



OPEN REPORT LOCAL PLAN SUB COMMITTEE

Local Plan Sub Committee – 27 September 2023

Derbyshire Dales Local Plan – Design Policy Review

Report of Director of Regeneration and Policy

Report Author and Contact Details

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Wards Affected

All Wards Outside the Peak District National Park

Report Summary

This report advises Members that the Government is placing much more importance on the quality of the design and appearance of new development. It also reminds Members that one of the key areas identified as part of the review of the Derbyshire Dales Local Plan was a need for the strengthening of policies relating to design.

The report seeks Members approval for the appointment of consultants to undertake a review of the design policies in the Local Plan and to provide advice to the District Council on the most suitable approach to the introduction of a Derbyshire Dales Design Code. Approval is sought from Members for a specification for this works (**See Appendix 1**); such that appropriately qualified and experienced consultants can be appointed to undertake this commission.

Recommendations

1. That the Brief for Consultancy Services on the Derbyshire Dales Local Plan – Design Policy Review as set out in **Appendix 1** be approved and circulated to consultants to obtain quotations.
2. That consultants be commissioned, in accordance with the District Council's procurement procedures, to prepare advice to the District Council as Local Planning Authority on the design policies and proposals of the Derbyshire Dales Local Plan, including Design Codes as part of the ongoing review of the Derbyshire Dales Local Plan.
3. That the results of the commission be reported to future meetings of the Local Plan Sub Committee for approval and incorporation in the revised Derbyshire Dales Local Plan.

List of Appendices

Appendix 1 – Brief for Consultancy – Derbyshire Dales Local Plan – Design Policy Review

Background Papers

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

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

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

[Living with Beauty Report](#) (January 2020)

[National Design Code](#) (October 2019)

[National Model Design Guide](#) (July 2021)

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

Consideration of report by Council or other committee

This report seeks approval of a specification to procure consultants to provide a design policy review of the Derbyshire Dales Local Plan, including preparation of a Derbyshire Dales Design Code. Future policy revisions and modifications for the Derbyshire Dales Local Plan will require Member approval at Local Plan Sub Committee, Community and Environment Committee and Council.

Council Approval Required

A request to transfer £30k from the Local Plan Reserve to finance the Derbyshire Dales Design Policy Review commission is due to be considered at the meeting of Council on 28th September 2023.

Exempt from Press or Public

No

Derbyshire Dales Local Plan – Design Policy Review

1. Background

- 1.1 In November 2020 the commencement of the review of the Derbyshire Dales Local Plan, adopted in 2017 was approved by Council. Since this time work has been ongoing on the review of the Local Plan, including updating the evidence base; a detailed assessment of the availability of land to meet potential future housing needs; and a review of the existing policies in the adopted Plan to ensure that they are up to date and in accordance with the National Planning Policy Framework (NPPF).
- 1.2 The review of the Local Plan was considered in a report presented to Council on 19th January 2022, where it was resolved that for the purposes of the legislation the review of the Derbyshire Dales Local Plan had been completed and that several of the existing policies required modification to ensure that they were considered up to date.
- 1.3 One of the key areas identified through the review process was that the Local Plan policies on design would need to be revised to address the increased emphasis in national policy on ‘Building Beautiful’ and the introduction of ‘Model Design Codes’ and the ‘National Design Guide’.
- 1.4 The review also identified that it would be necessary for the Local Plan to consider how opportunities to encourage climate change adaptation/mitigation measures in the design of buildings and places should be encompassed within the revised policies of the Local Plan and Design Code, building upon the existing work within the adopted Climate Change Supplementary Planning Document.
- 1.5 The new administration elected in May 2023 has made it clear that it would take a ‘fresh approach’ to the Local Plan.
- 1.6 The Local Plan Sub Committee on 3rd July 2023 confirmed the scope of the Local Plan review and resolved (Minute 37/23) 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 for preparing Design Codes and that the results of that commission be reported to a future meeting.

2. Key Issues

- 2.1 The Government is now placing a much greater emphasis on the quality of design in new development. The National Planning Policy Framework makes it clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. Local Planning Authorities should prepare Design Codes to reflect local character and design preferences as a means of setting a framework for creating beautiful and distinctive places.
- 2.2 The Levelling Up and Regeneration Bill will make it mandatory for all local planning authorities to produce a design code for its area. These codes will have full weight in making decisions on development, either through forming part of local plans or being prepared as a supplementary plan. The Levelling

Up and Regeneration Bill will also allow local planning authorities to set design requirements at other scales either as part of their local plan, supplementary plan or as a neighbourhood plan.

- 2.3 The adopted Local Plan sets out the policies and proposals for the development of land for the period 2013-2033. The Spatial Vision and Strategic Objectives of the Plan seek to ensure that the design of new development is of a high quality, promotes local distinctiveness and integrates effectively with its setting; protects and enhances the character, appearance and setting of the Districts towns and villages and recognises that the landscapes of the Plan area are some of the most highly sensitive and attractive outside the Peak District National Park.
- 2.4 Existing Policy PD1: *Design and Place Making* of the Adopted Derbyshire Dales Local Plan sets out the main principles that the District Council will consider in relation to the design and appearance of new development, setting out that the District Council will require the layout and design of new development to create well designed, socially integrated, high quality successful places, where people enjoy living and working. All development should respond positively to both the environment and the challenge of climate change, whilst also contributing to local distinctives and sense of place. Other policies in the Local Plan also have an influence upon the design of new development such as those on the built, historic and natural environment and site-specific policies for those sites allocated for housing and/or employment development.
- 2.5 In recognition that the Local Plan review had to strengthen policies on design to address the increased emphasis in national policy on design, a detailed specification for consultants quotations has been prepared. This will seek to ensure that the Local Plan design policy is appropriately revised and that the requirement for the Local Authority to prepare a Design Code, as necessitated by the Levelling Up and Regeneration Bill is met.
- 2.6 The contents of detailed specification and brief for consultancy services is set out at **Appendix 1** for Members consideration and approval. The specification sets out that the District Council seeks to employ a suitably qualified and experienced consultant to provide the following advice and services:
 1. *To undertake a review of the policies listed above in the Derbyshire Dales Local Plan and identify any aspects of these policies that could be modified to ensure that the design and appearance of new development takes account of the objectives of national planning policy.*
 2. *To provide options to the District Council about how it should structure future design policies in the Local Plan taking account of the guidance contained with the Living with Beauty report, the National Design Guide and the National Model Design Code. In addition, this advice should reference how the design elements of the SPDs can be incorporated into the policies in the Local Plan.*
 3. *To provide advice to the District Council on the options available (including geographical scale) for the preparation of a Derbyshire Dales Design Code for inclusion in the revised Derbyshire Dales Local Plan.*

4. *To present options and recommendations for a Derbyshire Dales Design Code at a meeting of the District Councils Local Plan Sub Committee. It is anticipated that this will be presented in person.*
5. *After consideration of options by the District Council prepare a Derbyshire Dales Design Code for incorporation within the Revised Derbyshire Dales Local Plan.*
6. *To provide advice to the District Council on integrating a revised suite of design policies within the Derbyshire Dales Local Plan. Such policies should seek to incorporate those relevant elements of the Climate Change SPD, such that new development is of the highest quality and adaptable to a changing climate.*
7. *To provide advice on the options for design principles/design codes that could be established for each of the sites set out under Policies DS1 to DS9 in the adopted Derbyshire Dales Local Plan. A separate specification has been prepared for the comprehensive master planning of sites DS1 and DS8. The successful consultant will be required to liaise with the consultants appointed to undertake this work to ensure consistency of approach.*
8. *To provide advice on the options for design principles/design codes that may be allocated as Strategic Sites in any revised Derbyshire Dales Local Plan.*
9. *To facilitate a design workshop of up to 2 hours in length for Councillors and Officers which enables them to have a fundamental understanding of the principles of good design, which highlights examples of good and bad practice from across the local planning authority area and which provides Councillors and Officers with an understanding of the potential revisions to design policies in the Local Plan.*

2.7 Based upon previous experience the estimated cost of the commission is considered to be in the order of £30,000. An indicative timetable for the commission is set out within the brief and is provided below which envisages the following:

Event	Deadline
Circulation of Specification	Early October 2023
Submission of Quotes	End October 2023
Appointment	Early November 2023
Inception Meeting	Mid/End November 2023
Report upon outcomes of bullet point (1), (2) (3) and (4) from brief specification	End Jan 2024
Report upon outcomes of bullet point (5), (6) (7) and (8) from brief specification	End March 2024
Submission of final report	May 2024
Provision of workshop, bullet (9) brief specification	May 2024

2.8 It is recommended that the brief be approved, and appropriately qualified consultants be appointed to undertake the commission, thus ensuring that the design elements of the Local Plan are revised and the requirement for the Local Authority to prepare a Design Code, as necessitated by the Levelling Up and Regeneration Bill is met.

3. Options Considered and Recommended Proposal

- 3.1 The review of the Derbyshire Dales Local Plan has identified that the design policy element requires revision to ensure it is compliant with the National Planning Policy Framework. Furthermore, the Levelling Up and Regeneration Bill will make it mandatory for all local planning authorities to produce a Design Code for its area.
- 3.2 In the context of Government advice and emerging legislator changes the District Council has no option but to consider how best to address the design policies within the adopted Derbyshire Dales Local Plan.
- 3.3 It is considered that in the absence of any internal resource, the most appropriate way to meet this need is to appoint external consultants. As such the Brief for Consultancy Services on the Derbyshire Dales Local Plan – Design Policy Review as set out in **Appendix 1** has been prepared to guide the appointment of suitably qualified consultants.

4. Consultation

- 4.1 Consultation on the revised contents of the Derbyshire Dales Local Plan, including any proposed Design Code(s) will be undertaken in due course in accordance with statutory plan making requirements and the District Councils Statement of Community Involvement.

5. Timetable for Implementation

- 5.1 The scope of works identified in Appendix 1 envisages an approximately 26-week timescale for completion of the works from appointment. If the formal appointment takes place in early November 2023, it is anticipated that the contents of the specification would be completed by May 2024.

6. Policy Implications

- 6.1 The Design Policy Review, as per the specification will provide options and recommendations as to how policies in the Derbyshire Dales Local Plan should be revised to address the requirement to prepare a Design Code and necessary policy revisions within the Plan. These options will be presented to future meetings of the Local Plan Sub Committee to determine the appropriate policy approach to design that could be adopted in the revised Derbyshire Dales Local Plan.

7. Financial and Resource Implications

- 7.1 The commissioning of consultants to undertake a Design Policy review for the Derbyshire Dales Local Plan will require additional financial resources. A request for a Supplementary Revenue Budget for the Derbyshire Dales Design Policy Review commission is due to be considered at the meeting of Council on 28th September 2023. If approved, the expenditure will be financed from the Local Plan Reserve.

8. Legal Advice and Implications

- 8.1 The report seeks Members approval for the appointment of consultants to undertake a review of the design policies in the Local Plan and to provide advice.
- 8.2 The proposals accord with the provisions of the relevant legislation.
- 8.3 There are 3 recommend decisions to be taken as set out in this report, the legal risk associated with the recommendations has been assessed as low.

9. Equalities Implications

- 9.1 The review of the Derbyshire Dales Local Plan will be subject to a comprehensive Equalities Impact Assessment.

10. Climate Change Implications

- 10.1 The review of the Derbyshire Dales Local Plan, including revised policies and a Design Code will include measures to seek to mitigate and adapt to the effects of 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 Local Plan is low. The due diligence work to ensure that the appointed consultants are sufficiently qualified, resources and insured to undertake work of this nature will be undertaken as part of the assessment of quotations and secure through clauses in the contract with the necessary consultancy service provider appointed to undertake the commission.

Report Authorisation

Approvals obtained from: -

	Named Officer	Date
Chief Executive	Paul Wilson	19/09/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	19/09/2023
Monitoring Officer (or Legal Services Manager)	Kerry France	19/09/2023