

North East Derbyshire District Council
HOLYMOORSIDE AND WALTON NEIGHBOURHOOD PLAN

Decision Statement:
Holymoorside and Walton Neighbourhood Plan Proceeding to Referendum

1 Summary

- 1.1 In line with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (NPR) North East Derbyshire District Council have produced this 'Decision Statement' in relation to the Holymoorside and Walton Neighbourhood Development Plan (the 'Plan') submitted to them by Holymoorside and Walton Parish Council.
- 1.2 The Plan sets out a vision for the Parish and establishes the type of development needed to help sustain the community. If made, it will become part of the development plan for land use and development proposals within the Parish until 2033.
- 1.3 Following an independent examination of written representations, North East Derbyshire District Council now confirms that the Plan will proceed to a neighbourhood planning referendum subject to the modifications set out in the table below.
- 1.4 In accordance with the examiner's recommendation, the Holymoorside and Walton Neighbourhood Plan will proceed to a public referendum scheduled for the 26 November 2016.
- 1.5 This Decision Statement, along with the independent examiners report and the plan documents can be inspected:
- At North East Derbyshire District Council's Offices at Mill Lane, Wingerworth between 9am – 4.30pm
 - Online on the Holymoorside and Walton Neighbourhood Plan website:- <http://www.holymoorsideandwaltonparishcouncil.co.uk/page25.html>
 - Online via the Council's website:- <http://www.ne-derbyshire.gov.uk/index.php/resident/local-plan?accid=2>

2 Background

- 2.1 On 12 January 2015 Holymoorside and Walton Parish Council submitted an application to North East Derbyshire District Council for the designation of the Parish as a Neighbourhood Area. This was confirmed on 4 March 2015 for the Holymoorside and Walton Neighbourhood Plan.

- 2.2 The Parish Council subsequently prepared the Holymoorside and Walton Draft Neighbourhood Development Plan. A 6 week consultation period was held between 22 January and 8 March 2016.
- 2.3 The Submission version of the Neighbourhood Plan for Holymoorside and Walton was completed and submitted to the District Council in April 2017. North East Derbyshire District Council held a 6 week consultation period on the submitted Plan from 26 May to Friday 7 July 2017, in accordance with regulation 16 of the NPR.
- 2.4 An Independent Examiner was appointed in July 2017 to undertake the examination of the Submission version of the Holymoorside and Walton Neighbourhood Plan and this was completed with the final examination report sent to both the Parish Council and District Council on 12 September 2017.

3 Decisions and Reasons

- 3.1 The Examiner has concluded that, with certain modifications, the Plan meets the Basic Conditions and other relevant legal requirements. The Council's Cabinet concurs with this view and has determined that the modifications set out in the Appendix to this Statement are in accordance with the examiner's recommendations.
- 3.2 The local authority must consider each of the recommendations made in the Examiner's report and decide what action to take in response. The Appendix of this statement sets out the examiner's recommended modifications and the Council's decisions in respect of each of them.
- 3.3 The authority is therefore satisfied that, subject to the modifications being made, the Draft Neighbourhood Plan meets the legal requirements and basic conditions as set out in legislation; thus the plan can proceed to referendum.
- 3.4 Therefore, to meet the requirements of the Localism Act 2011, a referendum which poses the question "Do you want North East Derbyshire District Council to use the Neighbourhood Plan for Holymoorside and Walton to help it decide planning applications in the neighbourhood area?" will be held in the Parish of Holymoorside and Walton on 26 November 2016.

Section in Examined Document	Examiner's Recommendation	Examiner's Reasons	Local Authority's decision and reason	Action to be taken
Policy Statement S1. Presumption in favour of Sustainable Development. Pg. 15	Delete Policy Statement S1	This policy as currently phrased is ambiguous as it refers to "the Council" without making it clear which Council. The implication from the supporting text in the previous paragraph is that it refers to the Parish Council and it has been confirmed to me this is the case (Appendix 1). This policy is simply a statement of intent on behalf of the Parish Council who are not decision makers in this context. It is also not necessary to repeat national policy. The supporting text clearly sets out the intentions of the Parish Council and can be retained.	-Accept Deletion	-Delete Policy
Policy S2. Settlement Development Limits. Pg. 17	Re-number Policy S2 as S1.	The requirement of the policy that development should help to meet the needs of the Parish which is repeated more fully in criterion b) cannot be clearly justified in terms of the presumption in favour of sustainable development. In relation to d) in many instances the removal of existing boundaries or trees would not be subject to planning control. Thus their legitimate removal would not be a reason for resisting development. Criterion j) requires development to contribute to reducing crime and anti-social behaviour which it is not reasonable to expect. Developments which have a neutral effect on crime and anti-social behaviour may well be consistent with sustainable development.	-Accept renumbering -Accept rewording of the first part -Accept deletion of criteria b) -Accept rewording of j)	-Change policy number -Reword policy -Delete b) -Reword j)
	Reword the first part of the Policy after "...Holymoorside and Walton" to read "(see Appendices 2 and 3), development which is consistent with the sustainability of the Parish will be supported where it:...".			
	Delete criterion b) and renumber remaining criteria.			
	Reword criterion j) to read "will not increase the likelihood of crime or anti-social behaviour."			
Policy S3. Development Proposals outside the defined Settlement Development Limits of Holymoorside and Walton. Pg. 18	Re-number Policy S3 as S2	The whole of the area of Holymoorside and Walton which lies outside the settlement Development Limits is Green Belt and thus subject to the policies in the NPPF in relation to Green Belts. While the supporting text refers to the Green Belt, the policy does not, but the second part of the Policy links it to national and district planning policies.	-Accept renumbering -Accept rewording	-Change policy number -Reword second sentence
	Reword the second sentence of Policy S3 to read "This area is Green Belt where development will only be permitted in very special circumstances unless it is considered "not inappropriate" having regard to national and Local Plan policies for the Green Belt".			

Policy H1. Small infill and re-development sites. Pg. 20	Close the brackets after "...S2" (to be renumbered as S1) and delete "S3" and the rest of the last line.	This policy requires proposals to be consistent with other policies in the Plan and refers specifically to Policies S2 and S3. Policy S3 is not relevant as it relates only to development outside Settlement Limits.	-Accept changes	-Renumber S2 as S1 -Delete S3 -Delete the rest of the last line
Policy H2. Housing Mix. Pg. 20	Delete the first sentence and the last sentence. Reword the middle sentence to read: "New Housing development of more than one dwelling will be required to demonstrate how it relates to the need identified in Appendix 8 for smaller homes (three bedrooms or less), especially for young families and young people and for older people who wish to downsize, or the needs identified in a more up to date assessment of housing need".	I do not accept the comment of the District Council that specifying house sizes is unusual in policies for open market housing. However, I do agree that such policies should be supported by clear evidence and applied with some flexibility. Appendix 8 provides evidence in support of a policy to encourage smaller dwellings. The first sentence does not provide clear guidance to a decision maker as it does not attempt to define "a recognised housing need mix". I agree with both NEDDC and Gladman Developments that the strong presumption against larger homes cannot be justified as there may very well be circumstances where individual larger dwellings would amount to sustainable development. I have recommended modifications to reflect these points.	-Accept delete of sentences -Accept rewording	-Delete first and last sentence -Reword middle sentence accordingly
Policy H3. Affordable Housing. Pg. 21.	At the end of the first sentence add "in accordance with the requirements of the most up to date adopted Local Plan policy." Delete the second sentence and in the third sentence delete "in consultation with the Parish Council".	The County Council points out that the threshold for requiring the provision of affordable housing should be 11 dwellings or more and not 10 dwellings or more. A correction to reflect this would align with Policy LC2 of the emerging Local Plan. As suggested by NEDDC to remain up to date the policy needs to refer to the up to date Local Plan policy. The allocation of affordable housing is the responsibility of the housing authority and thus the intention to give priority to residents of the Parish in allocations is not an enforceable policy. The requirement for consultation with the Parish Council is both unnecessary and inappropriate. It is unnecessary because local planning authorities have a statutory duty to consult parish councils on planning applications in their area. It is inappropriate to make specific reference to the role of the Parish Council apart from other statutory consultees and it is not within the power of a neighbourhood plan to impose new procedural requirements on local planning authorities.	-Accept addition	-Add wording to first sentence
Policy H4. Rural Exception	Modify criterion a) to read: "It can be demonstrated to the satisfaction of the District Council that it meets a	I note the District Council's concern that it is necessary to define more clearly the way in which local need can be demonstrated and, as in the previous policy the specific requirement to consult the Parish Council on	-Accept change with alteration: "...District Council	-Change text with NEDDC alterations

<p>Sites for Affordable Housing. Pg. 21.</p>	<p>Parish need that has been clearly identified in an up to date survey of housing need which would not otherwise be met.”</p>	<p>this issue is inappropriate. Subject to an amendment to reflect these points I am satisfied that the Policy meets the basic conditions.</p>	<p>that it meets a Parish need <u>which would not otherwise be met and</u> that has been clearly identified in an up to date survey of housing need which would not otherwise be met”.</p>	
<p>Policy E1. Existing Employment Uses. Pg. 22</p>	<p>After “...supported unless” reword the policy to read “the use is ancillary to a residential use, or it has been demonstrated that the current use is not viable and that 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.”</p>	<p>The District Council has commented that the policy goes beyond the protection proposed in policies WC2 and WC3 of the emerging plan which refer to named primary and secondary employment sites. These policies are liable to change and the test of general conformity is with the adopted development plan. I note the concerns that the policy as phrased may be unreasonably restrictive in relation to business uses linked to domestic properties and I have recommended an amendment to reflect this. I accept that the wording to define “actively marketed” needs to be clarified and that the wording used in Policy SCF1 could be used. However, I am not satisfied that Policy SCF1 would adequately cover the scope of this policy as there may well be, now or in the future, employment uses that are not listed there. The modifications I have recommended will enable the policy to meet the basic conditions.</p>	<p>-Accept rewording</p>	<p>-Reword policy accordingly</p>
<p>Policy E2. New Small-Scale Employment Uses. Pg. 22</p>	<p>In the second line after “... will be supported where” delete “it” and insert “they” and change “fumes and smells” to “fumes or smells”; after “...required to comply with” in the penultimate line, reword to read “the provisions of Policy S1 or S2, as appropriate” (as renumbered).</p>	<p>As currently worded this policy is more open ended than the Green Belt policy with regard to development outside the Settlement Development Limit. It also refers mistakenly to Policy W2 rather than Policy S2. As a more minor point I believe “fumes or smells” would more clearly express what is intended. Also, to grammatically agree “it” on the second line of the policy should be replaced by “they”.</p>	<p>-Accept changes</p>	<p>-Change wording accordingly</p>
<p>Policy SCF1. Important Shops,</p>	<p>In the first paragraph delete “in consultation with the Parish Council”.</p>	<p>I am satisfied that the wording of the first section of the policy is consistent with the basic conditions except for the reference to consultation with the Parish Council for the reasons previously set out.</p>	<p>-Accept deletion of wording -Accept deletion of</p>	<p>-Delete wording -Delete</p>

Community Services and Facilities. Pg. 24	Delete Ladywood Garage and Shop, Walton Motors, Chesterfield Gold Course and Stanedge Gold Course from the list of facilities, services and shops.	The second part of the policy lists the facilities to be protected. However, like the District Council I am not convinced that some of the facilities listed fit this definition. Golf Courses normally serve a wide area rather than a small community and, while the two golf courses identified lie within the parish, they are not closely related to the settlements of Holymoorside and Walton. Similarly, the Ladywood Garage and shop is a facility serving passing trade along the A619 as well as the local community. Also, Walton Moors is positioned to serve the Chesterfield built-up area as well as Walton.	Ladywood Garage and Shop, Walton Moors, Chesterfield Gold Course and Standedge Gold Course	locations from the list
Policy TA1. Traffic Impact. Pg. 26.	After "...demonstrate that" insert "taking account of any measures to mitigate the impact of the development,".	The policy is largely consistent with the third bullet point of paragraph 32 of the NPPF. However, this paragraph also refers to the potential for measures to mitigate any adverse impact and the policy should be modified to more clearly reflect this. The policy is also in general conformity with Policy T2 of the NEDLP, which must be considered alongside the more up to date guidance in the NPPF.	-Accept insertion of wording.	-Accept insertion
Policy TA2. Footpaths, Cycleways and Bridleways. Pg. 26.	After "...and bridleways will" delete "not be supported" and insert "only be supported where it can be demonstrated that the public benefit of the development clearly outweighs the harm."	The importance of footpaths and cycleways is emphasised in the NPPF (paragraphs 35 and 69). There may be circumstances where the public benefits of a development proposal would outweigh the harm to footpaths or bridleways and I have recommended a modification which recognises the balance that needs to be struck.	-Accept deletion of wording and insertion of replacement wording	-Delete and insert wording accordingly
Policy TA3. Footpaths, Cycleways and Bridleways. Pg. 26.	Modify to read "Where appropriate having regard to the scale and location of the proposal, new developments will be required to take advantage of opportunities to incorporate improvements to the network of footpaths and cycleways into their proposals or may be required to contribute to such improvements through a planning obligation, where the legal requirements are met."	Only action that is related to the development and use of land can be included in a planning policy. The policy refers to development contributions as one appropriate way of achieving this, but it is unclear from the wording to the first part of the policy what other considerations would influence the way in which planning applications are determined. I have recommended a modification which relates the policy more clearly to land use planning.	-Accept modification	-Modify policy accordingly

<p>Policy BE1. Listed Buildings. Pg. 27.</p>	<p>In section 12.1 insert a list of the heritage assets in the neighbourhood area and a map to locate them.</p>	<p>The supporting text refers to the existence of 17 listed building in the parish but does not identify them, simply cross-referring to the historic England website. The policy also cross refers to the other policies in the Plan, the Local Plan and national policies. PPG indicates that it is good practice to clearly identify designated heritage assets at the start of the plan making process. It would be helpful to identify these assets within the Plan to assist decision makers. Policy BE1, does not make this clear and is thus somewhat misleading. It does not add to national policy and therefore does not serve any useful purpose. While I have recommended its deletion the retention of the supporting text is valuable.</p>	<p>-Accept insertion of a list of heritage assets and map -Accept deletion of Policy</p>	<p>-Include a list of heritage assets and map locating them -Delete policy BE1</p>
<p>Policy BE2. Non-Designated Heritage Assets. Pg. 28.</p>	<p>Re-number Policy BE2 as BE1 and renumber policies Be3 to Be5 accordingly.</p> <p>In Appendix 1 change the title to “Unlisted Buildings and Structures of Historic Architectural or Archaeological Interest” and add a map which clearly identifies the location and identity of each of the buildings and distinguishes buildings and structures from archaeological sites (see Policy BE3 below).</p> <p>Change the title of Policy Be2 to “Unlisted Buildings and Structures of Historic or Architectural Interest.”</p> <p>Delete the first two parts of Policy BE2 and modify the third part to read: “ Development proposals that will affect the buildings and structure identified in Appendix 1 will be required to have regard to their historical or architectural importance and to demonstrate that any harm to them cannot be avoided or mitigated and would be clearly outweighed by the benefits of the development.”</p>	<p>The title of the policy and Appendix 1 is somewhat misleading. The first part of the policy is a statement of intent on behalf of the Parish Council and is thus not a policy for the development and use of land. The second part of the policy supports the inclusion of the buildings and sites in Appendix 1 on a Local List. This is not a policy that will provide guidance to decision makers on planning applications. The supporting text recognises the need to undertake further work to assess the heritage value of these assets. It is appropriate for a neighbourhood plan to identify buildings and structures that the community considers to be of historic interest and to include an appropriate policy relating to them. Any such policy needs to be supported by a map which identifies the location of these buildings as a decision maker or applicant cannot be expected to identify them from the list alone. The list also seems to include some of the sites of archaeological interest referred to in section 12.2 and it would be helpful for the list and map to identify these separately. The requirement in the existing wording that proposals should conserve and enhance the character and setting of the structure is too strong a test having regard to the balanced approach in the PPF for both designated and non-designated heritage assets. I have therefore recommended a modification to reflect this.</p>	<p>-Accept renumbering -Accept Appendix 1 title change and add map -Accept change to BE2 title -Accept deletion of first two sections of the policy -Accept modification</p>	<p>-Renumber BE2 as BE1, and following policies -Change Appendix 1 title and add map -Update BE2(1) title -Delete first two sections of policy -Accept modification</p>

<p>Policy BE3. Important sites of Archaeological and Geological Interest. Pg. 29.</p>	<p>In the second line of the supporting text at the top of Page 29 delete "Leeds" and insert "Loads".</p> <p>In the heading to Policy BE3 delete "and geological".</p> <p>Delete the first part of Policy BE3 up to "...and geological interest,".</p> <p>Modify the last part of the policy to read: "Development proposals that affect the known sites of archaeological interest identified in Appendix 1 will be required to demonstrate that effective mitigation and/or compensatory measures can be ensured or that the benefits of the development clearly outweigh any harm. Where appropriate an archaeological assessment or field investigation will be required."</p>	<p>This policy raises similar issues to those raised by Policy BE2. To facilitate the application of the policy the list and map which I have already recommended should separately identify all the know sites of archaeological interest. Two representations have pointed out an error in the supporting text which refers to "Leeds Valley" but should refer to "Loads Valley".</p> <p>The first part of the policy refers to the maintenance of a schedule of important sites. For the same reasons as in Policy BE2, this is not a land use policy and not within the power of a neighbourhood plan. The second part of the policy refers to sites of geological interest, but the supporting text contains no information or justification relating to these. Such features would often be protected as Sites of Special Scientific Interest (SSSIs). There is no reference to any specific sites of geological interest in this section, but there is on pg. 35 under the heading of biodiversity. It is more appropriately considered in that section, as the NPPF deals with biodiversity and geodiversity together, in paragraph 117, and the reference to geological sites under Policy BE3 should therefore be deleted. Subject to this and the inclusion of a cross reference to the list of archaeological sites I am satisfied that the second part of the policy meets the basic conditions.</p>	<p>-Accept word change -Accept deletion of geological -Accept deletion -Accept modification</p>	<p>-Change Leads to Loads -Delete "and geographical" -Delete beginning of policy -Modify policy wording</p>
<p>Policy BE4. High Quality Design Principles. Pg. 30.</p>	<p>In Policy BE4 a) insert "scale" after "...character", and replace "fit in with the 'grain'" with "respond positively to the characteristics of the site and its surroundings".</p> <p>Delete BE4 b) and c)</p>	<p>With one exception, I am satisfied that the principles expressed meet the basic conditions. However, the policy is somewhat repetitious in that it says the same thing several ways. For example, "the characteristics of the site and its surroundings" include "the grain of the surrounding area" and thus points a) and b) can be merged. I have therefore recommended some modifications to address this.</p> <p>Point c) suggests that "designs specific to a generic 'scheme' should be avoided." This policy is not consistent with the presumption in favour of sustainable development to preclude such designs in principle. Specific proposals should be treated on their merits and the other criteria of the policy, which indicate what good design should do, will be applied to such proposals.</p>	<p>-Accept wording changes -Accept deletion of b) and c)</p>	<p>-Change wording accordingly -Delete sections b) and c)</p>
<p>Policy BE5. Dry Stone Walls. Pg. 31</p>	<p>After "...impact, on a dry-stone wall" delete "will only be permitted ...Parish Council" and insert "and this is subject to planning control will only be permitted where it can be</p>	<p>Dry-stone walls are an important feature of the parish and large parts of the wider area around it. However, as NEDDC point out the circumstances in which the removal of an existing dry-stone wall would be subject to planning control are quite limited. As in other policies the requirement for the local planning authority's conclusion to be reached "in consultation</p>	<p>-Accept modification of policy</p>	<p>-Modify policy accordingly</p>

	demonstrated” and delete the last sentence.	with the Parish Council” cannot be required. The requirement in the last sentence that any dry-stone wall lost should be replaced by a replacement wall elsewhere in the Parish is unlikely to be enforceable as it is unlikely to meet the requirement for planning obligations. It may also require the consent of a third party which cannot be guaranteed. Subject to amendments to reflect these points, and a modification to indicate the limited circumstances in which it will be applicable, the policy meets basic conditions.		
Policy NE1. Landscape Character. Pg. 33.	Insert after “Development proposals” “which comply as appropriate with Policy S1 and S2”.	The policies to be applied to new development differ substantially between these areas. The Peak District National Park Authority has suggested that there is inconsistency between Policy NE5 (this actually relates to Policy NE1) and Policy S3 (S2); as it does not refer to the constraints on development in the countryside. I agree that the policy as it stands is somewhat misleading and that a modification to align the policy with Policies S2 and S3 (S1 and S2).	-Accept insertion	-Insert recommended wording
Policy NE2. Important Open Views. Pg. 34.	<p>Reword the first part of Policy NE2 to read “Development proposals that would affect the important views listed below and identified in the map in Appendix 9 will be required to take account of their visual significance and ensure that the visual impact of development on these views is carefully controlled.”</p> <p>Delete “The following views have been identified as especially important”.</p> <p>Delete the 4th bullet point “towards Cotton Mill Hill”.</p> <p>Reproduce the Map at page 66 at a larger scale and ensure that it clearly shows which view each arrow is referring to.</p> <p>Change the title page to Appendix 9 to read “Supporting Evidence-Important Views”.</p> <p>In Appendix 9: change the description of the location of View 2</p>	<p>Supporting evidence in relation to these views is provided in Appendix 9, but the title page of this Appendix mistakenly refers to “Supporting Evidence – Local Green Spaces”. The map on pg. 66 does not clearly identify which view is which and its scale is too small to define the location of the view. This would seriously hamper a decision maker and offer insufficient guidance to an application. I have recommended modifications to correct these inadequacies.</p> <p>I have noted discrepancies in the information provided and I have sought clarification on these in an email attached as Appendix 1. View 2 is actually from Holymoore Road towards Bage Hill and Hipper Hall is to the left and behind the view shown. The most notable discrepancy relates to View 4, the view from that position is not of the quality to be regarded as “especially important”, as the views identified are described in the policy, and should therefore be deleted from the list. The final discrepancy is that the description of view 6 , the view shown appears to be from a point around 100m south of the entrance to High House Farm.</p> <p>It is also not realistic or justifiable to require any new development to enhance “important views”. I have therefore recommended modifications to address these points and the points made in relation to Appendix 9.</p>	<p>-Accept rewording</p> <p>-Accept deletion</p> <p>-Accept deletion of 4th bullet point</p> <p>-Accept insertion and improvements to map</p> <p>-Accept changes to Appendix 9</p>	<p>-Reword policy accordingly</p> <p>-Delete section</p> <p>-Delete 4th bullet point</p> <p>-Modify Appendix 9 accordingly</p>

	<p>to “From Holymoorside towards Bage Hill”</p> <p>Delete view 4 and renumber the following views.</p> <p>Under view 6 change the start of the description of the location to “Looking north from Bage Hill from a point about 100m south of the entrance to High House Farm, this offers panoramic...”</p>			
<p>Policy NE3. Biodiversity. Pg. 35.</p>	<p>On page 35 in the first paragraph change the reference to Appendix 4 to Appendix 5</p> <p>In the third paragraph on page 35 change the reference to Appendix 5 to Appendix 6</p> <p>In the fourth paragraph on page 35 change the reference to Appendix 6 to Appendix 7.</p> <p>Delete Policy NE3 and replace it with an additional paragraph in the supporting text to read “Planning applications with implications for biodiversity and geodiversity will be determined in accordance with policies in the NPPF, which supersedes the NEDLP, and , when it is adopted the emerging Local Plan.”</p>	<p>The references to the appendices are incorrect and I have recommended an amendment to correct these.</p> <p>The Policy itself effectively summarises but does not add anything to the more detailed policies set out in the NPPF for biodiversity. It therefore does not meet the requirement to be locally distinct.</p>	<p>-Accept updates to supporting text</p> <p>-Accept policy deletion</p> <p>-Accept insertion of additional paragraph</p>	<p>-Update supporting text</p> <p>-Delete policy NE3</p> <p>-Include additional paragraph</p>
<p>Policy NE4. Trees and Woodlands. Pg. 36.</p>	<p>Renumber Policy NE4 as NE3</p> <p>In Policy NE4 combine the first and third sentences to read: “Development proposals that increase tree coverage (especially for native species) and retain existing trees and hedges by integrating them into the design of the development will be encouraged.</p>	<p>Like policy NE3, although the supporting text contains useful local background, the policy itself makes little reference to specific local considerations. However, it does not directly replicate the NPPF policy as it does add to it by seeking to provide some clear guidance to decision makers and applicants. The general opposition to any proposal which would damage or result in the loss of trees, hedges and woodlands of value is substantially more restrictive than the NPPF policy which even in respect of irreplaceable habitats or ancient woodland requires the benefits of development to be set against the loss. This necessitates a modification to</p>	<p>-Accept policy renumbering</p> <p>-Accept combination of first and third sentences</p> <p>-Accept modification to second sentence</p>	<p>-Renumber policy as NE3</p> <p>-Combine first and third sentences</p> <p>-Modify second sentence</p>

	Modify the second sentence to read “Where development proposals would damage or result in the loss of trees, hedges and woodlands of arboricultural, ecological and amenity value, they will not be permitted unless the harm is outweighed by the benefits of the development.”	meet the basic conditions. Some reordering of the policy to combine the first and third sentences which both refer to positive steps that will be encouraged, would make its intentions clearer.		accordingly
Policy NE5. Local Green Spaces. Pg. 37.	<p>Renumber NE5 as NE4</p> <p>Reword the first part of the policy as: “The spaces listed below and illustrated in the map in Appendix 10 are designated as Local Green Spaces where development will only be supported in very special circumstances, unless it is for uses which do not compromise that function of the Local Green Space.”</p> <p>Delete:</p> <ul style="list-style-type: none"> • Holymoorside and Walton Primary School: Outdoor Sports Provision • Pennywell Drive Green Space • Acorn Ridge, Walton • Land adjacent to Belmont Park Housing <p>In the last line of the supporting text that precedes the Policy correct the reference to the Appendix by deleting “9” and inserting “10”.</p>	<p>This policy identifies 15 areas as local green space to be protected and sets out the policy to be applied to these spaces. NEDDC suggest that the policy does not designate the spaces as Local Green Spaces in accordance with Paragraphs 7 and 77 of the NPPF. It is clear that it is the intention of the Plan to make this designation and that has been confirmed in response to request for clarification (Appendix 1). A modification to the Policy is necessary to make this clear.</p> <p>Holymoorside and Walton Primary School Sports Provision: The playing field is located behind the school and I am unsure how it could be publically accessed outside school hours. I am not satisfied that it meets the criteria for Local Green space designation.</p> <p>Pennywell Drive Green Space: Small area of grass in front of houses and separated by driveways on Pennywell Drive. I am not satisfied that it is “special” as it is no more than a relatively wide grass verge. Therefore I am not satisfied that it meets the criteria for Local Green Space.</p> <p>Acorn Ridge, Walton: Two areas of dense woodland providing a visual and environmental buffer between residential development and Walton Back Lane and Matlock Road. There is no easy access to these areas of woodland and no evidence that they are significant. Their function is as a barrier and I am not satisfied they justify the designation as a Local Green Space for this reason.</p> <p>Land adjacent to Belmont Park Housing: Small strip of grass verge at the junction of Baslow Road and Holymoos Road. It is ‘demonstrably special’ and for that reason not appropriate for Local Green space designation. I have recommended a modification to delete the spaces which I have</p>	<p>-Accept policy renumbering</p> <p>-Accept policy rewording</p> <p>-Accept deletion of Holymoorside and Walton Primary School, Penneywell Drive Green Space, Acorn Ridge and land adjacent to Belmont Park Housing.</p> <p>-Accept update to Appendix reference</p> <p>-Accept changes to Appendix 10</p>	<p>-Renumber policy as NE4</p> <p>-Reword policy accordingly</p> <p>-Delete recommended sites</p> <p>-Update Appendix reference</p> <p>- Modify appendix 10</p>

	<p>In Appendix 10 replace the Map on pg. 85 with a larger scale map which clearly shows the boundaries of the designated Local Green Spaces and/or insert small, large scale inset maps in relation to each of the sites in Appendix 10.</p>	<p>concluded do not meet the criteria for designation as Local Green Spaces. As explained in relation to Policy S3, Green Belt policy defines certain categories of development that would not be inappropriate. It is development that does not fall within these categories that should only be permitted “in very special circumstances”. Very special circumstances cannot be defined or anticipated, thus the “essential facilities for sport and recreation which do not compromise the function of the “Local Green Space” are not very special circumstances.</p> <p>The last sentence in Policy NE5 is not consistent with the approach to Local Green Spaces set out in the NPPF. The requirement for Local Green spaces to be “demonstrably special” and “capable of enduring beyond the plan period” suggests that in most cases it is the combination of the location and the character of the Local Green Space is important. Where there was a compelling justification it could be considered as “very special circumstances”.</p>		
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