



## **OPEN REPORT LOCAL PLAN SUB COMMITTEE**

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**Local Plan Sub Committee 3rd July 2023**

### **DERBYSHIRE DALES LOCAL PLAN REVIEW**

#### **Report of Director of Regeneration and Policy**

#### **Report Author and Contact Details**

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#### **Wards Affected**

All Wards

#### **Report Summary**

This report set out the latest position in respect of the progress on the review of the Derbyshire Dales Local Plan. It also identifies those aspects of the Local Plan review process that are still yet to be completed.

#### **Recommendations**

1. That progress on the review of the Derbyshire Dales Local Plan to date be noted.
2. That an update to the Icenii Projects Housing Needs Assessment (2021) is commissioned and the results of that exercise be reported to a future meeting of this Sub Committee.
3. That a review of the current Settlement Hierarchy be undertaken to determine the extent to which communities across the Local Plan area are 'sustainable'. The results of this review be reported to a future meeting of this Sub Committee.
4. That consultants be commissioned to prepare advice to the District Council as local planning authority on the design policies and proposals of the Local Plan, including setting out the most appropriate approach to preparing Design Codes. The results of this commission to be reported to a future meeting of this Sub Committee.
5. That the commissions identified in this report as already commissioned be completed as appropriate and reported to future meetings of this Sub Committee as is considered necessary.

6. That Members meet with the Peak District National Park to explore what options might be available to improving the delivery of housing within the Peak District National Park area of Derbyshire Dales.
7. That officers meet Peak District National Park officers to explore what options might be available to improving the delivery of housing within the Peak District National Park area of Derbyshire Dales.

**Background Papers**

Previous reports on Local Plan considered by Council from November 2020 to date

**Consideration of report by Council or other committee**

Community & Environment – 13<sup>th</sup> July 2023

**Council Approval Required**

No

**Exempt from Press or Public**

No

# DERBYSHIRE DALES LOCAL PLAN REVIEW

## 1. Background

1.1 Council on 9<sup>th</sup> November 2020 approved a timetable for the review of the Derbyshire Dales Local Plan, which had been adopted in December 2017.

1.2 Members were advised that the following issues were key:

- Overall housing requirements for the period up to 2040 – including amounts, and types of both market and affordable housing
- Housing allocations to meet these housing requirements
- The extent to which the current policies in the Local Plan remain in conformity with the NPPF/NPPG and valid for the use in the determination of planning applications
- The extent to which policies are considered sufficient to address matters relating to Climate Change
- The level of residential development within the National Park
- The necessity or otherwise for a new village to accommodate the future housing requirements
- Gypsy and Traveller provisions and
- Infrastructure Capacity and Future Requirements

1.3 Members agreed the following pieces of work to assist with the review:

- Strategic Housing Requirements 2017-2040
- Employment Land & Retail Capacity 2017-2040
- Infrastructure & Whole Plan Viability
- Strategic Flood Risk Assessment Update
- Strategic Environmental Assessment & Habitats Regulations Assessment

1.4 Consultants were subsequently commissioned to undertake these studies.

1.5 A detailed assessment of the availability of land to meet potential future housing needs has been undertaken.

1.6 A review of the existing policies in the adopted Derbyshire Dales Local Plan was also undertaken to ensure that they are up to date and in accordance with the National Planning Policy Framework. The policy review has been able to identify areas stemming from proposed changes in emphasis in national policy and local priorities expressed by Members.

1.7 The review was considered in a report presented to Council on 19<sup>th</sup> January 2022. At that Council meeting it was resolved that for the purposes of the legislation the review of the Derbyshire Dales Local Plan had been completed. The result was a need to:

- Prioritise a review of the policies in relation to Climate Change, Biodiversity and Design

- Review the options for the future housing need requirements and the future housing land allocations.
- 1.8 Since January 2022, work has been undertaken on detailed policy wording in relation to Climate Change, Biodiversity and Design. This was shared with the Member Local Plan Working Group throughout 2022.
- 1.9 In November 2022 a six-week public consultation was undertaken on the potential future Local Plan housing strategy. The results of the consultation were considered by the Local Plan Working Group in February 2023.
- 1.10 Since then, the Council has not yet made any substantive policy decisions.

## **2. Key Issues**

### Future steps

- 2.1 To bring revisions to the Local Plan into force requires that it undergoes further statutory public consultations and then review through an Examination in Public by a Government-appointed Planning Inspector.
- 2.2 Officers and Members have since January 2022 worked towards preparation for the statutory stages. This has included considering the approach to the three policy areas of Climate Change, Biodiversity and Design. It has also involved giving thought as to how the future housing requirements may be met.
- 2.3 There are at this time a number of key areas which Members may wish to consider further before making substantive decisions on how the Derbyshire Dales Local Plan may look in the future:
- Agreeing the key issues and strategic objectives for the plan
  - Setting the future strategic housing and economic development requirements
  - Agreeing the allocation sites to meet the future housing and economic development need
  - Identifying the infrastructure needs to meet future development requirements
  - Completing the Strategic Environmental Assessment & Habitats Regulations Assessment
  - Undertaking a series of level 2 flood risk assessments to determine site specific measures to address and mitigate flood risk
  - Complete a viability test of the emerging Local Plan to determine that once adopted it is capable of being implemented as taking account of the Plan's policy requirements.
  - Identifying a site to meet future gypsy & traveller needs
  - Complete the revised wording of existing and new policies

### Strategic focus on sustainable/flourishing communities

- 2.4 The Key Issues within the Local Plan could be amended to include more of a focus on sustainable or flourishing communities. To enable this, a review of the current Settlement Hierarchy in the adopted Derbyshire Dales Local Plan could be undertaken to identify what are the key features of a 'sustainable

community', and thereby ensure that features such as schools, jobs and community facilities are promoted in the policies and proposals of the revised Local Plan.

- 2.5 The review of the Settlement Hierarchy could also be used to take forward the concept of 'placemaking' where the Local Plan is used to set out specific policies and proposals for a particular locality. Typically, Neighbourhood Plans are used to elaborate proposals for individual communities. On specific individual strategic sites, a masterplanning approach may be appropriate. Such an approach is proposed for the wider Ashbourne Airfield strategic site.

### Strategic housing and economic development requirements

- 2.6 The Government has determined that the minimum housing requirements for the District Council are to be calculated using its 'Standard Methodology'. For the period 2017-2040 this has been assessed to be 230 units per annum. The NPPF does, however, allow for the future housing requirements of the whole of the Derbyshire Dales take into by the aspirations for economic growth.
- 2.7 It could therefore be appropriate to ask Icen Projects Ltd to revisit their modelling of underlying sectoral economic growth assumptions, to reflect the aspirations of the Economic Plan of replacing existing low paid jobs by higher wage, higher skilled jobs and what implications that would have on future housing scenarios.
- 2.8 Another issue that needs to be considered in respect of the future housing requirements is the relationship between the District Council and the Peak District National Park.
- 2.9 There are a number of factors that can influence this. At the present time the District Council could not submit a Local Plan which does not set out how it will deliver all future housing requirements for the Derbyshire Dales as whole. The plan would be found 'unsound' by an Inspector at Examination.
- 2.10 The District Council has advocated that proposed changes to NPPF should go further than published, and allow for the National Park to be seen as a constraint on the ability of the local planning authority to meet future housing needs. If this were to be accepted by the Government, which is by no means certain, it might allow the District Council to set aside what happens in the National Park.
- 2.11 The logical way to achieve this objective would be for PDNPA to agree to increasing housing development levels. The District Council has not been able to achieve such agreement in previous attempts over the past 20 years. This would require determined political leadership to take this forward with the National Park.
- 2.12 It is notable that whilst the District Council's economic and housing strategies already cover the National Park, they have not consistently been reflected in PDNPA policies or decisions. However, PDNPA have recently adopted their 'Management Plan' 2023-28. Two relevant objectives to housing and economic development are *Objective 10 - To support sustainable communities by improving opportunities for affordable housing and connection to services and*

*Objective 11 – To promote a flourishing economy in accordance with nature recovery and climate change mitigation.*

- 2.13 It is anticipated that these objectives will play a role in the approach that the National Park take to setting the policies in the emerging Peak District National Park Local Plan. This might therefore represent an opportune moment for Members to open discussions with the PDNPA on increasing its housing development levels/

#### Housing allocation sites

- 2.14 Site allocations will be determined by the overall level of housing set for the plan period 2017-2040, the level of development completed to date, and the level of existing commitments. Work undertaken on the Strategic Housing Land Availability Assessment will help determine which sites are suitable for allocation within the Local Plan.

#### Infrastructure limitations

- 2.15 The need to ensure that Infrastructure is considered in the development of the plan is acknowledged. As the specific requirements in the Local Plan develop, consultants will continue to work with the relevant agencies to identify infrastructure needs and their proposals for implementation. These will form part of an Infrastructure Delivery Plan which will be submitted with the plan to the Secretary of State and will underpin the viability testing of the plan.

#### Environmental assessments

- 2.16 The legislation requires the preparation of a Local Plan to be accompanied by a Strategic Environmental Assessment/Sustainability Appraisal. The purpose of this is to provide the District Council with a formal indication of the Social/Economic and Environmental impacts of the Plan's policies and proposals. It provides the District Council with the ability to make decisions on the contents of the Plan in full knowledge of both the positive and negative impacts that the policies and proposals will have on the key social, economic and environmental factors. The District Council has retained consultants Clearlead Ltd to undertake this work as part of the review of the Local Plan. As the options for the contents of the plan emerge then the relevant advantages and disadvantages will be identified.

#### Flood risk assessments

- 2.17 One of the recommendations of the updated Level 1 Strategic Flood Risk Assessment was that in High Sensitivity Flood Catchment Areas there should be more detailed Level 2 Flood Risk Assessment undertaken or other detailed Strategic Drainage Studies to consider further how the cumulative effects of development sites could impact peak flows, the duration of flooding and timing of flood peaks on receiving watercourses. The findings of these studies can then be utilised to identify opportunities where allocated sites could provide betterment to areas downstream. They can also be used to provide the evidence base to introduce, where necessary more stringent planning policies to each catchment above those required at a National/Local flood risk management policy.

## Viability testing

- 2.18 The NPPF sets out that policies contained within Local Plans should not work to undermine the deliverability of the plan as a whole. As such it is necessary for the District Council to prepare a high-level viability appraisal to establish that when taking the policies in the Plan as whole it does not undermine the achievement delivering sustainable development. An initial assessment has been undertaken of the policies within the adopted Local Plan. This will need to be undertaken for those that emerge through the review process.

## Gypsy and Traveller needs

- 2.19 The NPPF advises that local planning authorities should consider the needs of different groups within the community, including those of travellers. It also sets out that local planning authorities need to identify a five-year supply of deliverable sites for travellers. The Planning Policy for Traveller Sites sets out how travellers housing needs should be assessed. A revised Gypsy and Traveller Assessment has been commissioned and scheduled to be published in the near future. This will indicate the future requirements for Derbyshire Dales for the new plan period up to 2040, and will necessitate the allocation of a deliverable site(s) in the revised Local Plan. Failure to meet this requirement will result in the Local Plan being found 'unsound'.

## Climate Change, Biodiversity and Design policies

- 2.20 As some Members will be aware it has been identified that there are in general three priority policy areas that require addressing: Climate Change, Biodiversity and Design.
- 2.21 Since the declaration of the Climate Change Emergency by the District Council in May 2019, much work has been done to put in place measures to mitigate Climate Change. This has included the adoption of a Supplementary Planning Document on Climate Change. There is a need to bring much of the contents of the Climate Change SPD into the main body of the Local Plan. This and a revised focus on climate change within the other Local Plan policies should see a strengthening of the Local Plan in relation to Climate Change.
- 2.22 In respect of Biodiversity the County Council (as Responsible Authority) has indicated that Local Nature Recovery Strategy is most likely going to be finalised in 2024. Consideration will need to be given about how nature recovery can be incorporated within the plan and not to delay the plan preparation. We will need to seek guidance from agencies such as the Derbyshire Wildlife Trust to assist with regards to the forthcoming Biodiversity Net Gain requirements due to come into effect in November 2023.
- 2.23 The Government is now placing much more emphasis on the quality of design in new development. The NPPF sets out that local planning authorities should prepare Design Guides or Codes to reflect local character and design preferences as a means of setting a framework for creating beautiful and distinctive places. In order to achieve it is considered appropriate to engage consultants to undertake a commission to achieve these aims.

### **3. Options Considered and Recommended Proposal**

- 3.1 This report provides Members with an update on the review of the Local Plan. As set out in the main body of the report there are a number of areas of work that have yet to commenced, completed or will necessitate a decision in the future.
- 3.2 All of these will be brought forward under the jurisdiction of this Sub Committee. The recommendations set out propose actions to take forward these areas of work.

### **4. Consultation**

- 4.1 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 five years. The review process is therefore a method to ensure that the Derbyshire Dales Local Plan remains effective at managing the use and development of land in the future.
- 4.2 Council on 19<sup>th</sup> January 2022 formally agreed to which aspects of the Derbyshire Dales Local Plan should be subject to detailed revisions. Council has not at any time resolved to undertake the preparation of a new Local Plan. As such Members have essentially determined that the principles of the strategy contained within the adopted Derbyshire Dales Local Plan remain valid and do not require significant wholesale change.
- 4.3 If Council had at that time decided to undertake the preparation of a whole new Local Plan then additional consultation on options, strategies etc. would have been merited. However Council decided not to take that approach, instead opting to retain the existing Local Plan and update it. If Council were to change that approach and start a new Local Plan from scratch, substantial additional consultation would be required.
- 4.4 All public consultation on the Derbyshire Dales Local Plan Review needs to be undertaken in accordance with the requirements set out in the District Council's Statement of Community Involvement<sup>1</sup>. This explains to local communities and stakeholders how they will be involved in the preparation, alteration and review of Local Plans and also in the determination of planning applications.
- 4.5 In relation to Plan Making the SCI sets out that in line with current Government advice, and the move to preparation of more digital plan that the District Council will adopt a 'digital by default' approach to consultation and engagement. It goes on that the District Council will employ a range of methods at each stage of the preparation and revision of the Local Plan.

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<sup>1</sup> [https://www.derbyshiredales.gov.uk/images/Adopted\\_DDDC\\_SCI\\_Feb\\_2021.pdf](https://www.derbyshiredales.gov.uk/images/Adopted_DDDC_SCI_Feb_2021.pdf)



- 4.6 It advises that new evidence prepared by the Government will be published on the District Council's website. Online workshops and events with the local community and key stakeholders **may** be held to disseminate and discuss the potential implications that the updated evidence has for the preparation and review of the Derbyshire Dales Local Plan.
- 4.7 At Regulation 18 stage the SCI indicates that the District Council will use the following consultation methods in order to engage effectively with the public and consultation bodies:
- Documents made available for review at Council Offices and Libraries and on the website
  - Newsletters and Leaflets published which detail and provide an opportunity to comment on the issues and options
  - Public Meetings/Surgeries – Including online seminars, workshops and public meetings
  - Workshops with representatives of range of issue or interest areas – Including online sessions.
- 4.8 At Regulation 19 Stage the SCI indicates that a statement of the fact that the Local Plan should be available for inspection and sets out the places and times at which it can be inspected will also be published. As in previous steps the District Council will adopt a 'digital by default' approach to the publication of documents
- 4.9 At this time the adopted Local Development Scheme (timetable) envisages public consultation only taking place in respect of proposed modifications to the Plan, prior to the submission of the Plan to the Secretary of State, under Regulation 19.
- 4.10 Any further consultation in addition to this will need to be carefully planned, and will result in additional time being taken to complete the more formal aspects of the Local Plan review process. It will also necessitate an update to the Local Development Scheme being undertaken.

## **5. Timetable for Implementation**

- 5.1 The published timetable for the Local Plan envisages its adoption towards the end of 2024.
- 5.2 As set out above any additional work (such as revisiting the Icenii modelling of housing need) would add cost and time to the process. Additional time would mean the Local Plan takes longer to be adopted.
- 5.3 Depending on the additional stages, this would delay adoption to 2025 or perhaps later. The implication, however, of having no planned five year supply of housing land is vulnerability to speculative planning applications. Members would need to balance this risk against the desired policy framework and make a judgement as to their preferred approach

## **6. Policy Implications**

6.1 These will be advised as aspects of the Local Plan are presented to this Sub Committee.

## **7. Financial and Resource Implications**

7.1 £50,000 is earmarked for 2023/24 for expenditure associated with the review of the Derbyshire Dales Local Plan. In addition to this there is £47,763 held in the Committed Expenditure Reserve to continue to fund the currently ongoing Local Plan sub-projects. Finally, there is also £63,878 held in the Local Plan Reserve to fund future years expenditure alongside a current commitment in the approved Medium Term Financial Plan to contribute £30,000 a year to this reserve from 2024/25 onwards. This is expected to be sufficient for current commitments but may need to be reviewed before additional work is approved and undertaken as detailed in section 5.2 of the report.

7.2 The financial risk is therefore assessed as low.

## **8. Legal Advice and Implications**

8.1 As stated, this report set out the latest position in respect of the progress on the review of the Council's Local Plan together with identifying aspects of the Local Plan review process that are still yet to be completed.

8.2 It contains 6 recommended decisions for members to take. The recommendations sought are for works to furtherance the Local Plan.

8.3 The Legal risk associated with the recommended decisions has been assessed as low.

## **9. Equalities Implications**

9.1 None as a result of this report. An Equalities Impact Assessment will be prepared to identify the extent to which any emerging policies and proposal have any impact upon the Protected Characteristics as set out in the Equalities Act 2010.

## **10. Climate Change Implications**

10.1 There are significant potential climate change impacts arising from the review of the local plan. Early in the review process the District Council identified that there were three priority policy areas that needed to be addressed - Climate Change, Biodiversity and Design. The recommendations of this report support development of policy to address climate change.

10.2 A review of the current Settlement Hierarchy will identify keys features of a 'sustainable community'. A key aspect of a sustainable community will be how it addresses climate change – mitigation but also adaptation. Paragraph 11 of the National Planning Policy Framework states that all Local Plans: 'should promote a sustainable pattern of development that seeks to; meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change and adapt to its effects'

10.3 The overarching principles in the National Design Guide will need to be considered as part of the Local Plan review, including ensuring that the design, layout and appearance of new developments adapt and mitigate to the effects of climate change. By seeking out the most appropriate approach to preparing Design Codes advice will be received on how best to achieve these aims.

## 11 Risk Management

11.1 The Derbyshire Dales Local Plan is one of the pivotal plans and strategies for ensuring the delivery of the District Council's aims and objective as set out in its Corporate Plan.

11.2 The current Local Development Scheme sets out a timetable for the completion of the review of the Plan as the end of 2024. Any substantial delay to the completion of the review process will see the adopted Local Plan becoming further and further out of date.

11.3 The continued absence of a five year supply of land for housing, will result in the District Council being vulnerable to speculative planning applications for new residential development.

11.4 Members will need to balance this risk against the desired policy framework and make a judgement as to their preferred approach.

### Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive		
Director of Resources/ S.151 Officer (or Financial Services Manager)		
Monitoring Officer (or Legal Services Manager)		