

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 of the Local

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			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 accessibility to services and facilities within an 'attractive 10 minute walk'.

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			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.
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 be set.</p>

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			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.
			Protecting Derbyshire Dales Character
PD1 Design and Place Making	51	✓	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.
PD2 Protecting the Historic Environment	53	✓	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.
PD3 Biodiversity and the Natural Environment	55	✓	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 Government

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			<p>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>

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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 Corridor	71	✓	Policy has been implemented effectively since adoption and should be retained. Changes to the defined boundary and areas of land protected by

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			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.

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			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 Dwellings	80	✓	Policy revisions will be necessary to address changes in the National Planning Policy Framework, which at paragraph 80 sets out that planning policies should avoid isolated homes in the countryside unless "the development would involve

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			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 Dwellings	84	x	The policy context remains relevant limited revisions of significance anticipated. Policy being implemented effectively.

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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.

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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. 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>

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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.

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			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

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			apply to all schemes not just those on rural roads to align the policy 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';

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			'Biodiversity Net Gain'; 'Climate Change Adaptation'; 'Climate Change Mitigation' and others.
Appendix 2 Parking Standards	151	x/✓	Requirement for amendments to Parking Standards to be informed by advice from Highways Authority.
Appendix 3 Housing Trajectory	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 5 Policies Maps	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.