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Wednesday, 29 November 2023

To All Councillors:

As a Member or Substitute of the **Community & Environment Committee**, please treat this as your summons to attend a meeting on **Thursday, 7 December 2023 at 6.00 pm** in the **Council Chamber, Town Hall, Bank Road, Matlock, DE4 3NN**

Yours sincerely,

Paul Wilson
Chief Executive

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AGENDA

1. APOLOGIES FOR ABSENCE

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

2. APPROVAL OF MINUTES OF PREVIOUS MEETING (Pages 3 - 8)

26 October 2023

3. RECEIVE THE MINUTES OF SUB-COMMITTEE MEETINGS (Pages 9 - 12)

To receive the minutes of the following Sub-Committee meetings:

- Biodiversity Sub-Committee - 24 October 2023

4. PUBLIC PARTICIPATION

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by email) **BY NO LATER THAN 12 NOON OF THE WORKING 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.

5. 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 the time.

6. QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15

To answer questions from Members who have given the appropriate notice.

7. DERBYSHIRE DALES LOCAL DEVELOPMENT SCHEME 2023-2026 (Pages 13 - 40)

This report seeks approval of a revised Local Development Scheme (LDS) for the period covering 2023-2026 to be published on the Council's website.

8. ASHBOURNE AIR QUALITY MANAGEMENT AREA ACTION PLAN AND AIR QUALITY MONITORING (Pages 41 - 46)

This report provides a further update in relation to the Ashbourne Air Quality Management Area Action Plan and requests the provision of a supplementary revenue budget for the real time monitoring of a suite of air pollutants.

Members of the Committee - Councillors Martin Burfoot (Chair), Peter O'Brien (Vice-Chair), Robert Archer, Anthony Bates, Kelda Boothroyd, Matt Buckler, David Chapman, Peter Dobbs, Marilyn Franks, Gareth Gee, Susan Hobson, Dermot Murphy, Andy Nash, Peter Slack and Steve Wain

Substitutes – Councillors John Bointon, David Burton, Neil Buttle, Nigel Norman Edwards-Walker, Joanne Linthwaite, Simon Ripton, Roger Shelley and Nick Whitehead

NOTE

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Community & Environment Committee

Minutes of a Community & Environment Committee meeting held at 6.00 pm on Thursday, 26th October, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT Councillor Martin Burfoot - In the Chair

Councillors: Peter O'Brien, Anthony Bates, Kelda Boothroyd, Matt Buckler, David Chapman, Peter Dobbs, Marilyn Franks, Gareth Gee, Susan Hobson, Dermot Murphy, Andy Nash, Steve Wain and Roger Shelley

Present as substitute - Councillors: Roger Shelley

Paul Wilson (Chief Executive), Tim Braund (Director of Regulatory Services), Robert Cogings (Director of Housing) and Tommy Shaw (Democratic Services Team Leader)

Note:

“Opinions expressed or statements made by individual persons during the public participation part of a Council or committee meeting are not the opinions or statements of Derbyshire Dales District Council. These comments are made by individuals who have exercised the provisions of the Council’s Constitution to address a specific meeting. The Council therefore accepts no liability for any defamatory remarks that are made during a meeting that are replicated on this document.”

Councillor Martin Burfoot thanked all council officers, emergency services and volunteers involved in addressing and responding to the flooding events of the previous weekend suffered by residents and businesses.

APOLOGIES

Apologies for absence were received from Councillor(s): Robert Archer and Peter Slack

183/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Peter O'Brien, Seconded by Councillor Peter Dobbs and

RESOLVED (unanimously)

That the minutes of the meeting of the Community and Environment Committee held on 07 September 2023 be approved as a correct record.

The Chair declared the motion **CARRIED**.

184/23 - RECEIVE THE MINUTES OF SUB-COMMITTEE MEETINGS

It was moved by Councillor Matt Buckler, seconded by Councillor Roger Shelley and

RESOLVED (unanimously)

That the minutes of the following Sub-Committee meetings be received:

- Local Plan Sub-Committee – 27 September 2023
- Biodiversity Sub-Committee – 13 September 2023

The Chair declared the motion **CARRIED**.

185/23 - PUBLIC PARTICIPATION

There was no public participation.

186/23 - INTERESTS

Item 8 – Biodiversity Action Plan Specification.

Councillor Matt Buckler declared a non-pecuniary interest in Item 8 due to his position at Derbyshire Wildlife Trust and so did not vote on the item.

18:03 – Councillor Kelda Boothroyd entered the meeting.

187/23 - QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15

Councillor Steve Wain put forward the following questions to Councillor Martin Burfoot, Chair of the Community and Environment Committee:

“Chair.

Matlock has once again recently featured in the media regarding yet another flooding event and the serious issues the town has with parts of its ineffective infrastructure, exposed by, excessive housing development, inadequate planning assessment and a lack of knowledge of its hydrology and geology.

In July 2023 there was a Public Health incident around Presentation Avenue, Matlock, where the foul and surface drainage infrastructure surcharged during a significant rain fall event. A Care Centre was flooded with human waste and an adjacent Academy had human waste discharged into its Play Area. Later pupils were seen playing in the human waste. This is abhorrent and unacceptable.

Currently the foul waste from 300 homes is channelled through this drainage network. This includes properties on Bentley Close, Gritstone Road and Asker Lane. The waste water flow is exacerbated by joining combined surface and foul water flows on Chesterfield Road and the gradient on to Presentation Avenue.

It must be noted that the foul waste from an additional 78 houses proposed to be built adjacent to Gritstone Road, are projected to flow through the infrastructure under the Care Home and Academy.

Are you surprised, or shocked by this increased risk? I was, but not apparently the Derbyshire County Council LLFA, who appear to have failed to mention this in their most recent consultation response regarding the protracted Gritstone Road planning application.

In this document the LLFA also rescinded a holding objection relating to excessive water flows from the site, which they had imposed, in 2022. Again, no rationale was provided, in justification for this action.

Furthermore, in the same consultation they appear to abdicate responsibility and pass responsibility to our LPA, by recommending six conditions. Regularly these conditions appear to say, "construction shall not commence until a detailed assessment has been provided to, and approved by the LPA".

Who are the experts here? I know DDDC have qualified Planners, but by their own admission they are not drainage specialists!

In the above consultation response, the LLFA have also failed to specifically mention, or comprehensively comment upon, other significant issues highlighted by the community including:-

- *the significant increase in size and safety concerns of the attenuation dams, which are now so large that they require a Panel Engineer to assess them,*
- *continuing to allow excessive surface water flows from the developed area (phase1), against original STW instruction,*
- *their willingness to proceed with culverting a significant length (230m) of surface water flow, against both their own and Environment Agency policy,*
- *culverting increased surface water flows under existing homes on Bentley Close, without knowledge of where the flows actually outfall,*
- *not commenting upon, or apparently assessing the increased impact of deforestation above the proposed site.*
- *Failing to fully take account of the risk to the recently reviewed, highly sensitive, Bentley Brook catchment and the impact upon the Knowleston Place Pump Station.*

I sincerely hope that you are able seek further clarification from the LLFA and protect Officers and the Derbyshire Dales District Council from any Potential subsequent litigation, regarding flooding issues linked to this site and therefore I ask:-

1. Will the Chair of this Committee, on behalf of the local community, businesses and our Council, ensure Derbyshire County Council, Local Lead Flood Authority, provide an assurance that they have robustly assessed all the issues highlighted by the community regarding the entire hybrid site and provide full reasoning and documentation to support all their recommendations in the consultation document dated 22 September 2023?

2. Will you also ensure that the LLFA provide a comprehensive response, and documentation, to explain their irrational and potentially reckless decision to rescind the previous holding objection, in light of all the new documented evidence submitted by the community and STW?"

Councillor Martin Burfoot provided the following response:

Dear Cllr Wain

Thank you for your questions relating to surface and foul water drainage issues in several neighbourhoods in the area north of Matlock town centre.

Firstly, I want to say that I share your view that it is disgusting and totally unacceptable that recent flooding events in the town have resulted in human waste being deposited in premises below Presentation Avenue, off Chesterfield Road.

Thank you for your continuing efforts, and those of your colleague councillors and local resident groups, to uncover what you all consider to be the cause of this, as well as those responsible.

I am sure you will understand that it would be inappropriate for me to comment in detail on any aspect of the current Gritstone Road / Wolds Farm planning application.

However, I believe it is vital that our Officers demand a full report from the Panel Engineer appointed by the County Council to examine the drainage aspects of that application, to enable our Planning Committee members to reach an informed decision, in due course. I consider that this and other similar applications should not be brought before the Planning Committee unless and until officers are fully satisfied that detailed plans of supporting infrastructure are approved, would be conditioned and in place prior to the commencement of any housing development.

Likewise, with regard to the need for a preliminary risk assessment of any large flood attenuation basins proposed, I will work with officers and relevant members, including you Cllr Wain, to insist that the Environment Agency examine that risk assessment should it be considered necessary under the Reservoirs Act.

Finally, I can assure you, Cllr Wain, that I will also work with officers to get an assurance from the County Council's Lead Local Flood Authority that all the issues and concerns highlighted by Matlock councillors and the local community have been robustly assessed and evidence provided to confirm and support their recommendations to this Council.

Cllr Martin Burfoot

Chair, Community and Environment Committee

188/23 - ASHBOURNE AIR QUALITY MANAGEMENT AREA ACTION PLAN

The Director of Regulatory Services introduced a report which summarised discussions at the first meeting of the Air Quality Action Plan Working Group core group, the report also proposed that further updating reports be provided to future meetings of this Committee.

At the meeting of the Community and Environment Committee held on 7 September 2023, it was resolved that an air quality action plan working group be re-established with a core group consisting of at least one officer from the District Council and two elected Members taken from the list set out in the report. It was also resolved at that meeting that the

preliminary findings of that group be reported to the next meeting of the Community and Environment Committee.

It was noted within the report that the core group met on 4 October 2023 and the discussions which took place were detailed. These discussions included the position regarding actions for inclusion within the action plan following public consultation, the public support for a 20-mph zone within the town, and the potential synergies between the air quality action plan and the ambitions of the Ashbourne Reborn programme. The timescales for the development of further discussions and preparation of an updated suite of options for the final draft action plan were also detailed within the report.

It was moved by Councillor Peter Dobbs, Seconded by Councillor Steve Wain and

RESOLVED (unanimously)

1. That the first meeting of the Air Quality Action Plan Working Group core group be noted.
2. That a further updating report be submitted to the December meeting of this Committee.

The Chair declared the motion **CARRIED**.

189/23 - BIODIVERSITY ACTION PLAN SPECIFICATION

The Director of Regulatory Services introduced a report which sought Member approval for a specialist professional services quotation brief for the delivery of a Derbyshire Dales Biodiversity Action Plan. It was noted within the report that the resulting action plan would allow the Council to meet the requirements of the enhanced Biodiversity Duty as set out in the Environment Act 2021.

At a meeting of Council on 26 January 2023, it was resolved to support the recovery of nature across the Derbyshire Dales. A subsequent report to Council on 16 March 2023 advised Members of the Biodiversity Duty, and set out the activities being undertaken by the District Council which contributed to meeting the new requirement. This report also recommended that a plan be prepared to set out further actions which should be undertaken to meet the requirements of the newly enhanced Biodiversity Duty. Following this decision, the Biodiversity Sub-Committee agreed that a specification be prepared for a new biodiversity 'action plan'.

The quotation brief was approved by the Biodiversity Sub-Committee on 13 September 2023, following which it was referred to this meeting of the Community and Environment Committee for the appropriate approval.

It was moved by Councillor Steve Wain, Seconded by Councillor David Chapman and

RESOLVED (unanimously)

1. That the specialist professional services quotation brief at Appendix 1 be approved.
2. That the funding mechanism for the plan, as set out in paragraph 7, be approved.

3. That Council be recommended to approve a supplementary revenue budget in 2023/24 to reflect the proposed expenditure of £58,791 associated with the action plan for nature specification and work to prepare for the delivery of Biodiversity Net Gain (BNG). This would be financed by the transfer of £11,984 from the grants unapplied reserve, £26,807 grant receivable in 2023/24 and £20,000 from the General Reserve.

The Chair declared the motion **CARRIED**.

19:15 – Councillor Andy Nash left the meeting.

190/23 - PRIVATE RENTED SECTOR STUDY

The Director of Housing introduced a report which sought Member approval to recruit an additional Home-Options Officer on a temporary basis, and to engage consultants to develop an initial business plan for an Ethical Lettings Agency and direct provision of private rented homes.

The District Council, in partnership with Amber Valley Borough Council, received a £25,000 grant from the Local Government Association (LGA) and their Housing Advisors Programme at the end of 2021/22. The grant award followed a successful bid for funding to undertake research into the private rented sector across the areas covered by both authorities. Altair were appointed to undertake the research which took place between April 2022 and March 2023. The final report was received prior to the local elections in May, which resulted in a delay in reporting this information to Members. The recommendations proposed by Altair were set out in the report for Members to consider.

It was moved by Councillor Peter O'Brien, Seconded by Councillor Matt Buckler and

RESOLVED (unanimously)

1. That an additional Home-Options Officer be recruited on a temporary basis, funded by an earmarked reserve.
2. That the Director of Housing engage suitable consultants to develop an initial business plan for an Ethical Lettings Agency and direct provision of private rented homes that can be brought back to Members for further consideration.

The Chair declared the motion **CARRIED**.

Meeting Closed: 7.30 pm

Chairman



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Biodiversity Sub-Committee

Minutes of a Biodiversity Sub-Committee meeting held at 6.00 pm on Tuesday, 24th October, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT

Councillor Matt Buckler - In the Chair

Councillors: Martin Burfoot, John Bointon, Stuart Lees, Roger Shelley and Peter Slack

Dr Claire Mead and Dr Andy Broadhurst (Derbyshire Swift Conservation Project)

Tim Braund (Director of Regulatory Services), Joanna Hill (Climate Change Project Officer) and Angela Gratton (Democratic Services Officer)

Note:

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APOLOGIES

No apologies for absence were received.

178/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Peter Slack, Seconded by Councillor Roger Shelley and

RESOLVED (unanimously)

That the minutes of the meeting of the Biodiversity Sub-Committee held on 13 September 2023 be approved as a correct record.

The Chair declared the motion **CARRIED**.

179/23 - PUBLIC PARTICIPATION

The following statement and question were submitted by Ms Sue Bliss, Matlock Local Resident

"I'm hoping that the destruction of wildflowers, (on many sites within a few metres of my home on Morledge) which are a valuable habitat and source of sustenance for insects won't be repeated next spring.

Please could the Biodiversity Sub-Committee let me know what progress has been made in changing the mowing regime to help reverse the decline in biodiversity."

The following response was provided:

Thank you for your question.

Your recommendation to alter the mowing regime to enhance biodiversity is one that the District Council has already undertaken. The District Council operates a monthly cut rather than on all verges that has been proven to enhance diversity. In addition, areas that have been identified under the Biodiversity Project has been left to two or three cuts a year.

The Biodiversity Sub-Committee will look to continue the Biodiversity Project under a new Biodiversity Action Plan. The subject of mowing regimes will likely be covered in the plan. Fortunately, mowing season has ended and the Council has six months to put forward a new management regime. This will be done in a structured manner to include highway safety, local users, accessibility and encompass other perspectives.

180/23 - INTERESTS

Item 6 - Biodiversity net gain update:

Councillor Matthew Buckler declared a pecuniary interest in Item 6 due to his role with Derbyshire Wildlife Trust.

Councillor Peter Slack declared a non-pecuniary interest in Item 6 due to being a member of Wilder Wirksworth.

Councillor Martin Burfoot declared a non-pecuniary interest in Item 6 due to being a Member of Matlock in Bloom.

Councillor John Bointon declared a pecuniary interest in Item 6 due to having a contract to cut verges and pathways for Doveridge Parish Council.

181/23 - PROPOSAL FOR A COLLABORATIVE PROJECT BETWEEN DERBYSHIRE SWIFT CONSERVATION PROJECT AND DERBYSHIRE DALES DISTRICT COUNCIL

The Climate Change Project Officer introduced two members of the Derbyshire Swift Conservation Project, Dr Claire Mead and Dr Andy Broadhurst who gave a presentation to Members outlining a project which would be undertaken in collaboration with the District Council to address the loss of common swift nesting sites across the district.

Members were informed that the common swift had declined across the UK by more than 65%, it was noted that the main factor for this decline appeared to be the ongoing loss of suitable nest sites on existing buildings as building repairs, renovation and replacement gradually results in the loss of access holes to their nest sites.

The three phases of the Derbyshire Dales Swift Project were detailed as follows:

Phase I: surveying

Objectives:

- 1) To provide accurate data to determine the distribution of nesting swift colonies.
- 2) To provide accurate data to determine estimates of swift population numbers.
- 3) Establish areas and types of buildings used and preferred by swifts.

Phase II: risk assessment

Objectives:

- 4) Identify high risk areas where nest sites will be lost.
- 5) Raise awareness of swift decline and the importance of nest availability working with the project co-ordinator and local volunteers, the Derbyshire Dales Swift Project would fund events (meeting rooms, printing costs etc) and help raise local awareness of the project and what we're trying to achieve. The aims would be to identify high risk areas, establish contact with landlords, social housing managers and householders and plan the distribution and extent of nest box installation.

Phase III: mitigation

Objectives:

- 6) Establish nest installation programme.
- 7) Monitor impact of nest box programme.

Once the target number of boxes is identified, based on the evidence collected, Derbyshire Dales Swift Project would set up a nest installation programme. By providing a recognised, credible source of advice, and installation service, we would be able to instigate a successful nest box programme across the Derbyshire Dales.

Examples of actions to encourage uptake could include:

- a) Pay installation costs.
- b) Subsidise box costs for householders who take part in the scheme.
- c) A fund to be allocated for free provision of boxes to households unable to pay.

Monitoring: householders would be encouraged to take part in a citizen science project to record the uptake of swift nest boxes. We would also use a nest box webcam to create public awareness on our websites and social media.

The proposal focused on creating and replacing nesting sites on our existing housing and buildings. It was noted within the report that the opportunity presented was at a significant scale and less time constrained than interventions on new built development. It was also noted that the installation of Swift boxes – phase 3 of the proposed project - is a simple and relatively inexpensive process but it is important that the preceding phases are undertaken to ensure the interventions have the most impact.

Swift boxes are referred to as 'universal nesting boxes'. They can accommodate house sparrows, starlings, tree sparrows, blue tits, great tits, and occasionally house martins, therefore offering nesting sites to a variety of native bird species. Stabilising and reversing species loss has a clear benefit to biodiversity – both locally and globally.

It was moved by Councillor Martin Burfoot, Seconded by Councillor Stuart Lees and

RESOLVED (unanimously)

That a delivery plan and costings are prepared for the project and presented to the appropriate committee for consideration.

The Chair declared the motion **CARRIED**.

182/23 - BIODIVERSITY NET GAIN UPDATE

The Climate Change Project Officer presented Members with an update on Biodiversity Net Gain. On the 27th September 2023 DEFRA confirmed that the Government was delaying the introduction of the mandate to deliver 10% Biodiversity Net Gain (BNG) on all sites, contained in the 2021 Environment Act.

BNG was meant to become part of the planning system in England in November 2023. However, DEFRA had announced that under its 'updated timetable' developers would be required to deliver net gain on all sites from January 2024. DEFRA also announced that by the end of November they would publish all guidance and the regulations.

Members were informed that a further update on the Council's activities in preparation for the delayed launch of BNG would be provided as part of a wider Biodiversity update report at the next Biodiversity Sub-Committee meeting in November, as agreed at the Sub-Committee meeting on 13 September 2023.

Meeting Closed: 6.45 pm

Chairman

Agenda Item 7

**OPEN REPORT
COMMUNITY AND ENVIRONMENT COMMITTEE**

Community and Environment Committee – 7 December 2023

Derbyshire Dales Local Development Scheme 2023-2026

Report of Director of Regeneration and Policy

Report Author and Contact Details

Esther Lindley, Senior Planning Policy Officer
01629 761241 or esther.lindley@derbyshiredales.gov.uk

Wards Affected

All Wards Outside the Peak District National Park

Report Summary

This report seeks approval of a revised Local Development Scheme (LDS) for the period covering 2023-2026 to be published on the Council's website.

Recommendations

1. That the Derbyshire Dales Local Development Scheme 2023-2026 as set out in Appendix 1 to this report be approved and brought into immediate effect.
2. That the approved Local Development Scheme be published on the District Council's website as soon as practically possible.

List of Appendices

Appendix 1 Derbyshire Dales Local Development Scheme 2023-2026

Background Papers

[Adopted Derbyshire Dales Local Plan](#) (December 2017)

[National Planning Policy Framework](#) (July 2021)

[Planning Practice Guidance](#) (June 2021)

[Report to Local Plan Sub Committee – Derbyshire Dales Local Development Scheme 2023-2026](#) (27th September 2023)

[Report to Local Plan Sub Committee – Derbyshire Dales Local Plan Review](#) (3rd July 2023)

[Report to Community and Environment Committee – Derbyshire Dales Local Development Scheme 2022-2025](#) (1st November 2022)

[Derbyshire Dales Local Development Scheme 2022-2025](#) (November 2022)

Consideration of report by Council or other committee

This report seeks to update the Local Development Scheme to reflect the updated timetable for the review of the Derbyshire Dales Local Plan. The revised Local Development Scheme was approved by the Local Plan Sub Committee on 27th

September 2023 and is reported to Community and Environment Committee for approval.

Council Approval Required

No

Exempt from Press or Public

No

Derbyshire Dales Local Development Scheme 2023-2026

1. Background

- 1.1 Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by Section 111 of the Localism Act) requires that local planning authorities prepare a Local Development Scheme (LDS), which sets out the Council's programme for the preparation and adoption of Local Development Documents over a three year period.
- 1.2 The National Planning Policy Framework (NPPF) requires that the planning system should be plan led, with an up-to-date plan providing a positive vision for the future of the area that sets out a framework for addressing housing needs, economic, social and environmental priorities. The National Planning Practice Guidance (NPPG) states that local planning authorities must keep communities informed of plan making activity, by publicising and keeping up to date their timetable for producing their Local Plan in a Local Development Scheme (LDS). The LDS should be published on the authority's web site.
- 1.3 Following changes in legislation there is no longer a requirement for local planning authorities to specify the timetables for producing other planning documents such as Supplementary Planning Documents (SPD's) and the Statement of Community Involvement (SCI) in the LDS. However, where being prepared, details of these documents, and their timetable for preparation should be set out on the Council's website. Local Planning Authorities are however encouraged to include within their Local Development Scheme, details of other documents which form (or will form) part of the development plan for the area such as Neighbourhood Plans.

2. Key Issues

- 2.1 The Derbyshire Dales Local Plan was adopted on 7 December 2017 and the most recent Local Development Scheme was brought into effect in November 2022 and covers the period 2022-2025¹.
- 2.2 Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires local planning authorities to review and assess whether local plans need updating at least every five years from their adoption date to ensure that policies remain relevant and effectively address the need of the local community.
- 2.3 In accordance with the National Planning Policy Framework Local Plan reviews should be completed no later than five years from the adoption date of the Plan and should take into account changing circumstances affecting the area, and/or any relevant changes in national policy. Members will recall that a report was presented to a meeting of the Local Plan Sub Committee on 3rd July 2023 (Minute 37/23), which set out the work that has been undertaken on the Local Plan Review, proposals for future work to finalise the Local Plan Review and an indication of timescale to complete the review and adoption of the Local Plan.

¹ <https://www.derbyshiredales.gov.uk/planning/planning-policy-and-local-plan/local-development-scheme>

- 2.4 At the recent meeting of Local Plan Sub Committee on 27th September 2023 (Minute 134/23) Members considered three potential options for consultation and taking forward the Local Plan. Each option has different consequences for the timetable and adoption of the Derbyshire Dales Local Plan. The three options considered were:

<p>OPTION 1 - Local Plan preparation to meet statutory requirements only</p> <p>This option would entail completion of the local plan evidence base and move to the statutory stages of plan preparation and consultation at Regulation 18 (Preparation of the Local Plan) in Autumn 2025 and Regulation 19 (Publication of the Local Plan) in Spring 2025 prior to submission to the Secretary of State for examination in June 2025. This would see consultation on the preferred approach (Draft Plan) at Regulation 18 stage, not allowing for any prior consultation with communities or stakeholders on key issues for the plan to address, to inform the preparation of the preferred approach. This option would see the Plan submitted for examination in June 2025.</p>
<p>OPTION 2 – Local Plan preparation to include focussed housing ‘issues and options’ consultation on evidence base prior to statutory stages</p> <p>This option would entail completion of the ‘housing’ evidence base elements of the Local Plan and a targeted ‘issues and options’ style consultation. This would include options to meet the housing requirement for the plan area, such as the housing target, evidence on site availability, distribution strategy and settlement hierarchy. Consultation would be carried out in spring 2024, following which the wider evidence base would be finalised and the statutory stages of consultation at Regulation 18 (Preparation of the Local Plan) and 19 (Publication of the Local Plan) would be undertaken. This option would see the Plan submitted for examination in June 2025.</p>
<p>OPTION 3 – Local Plan preparation to include broad ‘issues and options’ consultation on all evidence base prior to statutory stages</p> <p>This option would see significant engagement and consultation with communities and consultees to assist with plan preparation. Issues and Options consultation would be undertaken once significant amounts of the evidence base refresh have been completed covering the entire scope of the Local Plan rather than focusing on the housing elements of the strategy identified in Option 2 above. Introducing further rounds of consultation would require additional resources and waiting for the completion of the evidence base would not see consultation undertaken until summer 2024 at the earliest, with further preparation and consultation undertaken thereafter. This would result in a longer plan preparation period and not allow the deadline to submit the local plan for examination required by the transitional arrangements set out in the recent Plan Making Reforms proposed by DLUHC to be met, leaving the authority open to challenge and without a sound local plan in place to guide decisions on growth and development.</p>

- 2.5 In considering which of the options are appropriate Members of Local Plan Sub Committee were made aware of the DLUHC proposals and recent

consultation on Plan Making Reforms², which sets out proposals to make local plans simpler, faster to prepare and more accessible and to ensure that they are positively shaped by the views of communities about how their area should evolve. The consultation on Plan Making Reforms sets out a series of transitional arrangements to ensure that effective planning continues. The Government's proposals set out:

- Plan makers have until 30th June 2025 to submit plans under the existing legal framework and;
- Plan makers will have until 31 December 2026 for their plans to be adopted, with all independent examinations also having been completed by this point.
- Authorities that do not meet the 30 June 2025 submission deadline for old style plans will need to prepare plans under the new system.

- 2.6 Members of the Local Plan Sub Committee were advised that the transitional arrangements set out above would apply to the preparation of the Derbyshire Dales Local Plan. In considering the most appropriate approach Members of Local Plan Sub Committee were of the view that the deadline for submission of the Local Plan to the Secretary of State by 30th June 2025 was reasonable and achievable.
- 2.7 The transitional arrangements would mean that the revised Plan would be examined under the current system. This will necessitate having to engage in the Duty to Co-operate and satisfy the Test of Soundness. However, having to address such requirements must be balanced against the fact for Derbyshire Dales delaying the adoption of a new Local Plan which will expose the local planning authority to further risk of speculative development in unfavoured locations.
- 2.8 Taking all matters into consideration Members of Local Plan Sub Committee considered that *OPTION 2 - Local Plan preparation to include focussed housing 'issues and options' consultation on evidence base prior to statutory stages* as outlined above, represented the most appropriate approach for preparation of the Derbyshire Dales Local Plan. This approach recognises and balances the desire to undertake early and constructive public consultation on the key housing and spatial strategy issues for the Local Plan alongside the requirement to advance plan preparation and meet the deadline to submit the Plan for examination to the Secretary of State by the 30th June 2025 deadline.
- 2.9 Accordingly, on this basis a revised Local Development Scheme has been prepared to cover the period 2023-2026, and is set out in **Appendix 1**.
- 2.10 The revised Local Development Scheme provides details of the next stages of Local Plan preparation to allow interested parties to keep track of progress and reflect the requirements of the regulations. The Local Development Scheme also sets out the resources required to take the Plan forward and the risks associated with its preparation. The key milestones which form the basis of the

² <https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation>

timetable for the preparation of the revised Derbyshire Dales Local Plan within the Local Development Scheme 2023-2026 are set out below:

Housing Issues and Options Consultation	March 2024
Draft Modifications	September 2024
Draft Submission Modifications	February 2025
Submit Modifications to Secretary of State	June 2025
Examination in Public (End)	November 2025
Adoption of Modifications	March 2026

3. Options Considered and Recommended Proposal

- 3.1 It is a legal requirement to prepare and keep up to date a Local Development Scheme which sets out a publicly available timetable for the preparation/review of a Local Plan. This report seeks approval for an updated timetable for the review, preparation and adoption of the Local Plan. Three options have been considered for the consultation and preparation of the Local Plan. Taking all matters into consideration, as outlined in the report it is recommended that Option 2, as presented represents the most appropriate approach for taking forward the Local Plan.
- 3.2 Members are recommended to approve the Derbyshire Dales Local Development Scheme, as set out in Appendix 1 and for the Local Development Scheme to be published on the District Council's website as soon as practically possible.

4. Consultation

- 4.1 None required for the Local Development Scheme. Public consultation will, however, be an integral part of the completion of the review of the Derbyshire Dales Local Plan.

5. Timetable for Implementation

- 5.1 It is recommended that the Derbyshire Dales LDS be brought into immediate effect once approved by this Committee.

6. Policy Implications

- 6.1 None – this is a technical document which has no policy implications for the District Council.

7. Financial and Resource Implications

- 7.1 The Derbyshire Dales Local Development Scheme has no direct financial and resource implications for the District Council. The Local Development Scheme enables the District Council to plan the resources and timetable for the Local Plan. This in turn could potentially have financial and resource implication and would be taken into account when preparing the Medium Term Financial Strategy.

8. Legal Advice and Implications

- 8.1 This report seeks approval of a revised Local Development Scheme (LDS) for the period covering 2023-2026 to be published on the Council's website
- 8.2 The proposals accord with the provisions of the relevant legislation
- 8.3 There is one recommended decision to be taken in connection with this report and the legal risk associated with the decision as recommended has been assessed as low.

9. Equalities Implications

- 9.1 The Derbyshire Dales LDS has no direct equalities implications. The review of the Derbyshire Dales Local Plan will be subject to a comprehensive Equalities Impact Assessment.

10. Climate Change Implications

- 10.1 The Derbyshire Dales LDS has no direct climate change implications. The review of the Derbyshire Dales Local Plan will include revised policies which will seek to mitigate the effects Climate Change and be subject to a Climate Change Impact Assessment.

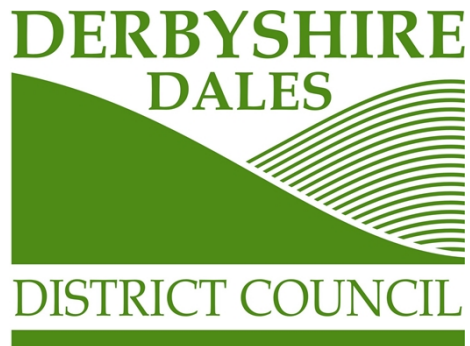
11. Risk Management

- 11.1 At this time the risk associated with the preparation of the Derbyshire Dales LDS is low. The Derbyshire Dales Local Plan is one of the pivotal plans and strategies ensuring the delivery of the District Council's aims and objectives as set out in its Corporate Plan. Any significant delays in undertaking the review of the Derbyshire Dales Local Plan will increase the risk to the District Council of delivering its key aims and objectives.

Report Authorisation

Approvals obtained from: -

	Named Officer	Date
Chief Executive	Paul Wilson	29/11/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Gemma Hadfield	23/11/2023
Monitoring Officer (or Legal Services Manager)	Helen Mitchell	29/11/2023



DERBYSHIRE DALES DISTRICT COUNCIL

LOCAL DEVELOPMENT SCHEME

2023-2026

September 2023

DERBYSHIRE DALES DISTRICT COUNCIL

LOCAL DEVELOPMENT SCHEME

2023-2026

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Appendix 1 – Local Plan Review 2023 – Risk Assessment

1. INTRODUCTION

Localism Act 2011

- 1.1 The Local Development Scheme (LDS) is a three year project plan which sets out the timescales for the preparation and review of Local Development Documents within Derbyshire Dales. An LDS is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The LDS must specify:
- The local development documents which are to be development plan documents;
 - The subject matter and geographical area to which each development plan document is to relate;
 - Which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities;
 - Any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee;
 - The timetable for the preparation and revision of the development plan documents; and
 - Such other matters as are prescribed.
- 1.2 The LDS must set out (among other matters) the documents which, when prepared will comprise the Development Plan for the area. It must be made publically available and kept up to date. To enable local communities and interested parties to keep track of progress this LDS has been prepared and covers the period 2023 – 2026. Up to date and accessible reporting on the Local Development Scheme in the Authority Monitoring Report is an important way in which authorities can keep informed of plan making activity. This LDS supersedes the previous version of the LDS published in November 2022.

Local Plan Regulations

- 1.3 The Town and Country (Local Planning) (England) Regulations 2012 came into force on 6 April 2012. These Regulations prescribe the form and content of a Local Plan and Policies Map and set out the procedural arrangements for preparing Local Plans. They also list the prescribed bodies in relation to the Duty to Co-operate, the requirements in relation to the Authority Monitoring Report (AMR), and set out how information should be made available for inspection.
- 1.4 Following changes in legislation there is no longer a requirement for local planning authorities to specify the timetable for the production of other planning documents, such as Supplementary Planning Documents (SPDs), the Community Infrastructure Levy (CIL) and the Statement of Community Involvement (SCI) in the LDS. However, it is considered good practice, that where these are being prepared their details and timetable for preparation are set out on the local planning authority website¹.

¹ [Planning policy - Derbyshire Dales District Council](#)

Neighbourhood Planning Regulations

- 1.5 Town and Parish Councils can prepare *Neighbourhood Development Plans*. These can set out the vision and planning policies for the use and development of land in a particular designated neighbourhood area. Neighbourhood Plans, must, however, be in general conformity with the National Planning Policy Framework and the local planning authority's strategic planning policies. When a Neighbourhood Development Plan is approved by an independent examiner and agreed through a local referendum, the local planning authority must adopt it as part of its Development Plan and take it into account when making decisions on planning applications in the area.
- 1.6 As Neighbourhood Development Plans are not prepared by the District Council and their timetables are dependent on the progress made by the respective communities, they are not required to be included in the LDS. However, to reflect good practice, information on neighbourhood planning activity and 'made' Neighbourhood Plans in the Derbyshire Dales is included in this LDS. More detailed information is, however, available on the District Council's website².

The National Planning Policy Framework

- 1.7 A revised National Planning Policy Framework (NPPF) was published in July 2021. It commits the Government to the principle of a plan-led system where decisions on planning applications are made in accordance with the development plan unless material considerations indicate otherwise. The NPPF sets out the importance of Local Plans as being key to delivering sustainable development that reflects the vision and aspirations of local communities and providing a framework for addressing housing needs and other economic, social, and environmental priorities; and platform for local people to shape their surroundings.
- 1.8 Various strategic priorities must be addressed in a Local Plan, including policies to deliver the homes and jobs needed together with any necessary retail, leisure and other commercial development. The NPPF stresses that plans must be based on adequate, up to date and relevant evidence. National planning policy sets out clear expectations about how a Local Plan must be developed to be justified, effective, consistent with national policy and positively prepared to deliver sustainable development that meets local needs and national priorities.

The National Planning Practice Guidance

- 1.9 The National Planning Practice Guidance (NPPG) provides complementary guidance for local planning authorities on the production, preparation and deliverability of Local Plans. The NPPG reiterates the key role of Local Plans in delivering sustainable development that reflects the vision and aspirations of local communities. It advocates the role of the Local Plan as an important tool in guiding decisions on development proposals and acting as the starting point for decision making.
- 1.10 The NPPG sets out that the Local Plan should make clear what is intended to happen in the area over the life of the Plan, where and when this will occur and how

² <https://www.derbyshiredales.gov.uk/planning/planning-policy-and-local-plan/neighbourhood-planning>

it will be delivered. A key diagram and policies map must also be included to indicate the geographic application of the policies in the plan. The NPPG also indicates the type of documents which should form the appropriate and proportionate evidence base to support the preparation of a Local Plan.

2. PROPOSED LOCAL DEVELOPMENT SCHEME

The Development Plan

2.1 The 'Development Plan' comprises one or more 'adopted development plan documents'. The Local Plan is the main document produced by the District Council which sets out the policies and proposals for the use and development of land for the period up to 2033. This is one of the documents that make up the 'Development Plan' for Derbyshire Dales. Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The following documents currently comprise the statutory Development Plan for Derbyshire Dales;

- **The Derbyshire Dales Local Plan³** – Adopted December 2017; sets out up to 2033 the overall vision, objectives and policies for the future development of those parts of the Derbyshire Dales that lie outside the Peak District National Park. The Local Plan provides a strategy for the spatial development of the Derbyshire Dales and provides a framework for promoting and controlling development. The Plan allocates sites for housing and employment development and provides development management policies for use in the determination of planning applications.
- **Neighbourhood Development Plans** – The Localism Act 2011 introduced the right for communities to prepare their own Neighbourhood Development Plans. Neighbourhood Development Plans to become part of the Development Plan and used in the determination of planning applications have to follow a formal statutory process for preparation; consultation and be examined by an appointed person. When adopted, the 'made' Neighbourhood Plan is used to assess and determine planning applications within the Plans Designated Area.

There are currently six 'made' Neighbourhood Plans in Derbyshire Dales:

- Ashbourne, made on the 1st July 2021.⁴
- Brailsford, made on 1st July 2021.⁵
- Darley Dale, made on 19th February 2020⁶
- Doveridge, made on 26th July 2018.⁷
- Kirk Ireton, made on 1st July 2021⁸
- Wirksworth, made on 25th June 2015⁹

³ <https://www.derbyshiredales.gov.uk/planning/planning-policy-and-local-plan/local-plan/local-plan-information-and-adoption>

⁴ [Ashbourne Neighbourhood Plan - Derbyshire Dales District Council](#)

⁵ [Brailsford Neighbourhood Plan - Derbyshire Dales District Council](#)

⁶ [Darley Dale Neighbourhood Plan - Derbyshire Dales District Council](#)

⁷ [Doveridge Neighbourhood Plan - Derbyshire Dales District Council](#)

⁸ [Kirk Ireton Neighbourhood Plan - Derbyshire Dales District Council](#)

⁹ [Wirksworth Neighbourhood Plan - Derbyshire Dales District Council](#)

Other Material Considerations to Decision Making

2.2 Decisions on planning applications must be made in accordance with Development Plan Documents unless other material planning considerations indicate otherwise. There are however other documents that complement DPDs, and provide detailed guidance that can assist in the determination of planning applications, and which are material to the District Council's decision making.

- **Supplementary Planning Documents (SPD's)** – provide supplementary advice and guidance and are material considerations in the determination of planning applications. SPD's are not subject to independent examination but are subject to public consultation in accordance with the Regulations and the District Council's Statement of Community Involvement. The District Council has a number of adopted SPD's that support the policies of the Derbyshire Dales Local Plan.
 - Conversion of Farm Buildings¹⁰
 - Landscape Character and Design¹¹
 - Developer Contributions¹²
 - Climate Change¹³
 - Shop front and commercial properties¹⁴

2.3 As part of the review of the Derbyshire Dales Local Plan revisions to the adopted Supplementary Planning Documents may be required and/or new Supplementary Documents prepared to reflect and support policies in the revised Derbyshire Dales Local Plan 2017-2040.

¹⁰ <https://www.derbyshiredales.gov.uk/planning/planning-policy-and-local-plan/supplementary-planning-documents/conversion-of-farm-buildings>

¹¹ <https://www.derbyshiredales.gov.uk/planning/planning-policy-and-local-plan/supplementary-planning-documents/landscape-character-and-design>

¹² https://www.derbyshiredales.gov.uk/images/D/Adopted_S106_SPD_Final_Clean_Version_Feb_2020.pdf

¹³ <https://www.derbyshiredales.gov.uk/planning/planning-policy-and-local-plan/supplementary-planning-documents/climate-change>

¹⁴ <https://www.derbyshiredales.gov.uk/planning/planning-policy-and-local-plan/supplementary-planning-documents/shopfronts-and-commercial-properties>

Derbyshire Dales Local Plan Review

- 2.4 The Derbyshire Dales Local Plan was adopted in December 2017. Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, requires Local Planning Authorities to review and assess whether local plans need updating at least every five years. To comply with this duty a review of the Derbyshire Dales Local Plan had to be completed by December 2022.
- 2.5 The advice in the National Planning Practice Guidance (NPPG) is that Local Plan reviews should be proportionate to the issues in hand. The guidance also suggests that policies age at different rates according to local circumstances 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 the policies within remains effective at managing the use and development of land in the future.
- 2.6 To ensure that this requirement was met the District Council commenced a review of the adopted Derbyshire Dales Local Plan in November 2020¹⁵.
- 2.7 The review process involved commissioning an update of the evidence base, and to identify the extent to which the policies and proposals in the adopted Derbyshire Dales Local Plan required updating to ensure compliance with national planning policy and local priorities.
- 2.8 In January 2022, the District Council resolved that for the purposes of Regulation 10A that it had completed the review of the Derbyshire Dales Local Plan¹⁶. Whilst the District Council resolved that the review of the Derbyshire Dales Local Plan had been completed it also resolved that detailed further work was required on those parts of the adopted Derbyshire Dales Local Plan that had been identified as necessary to be modified. Since January 2022, work has been undertaken to consider the detailed policy wording in relation to topics such as Climate Change, Biodiversity and Design.
- 2.9 In March 2022 the District Council resolved that further additional work was required to ascertain whether there was sufficient land available to meet the potential future housing needs of the District Council up to 2040¹⁷. In November 2022¹⁸ a six-week public consultation was undertaken on the potential future Local Plan housing strategy. Further work on the review of the Local Plan is ongoing.
- 2.10 This LDS has been prepared to inform the preparation and review of the adopted Derbyshire Dales Local Plan over the next three years for the period 2023-2026. This LDS sets out the timetable for the review of the Local Plan, the resources required to take the Plan forward and the risks associated with its preparation.
- 2.11 The Programme for the Review of the Derbyshire Dales Local Plan set out within Section 3 envisages the adoption of a new revised Local Plan by early 2026.

¹⁵ <https://democracy.derbyshiredales.gov.uk/CeListDocuments.aspx?CommitteeId=137&MeetingId=352&DF=09%2f11%2f2020&Ver=2>

¹⁶ <https://democracy.derbyshiredales.gov.uk/CeListDocuments.aspx?CommitteeId=137&MeetingId=366&DF=19%2f01%2f2022&Ver=2>

¹⁷ <https://democracy.derbyshiredales.gov.uk/CeListDocuments.aspx?CommitteeId=137&MeetingId=370&DF=24%2f03%2f2022&Ver=2>

¹⁸ <https://www.derbyshiredales.gov.uk/planning/planning-policy-and-local-plan/local-plan/local-plan-review-consultation>

Derbyshire Dales Local Plan Review - Consultation

2.12 The National Planning Policy Framework requires that Plan making should be shaped by proportionate and effective engagement between plan makers, communities, local organisations, business, infrastructure providers and operators and statutory consultees (Paragraph 16 NPPF). Local Planning Authorities are required to set out in their Statement of Community Involvement how they intend to engage with communities and stakeholders during plan making and how they will be involved in the preparation, alteration and review of Local Plans and also in the determination of planning applications. The District Councils Statement of Community Involvement is available to view on the District Councils website¹⁹.

Monitoring

2.13 Up to date and accessible reporting on the Local Development Scheme is set out in the District Councils Authority Monitoring Report and is an important way in which local communities and stakeholders can be kept informed of plan making activity. The AMR monitors the implementation of the adopted Derbyshire Dales Local Plan and progress of the LDS on an annual basis, reporting in December each year. The latest AMR covers the period 2021-2022 and is available on the District Councils website.²⁰

2.14 The AMR will monitor the delivery of policies in the Local Plan when they have been adopted as well as referring to the Council's five-year housing land supply; Neighbourhood Plans; Infrastructure Delivery; projects and programmes in relation to the Duty to Co-operate and targets and indicators have been identified for the policies within Local Plan.

Programme for Derbyshire Dales Local Plan Review – 2023-2026

Derbyshire Dales Local Plan Review LDS Timetable 2023-2026											
Derbyshire Dales Local Plan	2023		2024				2025				2026
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1
Housing Issues and Options Consultation - March 24											
Draft Modifications - September 24											
Draft Submission Modifications - February 25											
Submit Modifications to SoS-June 25											
Examination in Public (End)- November 25											
Adoption of Modifications- March 26											

Table 1: Derbyshire Dales Local Plan LDS Timetable 2023-2026

3.1 An explanation of the key milestones in Table 1 are set out below:

3.2 **Housing Issues and Options Consultation** – The Council will undertake 'Issues and Options' consultation on housing aspects of the Local Plan.

3.3 **Draft Modifications** – The Council will publish draft modifications for public consultation to the Local Plan as part of its review.

3.4 **Draft Submission Modifications** – The Council will finalise its modifications and prepare them for submission.

¹⁹ <https://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/statement-of-community-involvement>

²⁰ <https://www.derbyshiredales.gov.uk/planning/planning-policy-and-local-plan/authority-monitoring-report>

- 3.5 **Submit Modifications to Secretary of State** – The Council will submit the modifications to the Secretary of State.
- 3.6 **Examination in Public (End)** – The modifications will be subject to public examination.
- 3.7 **Adoption of Modifications** - Once the Council has received the Inspectors report it will revise the Local Plan and seek to formally adopt the revised Plan.

Derbyshire Dales Local Plan Review

Overview

Role & Subject	Review of adopted Derbyshire Dales Local Plan (2017). Set out vision, objectives and spatial development strategy to 2040 within the context of the Derbyshire Dales. It will include land allocations and a suite of strategic and development control policies that will be utilised to deliver the overall vision and spatial development strategy.
Coverage	Local Planning Authority Area.
Status	Development Plan Document.
Conformity	NPPF/NPPG

Timetable

Stage	Dates
Commencement of Preparation Process	November 2020
Commence Identification of Key Issues	January 2021
Statutory Review of Local Plan Completed	January 2022
Housing Issues and Options Consultation	March 2024
Draft Modifications	September 2024
Draft Submission Modifications	February 2025
Submit Modifications to Secretary of State	June 2025
Examination in Public (End)	November 2025
Receipt of Inspector's Report	January 2026
Adoption of Modifications	March 2026

Arrangements for Production

Organisational Lead	Director of Regeneration and Policy & Policy Manager
Political Management	Local Plan Sub Committee, Community and Environment Committee and Council.
Internal Resources	Derbyshire Dales Planning Policy Section
External Resources	Peak District Partnership; Derbyshire County Council; Appointed Consultants; key Stakeholders and consultees
Community & Stakeholder Involvement	In accordance with the Town and Country Planning (Local Development) (England) Regulations 2004 as amended by the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012 and the strategy set out in the Statement of Community Involvement.

Post Production

Monitoring and Review	The Local Plan sets out a number of Key Performance Indicators that will be monitored on an annual basis through the Authorities Monitoring Report, and changes will be made to the Local Plan as necessary.
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Development Plan Policies to be replaced

Derbyshire Dales
Local Plan Adopted
(2017)

4 Delivery and Implementation

Resources

- 4.1 All work undertaken in connection with the preparation of the Derbyshire Dales Local Plan will be managed by the District Council's Policy Manager. Staff resources will be drawn mainly from the Planning Policy section. The Planning Policy section consists of 2.6 full-time equivalent (FTE) posts, consisting of Policy Manager, Senior Planning Policy Officer, Planning Policy Officer, and Administrative Assistant. If required, a Programme Officer will be appointed to assist the Inspector through any future examination of the Derbyshire Dales Local Plan. Other sections from within the District Council will be drawn upon for extra resources when required to provide support to the Planning Policy team, such as the Business Support Unit and Officers from the Regulatory Services Department.
- 4.2 Advice will be sought from Council Officers in other sections and departments including the Development Manager; Head of Housing Services; and Director of Regeneration and Policy. Advice on traffic and transportation matters will be obtained from Derbyshire County Council. External advice will be sought on matters such as nature conservation from Natural England and Derbyshire Wildlife Trust and Historic England on the historic environment for instance.
- 4.3 The District Council has sufficient budget to support the preparation of Local Plan, including the Examination in Public.

Risk Assessment and Management

- 4.4 As part of the review of the Derbyshire Dales Local Plan a Risk Assessment has been undertaken which considers the possible risks to the Local Plan preparation process and degree of impact. A copy of this risk assessment is set out within Appendix 1.
- 4.5 Table 2 below identifies a range of potential risks, their impact and likelihood of occurrence, together with contingency and mitigation measures.

Risk	Likelihood	Impact	Contingency	Mitigation
Staff Recruitment & Retention A member of staff leaves or is off sick	Medium	High	Spread knowledge of the Local Plan and issues amongst team members, Manager and Head of Service.	Possibly pull in extra resources from the Policy and Regeneration Team, re-deploy staff or in the case of loss of staff, re-appoint as soon as possible if budgets permit
New National legislation	Medium	Medium	The National Planning Policy Framework, National Planning Practice Guidance and the Localism Act have reformed the planning system.	Review timescales and where necessary extend to some degree to incorporate changes to policy formulation work.

Risk	Likelihood	Impact	Contingency	Mitigation
			<p>Delays in the delivery of plans may occur in terms of compliance with the NPPF as a result of challenges on local interpretation and providing sufficient justification for decisions taken</p> <p>Further changes to regulations at later stages may lead to further modifications to the Local Plan being made prior to Adoption.</p> <p>Unanticipated significant changes to planning policy guidance including legislative changes.</p>	<p>Contact other Local Authorities to gain better understanding of the implications of changes if necessary.</p> <p>Ensure contingency measures are put in place to address revised policy guidance and discuss with DLUHC realistic solutions.</p>
Legal Challenge	Medium	Medium	Post adoption of a Local Plan, there is a six week challenge period.	To reduce the risk of challenge, ensure that the Local Plan is legally compliant and is based upon robust evidence
Compliance with the Duty to Co-operate , with DTC agreement cannot be reached with adjacent Local Planning Authorities	High	High	Close working with prescribed authorities and Members to detect issues early in the process. Ensure all discussions are documented in writing and formally agreed.	Commence discussions with neighbouring Local Planning Authorities early to ensure agreement can be reached in a timely manner. Continuing discussions with neighbouring authorities.
Local Plan not being found sound	Medium	High	Seek advice from PINS at key stages. Develop a sound evidence base and ensure that all policy decisions can be thoroughly justified.	Develop a sound and robust evidence base and ensure there are no gaps in the evidence to support the Local Plan. Ensure all evidence is regularly updated to reflect the latest information available.
Programme Slippage	Medium	High	Ensure that timescales are achievable and offer a degree of flexibility. Delays in the preparation of the evidence base, delays in securing external procurement, evidence being	Ensure sufficient resources are available to complete all the required work and future stages of the Local Plan process are achievable. Ensure all the team is involved in the preparation process and extend timescales if necessary. Utilises online

Risk	Likelihood	Impact	Contingency	Mitigation
			unable to be gathered in time e.g. public consultation results in an overwhelming number of representations.	survey to help assist with analysis of representations, close project management of external consultants. Keep human resources under review to ensure there is adequate staffing to complete project within timescales.
Provision of Infrastructure	Medium	Medium	Discussions with infrastructure providers to focus on the preparation of the Infrastructure Delivery Plan (IDP) including various workshops and meetings. Ensure emerging and updated regulations relating to CIL and Planning Obligations are taken into account and addressed through policy and IDP.	Continuing engagement with infrastructure providers and development of the IDP will ensure timely consideration prior to submission of Local Plan to the Secretary of State
Council does not agree Draft Submission Plan or the adoption of the Local Plan	Medium	High	Early and continuous engagement with Members to ensure support for Plan and proposals.	Ensure Council Members are kept up to date on the Local Plan preparation process and emerging Plan and policies.
Inspectors Report delayed and/or includes recommendations the Council find hard to accept	Medium	Medium	Close liaison with PINS and identify any contingency measures to address any possible delays. The Council will need to consider all recommendations if it wishes to have an up to date development plan in place as required by the NPPF.	Keep Council Members up to date on issues arising and likely recommendations, and allow for delegation arrangements were necessary to deal with difficult issues.
Unforeseen additional work	Medium	Medium	Timetabled work programmes and top priorities clearly set out, overall programme management of all areas of work is essential to delivering targets and deadlines	Ensure that a degree of flexibility is added into current work programmes to accommodate unforeseen work. Draw on additional resources within the Policy and Regeneration Department where required to meet deadlines.

Risk	Likelihood	Impact	Contingency	Mitigation
Financial Risk	Low	High	The cost of preparing the Derbyshire Dales Local Plan is contained within the Council's budget.	Ensure that budgets are managed and updated. Ensure efficient working practices. A specific budget exists to cover the costs of the EIP.

Table 2: Derbyshire Dales Local Plan Risks, Contingencies and Mitigation Measure

APPENDIX 1 – DERBYSHIRE DALES LOCAL PLAN REVIEW RISK ASSESSMENT

										Scoring system key					Impact				
Project Name	Local Plan Review																		
Project Manager	Mike Hase																		
Project End Date	Mar -26																		
Risk Register Version	v2																		
Date prepared	08/08/2023																		
										Likelihood					Likelihood				
										5 Highly likely					5 Catastrophic				
										4 Likely					4 Severe				
										3 Forseeable					3 Moderate				
										2 Unlikely					2 Minor				
										1 Rare occurrence					1 Negligible				
										1					5				
										2					10				
										3					15				
										4					20				
										5					25				
			Pre-mitigation			Post-mitigation													
Risk category	Risk ID	Risk	Likelihood (L)	Impact (I)	Risk	Mitigation	Likelihood (L)	Impact (I)	Risk										
		Min score	1	1	1	Min score	1	1	1	1-4 = Low risk									
		Max score	5	5	25	Max score	5	5	25	5-9 = Medium risk									
External Procurement	P1	Preparation of Specifications not completed on time	3	3	9	Ensure that whole team involved in the preparation process	2	2	4	10-16 = High risk									
	P2	Tender Submissions - Not Returned within timescales	3	3	9	Extend Timescales or provide sufficient time based upon discussions with consultants	2	2	4	20-25 = High risk									
	P3	Tender Submission - Significantly Exceed Budgetary	2	3	6	Utilise more of Local Plan Reserve	1	2	2										

		Estimates																											
		P4	Tender Submissions - Consultants cannot complete within timescales envisaged	3	3	9	Ensure that Specifications are appropriate to needs of the Local Plan Review	2	2	4																			
	Internal Review Process & Statutory Requirements	IR1	Sites not accessible for site visits	3	3	9	Site Assessment work undertaken as desktop exercise	2	2	4																			
		IR2	Insufficient sites identified to meeting future housing requirement	2	4	8	Duty to Co-operate engaged - adjacent local planning authorities contacted to see if they have capacity.	2	2	4																			
		IR3	If Engaged Duty to Co-operate agreement cannot be reached with adjacent local planning authorities	3	4	12	Commence early discussions with relevant local planning authorities to ensure that agreement can be reached in a timely manner	2	3	6																			
	Plan Preparation	PP1	Delay in preparation of evidence base	3	3	9	Project Management of Consultants to ensure preparation timetable adhered to	2	2	4																			
		PP2	Delay in preparation of LDS & SCI	3	3	9	Keep human resources under review to ensure that there is adequate staffing to complete within	2	2	4																			

					timescales															
	PP3	LPSC does not agree to recommend LDS & SCI for approval to Council	3	4	12	Early engagement with Members prior to LPSC	2	3	6											
	PP4	Council does not agree LPSC Recommendations on LDS & SCI	3	4	12	Early engagement with Members prior to Council	2	3	6											
	PP5	Unanticipated Significant Changes to Planning Policy Guidance and/legislative changes	2	4	8	Ensure that there are contingency measures in place - discuss with MHCLG realistic solutions	2	2	4											
	PP6	Public Consultation results in overwhelming number of representations at all stages	3	3	9	Utilise online resource such as Survey Monkey to assist with the analysis of representations and enter manual representations as received	2	3	6											
	PP7	Delay in preparation of Pre Submission Draft	3	3	9	Keep human resources under review to ensure that there is adequate staffing to complete within timescales	2	3	6											
	PP8	LPSC & Council do not agree contents of Pre Submission Draft Local Plan	3	4	12	Early engagement with Members before LPSC & Council	2	3	6											
	PP9	Delay in commencement of Public Consultation on	2	4	8	Ensure that there are contingency measures in	2	2	4											

		Pre Submission Draft Local Plan				place - discuss with MHCLG realistic solutions													
	PP10	Delay in preparation of Draft Submission Plan	3	4	12	Keep human resources under review to ensure that there is adequate staffing to complete within timescales	2	3	6										
	PP11	Council does not agree to submission of Local Plan	3	5	15	Early engagement with Members prior to Council	3	3	9										
	PP12	Inspector does not agree DTC been met - plan review is delayed	3	5	15	Ensure timely preparation of DTC Statement with all relevant local planning authorities	3	3	9										
	PP13	Examination in Public Delayed by unforeseen circumstances	3	3	9	Identify with PINS contingency measures - if not already in place.	2	3	6										
	PP14	Mutliple & Complex Main Modifications require additional time to prepare	3	3	9	Liaise with Inspector throughout the EIP to ensure no hidden surprises in the modifications	2	2	4										
	PP15	Council does not agree to Adoption of Local Plan	3	5	15	Early engagement with Members prior to Council	2	3	6										

Agenda Item 8

**OPEN REPORT
COMMUNITY AND ENVIRONMENT COMMITTEE**

Community and Environment Committee 7 December 2023

Ashbourne Air Quality Management Area Action Plan and Air Quality Monitoring

Report of Director of Regulatory Services

Report Author and Contact Details

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Wards Affected

Ashbourne North

Report Summary

This report provides a further update in relation to the Ashbourne Air Quality Management Area Action Plan and requests the provision of a supplementary revenue budget for the real time monitoring of a suite of air pollutants.

Recommendations

1. That the updates available in relation to the draft Air Quality Action Plan be noted.
2. That a supplementary budget estimate of £10,000 to facilitate a 12-month subscription to Earthsense be recommended to Council for approval.

List of Appendices

None

Background Papers

Reports to the Community and Environment Committee – 7 April 2021, 23 June 2021, 17 November 2021, 23 February 2022, 29 June 2022, 1 November 2022, 9 February 2023, 13 July 2023, 7 September 2023, 26 October 2023

Consideration of report by Council or other committee

Since the declaration of the Ashbourne Air Quality Management Area in April 2021 a number of updating reports have been considered by the Community and Environment Committee as detailed under the Background Papers heading above.

Council Approval Required

Yes, in relation to the requested budget for real time air quality monitoring.

Exempt from Press or Public

No

Ashbourne Air Quality Management Area Action Plan and Air Quality Monitoring

1. Background

- 1.1 At the meeting of the Community and Environment Committee held on 26 October 2023 discussions from the first meeting of the Air Quality Action Plan Working Group core group were discussed. It was noted that these discussions included the position regarding actions for inclusion in the action plan following the public consultation, the public support for a 20-mph zone within the town and the potential synergies between the air quality action plan and the ambitions of the Ashbourne Reborn programme. It was resolved that a further updating report should be submitted to this meeting of the Community and Environment Committee.

2. Key Issues

- 2.1 Since the October meeting of the Community and Environment Committee officers have continued to work with colleagues from Derbyshire County Council to seek updates in relation to the actions previously suggested for inclusion within the Action Plan. In particular officers have been informed that the wording of the first three proposed actions (Investigate the use of Urban Traffic Management Control to optimise traffic flows within Ashbourne town centre; Investigate town centre priority or capacity changes to improve heavy goods and other vehicle flows on A515 Buxton Road; Influence route selection via live information systems) is to be updated and that a round table discussion with mineral and logistics operators is projected for the New Year, which is intended to focus on transport issues in the High Peak and Ashbourne. In addition we understand that signals are being considered for Station Street, which the County Council believe will help to act as a gateway to control northbound traffic through Ashbourne.
- 2.2 Whilst this work is ongoing, there was no more specific update available from Derbyshire County Council at the time of writing this report.
- 2.3 In addition to working directly with Derbyshire County Council colleagues, officers have liaised with our Senior Regeneration Officer, who leads on the Ashbourne Reborn programme. The purpose of this liaison has been to record progress on developing potential synergies between the 2 strands of work, particularly in relation to the 20-mph zone issue. Officers now understand that Derbyshire County Council's position is that they will not support the creation of a 20-mph zone through either programme of work and as such the ability to further negotiate on this issue is curtailed.
- 2.4 Discussions have progressed more productively in relation to the real-time monitoring of air pollution. It is now understood that Derbyshire County Council are purchasing 3x Earthsense Zephyr air quality monitors for deployment in Ashbourne. These monitors provide real-time measurement of a suite of pollutants, including nitrogen monoxide, nitrogen dioxide, ozone and particulates (PM₁₀, PM_{2.5} and PM₁). Whilst the sites for deployment have not yet been decided or communicated to officers, this has the potential to add considerably to the information available about pollution levels within the town. Through the work of the Progressive Alliance's Pollution Working Group and the development of the emerging Derbyshire

Dales Plan, members have been clear that they have an ambition to monitor air pollution in the district to a greater extent than has previously been the case. Therefore it is recommended that in addition to the network of devices being established by Derbyshire County Council, the District Council also purchases such a monitor, initially on a pilot basis.

- 2.5 Whilst a number of devices are available for monitoring air pollution, officers consider that there are considerable benefits from sourcing devices that are compatible with others in use in the district and wider county. The Derbyshire Environmental Protection Group (DEPG) is evaluating devices but it is known that High Peak Borough Council also operate a number of Earthsense monitors.
- 2.6 The Earthsense model works on a leasing system, whereby users subscribe to the service for a set period of time. In addition to the monitors themselves, users have the option to subscribe to a fully supported public facing web portal, which could include all Zephyr locations. To subscribe for 1 monitor for 12 months would cost £4,050 (exc VAT) and to subscribe to the public portal for 12 months would cost £5,500 (exc VAT), giving a total cost of £9,550 for the first 12 months. To renew the subscription the cost has been quoted as £1,500 (exc VAT) for the monitor and a further £5,500 (ex VAT) for the web portal.
- 2.7 Currently there is no budget to purchase this subscription. Therefore officers are requesting the provision of up to £10,000 to purchase a 12-months' subscription for 1 monitor plus the web portal, on the understanding that further work is undertaken with colleagues at Derbyshire County Council to understand the potential for economies. For example, it may be possible for the various authorities to share one web portal. It is also recommended that the value of the monitoring be examined over the first 12 months, prior to a decision being made regarding renewal.

3. Options Considered and Recommended Proposal

- 3.1 Three different air quality monitors have been considered as part of this report. Whilst the Earthsense Zephyr is the most expensive option of these three, at least in year 1, it is considered to offer potential benefits in terms of helping to establish a monitoring network for the district and county. The leasing model enables the option of not renewing, if these benefits are not forthcoming.

4. Consultation

- 4.1 The measures currently approved by Derbyshire County Council, along with the concepts of a 20-mph zone and a Clean Air Zone have already been subject to public consultation.

5. Timetable for Implementation

- 5.1 A further report will be brought to the February meeting of the Community and Environment Committee to update on the Action Plan itself.

- 5.2 In order to progress the purchase of the real time air quality monitoring system the requested budget will need to be reported to the next available meeting of Council for confirmation.

6. Policy Implications

- 6.1 Local authorities have a legal duty to provide an Air Quality Action Plan as a means to address areas of poor air quality that have been identified with Air Quality Management Areas. These action plans should develop measures that will provide the necessary emissions reductions to achieve the air quality objectives and act as a live document which is continually reviewed and developed to ensure that current measures are being progressed and new measures are brought forward.

7. Financial and Resource Implications

- 7.1 It will be necessary to seek approval from Council for a supplementary revenue budget in 2023/24 to reflect the proposed expenditure of up to £10,000. This would be financed by the use of the General Reserve. As this expenditure is “one-off”, the General Reserve is permitted under the Council’s Medium Term Financial Strategy. This report includes a recommendation for a referral to full Council to seek approval for this supplementary revenue budget and its financing, this approval will be requested in quarter 2 revenue monitoring reported to Council 14 December.
- 7.2 The financial risk associated with the approval of the report’s recommendations is assessed as low.

8. Legal Advice and Implications

- 8.1 An Air Quality Action Plan will ensure that the Council meets its statutory duties as set out in the Environment Act 1995 to regularly review and assess air quality in its area. As the proposal seeks to establish a route for the agreement of an action plan through partnership working it therefore contributes to the authority fulfilling its obligations under the 1995 Act. As such, the legal risk of challenge associated with this report is low

9. Equalities Implications

- 9.1 Decision-makers are reminded of the requirement under the Public Sector Equality Duty (s149 of the Equality Act 2010) to have due regard to:
- (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act
 - (ii) advance equality of opportunity between people from different groups, and
 - (iii) foster good relations between people from different groups.
- 9.2 The decisions recommended through this paper could directly impact on end users. The air quality action plan is relevant to younger and older age groups, and people with disabilities, who are more vulnerable from the effects of poor air quality. The air quality action plan aims to have a positive impact on people’s health, including those with protected characteristics.

The consultation on the draft air quality action plan has not raised any issues with regards to the protected characteristics.

10. Climate Change Implications

- 10.1 Whilst the Air Quality Action Plan is aimed at reducing health related air pollution, any reduction in traffic emissions will also have a beneficial impact in relation to climate change and should be supported.

11. Risk Management

- 11.1 The District Council has a duty to develop an Air Quality Action Plan following the identification and declaration of Air Quality Management Areas. Failure to comply with this requirement could leave this authority open to legal action and potential fines.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	29/11/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Gemma Hadfield	23/11/2023
Monitoring Officer (or Legal Services Manager)	Helen Mitchell	29/11/2023