

North East Derbyshire Local Plan Examination

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HEARING SESSION AGENDA

4 December 2018 9.30am

1. Inspectors' introduction
2. Follow up/matters of clarification from Week 2
3. Main Matter 12 – Whether or not the plan will safeguard and enhance the landscape character, natural and historic environment in the plan area (Policies SS11 and SDC1 – 15)

Note: Bulleted points are additional points for discussion at the hearing session. Policy SS10 will also be covered at this session

- 1 Is Policy SS11 necessary and justified by the evidence in the Local Settlement Gaps Study and Update (EB SS3 & EBSS4) and would other policies/designations be effective in safeguarding the form and character of settlements in the south of the District?
 - Would the size of the Local Settlement Gap influence the effectiveness of Policy SS11?
 - How has the issue of separation between settlements in areas not covered by the Local Settlement Gaps Study been addressed?
 - How would 'appropriate' rural development in criteria i be defined and how would proposals be assessed against this requirement?
 - Is criteria b clear when read in conjunction with paragraph 1 of the policy?
 - Is criteria c clear – can development 'prevent the erosion of existing settlement separation'?
 - Proposed modification in SD7 p74
- 2 Is the local settlement gap designation on the Policies Maps consistent with the findings of documents EB SS3 & SS4?
- 3 The following questions apply to Policies SDC1 – SDC15:
 - a. Is the policy clear and will it provide sufficient guidance for decision making?

- b. Is it based on a robust evidence base?
- c. How will the policy be implemented and would it be flexible to respond to specific circumstances including viability?
- d. Is the policy positively prepared, justified by the evidence and consistent with national policy and will it be effective? Are any modifications necessary for soundness?

SDC1 – Re-Use of Buildings in the Green Belt and countryside

- Does this policy duplicate SS10 criteria 3j? How would both policies operate in relation to proposals for the conversion of buildings in the Green Belt?
- How would proposals be assessed against the requirement in criteria 1e – having ‘no materially greater impact’ than the present use?

SDC2 – Trees, Woodland and Hedgerows

- Is the requirement of criteria 4 that planting should be ‘locally sourced’ reasonable and enforceable?

SDC3 –question 5 below

SDC4 – question 6 below

SDC5 – Conservation Areas

- Should the policy refer to ‘significance’ in addition to or instead of ‘development characteristics’?
- Is there a programme for CA appraisals to be done?

SDC6 – Listed Buildings

- Is the reference to ‘protect’ in criteria 1 soundly based having regard to the requirement to ‘preserve’ the setting of designated heritage assets in paragraph 137 of the NPPF?

SDC7 - Archaeology

- Is criteria 1 sufficiently flexible and is it clear that all parts of the policy will be used to assess development proposals?

SDC8 – Registered Parks and Gardens

- Is criteria 1 sufficiently flexible and is it clear that all parts of the policy will be used to assess development proposals?

SDC9 – Non designated local heritage assets

- Is criteria 1 sufficiently flexible and is it clear that all parts of the policy will be used to assess development proposals?
- Taken together, do Policies SDC6, 7, 8 & 9 represent a positive strategy for the conservation and enjoyment of the historic environment as required by para 126 of the NPPF?

SDC10 – Renewable and Low Carbon Energy Generation

- Should the policy include a carbon reduction target or a requirement for new development to be zero carbon?

SDC11 – Flood Risk and Drainage

- Is all the explanatory text in criteria 2d and e necessary?
- Is criteria 4 clearly worded?
- Modifications in SD7 p112 & 113

SDC12 – High Quality Design and Place Making - question 7 below

SDC13 – Environmental Quality

- Is the wording of criteria 2 clear?
- How would proposals be assessed against the requirement in criteria 3 to 'contribute positively' to the water environment?
- Should the policy incorporate a 'net gain' approach?

SDC14 – Land Contamination or Instability

SDC15 – Development near Hazardous Uses

- Should the policy include the requirement for consultation with the site operators where development is proposed in proximity to such sites?
 - Is the wording expressed as a policy?
- 4 How have landscape character and other natural and historic environment designations been taken into account in identifying site allocations?
 - 5 Is the spatial interpretation of Policy SDC3 (Landscape Character) clear on the Policies Map including the Areas of Multiple Sensitivity (AMEs)? How will the AMEs influence development proposals? How will the requirement for Landscape and Visual Impact Assessments (para 8.19) be delivered?

- Is criteria 1 of the policy positively worded and is it necessary to make reference to the 'planning balance'?
 - Should the policy have a net gain approach?
 - Should the policy make reference to the National Park's 'special qualities'? How would proposals be assessed against the term 'significantly affect' in criteria 3?
 - Modifications in document SD7 p108
- 6 Should Policy SDC4 (Biodiversity and Geodiversity) be modified to reflect the avoidance-mitigation-compensation hierarchy and should it provide stronger protection for Sites of Special Scientific Interest?
- Modifications in document SD7 p110
- 7 Would Policy SDC12 (High Quality Design and Place Making) secure inclusive design and accessible environments as required by the NPPF? Is the reference to the 'Successful Places' Supplementary Planning Document within Policy SDC12 justified?
- Is the requirement in criteria d for planting adjacent to Green Belt boundaries justified and reasonable?
 - Is criteria e sufficiently flexible to cover other aspects of living conditions?
 - Is the reference to 'prioritising' the needs of pedestrians, cyclists and public transport services above the use of the private car reasonable?
- 8 Policy SS10 – North East Derbyshire Green Belt
- Are any modifications to the text of the policy necessary for soundness?