

COUNCIL
9 November 2020

Report of the Director of Regeneration and Policy

DERBYSHIRE DALES LOCAL PLAN REVIEW

SUMMARY

This reports advises Members of the statutory need to complete a review of the Derbyshire Dales Local Plan by December 2022. It also advises Members of the anticipated nature of the work required to undertake the review, along with a proposed timetable for its completion.

RECOMMENDATIONS

1. That the timetable for the review of the Derbyshire Dales Local Plan as set out in Appendix 1 be approved.
2. That upon receipt of external advice from the consultants appointed to undertake the work set out in Para 2.5 of this report that these topics be subject to consideration at Member Workshops and further reports be presented to the Local Plan Advisory Group.
3. That delegated authority be given to the Director of Regeneration and Policy to commission any other consultancy advice that is considered necessary to take forward the review of the Derbyshire Dales Local Plan.

WARDS AFFECTED

All wards outside the Peak District National Park

STRATEGIC LINK

The Derbyshire Dales District Council Local Plan will be a pivotal tool in the delivery of the Council's Corporate Plan, in particular those priorities relating to *Place* and *Prosperity*.

1 BACKGROUND

- 1.1 Derbyshire Dales District Council, is the local planning authority for that part of its area that sits outside of the Peak District National Park. In December 2017 the Derbyshire Dales Local Plan was formally adopted. It sets out the policies and proposals for the use and development of land for the period 2013-2033.

- 1.2 Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires local planning authorities to review Local Plans, and Statements of Community Involvement at least once every five years from their adoption date, to ensure that policies remain relevant and effectively address the needs of the local community. A review of the Derbyshire Dales Local Plan must therefore be completed by December 2022.
- 1.3 To comply with this duty, a review of the Derbyshire Dales Statement of Community Involvement must also be completed by December 2022.
- 1.4 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guidance also suggests that policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after five years.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 a method to ensure that a plan and the policies within remains effective at managing the use and development of land in the future.
- 1.5 The advice from MHCLG is that the review of the Derbyshire Dales Local Plan should be completed within five years, not including the adoption of an amended or new Local Plan.

2 REVIEW PROCESS

- 2.1 As with the adopted Derbyshire Dales Local Plan much of the initial work on the review of the Derbyshire Dales Local Plan will require the collation of evidence to support the future development of policies and proposals. Whilst some of this work can be undertaken internally, much will require the appointment of external consultants to advise on specific technical matters such as housing numbers, employment land requirements, retail capacity and flood risk.
- 2.2 An indicative timetable for the review of the Derbyshire Dales Local Plan has been prepared. This is set out in Appendix 1 to this report.
- 2.3 At this time it is envisaged that the review process could be completed by late 2021, and (taking account of the previous timescales for the preparation of the current Derbyshire Dales Local Plan) the adoption of a new and revised Local Plan by mid-2023. The anticipated key milestones for review and subsequent adoption of the Derbyshire Dales Local Plan are as follows:

Milestone	Date
Update of Evidence Base and Specialist Advice	September 2020 to December 2021
Internal Strategic Policy Review	September 2020 to December 2021
Completion of Review of Derbyshire Dales Local Plan	December 2021

Milestone	Date
Draft Plan	April 2022
Draft Submission Plan	October 2022
Submit Plan to Secretary of State	December 2022
Examination in Public (End)	April 2023
Adoption	June 2023

2.4 It is anticipated that the following issues may be the most debated aspects of the Local Plan review:

- 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 requirements
- 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

2.5 The following pieces of consultancy advice are considered necessary to provide the evidence base for the review of the Local Plan:

- 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

2.6 Dependent upon the outcomes of the above advice the following pieces of consultancy advice may be required to be commissioned:

- New Village Feasibility
- Strategic Traffic & Transportation Study
- Landscape Sensitivity Update

2.7 To achieve the timetable envisaged in Appendix 1 requires the early commissioning of advice from specialist consultants. As such, with the assistance of Derbyshire County Council and in accordance with the

District Council's procurement rules and procedures, work has commenced on the commissioning of consultants to undertake the areas of work identified in Paragraph 2.5 above. At this time Icen Projects Ltd have been appointed to undertake both the Housing and Employment Land Assessments.

- 2.8 Member approval is also sought for delegated authority to the Director of Regeneration and Policy to commission other consultancy advice that is considered necessary to take forward the review of the Derbyshire Dales Local Plan.
- 2.9 Other work required to underpin the review of the Local Plan, and which will be undertaken in-house includes:
- Review of Local Plan policies and proposals – to include, but not limited to, Settlement Hierarchy, Settlement Boundaries, Town Centre and Primary Shopping Areas
 - Statement of Common Ground
 - Duty to Co-operate
 - Strategic Housing and Employment Land Availability Assessment

3 LOCAL PLAN REVIEW GOVERNANCE

- 3.1 The District Council constitution sets out that Council is responsible for the strategic development and adoption of Development Plan policy. The annual meeting of Council on 22nd July 2020 appointed ten Members to a Local Plan Working Group whose terms and conditions are:

To undertake work as instructed by Council on policies and proposals as part of the Local Plan Review and to prepare options for Council to consider.

- 3.2 Meetings of the Local Plan Working Group will be called as is considered necessary to do so. In order to achieve the timetable set out in Appendix 1 this may include having to arrange meetings of the Local Plan Working Group and Council at short notice, and in other locations away from the Town Hall and online as is considered necessary.
- 3.3 To ensure that Members are engaged throughout the review process it is anticipated that a much more fine grained approach will be taken which reflects the degree to which decisions by Council are required on key aspects of the Plan. This will involve, for example, the use of topic based Member Workshops during the initial evidence gathering stage. Workshops will allow Members to be briefed on the outcome of the evidence, and options and provided with the opportunity to seek clarification of the implications for the Local Plan.
- 3.4 As the review of the Derbyshire Dales Local Plan progresses, increasingly the Local Plan Working Group will be required to consider and review options for consideration by Council. It will also involve analysing

submissions on the emerging Local Plan, and making proposals about how Council may wish to address the issues raised in any such submissions. During the final stage of the process it will also involve consideration of the Inspector's Report.

- 3.5 Careful management of the risks associated with this project will be required to ensure that the review of the Derbyshire Dales Local Plan is completed on time. As such it is considered appropriate that as part of the project management an initial risk assessment is prepared which sets out the relevant risks and mitigation/control measures. This will be kept under review throughout the review process. This is attached in Appendix 2 for Members consideration.

4 RISK ASSESSMENT

4.1 Legal

Regulation 10A the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires local planning authorities to review Local Plans, and Statements of Community Involvement at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. The legislation does not, however, prescribe how to go about undertaking a review of a Local Plan. If following the completion of the review of the Derbyshire Dales Local Plan it is considered appropriate to take forward a formal revision of the current version of the Local Plan then this will need to be taken forward in accordance with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

The review of the Statement of Community Involvement and Local Development Scheme will be undertaken in accordance with the relevant legislation.

This is a statutory requirement and the proposals accord with the provisions of the relevant legislation. Therefore the legal risk at this current time attributed to this report is low.

4.2 Financial

Within the 2020/21 revenue budget there is £150,000 for expenditure associated with the review of the Derbyshire Dales Local Plan, which is financed by a transfer from the Local Plan Reserve for 2020/21. The costs of appointing consultants to undertake the extent of work set out in Paragraph 2.5 can be contained within the budget. The financial risk is, therefore, assessed as low.

4.3 Corporate Risk

Failure to undertake a review of the Derbyshire Dales Local Plan within the five year period set out in the legislation will expose the District Council to significant risk in relation to its ability to make and defend decisions on planning applications. Managing the review process and risks as set out in the report will minimise any risk to the District Council.

Elsewhere on this agenda is a report on the contents of a Planning White Paper issued by the Government on 6th August 2020. This suggests a number of significant changes to the structure and appearance of Local Plans. Whilst the proposals contained within the White Paper will require legislative changes, if these are brought into effect prior to the completion of the review process this could have a significant impact upon costs for the District Council, as well as its ability to make, and defend decisions its makes on planning applications.

5 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

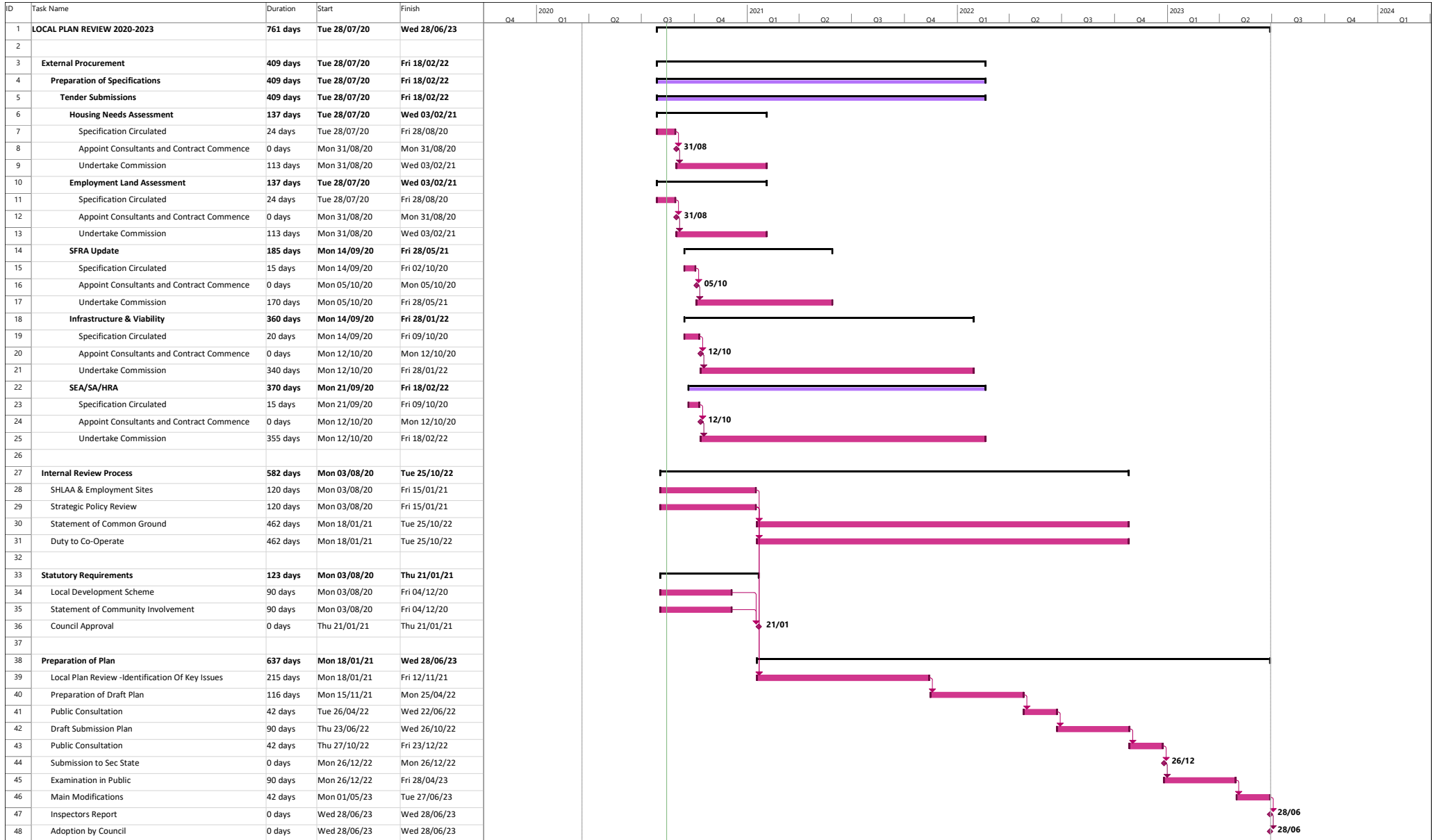
6 CONTACT INFORMATION

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7 BACKGROUND PAPERS

Description	Date	Location
Adopted Derbyshire Dales Local Plan	December 2017	https://www.derbyshiredales.gov.uk/images/L/DDDC_Planning_Doc_2018_vweb_2.pdf
National Planning Policy Framework	February 2019	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf
Planning Practice Guidance		https://www.gov.uk/government/collections/planning-practice-guidance



Project: Local Plan Review 2020
Date: Fri 14/08/20

Task		Summary		Inactive Milestone		Duration-only		Start-only		External Milestone		Manual Progress	
Split		Project Summary		Inactive Summary		Manual Summary Rollup		Finish-only		Deadline			
Milestone		Inactive Task		Manual Task		Manual Summary		External Tasks		Progress			

Project Name	Local Plan Review
Project Manager	Mike Hase
Project End Date	May-23
Risk Register Version	v2
Date prepared	14/08/20

Scoring system key

Likelihood	5	Highly likely
	4	Likely
	3	Forseeable
	2	Unlikely
	1	Rare occurrence

Impact	5	Catastrophic
	4	Severe
	3	Moderate
	2	Minor
	1	Negligible

		Impact				
Likelihood	1	1	2	3	4	5
	2	2	4	6	8	10
	3	3	6	9	12	15
	4	4	8	12	16	20
	5	5	10	15	20	25

1-4 = Low risk
5-9 = Medium risk
10-16 = High risk
20-25 = High risk

Risk category	Risk ID	Risk	Pre-mitigation			Mitigation	Post-mitigation		
			Likelihood (L)	Impact (I)	Risk		Likelihood (L)	Impact (I)	Risk
			Min score	1	1		1	Min score	1
			5	5	25	Max score	5	5	25
External Procurement	P1	Preparation of Specifications not completed on time as a result of Coronavirus	3	3	9	Ensure that whole team involved in the preparation process	2	2	4
	P2	Tender Submissions - Not Returned within timescales	3	3	9	Extend Timescales or provide sufficient time based upon discussions with consultants	2	2	4
	P3	Tender Submission - Significantly Exceed Budgetary Estimates	2	3	6	Utilise more of Local Plan Reserve	1	2	2
	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
	IR4	Delayed delivery of laptops to replenish staff	3	4	12	Requisition of other staff's laptops to meet Planning Policy priorities	2	2	4
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 timescales	2	2	4
	PP3	LPWG does not agree to recommend LDS & SCI for approval to Council	3	4	12	Early engagement with Members prior to LPWG	2	3	6
	PP4	Council does not agree LPWG 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 over whelming 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	LPWG & Council do not agree contents of Pre Submission Draft Local Plan	3	4	12	Early engagement with Members before LPWG & Council	2	3	6
	PP9	Delay in commencement of Public Consultation on Pre Submission Draft Local Plan	2	4	8	Ensure that there are contingency measures in place - discuss with MHCLG realistic solutions	2	2	4
	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 PWS contingency measures - if not already in place.	2	3	6
	PP14	Multiple & 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