

**Derbyshire Dales Local Plan  
Pre Submission Draft Plan August 2016**

**Campaign to Protect Rural England Derbyshire Branch, Consultation  
Response, September 2016**

**Name of Respondent:**

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**Introduction**

We wish to comment on the following parts of the DDDC Pre-submission Draft Plan:

Policy S1 - Presumption in Favour of Sustainable Development  
Policy S2 – Sustainable Development Principles  
Policy S4 – Development within Defined Settlement Boundaries  
Policy S5 – Development in the Countryside  
Policy S6 – Strategic Housing Development  
Policy PD1 – Design and Place Making  
Policy PD5 – Landscape Character  
Policy PD7 – Climate Change  
Policy HC2 – Housing Land Allocations  
Policy HC4 – Affordable Housing

We consider the Local Plan to be legally compliant and compliant with the Duty to Cooperate, but we do not consider it to be 'sound'. Our reasons are set out in detail in the remainder of this report.

**Participation in the Oral Examination**

I confirm that CPRE wishes to be invited to participate in the relevant hearings of the Public Examination, so as to deal with issues set out in this response and evidence that may emerge in the meantime, including representations made by others.

Tim Silvester  
Chair, CPRE Derbyshire

## Headline comments

1. The entire Spatial Strategy laid out in the draft plan is ineffective, and therefore unsound. The principal reasons for its ineffectiveness are as follows:
  - Many of the laudable aims within Policy S2 will be hindered in their effectiveness by other policies in the plan, especially because accelerated housing growth will lead to an unsustainable increase in people out-commuting to adjacent authorities for employment;
  - Policy S4 and S5 set out a strong distinction between the plan's approach to development within and without the settlement boundaries, and are therefore crucial to the spatial strategy, yet they are very vulnerable to being switched off by Policy S1 in the event that DDDC lacks a 5-year housing land supply;
  - Policy S6 is very unlikely to be deliverable due to the unrealistic increase in house building that would be needed to achieve the housing target;
  - Policies S8 to S10 do not really amount to a 'development strategy' because they are little more than generalised wish-lists, and offer nothing in the way of a vision or framework for placemaking in Matlock, Ashbourne and the rural parishes;
  - Too many of the 'S' policies are actually lengthy development control policies that give no sense of strategic direction for the District over the plan period.
2. Policy S6 is not justified by the available evidence, because:
  - The evidence base for Objectively Assessed Need includes needs arising in Bakewell, but the Plan's approach to meeting unmet need from within the National Park is not explicit;
  - Completions to date during the plan period are a fraction of what would be needed to achieve the proposed housing target, and we see no reasonable prospect of the dramatic acceleration in house building that would be needed;
  - The economic assumptions on which the housing growth target is based are unrealistic.

## Detailed Comments

### ***Policies S1, S4 and S5***

3. Policies S4 and S5 share a key problem in that they both contain extensive development control clauses that detract from their strategic purpose. Together they should articulate the key function of the plan: placemaking. At present, they rightly say that new developments should generally be contained within settlement boundaries and be complementary to their host settlement; and that any development

outside those boundaries should be appropriate to a countryside location. However, it is very difficult for proposals to be assessed against the lengthy criteria in those policies without a clear sense of how DDDC hopes that each settlement will evolve during the plan period and beyond.

4. To this end, the natural progression from the Settlement Hierarchy outlined in S3 should be a placemaking framework, identifying the characteristics of each settlement and what needs to change to make it a more sustainable settlement with a better quality of life. This should complement the Landscape Character Assessment so that it is clear how each settlement should contribute to the character of the countryside around it. With this placemaking framework established, policies S4 and S5 could then focus on explaining how new development should help to enhance the characteristics of places across the District. The development control elements of those policies may then be better located in a separate policy.
5. Policies S4 and S5 are also fundamentally weakened by Policy S1. This is because Policy S1 states:
  - *“Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise...[ie NPPF will apply but the Local Plan won’t]”*.
6. DDDC will be aware of recent court rulings that have recommended a 'wide' definition of which policies are relevant to housing supply. Looking at the draft plan, the interpretation of this ruling favoured by housebuilders would be that, if the Council does not have a 5-year housing land supply, then the settlement boundaries could be considered out of date, which would switch both S4 and S5 and force the Council to approve housing developments outside the settlement boundaries. If this were to happen then the key spatial differentiation set out in the plan, between 'within settlement' and 'in the countryside' would be lost, and the spatial strategy would be meaningless.
7. However, those same court rulings are also useful in clarifying that that policies can remain relevant, even if they are out of date. That means that policies aren't simply switched off if there's no 5 year supply, but that they may carry less weight - so local authorities can make a case-by-case judgement as to how much weight those policies should still carry. This is a very important point in relation to settlement boundaries, because it is clearly absurd that the strategic purpose of a settlement boundary could be switched on or off at different times throughout the plan period, depending on whether or not there is a 5-year supply at any given point. The Council is now empowered to make a judgement as to how much weight the 5-year supply carries compared to the function of the settlement boundary; that judgement may be influenced partly by the scale of shortfall in land supply (ie is it marginal or more drastic?), and partly by how important the defence of

the settlement boundary is in a given location to maintaining the intended pattern of settlement.

8. In our view, the Plan should contain two important defences against this very worrying scenario. Firstly, Policy S1 should not simply repeat NPPF wording, but should stipulate exactly what should happen in the event of a lack of 5-year housing land supply. We suggest wording along the following lines:
  - *“In the unlikely event of an application for which there are no relevant policies in the plan, then the presumption in favour of sustainable development as set out in NPPF will apply. Where there are relevant policies to the application, but these are out of date – for example due to a shortfall in the 5-year housing land supply – then those policies remain relevant material considerations whose significance must be weighed against the other benefits and adverse impacts of granting planning permission.”*
9. Secondly, Policies S4 and S5 and their preamble should be much more explicit about what the spatial functions of the defined settlement boundaries are, so that their relevance can carry suitable weight as material considerations in the event of a shortfall in 5-year supply. We suggest wording along the following lines:
  - *“The defined boundary of each settlement sets out the shape and extent of that settlement that is considered most appropriate and sustainable, given the scale of growth envisaged for the settlement, the presence of natural and physical features that logically delimit the settlement, and the benefits of defending countryside outside that boundary from inappropriate development. At the strategic scale, the defined settlement boundaries reflect the settlement hierarchy, the extent to which growth of different settlements should deliver the [missing] placemaking framework, and the intended relationship between settlements and countryside across the District.*
  - *“It should also be emphasised that the purpose of defined settlement boundaries is not to limit the total supply of land for built development, but to assist in directing built development towards the most suitable and sustainable locations across the District with respect to the settlement hierarchy.”*

## **Policy S2**

10. This hugely important policy is likely to be woefully ineffective. We have provided commentary below against each clause of the policy to explain our concerns.

<b>Policy Clause</b>	<b>Derbyshire CPRE comment</b>
Meeting most development needs within or adjacent to existing communities	It remains unclear how unmet need from Bakewell is to be

having regard to the defined settlement hierarchy;	addressed (see our comments on Policy S6 below).
Making efficient and effective use of land, particularly land which has been previously developed, (including the remediation of contaminated land and addressing land instability issues), buildings and existing infrastructure;	Support.
Making efficient use of land by ensuring that the density of development is appropriate (and informed by the surrounding environment);	The housing density assumption of 30 dpha is too low to be sustainable in most instances. Generally a minimum net density of 45dpha is necessary to support viable public transport and local amenities; and this also makes much more efficient use of land. There may be exceptions in lower tier settlements where there is limited development and no realistic prospect of additional facilities emerging.
Conserving and where possible enhancing the distinct Peak District character, landscape and townscape, including the setting of settlements both within the plan area and its surrounding areas including the Peak District National Park;	Not effective without the 'placemaking framework' we recommend (see our comments on policies S4 and S5 above).
Providing for a mix of types and tenures of quality homes to meet the needs and aspirations of existing and future residents in sustainable locations;	Insufficient evidence of implementation mechanisms to supply sufficient affordable housing.
Supporting the local economy and businesses by providing for a range of economic developments that provide employment opportunities suitable for local people in environmentally, socially and economically sustainable locations and generally encourage larger developments to incorporate mixed uses where possible to do so as to reduce the need to travel;	Not effective due to misinterpretation of the economic aspirations stemming from D2N2, and in light of our comments on policy S6 below. A key result of these problems is that housebuilding in Derbyshire Dales is likely to outstrip job growth, generating substantial increases in out-commuting to jobs elsewhere, particularly Derby and Chesterfield. The draw for commuters of the South Yorks city region economic growth proposals and not addressed in the plan.
Minimising the need to travel by promoting development in locations where there is access to a broad range of jobs, services and facilities which are accessible by foot, cycle or public transport with reduced	

reliance on the private car;	
Avoid the risk of damage to areas of importance for nature conservation and/or landscape value, both directly and indirectly and where avoidance is not possible ensuring that there is suitable mitigation to address any adverse effects;	Support.
Encouraging the protection and prudent use of natural resources including water, by promoting water efficiency, water conservation, pollution prevention and minimising waste and increasing recycling;	These are all laudable aims but the verbs are weak: there is no indication of the implementation tools available to the plan and little prospect of these aims being fulfilled.
Seeking to secure developments which provide a high standard of amenity for all existing and future occupants of land and buildings, ensuring communities have a healthy, safe and attractive living environment and the risks from pollution and other potential hazards are minimised and where appropriate mitigated.	
Seeking to secure high quality, locally distinctive and inclusive design and layout in all development;	
Taking into account the impacts of climate change by following a sequential approach to flood risk that seeks to direct development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere;	Support in principle but verbs are weak and little evidence of how this will be implemented and monitored in practice.
Giving priority to the use of Sustainable Drainage Systems to limit surface water run off, provide local amenity value, and improve and protect the District's water quality and groundwater resources from potentially polluting development in line with the objectives of the Water Framework Directive.	
Ensuring that development does not have an adverse effect on the integrity of European Sites;	
Maintaining and where possible enhancing accessibility to a good range of services and facilities, and not putting an	It is unclear what this means and how it will be implemented.

unreasonable burden on existing infrastructure and services;	
Ensuring that development proposals do not prejudice the development potential of an adjacent site or larger area in a comprehensive manner;	Support.
Encouraging development proposals to protect, conserve and promote the enhancement of ecological sites, blue and green infrastructure and achieve a net increase in biodiversity overall.	Support, but we have concerns about how realistic this is and how an increase in biodiversity will be achieved and monitored. It appears that the Green Infrastructure Strategy does not yet exist so there is a lack of evidence with which to implement this clause.

### **Policy S6**

11. In our view, Policy S6 is unsound because it is based on an incorrect approach to objectively assessed need, is unachievable when compared to historical build-rates, and uses density assumptions that are too low. The combined effect of these three problems is to create a dramatic and damaging over-supply of allocated housing sites that will cause new development to be too thinly spread and too focused on green field sites, and therefore unsustainable.

<b>Objectively Assessed Need</b>
The OAN as presented in the Plan is 6,440 (322pa). The planned housing provision is comprised of:
2,187 existing completions and commitments
+ 838 windfalls and other sites
+ 358 PDNPA contribution
= 3,383
+ 3,188 on new sites
= 6,571 (328pa)
The Economic Development and Housing Need Assessment (GL Hearn, Sep 2015) explains how the 322pa has been derived:
244 pa demographic growth based on 2012 projections
+ 57 pa additional growth to support new jobs
+ 21 pa affordables
= 322 pa
of which 95 pa would theoretically be in PDNP (predominantly Bakewell) leaving 227 pa in the Plan Area.

***We conclude that a more appropriate housing target for the plan would be around 220 pa - 4,300 in total. Our reasons are set out in sections A) to D) which follow.***

#### **A) The effect of the National Park on OAN**

The 95 pa in the DDDC part of the National Park would amount to 1,900 over the Plan Period, and theoretically these would be focused on Bakewell. However, Table 3 of the draft plan shows PDNPA providing 358 homes for DDDC; so we infer that there are 1,542 homes planned for the Derbyshire Dales Local Plan area that derive from unmet OAN arising inside the National Park.

This is an inappropriate and unjustified approach, for three reasons:

- I. The 2011 census population of Bakewell was 3,949, so if the scale of growth suggested by GL Hearn were correct this would imply that Bakewell should roughly double in size during the plan period – which is not a rational proposition.
- II. The National Park could never reasonably be expected to accommodate its theoretical OAN, due to its statutory purposes, and in our view this should reduce the housing requirement overall in those local authorities overlapping the Park.
- III. Bakewell is a desirable commuter location for Sheffield, so it would be wholly unreasonable to expect Bakewell's housing needs to be met only in Derbyshire Dales.

Therefore we would suggest that the effect of the National Park on the Derbyshire Dales Plan has been overstated by roughly 1,000 units over the plan period (50pa).

#### **B) The effect of D2N2 job growth on OAN**

During the period 1998-2008, the D2N2 economy grew by 3.6% compared to the 9.1% national average (emphasising how London-centric the growth was over that period). During that same period, DDDC housebuilding ran at 119 units pa on average. This suggests that DDDC would build about 330 homes pa if economic growth was 1% pa. Compared to existing trends, 1% growth pa is very optimistic, but D2N2's plans are very ambitious, and government is looking to Local Plans to be supportive of ambitious growth.

Nevertheless, it is important to bear in mind that:

- 46% of DDDC's employed population currently commutes out of the District for work, so we can infer that a substantial number of the dwellings built during 1998-2008 are occupied by out-commuters, and therefore that DDDC is exporting a workforce to neighbouring areas;
- Nottingham and Derby cities will be the focal points of economic and job growth in D2N2, and therefore job growth within DDDC is likely to be at a much lower rate than in the cities.



- In addition, Chesterfield has opted to be part of the South Yorkshire City Region, so there is likely to be higher job growth in the Chesterfield area, attracting more out commuting from the DDDC area.

Consequently, the planned acceleration of housebuilding in DDDC is likely to *significantly increase out-commuting, increase the exporting of the workforce and therefore run contrary to Policy S2*. CPRE would expect job-related growth across D2N2 and South Yorkshire to be heavily focused on the cities and on Chesterfield; and for job growth within DDDC to be supplied in the first instance by reducing out-commuting, rather than by encouraging in-migration.

Considering the degree to which demographic trends in Derbyshire Dales already reflect its attraction as a home for commuters, the need to reduce out-commuting and the likely shortfall in job growth compared to the D2N2 ambitions, we do not consider that a job-based uplift to the housing requirement is appropriate.

### **C) Using historical build-rates to test the realism of the housing target**

The mean gross completion rates over a 20 year period (1995/6 to 2014/15) are as follows:

private 111 pa

social 26 pa (19% of total)

total 136 pa

During that time, completions only exceeded 200pa in 3 years (95/6, 96/7 and 99/00). Therefore the completion rate needs to more than double to deliver the Plan. Completions so far during the plan period have average 134 pa, very close to that long-term mean. Therefore achieving our suggested, lower housing target of 220 pa would still amount to a very significant boost in the supply of housing.

### **D) Improving Housing Density**

Policy HC2 identifies capacity for 3,515 dwellings on 222.01 hectares of land: a gross density of about 16 dwellings per hectare. Most local authorities are using net density assumptions of 30 dwellings per hectare (dpha) except on inner urban sites where higher assumptions are used. So we may infer that the ratio of gross to net density in Derbyshire Dales is about 50%.

CPRE considers 30 dpha to be too low in most circumstances. There is a wealth of evidence that net residential densities of at least 45 dpha are needed to make public transport and a range of local amenities economically viable; and the majority of the most popular, most lively residential areas have densities of over 50 dpha. The public have been made fearful of higher densities by association with high-rise or cramped developments, but these arise through poor design, not through the numerical densities. Higher densities would better enable implementation of Policy S2; and since the Plan envisages that 80% of new dwellings would be 2 and 3 bedroom dwellings, to

address an over-emphasis on larger dwellings within the existing stock, this would also point towards higher density assumptions.

If we took a modest density increase to 40dpha, then we can see that:

- The proposed housing requirement of 6,440 ( involving 3,188 on allocated sites) could be achieved using about 160 hectares of allocated sites, instead of the 222 currently proposed – saving 62 hectares of land;
- Our suggested, more realistic housing target of 4,400 could be achieved with just 51 hectares of allocated sites – about a quarter of the proposed allocations.

### **Policies PD1 and PD5**

12. We support these policies insofar as they go, but we suggest that there is missing strategic connection between them and policy PD7 (Climate Change). On the one hand, the design and the placemaking qualities of new developments can have significant potential to improve the district's response to climate change. On the other hand, appropriate climate change responses could have impacts on landscape character, particularly if it involves changes to land management, renewable energy installations, and alternative approaches to water management. Currently, the relationships between these policies are not properly explored, and as a result they may come into conflict with each other when being used to shape planning decisions.

13. To address this problem, we suggest that both policies PD1 and PD5 include clauses to *'encourage innovative proposals that offer specific opportunities to reduce or mitigate the risks associated with climate change, so long as they are consistent with the other principles of this policy'*.

### **Policy PD7 Climate Change**

14. This is a crucially important policy which we strongly support in principle, though we have concerns about its effectiveness, as follows.  
1st bullet - should recognise that the first requirement for new development to be responsive to climate change is its location, in terms of its contribution to a sustainable pattern of settlement and travel.  
2nd, 3rd and 6th bullets, plus criteria (a) and (b) - these are rather repetitive and risk muddying the understanding of how renewable energy opportunities should be treated by the policy.  
9th bullet - reflects our comment on the 1st bullet, but this needs to be supported by clear evidence that climate change response has genuinely influenced the proposed pattern of settlement.

## **Policy HC2**

15. We would like also to register our strong objections to a number of highly sensitive sites and locations. Given our views on the opportunity that exists to reduce proposed housing numbers, as set out above, we believe that approximately 62 hectares of development land identified in the draft Plan could be removed. Our priority sites for removal are:

### **HC2(u) land off Gritstone Road/Pinewood Road Matlock**

A highly sensitive landscape site adjacent to Matlock Moor, encroaching on the character of the town fringes and suburbanising an unspoilt area on the fringes of the town. Major traffic problems would be caused by development on this site, and any houses are likely to encourage out commuting, given the site is adjacent to routes to Chesterfield and motorway links.

### **HC2 (a) Land at Lathkill Drive Ashbourne**

This site has high landscape and nature conservation value which cannot be mitigated, and therefore should not be developed, in line with the draft Plan's stated policies on landscape and wildlife.

### **HC2 (e,f and g) Land north of A52, Land adjacent to Alley Walk and Land at Luke lane/Mercaston lane Brailsford**

All of these sites have landscape sensitivity and their development would lead to an unacceptable and unsustainable growth in Brailsford, spoiling the rural village and essentially turning into a commuter suburb for out-commuting to Derby and beyond.

We also have concerns about over-development at Doveridge and at Hulland Ward, but regrettably have not had the time or resources to develop a clear position on specific sites.

## **Policy HC4**

16. We fully support this policy but have some concerns about the lack of strategic overview in the plan as to where such housing is most needed, and specifically the need for such housing in small village settlements. It is also unclear what type of evidence an applicant can provide in order to avoid the requirement for affordable housing provision, and how such evidence is going to be assessed.