation policies will need to be amended to reflect the housing/employment land allocations identified in the Local Plan Review to meet the revised housing and employment land requirements to 2040. Revised policies will be prepared for sites that are considered strategic in nature i.e. those sites identified in the Plan which are expected to provide in excess of 100 dwellings. New Strategic Site Allocation Policies may be needed for any new major sites identified in the Plan. Revisions to the detailed criteria in existing policies DS1-9 are most likely need revising. |
| | | | Implementation and Monitoring |
| Housing Implementation Strategy | 123 | x | No revisions envisaged at this time. |
| Plan Implementation and Monitoring | 124-142 | ✓ | Amendments to the outcomes of the Plan; implementation mechanisms and targets and indicators will need to be required to align with changes to the Plans spatial strategy and policies. Revisions to the Monitoring Framework will be necessary to reflect amendments to the policies within the Local Plan, revisions to indicators, targets and sources of data will be required. |
| | | | Appendices |
| Appendix Glossary | 1 143 | ✓ | Modifications to the glossary will be necessary to reflect revisions in definitions in the National Planning Policy Framework and Planning Practice Guidance. New terms will need to be included for instance a definition of 'First Homes'; 'Biodiversity Net Gain'; 'Climate Change Adaptation'; 'Climate Change Mitigation' and others. |

| Local Plan Chapter / Policy | Page No. | Requires Modification? | Reason for Modification |
|-----------------------------|--|------------------------|--|
| Appendix Parking Standards | 2 151 | x/✓ | Requirement for amendments to Parking Standards to be informed by advice from Highways Authority. |
| Appendix Housing Trajectory | 3 153 | ✓ | Updates to the Housing Trajectory will be needed to set out the expected rate of housing delivery over the plan period, informed by evidence on land availability submitted by landowners, agents and developers. |
| Appendix 4 Key Diagram | 154 | ✓ | The key diagram will require revision to reflect any changes made to the Local Plan policies and spatial strategy, for example the location and scale of housing and employment allocations. |
| Appendix Policies Maps | 5 Sepa rate docu ment to Local Plan | ✓ | The supporting policy maps will require amendment to reflect any revisions to policy designations, for instance settlement development boundaries, allocations for housing and employment land, revisions to historic and natural environment designations such as scheduled monuments, conservation area boundaries and local wildlife sites. |

COUNCIL
19th JANUARY 2022

Report of Director of Regeneration and Policy & Director of Housing

RURAL AREA DESIGNATION – S157 HOUSING ACT 1985

PURPOSE OF REPORT

To seek members' approval for the submission of an application to the Secretary of State for Rural Area Designation under s157 of the Housing Act 1985.

RECOMMENDATION

1. That the Parishes set out in Appendix 2 be subject to an application to the Secretary of State for designation as a Rural Area under Section 157 of the Housing Act 1985.
2. That a further report be presented to Members which sets out the outcome of the application for Rural Area designation.

WARDS AFFECTED

All outside the Peak District National Park

STRATEGIC LINK

Promoting housing development that meets the needs of the present and future population of the District a key strand of the Prosperity priority action in the District Council's Corporate Plan 2020-2024. Rural Area designation will provide the opportunity to delivery rural exception affordable housing to those residents in need, rather than First Homes which are unlikely to be as affordable to residents of Derbyshire Dales. As such it will contribute to achieving this aim.

1 BACKGROUND

- 1.1** Members at the Community and Environment Committee on 5th July 2021 considered a report on the introduction by the Government of a new tenure of affordable housing - First Homes. The report also advised Members of the national planning policy changes that were brought into effect in relation to First Homes from 28th June 2021. Finally it sets out a recommended approach to address the issues that the introduction has for the District Council, as local planning authority.
- 1.2** One of the aspects of national planning policy introduced as a consequence of First Homes was the concept of First Home Exception Sites. This is an exception site (that is, a housing development that comes forward outside of local or neighbourhood plan allocations to deliver affordable housing) that delivers primarily First Homes. Such sites can come forward on unallocated land outside of a development plan.
- 1.3** First Homes Exception Sites cannot come forward in areas designated as Green Belt, or designated rural areas as defined in Annex 2 of the National Planning Policy Framework. In these areas, rural exception sites are the sole permissible type of exception site. First Homes Exception Sites should be adjacent to existing settlements, proportionate in size to them, and not compromise the protection given to areas or assets of particular importance in the National Planning Policy Framework, and comply with any local design policies and standards. A small proportion of market homes are allowed on such sites at the local authority's discretion, for example where essential to enable the delivery of First Homes without grant funding. Also, a small proportion of other affordable homes may be allowed on the sites where there is significant identified local need.
- 1.4** At the current time the revised national policy would allow both First and Rural Exception Sites to come forward in the area for which the District Council is the local planning authority.
- 1.5** Members were advised at the Community and Environment Committee in July that it was anticipated that First Homes Exception Sites may lead to higher land values as they could be more attractive to landowners than traditional rural exception sites, reducing the potential of what has been a very successful model for the delivery of affordable housing across Derbyshire Dales.
- 1.6** As such it was resolved by Community and Environment Committee that as part of the review of the Derbyshire Dales Local Plan to consider whether there was benefit in making

an application to the Secretary of State to designate any areas that meet the criteria as a Rural Areas under s157 of the Housing Act 1985. The effect of which would be to remove the potential for more speculative sites coming forward as First Homes Exception Sites, and thereby maintain the District Councils current approach of providing affordable housing through Registered Providers either for affordable rent, social rent or shared ownership.

1.7 Following consideration of this matter by Officers and discussion at the Local Plan Working Group on 13th October 2021 it is now considered appropriate to pursue such an application with the Secretary of State.

2 RURAL AREA DESIGNATION

2.1 Rural Area Designation as set out in S157 of the Housing Act 1985 can be utilised for three purposes:

- 1) Rural Safeguards from the Right to Buy – Rural designation provides two rural safeguards from the Right to Buy. Either, the Local Authority has the pre-emptive right to buy back a home that has been sold under Right to Buy when it comes onto the market, or, at resale the home bought under the Right to Buy must be sold to someone with a local connection.
- 2) Exemptions from the 10 dwelling threshold for securing affordable housing contributions - The National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) use this definition to define designated rural areas. In these areas, the NPPF states Local Planning Authorities can seek an affordable housing contribution on sites of five units or fewer.
- 3) To remove the ability of development to come forward through the First Homes Exception Sites route.

2.2 It is the latter two categories which the District Council would benefit from Rural Area designation. This would allow the District Council through the Local Plan to set a threshold of sites of 5 units or more, where the District Council would be able to seek to negotiate the delivery of affordable housing. This, in comparison to the existing policy which seeks to secure affordable housing on sites with a threshold of 10 units or more. Having a reduced threshold will increase the potential for the delivery of affordable housing both by on and off-site development.

2.3 In respect of the third category above, whilst First Homes may well widen the affordable housing model to include low cost ownership experience, on the basis of existing evidence with regards to house prices, and resident incomes, suggests that such a tenure may not be of significant benefit to the communities of Derbyshire Dales. By seeking Rural Area designation it is considered that the potential for speculative developments consisting of First Home

Exception Sites would be minimized, thereby allowing the delivery of affordable homes on Rural Exception Sites by the normal partnership means.

2.4 The overall benefit of Rural Area Designation would be to increase the overall potential delivery of affordable housing across the more rural areas of the Derbyshire Dales local planning authority area.

2.5 A copy of the Rural Area designation criteria set out by MHCLG is attached at Appendix 1. This clearly sets out that the District Council can only apply for those parts of the local planning authority to be designated as 'rural', which meet the following criteria¹:

- A population density of no more than two persons per hectare
- Areas with more than 3,000 inhabitants are ineligible.

2.6 An assessment of the local planning authority area against these two criteria has been completed and is set out in Appendix 2 for Members consideration. The assessment that has been undertaken indicates that there would appear to be scope for it to apply in all Parishes within the local planning authority area with the exception of the following:

- Ashbourne
- Darley Dale
- Matlock Bath
- Matlock Town
- Northwood & Tinkersley
- Tansley
- Wirksworth

2.7 In these locations First Home Exception Sites would still be able to come forward, but the impact would not be as significant as in other more rural areas. In any event, because the value of a discounted First Home is based on the open market value of property, even with a substantial discount applied the values will still be significant. In addition, there is a danger that in adopting a substantial discount, there is not enough profit for the developer once they have paid for the cost of building the property. There is no state subsidy to make First Homes work in the same way that shared ownership benefits from Homes England grant. This creates an inherent risk for the developer that may naturally mean First Homes won't be viable in these settlements.

¹ Rural Area designation already applies to those parts of the District Council that are situated within the Peak District National Park by virtue of s157 Housing Act 1985

3 RISK ASSESSMENT

3.1 Legal Risk

Section 157 of the Housing Act 1985 enables landlords selling houses and flats to tenants under Part 5 of the Act (the right to buy) to impose conditions restricting resale by the purchaser where the property is in a designated rural area.

Achieving Rural Area designation will not have a negative impact on Right to Buy for those Registered Providers operating within Derbyshire Dales. Designation of Rural Areas under s157 does not exempt properties from the Right to Buy.

It does not impact on the ability of any eligible tenant to take up the Right to Buy; neither does it place any obligation on a social landlord to impose the conditions enabled by the rural designation - it is solely at their discretion.

The Legal risk at the current time in connection with this report, has been assessed as low.

3.2 Financial Risk

There is no additional cost to the Council for the application for Rural Area Designation nor for working up the necessary policy position as this will be covered through our work on the review of the DDLP and is covered by the salaries budget. As such, the financial risk is low.

3.3 Corporate Risk

3.4 Promoting housing development that meets the needs of the present and future population of the District a key strand of the Prosperity priority action in the District Council's Corporate Plan 2020-2024. Rural Area designation will provide the opportunity to delivery rural exception affordable housing to those residents in need, rather than First Homes which are unlikely to be as affordable to residents of Derbyshire Dales. As such it will contribute to achieving this aim. Failure to apply and achieve Rural Area designation could result in developers' seeking to deliver First Homes as opposed to that which is more suited to the residents of Derbyshire Dales.

4 OTHER CONSIDERATIONS

4.1 In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

4.2 Climate Change

4.3 A full climate change impact assessment has not been undertaken because the recommendations would allow the Council to maintain the current successful approach to

providing affordable housing despite recent legislative changes. Any impacts of subsequent affordable housing development in rural areas will be assessed through the determination of the relevant planning applications.

5 CONTACT INFORMATION

Mike Hase – Policy Manager
Tel No. 01629 761251
Email – mike.hase@derbyshiredales.gov.uk

Rob Cogings – Director of Housing
Tel No. 01629 761354
Email – rob.cogings@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

6.1 Report to Community and Environment Committee – 5th July
2021

7 ATTACHMENTS

Appendix 1 RURAL AREA DESIGNATION CRITERIA
Appendix 2 ASSESSEMENT OF SUITABILITY OF PARISHES FOR RURAL AREA
DESIGNATION

APPENDIX 1 RURAL AREA DESIGNATION CRITERIA

Right to Buy –Rural Designation

Section 157 of the Housing Act 1985 provides that local authorities in certain areas can impose certain restrictions on the subsequent resale of homes acquired under the Right to Buy scheme. The areas concerned are (i) National Parks, (ii) Areas of Outstanding Natural Beauty, and (iii) areas designated by the Secretary of State as 'rural'.

Local authorities may apply to have specified areas designated as 'rural'. These areas might be a whole district or part of a district. When an application is submitted, an assessment is made for each parish in the area for which designation is sought. The criteria are that:

- There should be a population density of no more than two persons per hectare, and
- Towns with more than 3,000 inhabitants are ineligible.

The first criterion (the density test) can be applied flexibly. For example, some parishes just over these limits may be designated in order to avoid a 'patchwork' situation where some parishes are designated while others, broadly similar, are excluded.

Applications should be formally made to the Secretary of State and sent to the Right to Buy team, Department for Communities and Local Government, Eland House, Bressenden Place, London, SW1E 5DU.

They should include density and population figures for each parish seeking designation and also a plan (map) of the whole district showing;

- Its extent;
- All urban areas;
- The parishes to be considered
- Any National Parks and Areas of Outstanding Natural Beauty already designated for as 'rural' for this purpose.

Please contact the Right to Buy team on 0303 444 3798 if you require any further information.

APPENDIX 2 – ASSESSEMENT OF SUITABILITY OF PARISHES FOR RURAL AREA DESIGNATION

| Name | Hectares | LPA | Mid 2019 Population Estimate | Density |
|--------------------------|----------|------|------------------------------|-------------|
| Ashbourne | 442.719 | LPA | 8913 | 20.13240905 |
| Matlock Town | 1414.48 | LPA | 10030 | 7.090945082 |
| Matlock Bath | 155.589 | LPA | 767 | 4.92965441 |
| Wirksworth | 1165.098 | LPA | 5180 | 4.445977935 |
| Darley Dale | 1716.933 | LPA | 5834 | 3.39791943 |
| Northwood and Tinkersley | 225.522 | LPA | 635 | 2.815689822 |
| Tansley | 488.782 | LPA | 1143 | 2.338465819 |
| Middleton | 479.936 | LPA | 938 | 1.954427257 |
| Cromford | 761.608 | LPA | 1414 | 1.856598145 |
| Somersal Herbert | 273.055 | LPA | 481 | 1.761549871 |
| Rowsley | 374.268 | Part | 528 | 1.410753791 |
| Clifton and Compton | 362.284 | LPA | 494 | 1.363571121 |
| Rodsley | 332.218 | LPA | 391 | 1.176938035 |
| Alkmonton | 289.787 | LPA | 320 | 1.104259335 |
| Birchover | 296.82 | Part | 323 | 1.088201604 |
| Doveridge | 1787.752 | LPA | 1813 | 1.014122764 |
| Mercaston | 467.779 | LPA | 445 | 0.951303928 |
| Hulland Ward | 1010.163 | LPA | 937 | 0.927573075 |
| South Darley | 800.976 | Part | 718 | 0.896406384 |
| Bonsall | 987.406 | Part | 806 | 0.816280233 |
| Sudbury | 1456.552 | LPA | 1061 | 0.728432627 |
| Kirk Ireton | 789.247 | LPA | 545 | 0.690531608 |
| Brailsford | 1765.804 | LPA | 1212 | 0.686372893 |
| Atlow | 520.885 | LPA | 357 | 0.685372011 |
| Yeaveley | 576.22 | LPA | 391 | 0.678560272 |
| Offcote and Underwood | 791.107 | LPA | 529 | 0.66868325 |
| Hognaston | 568.761 | LPA | 357 | 0.627680168 |
| Callow | 506.487 | LPA | 296 | 0.584417764 |
| Boylestone | 549.767 | LPA | 320 | 0.582064766 |
| Carsington | 462.454 | LPA | 228 | 0.493022009 |
| Hollington | 416.868 | LPA | 203 | 0.486964699 |
| Marston Montgomery | 999.216 | LPA | 481 | 0.4813774 |
| Hulland | 429.868 | LPA | 195 | 0.453627625 |
| Stanton | 790.253 | Part | 346 | 0.437834466 |
| Aldwark | 391.624 | Part | 171 | 0.436643311 |
| Kniveton | 886.834 | LPA | 383 | 0.431873383 |
| Mapleton | 326.794 | LPA | 137 | 0.419224343 |
| Hopton | 589.513 | LPA | 228 | 0.386759919 |
| Edlaston and Wyaston | 556.626 | LPA | 198 | 0.355714609 |
| Shirley | 659.352 | LPA | 234 | 0.354893896 |
| Brassington | 1702.907 | Part | 559 | 0.328262201 |
| Osmaston | 513.802 | LPA | 166 | 0.323081654 |
| Yeldersley | 598.924 | LPA | 193 | 0.322244559 |
| Bradley | 999.593 | LPA | 298 | 0.298121335 |
| Longford | 1213.637 | LPA | 353 | 0.290861271 |
| Norbury and Roston | 1019.136 | LPA | 290 | 0.28455476 |
| Cubley | 963.028 | LPA | 240 | 0.249213938 |
| Snelston | 862.287 | LPA | 194 | 0.224983097 |
| Ballidon | 790.762 | Part | 171 | 0.216247114 |
| Bradbourne | 536.724 | Part | 107 | 0.199357584 |