



OPEN REPORT LOCAL PLAN SUB COMMITTEE

Local Plan Sub Committee 30th November 2023

Local Plan Policy Review

Report of Director of Regeneration and Policy

Report Author and Contact Details

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Wards Affected

All Outside the Peak District National Park

Report Summary

This report provides for Members information details of the key policy areas that the Local Plan review will seek to address in the future.

Recommendations

1. That the key topic areas as set in Paragraph 2.1 be noted.
2. That future reports be presented to this Sub Committee for consideration, and which set out details of new and revised policy wording for inclusion in the Derbyshire Dales Local Plan review.

List of Appendices

Appendix 1 Copy of Report and Minutes to Council on 9th November 2020

Appendix 2 Copy of Report and Minutes to Council on 19th January 2022

Background Papers

Report to Council Monday 9th November 2020 See:

<https://democracy.derbyshiredales.gov.uk/CeConvert2PDF.aspx?MID=352&F=01%20-%20Derbyshire%20Dales%20Local%20Plan%20Review.pdf&A=1&R=0>

Report to Council 19th January 2022 See:

<https://democracy.derbyshiredales.gov.uk/CeConvert2PDF.aspx?MID=366&F=01%20-%20Derbyshire%20Dales%20Local%20Plan.pdf&A=1&R=0>

Consideration of report by Council or other committee

Revised policies for inclusion in the Derbyshire Dales Local Plan will be subject to Council approval at the appropriate time.

Council Approval Required

No

Exempt from Press or Public

No

Local Plan Policy Review

1. Background

- 1.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 in Regulation 10a set out that a local planning authority must complete a review of a local plan every five years starting from the adoption of the Local Plan.
- 1.2 For the Derbyshire Dales Local Plan this meant that the review had to be completed by no later than December 2022. As Members of this Sub Committee will be aware the commencement of a review of the Derbyshire Dales Local Plan was formally endorsed by Council in November 2020.
- 1.3 Advice given to the District Council at that time from The Government was that in order to satisfy the requirements of Regulation 10a it wasn't necessary to have completed the formal adoption of any revised plan, rather that a 'review' needed to have been completed. The advice given was that formal adoption of reviewed Local Plan following an Examination in Public could take place some time after the review had been completed.
- 1.4 Members at an Extraordinary Council meeting in November 2020 indicated their support for a timetable for the review of the Local Plan which had an initial date for the adoption of the Derbyshire Dales Local Plan by June 2023. A copy of the report to Council is set out in Appendix 1.
- 1.5 Members were advised that the key issues likely to be the most debated aspects of the Local Plan review were considered to be:
 - Overall housing requirements for the period up to 2040 – including amounts, and types of both market and affordable housing
 - Housing allocations to meet the outstanding housing requirement
 - **Extent to which the current policies in the adopted Derbyshire Dales 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
- 1.6 Officers were given delegated authority to ensure that the evidence base to underpin the revised Derbyshire Dales Local Plan was up to date. Consultants were subsequently employed to undertake the following:
 - Strategic Housing Requirements 2017-2040 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
- 1.7 The subsequent review of the Derbyshire Dales Local Plan was overseen by the Local Plan Working Group, who met on a regular basis to consider the updated evidence and the work undertaken in respect of the policy review.
- 1.8 Council subsequently considered a report on the Derbyshire Dales Local Plan on 19th January 2022. A copy of which is set out in Appendix 2.
- 1.9 This report indicated to Council the extent of work that had been undertaken, and the systematic methodology that had been employed to appraise both the text and existing policies within the adopted Derbyshire Dales Local Plan.
- 1.10 On the basis of the comprehensive assessment undertaken of the policies in the Local Plan the report concluded that the following areas of the Local Plan that required modification to set a basis for the future decisions on planning applications:
- Revisions to policies will be needed to ensure that the Plan appropriately addresses the need to tackle climate change and that all opportunities are taken to encourage adaptation, mitigation and resilience. Strengthened policy guidance on new build, retrofit/refurbishment and renewable development could be provided but will need to be balanced against considerations of delivery and viability.
 - Policies on design will need to be revised to address the increased emphasis on 'Building Beautiful' and the introduction of 'Model Design Codes'.
 - The extent of Settlement Development Boundaries may need to be revised to reflect development which has taken place since 2017 and any future housing and employment land allocations. It is considered that in order to assist with interpretation that the term "infill and consolidation" for Tier 5 settlements will also need to be revised.
 - Strengthening of policy areas to support greater opportunities for the re-use, conversion of buildings, agricultural enterprises and support for the rural economy may be necessary.
 - The Infrastructure and Developer Contributions policy will need to be revised to reflect emerging evidence in the Infrastructure Delivery Plan and the adopted Supplementary Planning Document on Developer Contributions. The adoption of revised affordable housing thresholds and rates of off-site financial contributions for affordable housing will require viability testing to ensure that they do not adversely impact the delivery of the plan as a whole.
 - Revisions to policies on the natural environment will be required to ensure the Local Plan makes adequate provision for biodiversity net gain.
 - The flood risk policy will need to be revised to consider the impacts of development "on all sources of flood risk" and to take account of the revised Derbyshire Dales Strategic Flood Risk Assessment and

recommendations relating to the cumulative impact of development on flood risk.

- Updated evidence on the local housing and employment land need for the period to 2040 will need to be reflected in the strategic housing and employment policies and subsequent land allocations. 10% of the Local Plans housing requirement will need to be accommodated and allocated on sites no larger than one hectare to comply with the NPPF.
- Amendments to the policy area on affordable housing will be necessary to ensure compliance with revisions in the NPPF, notably to include the Councils approach to the delivery of First Homes and Exception Sites and the definition of 'affordable housing'. The Local Plan will also need to reflect the outcome of any application by the District Council to the Secretary of State for Rural Area Designation. Revisions to the policy on housing mix, type and specialist housing will be required to address revised evidence on housing need.
- The policy on Gypsy and Traveller accommodation will need to be amended to reflect a revised pitch requirement for the District for the period 2017-2040, land allocations to meet this need will also be required.
- Changes to the Use Classes Order to permit certain changes of use without requiring planning permission will need to be reflected in Local Plan policies for town centres and economic development
- Revised wording for policies on new and existing economic development, including tourism may be required to ensure aspirations for economic recovery and support for the rural economy are provided and to comply with the NPPF approach to employment development in the countryside.

1.11 A detailed schedule of all the policies that were considered necessary to be revised was set out in Appendix 1 to that report and is duplicated in Appendix 1 to this report.

2. Key Issues

2.1 The appraisal of the existing policies in the adopted Derbyshire Dales Local Plan was undertaken jointly with Officers from the Development Management Team. As can be seen from Para 1.10 above the key issues identified relate to a number of key areas;

- Future Housing and Employment Needs
- Future Affordable Housing Needs
- Gypsy & Traveller Needs
- Sustainable and Strategic Development Options
- Design and Appearance of New Development
- Mitigating Flood Risk and Climate Change
- Biodiversity Net Gain

- 2.2 Whilst no detailed work has yet been completed on revisions to the wording of the policies in the Derbyshire Dales Local Plan given the comprehensive nature of the policy review it is considered that these key areas remain valid, and continue to form the basis for future work on the Local Plan policies.
- 2.3 On the basis of the Council resolution in January 2002 the District Council has indicated that it has for the purpose of Regulation 10a completed a review of the adopted Derbyshire Dales Local Plan.
- 2.4 Although it is now more than 5 years since the review was required to be completed, it does not preclude other areas of the plan being further revised to reflect updated guidance before to submission of the revised Derbyshire Dales Local Plan to the Secretary of State (and prior to the 30th June 2025 deadline). This could include addressing the Progressive Alliance's objectives in relation to the delivery of a revised strategic vision and sustainable/flourishing communities.

3. Options Considered and Recommended Proposal

- 3.1 At this time, no options for the detailed future wording of policies has been considered. These will be subject to a future report to be considered by this Sub Committee in due course.

4. Consultation

- 4.1 None as a direct consequence of this report. However public consultation will be required to complete the review of the Derbyshire Dales Local Plan.

5. Timetable for Implementation

- 5.1 The Local Development Scheme approved by this Committee at its meeting on 27th September 2023 sets out the current timetable for the completion of the revisions to the Derbyshire Dales Local Plan. At this time it envisages that during 2024 there will be public consultation, on the principles of the location of new development, future housing needs and policy developments. This will allow submission of the Derbyshire Dales Local Plan to the Secretary of State by 30th June 2025, with adoption to follow 2026.

6. Policy Implications

- 6.1 As set out in this and previous reports.

7. Financial and Resource Implications

- 7.1 In this report it is recommended that key topic areas as set in Paragraph 2.1 be noted and that future reports be presented to this Sub Committee for consideration. There are no financial risks arising from those recommendations.

8. Legal Advice and Implications

- 8.1 This report provides for Members information details of the key policy areas that the Local Plan review will seek to address in the future.

8.2 There are 2 decisions to be made as recommended at the start of this report, the legal risk has been assessed as low.

9. Equalities Implications

9.1 There are no direct equalities implications as a consequence of this report. The review of the Derbyshire Dales Local Plan will be subject to a comprehensive Equalities Impact Assessment.

10. Climate Change Implications

10.1 There are no direct climate change implications as a consequence of this report. 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 Local Plan 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 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	16/11/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	21/11/2023
Monitoring Officer (or Legal Services Manager)	Kerry France	20/11/2023