

Consultation Responses
Wingerworth Neighbourhood Plan
Submission Draft September 2017

Ref	Org. / Name
1	Joeseph Drewry from Environment Agency
2	Kiran Bains Severn Trent Water Ltd
3	Melanie Lindsley from Coal Authority
4	A.R. Yarwood from DGLG Planning
5	Steve Freek from Highways England
6	Yana Burlachka from Natural England
7	Clive Fletcher from Historic England
8	Johnson Mowat on behalf of Anwly Land
9	Cameron Austin-Fell from RPS Group
10	Megan Pashley from Gladman Developments Ltd.
11	David Dale from Derbyshire County Council
12	North East Derbyshire District Council

Respondent 1:

Joeseph Drewry from Environment Agency

Response:

Thank you for consulting us on the Wingerworth Submission version of the Draft Neighbourhood Plan.

After review of the document we have no objections to make.

Respondent 2:

Kiran Bains, Growth & Water Efficiency Analyst, Severn Trent Water Ltd

Response:

We have no specific comments at this time, but please keep us updated as your plan develops. To make detailed comments we will require a map indicating proposed development sites including the number of properties proposed and use (domestic or non-domestic)

Respondent 3:

Melanie Lindsley from Coal Authority

Response:

As you will be aware the Neighbourhood Plan area lies within the current defined coalfield.

According to the Coal Authority Development High Risk Area Plans, there are recorded risks from past coal mining activity in the form of 223 recorded mine entries, 19 reported surface hazards, recorded shallow coal workings, unrecorded probable shallow coal workings, thick coal outcrops, and past surface mining. The eastern side of the plan area is heavily affected by mining legacy including much of the existing settlements.

If the Neighbourhood Plan allocates sites for future development in these areas then consideration as to the development will need to respond to these risks to surface stability in accordance with the National Planning Policy Framework and the coal resource will need to consider the impacts of mineral sterilisation in accordance with the National Planning Policy Framework and the Derbyshire Minerals Plan.

It is noted that the Neighbourhood Plan does not actually allocate any sites for built development; as such the planning framework for unstable land can be satisfactorily addressed in the North East Derbyshire Local Plan. Therefore the Coal Authority has **no specific comments** to make on the Neighbourhood Plan.

Respondent 4:

A.R. Yarnwood (DGLG Planning)

Response:

National planning policies require that provision should be made in planning policy documents to ensure that sufficient sites to provide a five year supply of pitches are allocated for Gypsies and Travellers, in a similar way that a supply of housing sites must be allocated.

National policy also requires that planning policies should set out criteria to deal with planning applications which come forward for Traveller pitches.

These requirements are invariably dealt with in the Local Plans prepared by Local Planning Authorities but it is clearly important that in preparing Neighbourhood Plans, regard should be given to these requirements and any Local Plan policies relating to Gypsy and Traveller provision should be reflected in the Neighbourhood Plan.

Given the recognised need for Traveller pitches in North East Derbyshire, as demonstrated by the Derbyshire and East Staffordshire Gypsy and Traveller Accommodation Assessment, it is important that the Neighbourhood Plan addresses this need.

Respondent 5:

Steve Freek from Highways England

Response:

Highways England welcomes the opportunity to comment on the draft submission version of the Wingerworth Parish Neighbourhood Plan, which covers the period 2016-2033, and the supporting Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) Report. We note that the document provides a vision for the future of the parish and sets out a number of key objectives and planning policies which will be used to help determine planning applications,

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provision of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth. In relation to the Wingerworth Neighbourhood Plan, our principal interest is safeguarding the operation of M1 J29 which is located 6 miles to the east of the Plan area.

Highways England understands that a Neighbourhood Plan is required to be in conformity with relevant national and Borough-wide planning policies. Accordingly, the Neighbourhood Plan for Wingerworth is required to be in conformity with the emerging North East Derbyshire Local Plan (NEDLP) and this is acknowledged within the document.

We have previously responded to the Wingerworth pre-submission version of the Neighbourhood Plan in September 2016. We note that the Plan period has been amended in the updated version from 2011-2031 to 2011-2033 to remain consistent with the Plan period for the NEDLP.

We have previously noted and made comment that a large mixed use site is proposed for the east of the Plan area. As noted in Policy W3L: Housing Growth, The Avenue Regeneration Project is expected to accommodate 1,100 dwellings of which 710 will be delivered over the Plan period, alongside up to 5 hectares of employment land. In addition to this, 172 homes are expected to come forward on Land to the rear of 1-59 Adlington Avenue, resulting in 882 dwellings to come forward during the Plan period.

We have previously noted that due to the scale of development being proposed, we consider that there could be some impacts on the operation of M1 J29. It is likely that this junction would be used to access key regional service and employment hubs such as Nottingham and Mansfield from Wingerworth and therefore could be subject to additional vehicle trips. We reaffirm our position that a Transport Assessment will need to be undertaken to determine the extent of impacts at the M1 J29.

We also reaffirm our welcoming of Policy W21: Highway Safety and Policy W24: Enhancement of footpaths, cycleways and bridleways, both of which are seen to help mitigate the number of vehicle trips on the SRN.

We have also performed a high-level review of the SEA and HRA Report which acts as a supplementary document in supporting the Neighbourhood Plan. We consider that it is not within our remit to comment on these and therefore have no further comments to provide.

Respondent 6:

Yana Burlachka from Natural England

Response:

Natural England does not have any specific comments on this draft Neighbourhood Plan.

Respondent 7:

Clive Fletcher from Historic England

Response:

Your Neighbourhood Plan includes a number of designated heritage assets including 1 GI listed building, 1 GII* 18 GII listed buildings and 1 scheduled ancient monuments it will be important that the strategy you put together for this area safeguards those elements which contribute to the importance of those historic assets. This will assist in ensuring they can be enjoyed by future generations of the area and make sure it is in line with national planning policy.

The conservation officer at North East Derbyshire District Council is the best placed person to assist you in the development of your Neighbourhood Plan. They can help you to consider how the strategy might address the area's heritage assets. At this point we don't consider there is a need for Historic England to be involved in the development of the strategy for your area.

If you have not already done so, we recommend that you speak to the staff at Derbyshire County Council who look after the Historic Environment Record and give advice on archaeological matters. They should be able to provide details of not only any designated heritage assets but also locally-important buildings, archaeological remains and landscapes. Some Historic Environment Records may also be available online via the Heritage Gateway. It may also be useful to involve local voluntary groups such as the local Civic Society, local history groups, building preservation trusts, etc, in the production of your Neighbourhood Plan.

Your local authority might also be able to provide you with general; support in the production of your Neighbourhood Plan. National Planning Practice Guidance is clear where it is relevant, Neighbourhood Plans need to include enough information about local heritage to guide planning decisions and to put broader strategic heritage policies from the local authority's local plan into action at a neighbourhood scale. If appropriate this should include enough information about local non-designated heritage assets including sites of archaeological interest to guide decisions.

Respondent 8:

Patrick Townsend form Johnson Mowat on behalf of Anwyl Land

Response:

This letter is submitted on behalf of Anwyl Land, in relation to land located off New Road and Hill Houses Lane, Wingerworth. The site is currently located outside of the settlement development limits of Wingerworth but is adjacent to the settlement in the North East Derbyshire Local Plan (November 2005, with 'saved' selective alterations 2008). An Outline Planning Application was submitted on 12th August 2017, on the site for 80 houses with all matters reserved except the means of access (ref 17/00873/OL).

The site is broadly rectangular in shape comprising of a number of fields in agricultural use. The site measures approximately 6 hectares in size. The site is at its highest at New Road (to the eastern boundary) and falls away to Tricket Brook (western boundary). It is considered that the site will form a logical and coherent extension to the existing settlement. The site can also play a very useful part in delivering much needed housing (including affordable housing) which will assist in the sustainability of the village of Wingerworth.

The site bounds residential properties to the north eastern/eastern boundaries (along New Road) and along its south western boundary. The site is well defined by mature trees and hedgerows particularly along the south west and north western boundaries. The south western boundary abuts Tricket Brook. The northern boundary abuts the existing road of Hill Houses Lane. The site would therefore form a coherent and logical extension to the existing settlement.

Suitable access can be provided from two separate suitable points of access, that being New Road to the east, and Hill Houses Lane to the north.

The site is predominantly located within the Environment Agency Flood Zone 1 with a small area of Flood Zone 2 and 3 to the south western boundary along Tricket Brook. It should be noted that no development would be proposed in areas demarcated by the Environment Agency as being located within Flood Zone 2 and 3.

Wingerworth Parish Neighbourhood Plan 2016 – 2033

It is considered that the site compliments and works in synthesis with the policies and requirements of the Neighbourhood Plan but would request the amendments detailed below.

It is acknowledged that the Plan does not amend the settlement limits set out on the proposals map of the North East Derbyshire Local Plan (2005) and leaves this process for North East Derbyshire's emerging Local Plan. The site will be represented through this Local Plan process and is considered to form a coherent and logical extension to the existing settlement, it is available, deliverable in the short term and can assist the Council's housing requirements for this area of the district.

In relation to the proposed policies of the Local Plan I would comment that our current application complements these policies:-

Policy W2 sets out that land outside the settlement should be treated as countryside. We are of the opinion that this is acceptable once the Council have the New Local plan in place and can demonstrate a 5 year housing land supply. Before that point, the policy should reflect the need for housing requirements within the District.

Policy W3 sets out the housing growth in the District and supports strategic allocations at Avenue Strategic Site and Adlington Avenue. It is considered that the site can form part of the housing growth within the district in addition to those sites and assisting in the growth of the district.

In relation to the stance that Windfall housing sites over 10 units will not be supported. We do not support this as this stifles development on Greenfield and Brownfield sites, as drafted, it conflicts with National Planning Policy (NPPF).

In relation to the supporting text to the policy W5 on affordable housing, it sets out sites of over 10 units where practicable and viable, 40% affordable housing should be sought. It is our opinion that the affordable housing levels should be dictated set out by North East5 Derbyshire in their new Local Plan.

Policy W17 relates to the protection of trees and hedgerows and their replacement if removed. The current application submitted on behalf of provides retention where possible and enhancement where they are lost.

Policy W18 relates to important views or vistas. It is our opinion that the view from the site will not be affected by the design of the proposed development.

Policy W24 relates to the enhancement of footpaths, cycle ways and bridleways. The proposed development current development ensures this.

In relation to Appendix B – Views and Vistas – Supporting Evidence, it sets out the views which are accessible to the public, which are important and distinctive. Reference 4 contains photos of the view south of Nethermoor Road. It should be noted that this is a photo from a private garden and therefore does not show the true views from the roadside, which are predominately blocked by the existing housing, it is considered that the photo and reference should be removed as it does not truly reflect the view from Nethermoor Road.

In summary we support the Neighbourhood Plan but would request amendments to the Neighbourhood Plan comments as above.

Respondent 9:

Cameron Austin-Fell from RPS planning

Response:

See full response below.

This is in two sections, a letter dated 16 October 2017 and “Initial comments from IDD & Rippon Homes” received 20 October 2017.



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16 October 2017

Helen Fairfax,
Planning Policy Manager,
North East Derbyshire District Council,
2013 Mill Lane,
Wingerworth,
Chesterfield,
Derbyshire,
S42 6NG

Dear Ms Fairfax

WINGERWORTH PARISH COUNCIL HAS SUBMITTED A NEIGHBOURHOOD PLAN PROPOSAL UNDER THE TOWN AND COUNTRY PLANNING NEIGHBOURHOOD

PLANNING (GENERAL) REGULATIONS 2012 (REG. 15).

The following representations are made in relation to the Wingerworth Neighbourhood Plan (NP). The relevant paragraph or policy number is referenced and issues associated with that section are addressed. Whilst RPS is supportive of the NP process, it has concerns over the timescales of the NP production in relation to the advancing Local Plan; issues of conformity with the Local Plan; the need for greater flexibility and potential for reserve site allocations, give particularly given the emerging Local Plan; the conflict with the SEA Directive and the lack of consultation with the business sector.

Paragraph 1.2 - General Conformity

The NP states: *“The Neighbourhood Plan Steering Group did consider whether it should delay preparation of the Neighbourhood Plan until the Local Plan has been agreed. It considered it expedient, however, to proceed with the Plan based on the best available evidence, including that contained in the draft Local Plan”.*

RPS consider the NP should be delayed, given the work on the emerging North East Derbyshire Local Plan. The NPPF para 184 states: *Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan....Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.* The NPPG Paragraph: 009 Reference ID: 41-009-20160211 states: *“A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition”.*

Delay to NP

The NP is being progressed to be in general conformity with the adopted Local Plan (20012011) which is time expired. The draft LP contains untested housing and spatial distribution policies along with an untested Sustainability Appraisal, which this NP is stated as being in conformity with which are likely to render the policies of the NP out of date should the NP be adopted in advance of the Local Plan.

Lack of General Conformity

The focus of the NP is to shape development to meet local needs, so that any adverse impacts on the local environment are minimised. The NP policies seek to conserve and enhance the natural and built environment and therefore likely to have a positive effect on the environment.

Given Wingerworth's role in both the adopted and emerging Local Plans, restricting housing growth to only meet local needs through the application of infill housing (absent of any allocations) is in conflict with the strategic policies of these plans and thereby not in general conformity.

Need for Flexibility

Where a Neighbourhood Plan is emerging ahead of an up-to-date Framework and PPG compliant Local Plan, the Parish Council should ensure that due regard is given to the direction that the emerging Local Plan is taking in accordance with the PPG. However, it is currently uncertain what spatial direction the Council will take to meet its full housing and economic needs.

Accordingly, should the NP proceed then it is important that it allows for sufficient flexibility as advised by the PPG so that it is able to respond to changing market conditions. The NP contains no allocations (based on the SEA Screening), if it is progressed and subsequently Made and the Local Plan contains any allocations within the NP area, which it currently does then this will render the NP out of date upon its adoption.

The Need for Housing Reserve Sites

National Planning Practice Guidance at Paragraph: 009 Reference ID: 41-009-20160211 deals with where NP come forward before an up-to-date Local Plan is in place. It advocates the following: *"Neighbourhood Plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the Neighbourhood Plan are not overridden by a new Local Plan"*.

Given the lack of housing allocations in the NP and the proximity to the Local Plan review being completed, should the NP proceed in advance of the LP, it should consider allocating reserve sites. It is not clear from the evidence available that the NP has considered reserve sites through its preparation process.

Para 4.2 Housing Need

RPS acknowledges that the absence of up-to-date housing policies in a local plan does not necessarily prevent the NP from being made. However, when the North East Derby Local Plan is eventually created, its policies will take priority in the event of a conflict with the neighbourhood plan because they will be more recent.

Although the NP can be produced first, its effects will be limited, given the hierarchy between plans envisaged by the statutory Framework¹. Given that the Local Plan is now advancing the NP is likely to be effective for a short period of time and should therefore be deferred pending the Local Plan process.

Policy W3: Housing Growth

The above policy states the following:

“Having regard to the dwellings already constructed and existing commitments, the Plan supports the development of a minimum of 882 dwellings over the period on the following sites:

- *Avenue Strategic Site (710 homes) and*
- *Land to the rear of 1-59 Adlington Avenue (172 homes)*
- *No further housing sites are identified by the Plan. New housing development proposals will only be supported where it is small scale ‘windfall development.’*

The policy lacks clarity over whether the NP is actively including these sites as allocations. If it is, there must be an SEA undertaken as the NP will be proposing allocations (see comments below under SEA) and an SEA of reasonable alternatives undertaken.

Should these two sites be considered as commitments (882 dwellings) and not allocations then then Policy W3 should be amended to delete all site references completely and clearly state there are no allocations made in the NP at all, which it currently does not do. At present W3 is drafted in such a manner that it implies the NP is making an allocation at these sites. There are other large sites (commitments with planning permission) with a similar planning status within the NP Area that have not been considered in the same manner.

Additionally, W3 is intended to restrict housing growth in Wingerworth to 14% of the overall District total and is, therefore, considered to be premature and inappropriate for inclusion in a Neighbourhood Plan because it is a strategic matter. It states that

“Having looked at the level of services and infrastructure, market conditions and housing need, and considering the findings from consultation, there is no evidence to suggest that a

¹ *Queen (on the application of DLA Delivery Ltd) v Lewes District Council [2017] EWCA Civ 58, 10 February 2016*

higher level of housing development should take place. Indeed, it could be argued that it should be lower. It is considered to be the maximum number which is compatible with the sustainable development of the Parish.”

W3 is in conflict with NPPF Para 16 – “*Neighbourhoods should - develop plans that support the strategic development needs set out in Local Plans*” and NPPF Para 28 – “*neighbourhood plans should: support the sustainable growth*”; as such it should be removed from the NP as it seeks to impose a cap or ceiling to development.

4.1.1 Wingerworth Settlement Development Limit

A more flexible approach to development beyond the existing settlement limits is recommended in the Plan given that policies W1 and W2 will be immediately out of date upon the making of the Plan. To better reflect the requirements of the national policy, specifically the presumption consideration:

When considering development proposals, the NP should take a positive approach to new development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It is recommended the following be added to Policy W2:

Development adjacent to the existing settlement edge will be supported provided that any adverse impacts do not significantly and demonstrably outweigh the benefits of development”

Policy W5 Housing Mix

The policy states: “*Development proposals should provide a mixture of housing types and sizes, specifically taking into account, identified local needs in Wingerworth Parish and other site and market considerations. The provision of smaller dwellings (e.g. 3 bedrooms or less, including bungalows) to meet the needs of young families, disabled, young people and older people will be supported”*.

The evidence in relation to smaller dwellings being required is very limited and appears to conflict with the SHMA which recommends a broader market mix as follows:

The size mix for new market housing should comprise:

- 1 bedroom homes 0-5%
- 2 bedroom homes 30-35%
- 3 bedroom homes 40-45%
- 4 or more bedrooms 20-25%

In particular meeting the needs of young families does not correspond necessarily with smaller dwelling sizes. The reference to the provision of smaller dwellings should be deleted.

Affordable Housing Para 4.2.4

The supporting text to the policy states: *“District wide planning policy requires that all new housing developments involving ten or more dwellings, where practical and viable, should seek to provide at least 40% affordable homes. The Plan supports the provision of affordable housing that clearly reflects and meets a local housing need, where possible”.*

There exists a lack of clarity with the policy as the policy does not state a percentage requirement, but the supporting text refers to 40%. There is no evidence of a viability appraisal to support 40% and also no evidence that the threshold of 10 dwellings or more to provide affordable housing.

Strategic Environmental Assessment Screening and Habitats Regulation Assessment Screening Report (April 2017)

There is a conflict between the SEA Screening Assessment and the NP. This is addressed below. Question 4 of Table 1 states: *Will the Neighbourhood Plan, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art 3.2(a)).*

The answer to this was No because: *“The Plan does not allocate sites for housing or other forms of development, but instead provides further local criteria for proposals to meet, in accord with the saved Local Plan policies. It is unlikely therefore, that the Plan will have a significant adverse effect upon any European (Natura 2000) site”.*

Similarly in relation to question 5: *Does the Neighbourhood Plan determine the use of small areas at local level, OR is it a minor modification of a Plan subject to Art. 3.2? (Art. 3.3)*

The answer was yes because: *“The Plan includes criteria for housing and development at a local level. Once ‘made’ the Plan would form part of the statutory development plan and be used when making decisions on planning applications of small areas at the local level. However, the Plan will not allocate specific sites for development and does not set a level of housing/employment growth. The Plan reflects the broader spatial framework laid out in the North East Derbyshire Local Plan in terms of where new development can be located”.*

5.2 of the SEA states the following: *“Based on the SEA Screening Assessment set out in Table 3 above, it is concluded that there are unlikely to be significant environmental impacts. The key reasons for this conclusion are:*

- 1. The Plan does not allocate sites for development.*
- 2. The Plan is a lower tier plan in the hierarchy of planning documents for the area and therefore has limited influence on other plans or programmes.*

3. *The Plan is in general conformity with the draft Local Plan which has been subject to a sustainability appraisal.*
4. *The Plan seeks to avoid or minimise negative environmental effects by providing guidance for applicants making planning proposals for development within the Plan area.*
5. *The Plan presents a vision, aims and policies that are likely to have a positive effect on environmental assets.”*

Given the above, it is noted that the SEA Screening has established there is no requirement for an SEA, due in part to there being no allocations in the NP. However, as stated in relation to W3 above, the NP does not state anywhere that no allocations have been made. Specifically in relation to Policy W3 has established the following:

Avenue Strategic Site (710 homes) and Land to the rear of 1-59 Adlington Avenue (172 homes) the policy then goes on to state:

No further housing sites are identified by the Plan.

It is clear the NP is seeking to allocate the above 2 sites, through the reference to No further housing sites are identified. This is in clear breach of the SEA Screening Assessment.

The SEA is a mechanism for considering and communicating the likely significant effects of a draft Plan, and reasonable alternatives, with a view to avoiding and mitigating negative environmental effects and maximising the positives. PPG is clear on this point at Paragraph: 003 Reference ID: 11-003-20140306. *“Strategic environmental assessment alone can be required in some exceptional situations. This is usually only where either neighbourhood plans or supplementary planning documents **could have significant environmental effects**”.*

The identification of these two sites and the manner in which they are referred to under W3 establishes the intention and purpose is to identify these two sites by name and no others. This is contrary to PPG Paragraph: 027 Reference ID: 11-027-20150209 *“Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. This process is commonly referred to as a “screening” assessment and the requirements are set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004”.* It is further contrary to PPG Paragraph: 046 Reference ID: 11-046-20150209 given its identification of two specific named sites within the NP and no others.

In RPS’s view the identification of these sites as specifically indicated in W3 may have a likely significant effect on the environment and a strategic environmental assessment should be carried out (following a revised screening), and an environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004. As essential component of that process would be undertaking an assessment of reasonable alternatives with an appraisal of options and an assessment of individual sites against

clearly identified criteria. This process simply has not taken place and given the drafting of W3, this is a requirement before the plan can proceed through to Examination.

Wingerworth Neighbourhood Plan 2016 - 2033 Consultation Statement

RPS is concerned over the lack of engagement with the business and development sector. The above document does not indicate how any element of the market housing sector has been engaged or their views sought in the NP. This is in conflict with NPPF Para 155 "*Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential*".

Should you wish to discuss this further then please do not hesitate to contact me.

Yours sincerely



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Wingerworth Parish Neighbourhood Plan 2016 – 2033

Initial comments from IDD & Rippon Homes

1. Chapter 2 – this paragraph describes the parish of Wingerworth and in particular Wingerworth village and it points out that the village has an aging population which at 26.1% is above the equivalent national district value of 21.1% and the national average of 16.3% this is more reason to bring on board a new development and a mixture of houses to promote migration into the Parish area for new families to start up in the region and keep the schools and the facilities viable.
2. Chapter 3 – vision and objectives - Rippon Homes as one of the principle land owners within the Parish of Wingerworth recognise and support Wingerworth distinct identity and character and we support the need to sustain the vitality and integration and safety of the parish and we support the provision of new houses which is of high quality and integrated into the community amidst local housing needs now and in the future, this neighbourhood plan majors on the development of The Avenue coking plant site as a strategic site however this site is not well related to the village centre of Wingerworth being as it is separated from the village of Wingerworth by the A61 trunk road which is a major transport corridor therefore making foot journeys from The Avenue to the Wingerworth village centre very difficult indeed, it is wrong of the Wingerworth Parish to consider The Avenue and indeed Mill Road residential development sites as contributing towards the sustainability and the enhancement and maintenance of the facilities within Wingerworth village because of the severance of the site by the A61 trunk road from the village centre.
3. Chapter 4 – Rippon Homes supports a sustainable Wingerworth Parish and indeed developments close to the village centre would better sustain the village and sites which are at the other side of the A61 trunk road system whereby residents will inevitably use private transport to support facilities within Chesterfield Town rather than Wingerworth village centre therefore not making the site sustainable.
4. Para 4.1 – refers to The Avenues strategic site providing homes for the parish for the development plan period and the wider area for many years to come. The Parish seem to have forgotten that the previous decades have seen North East Derbyshire District Council and the Parish failing to meet its housing targets and therefore there is a backlog and pent up demand for new housing in the North East Derby District Council area and in particular in the Wingerworth Parish area.

Whilst it is supported that The Avenue site and the Mill Road site may provide some homes for the Wingerworth Parish it is by no means certain that those homes will support the financial and economic needs and sustainability targets at Wingerworth Parish given that the site is separated from Wingerworth by the A61 trunk road.

5. Para 4.1.1 Wingerworth Settlement development limit – the plans showing the settlement development limit for Wingerworth fails to recognise that The Avenues site upon which so much weight is placed for the sustainability of Wingerworth as a village is external to the development boundary as is the Mill Road development site both being on the opposite side of the A61 trunk road from the village centre.

Therefore the Parish Council must accept that these two sites do not form part of the Parish Council sustainable development targets because of the A61 trunk road.

The settlement development limits are also drawn too tightly around the existing village built environment and does not allow for future development to further drive the sustainability and inward growth financial support for the facilities of Wingerworth.

Indeed the village could end up being accused of being so tightly constrained that it will end up not supporting the village centre and the facilities they have got to date and those facilities will by their very nature by lack of support fail.

We would propose that the settlement boundary is redrawn around Wingerworth to allow for natural future development to support the financial viability of Wingerworth village itself.

6. Policy W1 - is therefore not fully supported we would expect Policy W1 to be related to a refined and extended settlement development limit for Wingerworth to allow for future sustainable development proposals to support the growth and inward migration of the village.

Referring to Item J on the Policy W1 we cannot support this policy as it is subjective rather than objective in whose terms would **in part** impact become unacceptable this needs to be reworded to be objective.

7. Para 4.1.2 development in the countryside – the settlement boundary should be extended to include all current and built out new developments since the creation of the development limit in 2005 which includes the developments on Deerlands Road which would by necessity also include perhaps the developments on the other side of the A61 trunk road however as mentioned before because the A61 trunk road the development at The Avenue and Mill Road are divorced from Wingerworth itself and indeed the developments at The Avenue and Mill Road are better related to New Tupton than Wingerworth and there should be a case made for these developments to be incorporated in the New Tupton Parish area rather than Wingerworth.
8. Policy W2 in the countryside - currently as this stands with the settlement development limit drawn for Wingerworth so close to the built environment cannot be supported as all new developments that are outside that settlement development limit will be classed as countryside and any subsequent planning applications would have to be considered under the countryside regulations.

Therefore policy W2 is not supported until such time as the development limits for Wingerworth are reviewed.

9. Paragraph 4.2.1 - the neighbourhood plan recognises that the North East Derby District Plan has not yet been heard or adopted and therefore any proposals within the NEDDC plan may change and in particular in supply of numbers for new housing and employment.

Therefore this neighbourhood plan may be premature in terms of waiting for the local plan to be decided in terms of allocations and overall plan policies.

Indeed in support of this policy the Parish Council request that any development especially new housing should have regard to the existing built scale and layout and should be designed so that it physically and visually integrates and connects into Wingerworth unfortunately with The Avenue strategic site and the Mill Road site this cannot be considered as the A61 trunk road divorces these sites from Wingerworth.

10. Policy W3 housing growth - Rippon Homes cannot support Policy W3 housing growth as it says that the roads already constructed and existing commitments the plan supports a minimum of 882 dwellings over the plan period this is counting The Avenues site 710 homes which is divorced from Wingerworth Parish and also the site at 1 – 59 Adlington Avenue 172 homes which is also part of The Avenues site which is again divorced from Wingerworth village by the A61 trunk road and are better related to New Tupton.

Therefore the Parish Council is lacking in provision of housing supply for Wingerworth parish

11. Policy W4 windfall sites - this policy cannot be supported again there is a subjective test against the development proposals on small infill sites within the defined settlement limit for Wingerworth being viewed sympathetically this test needs to be objective.
12. Policy W5 housing mix – we support the Parish Council in trying to achieve a mix of housing throughout their parish particularly in the provision of smaller dwellings to cater for an aging population and bringing in younger families, disabled or young people within the parish area.

Unfortunately because the Parish Council is saying that The Avenues site and the Mill Road site have provided for their housing supply for the next 17 years this policy is either superfluous or cannot be enforced.

Given that The Avenues site and the Mill Road site are outside effectively the immediate development boundary of Wingerworth is segregated from Wingerworth by the A61 trunk road and being better related to New Tupton then this policy could

be supported as long as the Wingerworth Settlement boundary is extended to include sites for future growth.

13. Policy W6 affordable housing – this policy is broadly in line with the requirements of natural planning policy framework given the previous comments that The Avenue strategic site and others are divorced from Wingerworth village itself by the A61 trunk road and are better related to New Tupton where within the development boundary is Wingerworth parish expecting to get these affordable housing which is desperately needed in the village given the average price per plot that they refer to in previous paragraphs.

Our contention is that the development boundary needs to be amended to allow for future sites for future growth within the parish of Wingerworth.

14. Policy W7 shops – Rippon Homes supports this policy as all sustainable villages require facilities for the residents and community facilities and any loss of these facilities would directly impact on the village itself.
15. Policy W8 Community Facilities – this policy is also supported.
16. Policy W9 New Shops and Community Facilities – the sites on the eastern side of the A61 trunk road which are divorced from Wingerworth will have a range of facilities and community facilities within them to support that community and therefore making even more apparent that The Avenue strategic site and The Adlington Avenue site and the Mill Road site are all separated from Wingerworth parish and therefore should not be considered as part of the Wingerworth parish numbers for the forthcoming plan period.

Policy W9 is therefore supported.

17. Policy W10 – is not supported this is a retrospective policy requiring that where sites have negotiated away from the provision of facilities then any new sites coming forward should make up that shortfall, this is penalising the future for the mistakes of the past and is not equitable therefore this policy is not supported.
18. Policy W11 assets of community value – this policy is supported as long as the Parish Council goes through due diligence and follows correct procedures for consultation as to the list of assets.
19. Policy W12 - is supported.
20. Policy W13 - is supported.
21. Policy W14 - is supported as long as the list goes through due process and consultation before being adopted.

22. Policy W15 design principles – is supported in as much as most developers would always look to provide good design spaces for residents to live and use.
23. Policy W16 – is supported in terms of buyer diversity.
24. Policy W17 trees and hedgerows – is supported.
25. Policy W18 – is supported.
26. Policy W17 local greenspaces – is supported.
27. Policy W20 – is supported.
28. Paragraph 4.7.1 Highways Safety – there is an error in the drafting, the A61 does not bisect the parish it only dissects as it goes to one side of the parish boundary rather than straight through the middle therefore divorcing the strategic Avenue site and Adlington Avenue site and the Mill Road site from the parish of Wingerworth.
29. Policy W21 highway safety – is not supported again there is a subjective test in terms of unacceptably severe as opposed to an objective test, this policy needs rewriting.
30. Policy W22 highway safety the A61 – this policy is supported in terms of highway safety but again it can only apply to future schemes and not the considered retrospective.
31. Policy W23 Car parking – this policy is supported.
32. Policy W24 enhancement of footpaths, cycleways and bridleways – this policy is supported.

Respondent 10:

Megan Pashley from Gladman Developments Ltd

Response:

See full response below:

Helen Fairfax
Planning Policy Manager
North East Derbyshire District Council
2013 Mill Lane
Wingerworth
Chesterfield
Derbyshire
S42 6NG

By email only to: local.plan@ne-derbyshire.gov.uk

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the submission version of the Wingerworth Neighbourhood Plan (WNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. Gladman requests to be added to the Council's consultation database and to be kept informed on the progress of the emerging neighbourhood plan. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy.

Legal Requirements

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the WNP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.*
- (d) The making of the order contributes to the achievement of sustainable development.*
- (e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.*

National Planning Policy Framework and Planning Practice Guidance

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic

priorities for the wider area and the role in which they play in delivering sustainable development to meet development needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through both plan-making and decision-taking. For plan-making this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account the latest and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 16 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 17 further makes clear that neighbourhood plans should set out a clear and positive vision for the future of the area and policies contained in those plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 184 of the Framework makes clear that local planning authorities will need to clearly set out their strategic policies to ensure that an up-to-date Local Plan is in place as quickly as possible. The Neighbourhood Plan should ensure that it is aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

Planning Practice Guidance

It is clear from the requirements of the Framework that neighbourhood plans should be prepared in conformity with the strategic requirements for the wider area as confirmed in an adopted development plan. The requirements of the Framework have now been supplemented by the publication of Planning Practice Guidance (PPG).

On 11th February 2016, the Secretary of State (SoS) published a series of updates to the neighbourhood planning chapter of the PPG. In summary, these update a number of component parts of the evidence base that are required to support an emerging neighbourhood plan.

On 19th May 2016, the Secretary of State published a further set of updates to the neighbourhood planning PPG. These updates provide further clarity on what measures a qualifying body should take

to review the contents of a neighbourhood plan where the evidence base for the plan policy becomes less robust. As such it is considered that where a qualifying body intends to undertake a review of the neighbourhood plan, it should include a policy relating to this intention which includes a detailed explanation outlining the qualifying bodies anticipated timescales in this regard.

Further, the PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded. It is with that in mind that Gladman has reservations regarding the WNP's ability to meet basic condition (a) and (d) and this will be discussed in greater detail throughout this response.

Relationship to Local Plan

The current development plan relevant to the preparation of the WNP is contained in the saved policies of the North East Derbyshire Local Plan, saved with a Direction from the Secretary of State in 2008.

Work is progressing on the emerging North East Derbyshire Local Plan which will cover the period to 2033, together with land use allocations and key policies to direct development over the plan period. Once adopted, it will become part of the development plan for North East Derbyshire and will replace the 'saved' local plan policies.

Given the strategic requirements in the emerging Local Plan remain uncertain until it is tested by an Inspector at

Examination against the tests of soundness outlined in paragraph 182 of the Framework, it will be important for the WNP to allow for flexibility to minimise any potential conflict between the emerging Local Plan and Neighbourhood Plan as Section 38(5) of the Planning and Compulsory Purchase Act 2004 states:

'if to any extent, a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approached, or published (as the case may be).'

Wingerworth Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the WNP as currently proposed. It is considered that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend a series of alternative options that should be explored prior to the Plan being submitted for Independent Examination. Gladman note that further to our representations submitted as part of the Regulation 14 consultation, some changes have been made, but we are still concerned that some of the issues previously raised have not, in our opinion, been dealt with sufficiently.

Policy W1: Wingerworth Settlement Development Limit & Policy W2: Development in the Countryside

Policy W1 seeks to define a settlement limit for Wingerworth. Gladman have previously raised concerns over the defined boundary and have stated that the boundary has not been updated to reflect committed development and subsequently will be rendered out-of-date upon the making of the neighbourhood plan. We note, that North East Derbyshire District Council, in their response to the Regulation 14 consultation, stated a preference for settlement boundaries being updated as part of the emerging Local Plan process, and ultimately considered the settlement development limit detailed within the draft neighbourhood plan to be appropriate.

Whilst Gladman note this preference we still have concerns over the wording in both Policy W1 and W2 and are concerned that in their current form, both policies act to constrain the physical growth of Wingerworth, without having full understanding of the up-to-date housing needs for the local and wider authority.

Accordingly, Gladman recommend that a more flexible approach to development beyond the existing settlement limits is included in the Plan given that policies W1 and W2 will be immediately out of date upon the making of the Plan. To better reflect the requirements of the national policy, specifically the presumption in favour of sustainable development, Gladman submit the following wording for the Council's consideration:

'When considering development proposals, the Neighbourhood Plan will take a positive approach to new development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Applications that accord with the policies of the Development Plan and the Wingerworth Neighbourhood Plan will be supported particularly where they contribute to:

- *Providing new homes including market and affordable housing; or*
- *Opportunities for retail and business facilities through new or expanded premises; or*
- *Infrastructure associated with education, leisure, community, social or recreational activities.*

Development adjacent to the existing settlement edge will be supported provided that any adverse impacts do not significantly and demonstrably outweigh the benefits of development.'

Policy W3: Housing Growth

Policy W3 states that having regard to the dwellings completed and existing commitments, the Plan supports the development of a minimum of 882 dwellings over the plan period. North East Derbyshire District Council are working on a new Local Plan and the District is yet to finalise the provision of housing across the area. Gladman are pleased to note that the provision of 882 dwellings is set out as a minimum figure, but whilst we support that regard is being had to the emerging Local Plan, the inclusion of emerging Local Plan allocations has not at this time been fully tested. We therefore suggest that the wording of the policy is amended to include the following;

"no allocations are made at this time, but the plan will support local plan allocations when adopted."

Policy W4: Windfall Development

Policy W4 states that housing development proposals on small infill sites within the defined Settlement Development Limit for Wingerworth will be viewed sympathetically.

Gladman are disappointed to note that the concerns we raised during the last round of consultation have not been addressed. This policy only applies to windfall development within the settlement boundary. It does not therefore enable a decision maker to apply this policy consistently and with ease should windfall development outside the settlement limit come forward. Policy W4 is therefore inconsistent with basic conditions (a) and (d).

Policy W5: Housing Mix

Policy W5 states that development proposals should provide a mixture of housing types and sizes. Gladman have previously suggested amendments be made to this policy to ensure that issues of viability are taken into consideration. Again, we are disappointed to note that the policy have not been amended to reflect our concerns and again recommend that 'subject to viability' and 'any future housing needs evidence' be reflected in the policy wording to ensure a more flexible approach.

Policy W15: Design Principles

Policy W15 sets out 5 design principles that all development proposals should have regard to. Gladman support the thrust of the policy and the desire for well-designed housing in the neighbourhood plan area.

Criterion (e) states that proposals for residential development should have regard to *Successful Places: A Guide to Sustainable Housing Layout and Design*. We suggest that the policy is amended to reflect the changing principles and recommendations regarding best design and suggest that criterion (e) reads '*Have regard to the latest local guidance on Sustainable Housing, Layout and Design*'.

Policy W18: Important Views and Vistas

Policy W18 states that development proposals should respect, and where possible enhance the important views and vistas identified within the plan.

At the previous stage of consultation, Gladman had been unable to locate any evidence to demonstrate why these identified views are considered to be important. We have now, as part of this consultation, had the opportunity to view the evidence to support this policy.

New development can often be located in areas without eroding the views considered to be important to the local community and can be appropriately designed to take into consideration the wider landscape features of a surrounding area to provide new vistas and views.

Gladman consider that this policy lacks sufficient evidence to demonstrate why these views are of such value to the local community. Opinions on landscape are highly subjective, therefore, without further evidence to demonstrate why these views are considered special will likely lead to inconsistencies in the decision-making process.

The Guidance states that “Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.

Accordingly, Gladman consider that this matter should be investigated and based on appropriate evidence prior to the Plan being submitted for Examination.

In addition, Gladman consider that to be valued, a view would need to have some form of physical attribute. This policy must allow a decision maker to come to a view as to whether particular locations contains physical attributes that would ‘take it out of the ordinary’ rather than selecting views which may not have any landscape significance and are based solely on community support. An area’s pleasant sense of openness to open countryside cannot on their own amount to a landscape which should be protected.

Conclusions

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the WNP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area.

Gladman is concerned that the plan in its current form does not comply with basic conditions (a) and (d). The plan does not conform with national policy and guidance and in its current form does not contribute to the achievement of sustainable development. Gladman formally request to participate at the hearing session(s) should the Examiner decide it necessary to discuss these issues in a public forum.

Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours Faithfully,



Megan Pashley

m.pashley@gladman.co.uk

Gladman Developments Ltd.

Respondent 11:

David Dale from Derbyshire County Council

Response:

Local Member Comments – Councillor Barry Lewis, the Local County Council Member for Wingerworth and Shirland Electoral Division, has been consulted. No comments have been received at the time of writing.

General Comments – This is a genuinely well thought out and responsive neighbourhood plan which has taken into account DCC's comments made at the Pre-Submission Stage.

A Sustainable Wingerworth Parish – DCC would suggest the addition of two new sections and associated policies, namely 4.1.3 'Decentralised, Renewable Energy and Low-Carbon Energy Technologies', and 4.1.4 'Dark Skies'.

4.1.3 Decentralised, Renewable and Low-Carbon Energy Technologies – renewable and low-carbon related energy development has the potential to make a significant contribution to sustainable development, while needing to be balanced against other important considerations, notably the potential impact on the Parish's high quality landscape heritage attributes and residential amenity.

Any development must therefore be of an appropriate scale, in a suitable location, and sensitive to the special and high quality landscape of the Parish, as well as respecting residential amenity and other important considerations.

Policy W3 –

Suitably located and designed proposals that promote and encourage the development of renewable and low-carbon energy resources will be permitted following consultation with local residents, the Parish Council and North East Derbyshire district Council, where either individually or cumulatively, it can be demonstrated that any adverse impacts have been addressed. Proposals will be supported that:

- a) Do not have an unacceptably adverse impact on the amenity of local residents (including: noise, vibration, visual impact, shadow flicker, water pollution, odour, air quality, emissions, sensitivity and character of the landscape).
- b) Do not have a significant adverse effect on any designated site (including: Site of Special Scientific Interest, regionally or locally important geological site, site of ecological value, Special Landscape and Landscape Character Areas, Listed Building, heritage asset, Local Green Space, Conservation Area or their settings).
- c) In the case of wind turbines, it can be demonstrated that the development would not result in an unacceptably adverse effect on protected species, including migration routes or sites of biodiversity value.
- d) In the interests of residential amenity and safety, there is an appropriate minimum separation between wind turbines over 25m to blade tip and residential properties.
- e) In the case of ground mounted solar panels, it can be demonstrated that they do not result in the loss of good quality agricultural land.

- f) Proposals should include details of associated developments including access roads and ancillary buildings. Transmission line should be located below ground wherever possible in order to reduce the impact on the open countryside.
- g) Measures are included for the removal of structures and the restoration of sites, should sites become non-operational.
- h) Identify the potential positive effects the proposed renewable development would have on the local environment and community.

4.1.4 Dark Skies –

Darkness at night is one of the key characteristics of rural areas and there is some concern that it is being diminished by light pollution. Sources of light can include light spill from roof light, street lighting, decorative exterior lighting and poorly installed security lighting. The National Planning Policy Framework (paragraph 125) notes that in seeking to protect and enhance the natural environment, planning policies “should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.

Light pollution affects the character of the countryside and obscures views of the night sky. It is of particular concern for wildlife including bats, insects and many nocturnal mammals and birds, disrupting their normal feeding and breeding behaviours and even migratory patterns.

The Campaign to Protect Rural England (CPRE) ~~Council for Preservation of Rural England (CPRE)~~ has produced detailed maps showing the amount of light pollution across the country. Wingerworth Parish is affected by light pollution, most significantly the eastern part of the parish. The Plan therefore seeks to ensure that the existing dark skies outside of the main settlements and, particularly in the western part of the parish near to the boundary with the Peak District National Park are protected and that new developments do not increase light spillage while preventing further deterioration of the night skies.

Policy W4 Dark Skies –

Any development must limit the impact of light pollution from artificial, externally visible light sources. Any proposals to install lighting in areas of the Parish that are currently dark at night will be resisted. Dark at night is defined as more than 50m from an existing street light.

Subsequent policies would need to be re-numbered accordingly.

4.2 Housing Need and Housing Growth

In its consultation response of 19th September 2016, DDC’s Officers expressed fundamental concerns with the policy approach to housing growth in the Pre-Submission Consultation Draft WPNP, which proposed to set a housing requirement for the Parish at 14% of the overall District housing requirement set out in the North east Derbyshire Local Plan Initial Draft. DDC’s Officers considered that the determination of the overall distribution of housing across the District was a strategic matter for North East Derbyshire District Council (NEDDC), which should be based on key supporting evidence from the District’s Strategic Housing Market Assessment. As such the policy approach in the WPNP was considered to be premature pending the publication of the North east Derbyshire Local Plan Consultation Draft (LPCD).

In the context of the above, it is welcomed and supported that the approach to housing need and growth set out in the Submission Version WPNP has been revised in accordance with DDC's concerns above. The Plan now appropriately makes reference to the fact that Government guidance requires neighbourhood plans to support district-wide housing needs. Appropriate reference is also made to the most up-to-date housing need requirement of 6,600 new homes for North East Derbyshire District over the period 2011-2031 set out in the LPCD and to the specific housing requirement for Wingerworth of 882 new dwellings in the LPCD, which is proposed to be accommodated on two key allocated sites at the Avenue Strategic site and land at Adlington Avenue. Policy W3 appropriately sets out the Neighbourhood Plan's support for the overall requirement of 882 dwellings and housing development on the two key sites.

It is also welcomed and supported that the supporting text on page 16 indicates that it is recognised that the LPCD may change as it progresses through the next stages of the Plan process, and that if the final version of the Local Plan comes up with a significantly different housing growth target for Wingerworth, the WPNP will be immediately reviewed. This should ensure that the WPNP meets Government requirements and contributes to meeting the overall housing needs for the District should the District's housing requirement change in the Pre-Submission and/or Adopted versions of the emerging Local Plan.

4.5 Built Heritage and Design

4.5.1 Listed Buildings – Historic England publishes an annual Register of Heritage at Risk. However in England (other than in London) this only includes Grade I and II* listed buildings. As such the statement that there are no listed buildings in Wingerworth Parish that are on the Register of Heritage at Risk could be seen as erroneous as any Grade II structure which could be considered at risk would not appear on the list.

4.7 Getting around – From a DDC perspective, this section of the WPNP is considered to be 'sound'.

4.7.1 Highway Safety – DDC has no substantive issues with this section. However, there are two minor textual inaccuracies:

a) Accidents are not recorded by the Department for Transport as such, so for the sake of accuracy this should read Derbyshire Constabulary.

b) Notwithstanding sentiments expressed in the WPNP regarding traffic impacts on the A61, Derbyshire's Local Transport Plan is not a 'study' as such, nor does it identify the A61 as being one of the worst congestion points in the country.

Policy W21: Highway Safety – DDC has no substantive issues with this policy, however the spelling of 'equestrian' is incorrect – it should be 'equestrian'.

Policy W22: Highway Safety: The A61 – DDC has no substantive issues with this policy.

Flood Risk – The DDC Flood Risk Management Team has no comment to make on the WPNP as there are limited references to flood risk or land drainage within the document.

Respondent 12:

North East Derbyshire District Council

Wingerworth Neighbourhood Plan: Submission Draft Neighbourhood Plan – Comments from North-East Derbyshire DC

North East Derbyshire policy comments – Reg 16 stage consultation

Comments on Neighbourhood Plan Policies and Content

Limits to Development

1. It is proposed that the Settlement Development Limits are not revised through this Plan. Instead, a review is undertaken as part of the district-wide review of Settlement Development Limits, to be published in the emerging Local Plan.
2. The Parish intends these proposed Settlement Development Limits as a key input to the Local Plan. District Council officers will liaise with the Parish over these in determining the final boundaries in the North East Derbyshire Local Plan.

POLICY W1: WINGERWORTH SETTLEMENT DEVELOPMENT LIMIT

3. Suggested changes put forward by District officers at the draft stage of the Plan have been accepted; there remains an issue of duplication and potential confusion with other policies in the Plan. In particular criterion (d) relating to boundaries, trees, etc.. Cross reference with relevant policies may be appropriate, although the Plan should be read as a whole.
4. Criterion (i) goes beyond the scope of a neighbourhood plan and in line with the Examiner's comments on the Ashover Plan it is suggested that it should read "will not increase the likelihood of crime or anti-social behaviour."
5. There will be no need for any wording changes to account for future (Adopted) Local Plan Settlement development limits.

POLICY W2 DEVELOPMENT IN THE COUNTRYSIDE

6. No objection.

POLICY W3: HOUSING GROWTH

7. The Plan sets out the background over housing provision and the case that there should be no specific provision for housing in the Neighbourhood Plan, as planned development through planning permissions and in the emerging Local Plan provides sufficient housing for planned needs. In addition "the [Plan] consultation shows that people are concerned that the Parish is becoming the location for large scale housing development that does not correspond to its housing needs and infrastructure.."
8. The supporting text commencing "The draft Local Plan proposes housing allocations to support this level of growth and how these allocations should be distributed by settlement..." is still correct as the Local Plan has not progressed further, although a five-year supply statement (on

the Council's web site) indicates the latest position with regard the status of planning permissions.

9. Local Plan preparation may lead to subsequent changes to the housing provision in the Neighbourhood Plan area. While a Neighbourhood Plan may not provide for less housing than the Local Plan the policy allows for "a minimum of 882 dwellings", which is acceptable. The Submission Draft supporting text and policy consequently still accurately reflect and accommodate the situation with regard to the Local Plan.
10. However, the policy does limit support to only "small scale 'windfall development'" The Policy last sentence should be re-worded "New housing development proposals will only be supported where they are allocated in the District Local Plan, or constitute 'windfall development' that conforms to Policy W1"

POLICY W5 HOUSING MIX

11. While the intention of the policy is understood, such a policy may be difficult to apply in practice, for example the meaning of 'identified local needs'. The Policy encourages the provision of smaller homes (three bedrooms or less), especially for young families and young people and for older people who wish to downsize. This policy recommends a more specific requirement than the CDLP policy LC4, which indicates that proposals 'should seek to ensure an appropriate mix of dwelling types, and sizes, taking account of existing imbalances in the housing stock'.
12. Evidence to support the Policy W5 is provided in Appendix B of the Plan and so reference should be made to that evidence, plus any up-to-date evidence that is relevant. The supporting text could reflect this. In addition the Policy could be reworded to indicate that proposals should demonstrate that they take account of the most up to date published evidence of housing needs. In this respect the Examiner's report on the Ashover Neighbourhood Plan, which contains a very similar policy, could be pertinent.

POLICY W6 AFFORDABLE HOUSING

13. The emerging Local Plan sets out the policy on affordable housing taking account of the latest national policy position. If an application for housing over ten dwellings were submitted then the Adopted (2005) Local Plan and evidence over housing needs provided by the District Council's housing officers currently guides affordable housing provision. In future the emerging Local Plan policy (LC2) would apply, once adopted. Reference to consultation with the Parish Council is unnecessary as it is a statutory consultee and it outside the role of a Neighbourhood Plan to require this of the District as local planning authority.

POLICY W7 SHOPS

14. The meaning of the phrase 'for shopping purposes' is vague in planning terms and how discussions take place is unclear, also the 'and/or' is redundant. The end of the Policy should read: ... District Council that through discussions with the Parish Council it is no longer required by the community or that continued use is no longer viable. In addition that the site has been actively marketed for a shop use for at least six months.

POLICY W8 COMMUNITY FACILITIES

15. This policy lists specific buildings or locations where development proposals which would lead to their loss or a significant adverse effect would not be supported. The evidence for this policy is presented in 7.4 and in general is supported by the District Council. It cites the District Council's Settlement Role and Function Study (2013), the scattered and rural nature of the Parish, and previous losses of facilities along with the draft Plan consultation.
16. However, there is no clear evidence of the reasons to include the specific facilities listed or justification for those listed, nor whether any other facilities have been not considered, or ruled out. In the case of the public houses, the listing of three suggests that a policy for these may be unnecessary, and in any case it may interfere with legitimate commercial operation. It is suggested that the reference to the public houses is removed.

POLICY W9 NEW SHOPS AND COMMUNITY FACILITIES

POLICY W10 NEW SHOPS AND COMMUNITY FACILITIES IN NEW MAJOR HOUSING DEVELOPMENTS

17. There is no objection to these policies.

POLICY W11 ASSETS OF COMMUNITY VALUE

18. The Government's "Assets of Community Value – Policy Statement" (page 5) states:

"The provisions do not place any restriction on what an owner can do with their property, once listed, if it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions – it is open to the Local Planning Authority to decide that listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case."

19. Consequently this establishes that material consideration, in the context of the continuation of the use as such, therefore the policy to protect such assets is supported. The first sentence is unnecessary but could appear in the supporting text.

POLICY W12 EMPLOYMENT AND ECONOMIC GROWTH

20. As some employment provision in the Parish (according to the Plan) exists within or associated with residences this policy might impact where it is unintended so a minor amendment, to replace 'any existing employment use' with 'a site mainly in employment use', or to exclude employment uses ancillary to a residential use. The wording "has been actively marketed" needs to be clarified, plus the minimum period of 6 months for marketing should be lengthened to 12 months. Consequently the wording "all reasonable steps have been taken to let or sell the site or building for employment purposes for a period of at least 12 months." Is suggested.

POLICY W13 LISTED BUILDINGS AND SCHEDULED MONUMENT

POLICY W14: NON-DESIGNATED HERITAGE ASSETS

21. There is no objection to these policies, although Policy W14 appears to serve little purpose.

POLICY W15: DESIGN PRINCIPLES

22. This policy, while improved, still duplicates, is too general and is ill-defined. The words in the main policy from 'They should..' onwards could be placed in the supporting text, replacing some of the existing, more general text there. The sub-paragraphs read ungrammatically and each should be preceded by 'They'. The phrase in (a) 'local distinctiveness' could be replaced by 'the character of their surroundings' and the word 'general' should be deleted. In (c) the words 'generally avoid generic "scheme" features. Styles or designs and' could be removed.

POLICY W16: BIODIVERSITY

23. This is a new policy. It does not add substantially to the more policies on biodiversity in the NPPF. The supporting text and maps are valuable.

POLICY W17: TREES AND HEDGEROWS

24. The Local Plan policies that cover these matters (SDC2 & 4) are more comprehensive, and either strategic or may take precedence on adoption. The policy is of value, although the phrase 'Where trees are to be felled...' should read 'Where the loss of trees is unavoidable, and the benefits of the development justify their loss...'

POLICY W18: IMPORTANT VIEWS AND VISTAS

25. While noting that such a policy is difficult to implement, it is recognised that this policy enables a Parish view to be formalised in the event of development that might, in principle, be acceptable in such rural locations. It is unreasonable for development proposals to enhance an open view or vista.

26. The indication of the views on the Proposals Map can only be a guide to enable the District Council to apply the Neighbourhood Plan policy and give applicants more certainty over where and how the Policy applies. Justification for the selection of views will be needed. The map at Figure 7 may not be clear or detailed enough to guide officers and further information would be needed in any application.

27. In light of the examiner's report into the Holymoorside and Walton Neighbourhood Plan it is suggested that the main Policy is worded: "Development proposals that would affect the important views listed below and identified in the map in Figure 7 will be required to take account of their visual significance and ensure and demonstrate that the visual impact of development on these views is carefully controlled."

POLICY W19: LOCAL GREEN SPACES

28. This policy designates Local Green Spaces, with supporting evidence in an Appendix. There are spaces listed in this policy which do not appear to fulfil the criteria for Local Green Space Designation. It is noted that the test for being extensive appears not to have been applied. In light of the earlier examiners' reports it is suggested that formally designating the Avenue

Washlands – Wildlife Site; would not be appropriate. Deer Park recreation ground, while also extensive, is enclosed within the village and thus would be appropriate to designate.

29. The District Council intends to consider recreational and open spaces in the emerging Local Plan and thus will give appropriate protection to all the areas listed.

POLICY W20: LOCAL SETTLEMENT GAPS

30. In previous District comments it was suggested that the Policy indicates support for settlement gaps but does not define them, and the Parish engages in supporting the Local Plan designations as it is prepared. The Policy has been reworded to do this. While a map is included it is clear that this is not a Neighbourhood Plan proposals map.

POLICY W21: HIGHWAY SAFETY

In this respect the Examiner’s report on the Ashover Neighbourhood Plan, which contains a very similar policy, is pertinent, this recommends taking account of any measures to mitigate the impact of the development. Other than this, and subject to the removal of reference to the Parish Council’s role (as with W6) there are no objections to the policy.

POLICY W22 HIGHWAY SAFETY: THE A61

The first paragraph of the policy is a statement of intent and should be moved to the supporting text. There are no objections to the second paragraph, which supports proposals that improve highway safety.

POLICY W23: CAR PARKING

This policy adds little to the Local Plan Policy, and its retention could lead to confusion.

POLICY W24: ENHANCEMENT OF FOOTPATHS, CYCLEWAYS AND BRIDLEWAYS

This policy, while having some aspirational aspects, is supported. The last sentence should incorporate protection of the future network of footpaths including links within the Avenue Strategic Site and between it and the main residential areas and community facilities such as schools, shops and health as described in sub-para (a).