

NORTH EAST DERBYSHIRE LOCAL PLAN EXAMINATION



STATEMENT OF NORTH EAST DERBYSHIRE DISTRICT COUNCIL

22 OCTOBER 2018

MATTER 12

**Landscape Character, Natural and
Historic Environment
(Policies SS11 and SDC1 – 15)**

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Main Matter 12 – Whether or not the plan will safeguard and enhance the landscape character, natural and historic environment in the plan area (Policies SS11 and SDC1 – 15)

Issue - Local Settlement Gaps (Policy SS11)

Question 12.1

Is Policy SS11 necessary and justified by the evidence in the Local Settlement Gaps Study and Update (EB SS4 & EBSS4) and would other policies/designations be effective in safeguarding the form and character of settlements in the south of the District?

Council's Response:

12.1.1 The Council considers that Policy SS11: Local Settlement Gaps (LSGs) is a necessary and fully justified policy tool that is supported by the evidence contained in the Local Settlement Gap Study, 2014 and 2017 Update) (**EB-SS3**, at paragraphs 1.2.1 – 1.7.7 & **EB-SS4**). These documents (which must be read together) show that there is a spatially complex and dense distribution of mostly medium-scale settlements primarily across a central tract of the Southern Sub-Area of the District. It is shown that in places the degree of separation and perceived delineation of settlement limits has been lost or has become indistinct or blurred as a result of incremental settlement growth, resulting in settlement character and distinct identities becoming weakened or lost. LSGs are seen as an appropriate and necessary policy response to protect areas that have been systematically identified and assessed as being important in defining settlement identity and, by remaining generally undeveloped, prevent the continued or potential coalescence of settlements in the south of the District.

12.1.2 The LSGs identified on the Policies Map of the Publication Draft Local Plan were assessed against a comprehensive and robust methodology set out in **EB-SS3** (Section 2). A number of LSG boundaries were refined to take account of development approved since the study was produced (**EB-SS4**).

Alternative Policies/Designations

12.1.3 The Council does not consider that there are other policies or designations that would as effectively and specifically safeguard the form and character of settlements and the important open spaces around them in the south of the District in the manner afforded by Policy SS11. The saved policies of the 2005 Local Plan (**CD-CSF5**) included policies identifying settlement boundaries and areas of countryside (Policies GS5 & GS6), which distinguish between areas where development is acceptable in principle and where policies of constraint would apply. However, these policies have not been effective in protecting settlement identity in recent years in circumstances where the Council has been unable to demonstrate a 5 year supply of housing land. Policies SS7, SS8 and SS9 in the Publication Draft Local Plan would be similarly vulnerable and ineffective in protecting settlement identity. When circumstances arise where development beyond settlement boundaries may be necessary for other planning purposes (as recognised by policies SS9 & SS11), the consideration of settlement identity

and separation should continue to be an important consideration in addressing such situations and reaching a planning balance.

- 12.1.4 The Council did research alternatives in 2013 prior to commissioning consultants to undertake the LSG Study (**EB-SS3**) and evidence of this is provided in an extract from the Request for Quotation for the LSG Study (see **EB-SS5**, para 2.20 – 2.27).
- 12.1.5 Furthermore the Green Belt Review (**EB-GB2a**) gave detailed consideration to whether there were any additional areas of the District where Green Belt status would be justified (including land in the south of the district) and whether other alternative policy options were available as an alternative to Green Belt protection, (**EB-GB2a** Paras 6.19 – 6.25 and 6.26 – 6.30 refer). The report concludes that whilst it is evident that strong policy protection is needed to preserve the narrow open gaps between a number of settlements in the southern sub-area, a range of policy options are available to the Council which could be used to safeguard open gaps under threat from development pressures. It goes on to clarify that the findings of the Settlement Gaps Study (**EB-SS3**) represent a measured response to the erosion of settlement identity and separation that has occurred over a period of time and is justified in view of the high levels of housing and employment growth that are expected to be delivered by the emerging Local Plan. Whilst it does not discount extending the Green Belt designation, it is clear that this would be an extreme solution and would require exceptional circumstances to be demonstrated. While a policy alternative of Local Settlement Gaps is a feasible, proportionate, spatially focused and evidence-based policy option, such exceptional circumstances could not be seen to exist to justify Green Belt extension. Moreover, the strategic nature of an extended Green Belt would be likely to result in a significantly more restrictive and spatially extensive constraint on development than that proposed by SS11 and the identified Local Settlement Gaps.
- 12.1.6 It is feasible that additional criteria to policy SS9 – *Development in the Countryside* could seek to address settlement separation, identity and coalescence issues. However such an approach would be likely to make the policy cumbersome and convoluted and would be difficult to incorporate the clearly defined spatial extent of the Local Settlement Gaps.
- 12.1.7 A clear benefit of the proposed approach to SS11 is that it allows for a specific supporting text and policies map designation which clarifies and identifies the locally acute problems and threats to settlement identity arising from settlement growth in specific locations. It remains a spatially focused policy that does not result in undue policy restriction on otherwise acceptable development of settlement hinterlands and urban fringe areas that are not important for separation and identity aspirations.

Question 12.2

Is the local settlement gap designation on the Policies Maps consistent with the findings of documents EB SS3 & SS4?

(In responding to this question could the Council please include an update of the outstanding planning applications referenced in EB SS4)

Council's Response:

12.2.1 The Council considers that the LSGs indicated on the Policies Maps are highly consistent with the findings of the evidence base **EB-SS3** and **EB-SS4** when considered together. **EB-SS4** addresses the implications on the candidate Local Settlement Gaps of planning permissions granted or pending on the recommendations of the 2014 Local Settlement Gap Study (**EB SS3**). Table 1 below sets out for each LSG whether the submission Local Plan Policies Map reflects the 2-stage evidence base and, where variation is identified, sets out justification. Table 1 indicates the status of planning applications submitted but undetermined within the LSGs following the 2014 LSGS which generated proposed changes to LSG boundaries in the 2017 update Study.

Table 1: Conformity of Policies Map LSG Boundaries with the Evidence Base

SS11 Local Settlement Gap Designation	Submission Policies Map: LSG consistent Boundary with EB SS3?	Submission Policies Map: Amended and consistent with SS4?	Summary / Comment
cLSG1 Calow- Chesterfield	Yes	N/A No proposed change	No inconsistency with evidence base
cLSG2 Temple Normanton – Holmewood	Yes	N/A No proposed change	No inconsistency with evidence base
cLSG3 Grassmoor West – New Tupton	Yes	No. Proposed amendment on approval of pending planning application 17/00614/OL at Croft House Farm.	17/00614/OL <i>refused</i> . LSG boundary retained as proposed. No inconsistency with evidence base
cLSG4 Hunloke - New Tupton - Grassmoor	No	Yes Proposed removal of Mill Lane LSG on approval of pending planning application 01/00227/OL at Mill Lane (WW2).	No inconsistency with evidence base
cLSG5	No	Yes Proposed removal of <i>Hanging Banks</i> LSG on	No inconsistency with evidence base

Wingerworth - Hunloke		approval of 14/00763/OL (WW1) – <i>Under Construction</i>	
cLSG6 Wingerworth - New Tupton	No	Yes Minor amendment to accommodate approval of 16/00022/OL	No inconsistency with evidence base
cLSG7 New Tupton – Old Tupton	Yes	No Minor amendment recommended to accommodate part of 17/00706/FL	17/00706/FL remains pending determination. No inconsistency with evidence base
cLSG8 Grassmoor - North Wingfield	Yes	N/A No proposed change	No inconsistency with evidence base
cLSG9 North Wingfield - Holmewood	No	Yes Proposed removal of LSG following approval of 14/01290/OL (HD1)	No inconsistency with evidence base
cLSG10 Holmewood – Heath	Yes	N/A No proposed change	No inconsistency with evidence base
cLSG11 New Tupton - North Wingfield	Yes	N/A No proposed change	No inconsistency with evidence base
cLSG12 Old Tupton – Clay Cross - Holmgate	No	No Changes proposed to accommodate planning permissions 17/00666/OL at Egstow Park (SS4 Bewater site) <i>under construction</i> and 14/00220/OL <i>approved</i>	Minor Variation with evidence base. Minor drafting error adjacent to western fringe playing field at Egstow Park. Not significant to strategic effectiveness of the LSG. Additional area of candidate LSG12 removed from Kenning Park, Clay Cross. Removed area designated as ID9 Urban Greenspace.
cLSG13 Clay Cross – North Wingfield	Yes	N/A No proposed change	No inconsistency with evidence base

cLSG14 North Wingfield – Lower Pilsley	Yes	N/A No proposed change	No inconsistency with evidence base
cLSG15 Lower Pilsley – Pilsley	No	Yes Proposed amendment of LSG on approval of 15/00153/OL (PI1), 16/00113/OL and 16/00119/FL.	No inconsistency with evidence base
cLSG16 Morton – Stonebroom	No	Yes Proposed amendment to LSG on approval of 17/00585/OL <i>approved</i> & 16/00940/FL <i>approved</i>	No inconsistency with evidence base
cLSG17 Shirland - Higham	No.	Proposed minor amendment to accommodate 13/01024/FL - <i>implemented</i>	No inconsistency with evidence base
cLSG18 Higham – Mickley	Yes	N/A No proposed change	No inconsistency with evidence base
cLSG19 Stretton – Clay Cross	No	Yes Proposed minor amendment to accommodate 14/00249/OL	No inconsistency with evidence base

Issue - Are other environment policies soundly based and justified by the evidence?

Question 12.3

The following questions apply to Policies SDC1 – SDC15:

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

Council's Response:

See table below

SDC1: Re-use of Buildings in the Green Belt and Countryside

a) Is the Policy Clear and will it provide sufficient guidance for decision making?	<p>North Derbyshire has a range of buildings in the countryside which are no longer suitable for their original purpose. Many of these buildings make a positive contribution to the character and appearance of the area and provided they are suitable for conversion then alternative uses can safeguard their future.</p> <p>Not all buildings however are suitable for re-use and policy SDC1 clearly sets out the criteria that must be met for such development proposals to be acceptable in principle in the Green Belt and countryside.</p>
b) Is it based on a robust evidence base?	<p>Policy SDC1 is underpinned by paragraph's 28 & 89 of the NPPF 2012 which support the principle of the conversion of existing buildings as an exception to general restraint on development in the countryside and Green Belt.</p> <p>Appendix B of the Regulation 19 SA Report (SubD3a) sets out an assessment of the policies in Chapter 8 against the SA Framework. The assessment found policy SDC1 to have a positive effect on a number of the SA Objectives, and no negative effects. (Paragraph 1.31.)</p>
c) How will the policy be implemented and would it be flexible to respond to specific circumstances including viability?	<p>The policy will be implemented through the determination of planning applications as and when they are submitted through the development management process.</p> <p>The criteria included within the policy allows for a degree of flexibility depending upon the design and character of buildings within their countryside setting.</p> <p>The Council's Whole Plan Viability Assessment (EB-IV2a) found that this policy was not considered relevant from a viability point of view, in terms of having a direct financial impact upon development.</p>
d) Is the policy positively prepared, justified by the evidence and consistent with national policy and will it be effective? Are any modifications necessary for soundness?	<p>The Council considers policy SDC1 is positively prepared, justified by the evidence, consistent with the NPPF, and will be effective insofar as it supports the delivery of sustainable development during the plan period.</p> <p>The Council considers policy SDC1 is sound without the need for further modification.</p>

Policy SDC2: Trees, Woodland and Hedgerows

a) Is the Policy Clear and will it provide sufficient guidance for decision making?	<p>The policy recognises that trees, woodland and hedgerows are key features which can define landscape character and contribute to the quality and enjoyment of the environment.</p> <p>Policy SDC2 sets out Development Management guidance against which developments that impact on trees, woodland and hedgerows can be assessed.</p>
b) Is it based on a robust evidence base?	<p>Paragraph 118 of the NPPF (2012) provides guidance on how developments impacting on habitats, including ancient woodland and veteran trees should be dealt with.</p> <p>Page 27, paragraph 2.14 & 2.15 of EB-IV3a, the Council's Green Infrastructure Strategy, identifies the importance of trees, woodland and hedgerows.</p> <p>Page 18 & 19 of EB-ENV1: A Greenprint for Biodiversity in North East Derbyshire, provides further evidence, supporting the importance of the District's woodlands, and the need to provide a policy which provides guidance for developments which impact upon trees, woodland and hedgerows.</p> <p>Appendix B of the Regulation 19 SA Report (SubD3a) sets out an assessment of the policies in Chapter 8 against the SA Framework. The assessment found policy SDC2 to have a positive effect on a number of the SA Objectives, and no negative effects. (Paragraph 1.32.)</p>
c) How will the policy be implemented and would it be flexible to respond to specific circumstances including viability?	<p>The policy will be implemented through the determination of planning applications as and when they are submitted through the development management process.</p> <p>The policy allows for a certain amount of flexibility where impact can be mitigated.</p> <p>The Council's Whole Plan Viability Assessment (EB-IV2a) found that this policy was not considered relevant from a viability point of view, in terms of having a direct financial impact upon development.</p>
d) Is the policy positively prepared, justified by the evidence and consistent with national policy and	<p>The Council considers Policy SDC2 is compliant with the NPPF, positively prepared, justified by the evidence and will be effective.</p> <p>This policy is positively prepared in that it allows scope for sustainable development to take place, as long any impact upon trees, woodland and hedgerows that require protection is mitigated.</p>

<p>will it be effective? Are any modifications necessary for soundness?</p>	<p>The policy is effective, in that it is deliverable over the plan period. (See the answer to c) for more information.)</p> <p>The policy is in line with the NPPF, see page 24, paragraph 89.</p> <p>The Council has not identified any modifications that need to be made to this Policy, to ensure soundness.</p>
<p>Policy SDC3: Landscape Character</p>	
<p>a) Is the Policy Clear and will it provide sufficient guidance for decision making?</p>	<p>North East Derbyshire has a very diverse character. This policy ensures that development provides for the protection, management conservation and enhancement of the District's landscapes.</p> <p>The policy provides clear protection for the District's distinct landscape, and landscape character of the adjoining Peak District National Park area.</p> <p>SDC3 sets out Development Management guidance against which developments that impact on the District's landscape character, and the Peak District National Park can be assessed against.</p>
<p>b) Is it based on a robust evidence base?</p>	<p>One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. This includes designated landscapes but also the wider countryside.</p> <p>The NPPF (para 109)) says that the planning system should contribute to, and enhance, the natural and local environment by protecting and enhancing valued landscapes and that local planning authorities should set criteria based policies against which proposals for any development on or affecting local landscape areas will be judged (para 113).</p> <p>Para 115 States that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.</p> <p>Paragraphs 123 & 125 of the NPPF (2012) provide guidance on how developments impacting on landscape character should be dealt with.</p> <p>The policy expects proposals for development to contribute to the conservation, enhancement, or restoration and re-creation of the local landscape as appropriate having regard to the sensitivities of the particular landscape areas as identified in the Derbyshire Landscape Character Assessment (EB-ENV2) and the Areas of Multiple Environmental Sensitivity Study (AMES).</p>

	<p>EB-ENV2: The Landscape Character of Derbyshire (DCC) identifies the diversity, distinctiveness and importance of the District's landscape character.</p> <p>Page 4, 5 & 6 of EB-ENV1: A Greenprint for Biodiversity in North East Derbyshire, identifies the District's Landscape Character.</p> <p>Appendix B of the Regulation 19 SA Report (SubD3a) sets out an assessment of the policies in Chapter 8 against the SA Framework. The assessment found policy SDC2 to have a positive effect on a number of the SA Objectives, and no negative effects. (Paragraph 1.33.)</p>
<p>c) How will the policy be implemented and would it be flexible to respond to specific circumstances including viability?</p>	<p>The policy will be implemented through the determination of planning applications as and when they are submitted through the development management process.</p> <p>The policy does not provide much in the way of flexibility for developments which will cause significant harm to the landscape character, as it is intended to protect the District's distinct, and diverse character from significant harm.</p> <p>However it does not preclude all Development entirely, it instead provides guidance against which developments which impact on the District's landscape character can be assessed against.</p> <p>The Council's Whole Plan Viability Assessment (EB-IV2a) found that this policy was not considered relevant from a viability point of view, in terms of having a direct financial impact upon development.</p>
<p>d) Is the policy positively prepared, justified by the evidence and consistent with national policy and will it be effective? Are any modifications necessary for soundness?</p>	<p>The Council considers Policy SDC3 is compliant with the NPPF, positively prepared, justified by the evidence and will be effective.</p> <p>The Policy is positively prepared in that it allows for sustainable development to take place, as long as it does not cause significant harm to the District's landscape character.</p> <p>The policy is effective, in that it is deliverable over the plan period. (See the answer to c) for more information.)</p> <p>Reference to the Technical Support Document 2: Tranquillity prepared by Derbyshire County Council to support the Derbyshire Landscape Character Assessment (EB-ENV2). Will be added to the policy in order to assist the implementation of Policy SDC3 it is considered that reference to this supporting document could usefully be made in the supporting text of the Plan.</p>

	In the interests of clarity the Council have agreed that paragraph 8.16 in the supporting text could usefully be extended to make reference to the National Park's purposes.
Policy SDC4: Biodiversity and Geodiversity	
a) Is the Policy Clear and will it provide sufficient guidance for decision making?	<p>This policy recognises that the Plan area has a rich biodiversity which comprises a network of nationally, regionally, and locally designated sites which are important for their nature conservation and geodiversity value.</p> <p>The policy sets out clear requirements for the protection and enhancement of the District's natural environment, and actively seeks to increase the quantity and quality of the District's biodiversity and geodiversity.</p>
b) Is it based on a robust evidence base?	<p>Paragraph 17 of the NPPF 2012 is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment</p> <p>Page 26 - 29, paragraph 2.12 - 2.22 of EB-IV3a, the Council's Green Infrastructure Strategy, identifies the District's biodiversity, and the importance of protecting. Promoting and thus increasing the District's biodiversity.</p> <p>EB-ENV1: A Greenprint for Biodiversity in North East Derbyshire, provides further evidence, identifying the District's biodiversity.</p> <p>Appendix B of the Regulation 19 SA Report (SubD3a) sets out an assessment of the policies in Chapter 8 against the SA Framework. The assessment found policy SDC2 to have a positive effect on a number of the SA Objectives, and no negative effects. (Paragraph 1.34.)</p>
c) How will the policy be implemented and would it be flexible to respond to specific circumstances including viability?	<p>The policy will be implemented through the determination of planning applications as and when they are submitted through the development management process.</p> <p>The policy is flexible as it allows exceptions, provided the reasons are of overriding public interest.</p> <p>The Council's Whole Plan Viability Assessment (EB-IV2a) found that this policy was not considered relevant from a viability point of view, in terms of having a direct financial impact upon development</p>
d) Is the policy positively prepared, justified by the	The Council considers Policy SDC4 is compliant with the NPPF, positively prepared, justified by the evidence and will be effective.

<p>evidence and consistent with national policy and will it be effective? Are any modifications necessary for soundness?</p>	<p>This policy is positively prepared in that it allows scope for sustainable development to take place, so long as there is overriding public interest, and where adequate compensatory measures are provided. .</p> <p>The policy is effective, in that it is deliverable over the plan period. (See the answer to c) for more information.)</p>
<p>Policy SDC5: Development within Conservation Areas</p>	
<p>a) Is the Policy Clear and will it provide sufficient guidance for decision making?</p>	<p>North East Derbyshire has a wealth of heritage assets, including conservation areas, which are a unique and irreplaceable resource, and are valued by local communities throughout the District.</p> <p>SDC5 aims to ensure that conservation areas do not stifle development, but that development complements the existing character of these special townscapes.</p> <p>This policy is a clearly set out criteria based policy that sets out Development Management guidance against which developments that impact on conservation areas can be assessed against.</p>
<p>b) Is it based on a robust evidence base?</p>	<p>Page 30, paragraph 126 of the NPPF (2012) sets out the importance of Local Plans having a positive strategy for the conservation and enjoyment of the historic environment.</p> <p>Page 25 & 26, paragraph 2.5 - 2.11 of EB-IV3a, the Council's Green Infrastructure Strategy, identifies the District's Heritage Assets, and highlights the importance of the District's historic environment.</p> <p>Page 30, paragraph 3.3 of EB-ENV3a: Historic Environment Study Overview, identifies the District's conservation areas and their importance.</p> <p>Appendix B of the Regulation 19 SA Report (SubD3a) sets out an assessment of the policies in Chapter 8 against the SA Framework. The assessment found policy SDC2 to have a positive effect on a number of the SA Objectives, and no negative effects. (Paragraph 1.35.)</p>
<p>c) How will the policy be implemented and would it be flexible to</p>	<p>The policy will be implemented through the determination of planning applications as and when they are submitted through the development management process.</p>

<p>respond to specific circumstances including viability?</p>	<p>The policy is flexible as it allows permits development proposals where they preserve or enhance the character or appearance of a conservation area.</p> <p>The Council's Whole Plan Viability Assessment (EB-IV2a) found that this policy was not considered relevant from a viability point of view, in terms of having a direct financial impact upon development.</p>
<p>d) Is the policy positively prepared, justified by the evidence and consistent with national policy and will it be effective? Are any modifications necessary for soundness?</p>	<p>The Council considers Policy SDC5 is compliant with the NPPF, positively prepared, justified by the evidence and will be effective.</p> <p>National planning guidance advises that local planning authorities should set out a positive strategy for the conservation and enjoyment of the historic environment. This is in line with the Council's policy.</p> <p>This policy is positively prepared in that it allows scope for sustainable development to take place, so long as developments preserve or enhance the historic environment.</p> <p>The policy is effective, in that it is deliverable over the plan period. (See the answer to c) for more information.)</p> <p>The Council considers policy SDC5 is sound without the need for further modification .</p>
<p>SDC6: Development Affecting Listed Buildings</p>	
<p>a) Is the Policy Clear and will it provide sufficient guidance for decision making?</p>	<p>North East Derbyshire has a wealth of heritage assets, including conservation areas, which are a unique and irreplaceable resource, and are valued by local communities throughout the District.</p> <p>Policy SDC6 identifies the importance of preserving, and enhancing the District's heritage assets, and clearly sets out Development Management guidance against which developments that affect listed buildings can be assessed against.</p>
<p>b) Is it based on a robust evidence base?</p>	<p>Page 30, paragraph 126 of the NPPF (2012) sets out the importance of Local Plans having a positive strategy for the conservation and enjoyment of the historic environment.</p> <p>Page 25 & 26, paragraph 2.5 - 2.11 of EB-IV3a, the Council's Green Infrastructure Strategy, identifies the District's Heritage Assets, and highlights the importance of the District's historic environment.</p>

	<p>Page 26 - 29, paragraph 3.2 of EB-ENV3a: Historic Environment Study Overview, identifies the District's Listed Buildings and their importance.</p> <p>Appendix B of the Regulation 19 SA Report (SubD3a) sets out an assessment of the policies in Chapter 8 against the SA Framework. The assessment found policy SDC2 to have a positive effect on a number of the SA Objectives, and no negative effects. (Paragraph 1.36.)</p>
c) How will the policy be implemented and would it be flexible to respond to specific circumstances including viability?	<p>The policy will be implemented through the determination of planning applications as and when they are submitted through the development management process.</p> <p>The policy is flexible as it allows for alterations to, or changes of use for listed buildings, where they protecting the significance of the heritage asset and its setting.</p> <p>The Council's Whole Plan Viability Assessment (EB-IV2a) found that this policy was not considered relevant from a viability point of view, in terms of having a direct financial impact upon development.</p>
d) Is the policy positively prepared, justified by the evidence and consistent with national policy and will it be effective? Are any modifications necessary for soundness?	<p>The Council considers Policy SDC6 is compliant with the NPPF, positively prepared, justified by the evidence and will be effective.</p> <p>National planning guidance advises that local planning authorities should set out a positive strategy for the conservation and enjoyment of the historic environment. This is in line with the Council's policy.</p> <p>This policy is positively prepared in that it allows scope for sustainable development to take place, so long as its guidance regarding the protection of Listed Buildings is followed.</p> <p>The policy is effective, in that it is deliverable over the plan period. (See the answer to c) for more information.)</p> <p>The Council considers policy SDC6 is sound without the need for further modification.</p>
SDC7: Scheduled Ancient Monuments and Archaeology	
a) Is the Policy Clear and will it provide sufficient guidance for decision making?	<p>Policy SDC7 provides policy at the local level which aims to ensure that important heritage assets are preserved and where possibly enhanced.</p>

	<p>The policy sets out clearly Development Management guidance which encourage the preservation and enhancement of the scheduled monuments and archaeological sites. With protection also being extended to non-designated archaeological sites, depending on their significance.</p> <p>SDC7 sets out clear requirements, that where demolition or removal of archaeological features are proposed, this must be fully justified, and provision must be made for the site to be suitably excavated.</p>
<p>b) Is it based on a robust evidence base?</p>	<p>Page 30, paragraph 126 of the NPPF (2012) sets out the importance of Local Plans having a positive strategy for the conservation and enjoyment of the historic environment.</p> <p>Page 25 & 26, paragraph 2.5 - 2.11 of EB-IV3a, the Council's Green Infrastructure Strategy, identifies the District's Heritage Assets, and highlights the importance of the District's historic environment.</p> <p>Page 32 - 34, paragraph 3.4 of EB-ENV3a: Historic Environment Study Overview, identifies the District's scheduled monuments.</p> <p>Appendix B of the Regulation 19 SA Report (SubD3a) sets out an assessment of the policies in Chapter 8 against the SA Framework. The assessment found policy SDC2 to have a positive effect on a number of the SA Objectives, and no negative effects. (Paragraph 1.37.)</p>
<p>c) How will the policy be implemented and would it be flexible to respond to specific circumstances including viability?</p>	<p>The policy will be implemented through the determination of planning applications as and when they are submitted through the development management process.</p> <p>The policy is flexible as it allows for archaeological features to be removed, so long as its removal is fully justified, and provision is made for the site to be suitably excavated first.</p> <p>The Council's Whole Plan Viability Assessment (EB-IV2a) found that this policy was not considered relevant from a viability point of view, in terms of having a direct financial impact upon development.</p>
<p>d) Is the policy positively prepared, justified by the evidence and consistent with national policy and will it be effective?</p>	<p>The Council considers Policy SDC7 is compliant with the NPPF, positively prepared, justified by the evidence and will be effective.</p> <p>National planning guidance advises that local planning authorities should set out a positive strategy for the conservation and enjoyment of the historic environment. This is in line with the Council's policy.</p>

<p>Are any modifications necessary for soundness?</p>	<p>This policy is positively prepared in that it allows scope for sustainable development to take place, so long as its guidance regarding the protection of Scheduled Monuments and Archaeology is followed.</p> <p>The policy is effective, in that it is deliverable over the plan period. (See the answer to c) for more information.)</p> <p>The Council considers policy SDC7 is sound without the need for further modification.</p>
<p>SDC8: Registered Parks and Gardens</p>	
<p>a) Is the Policy Clear and will it provide sufficient guidance for decision making?</p>	<p>Policy SDC8 aims to ensure that registered parks and gardens are preserved, whilst development proposals which conserve and opportunities to enhance the character, appearance and significance of such assets are treated positively.</p> <p>The policy clearly sets out Development Management guidance against which developments that affect registered parks and gardens can be assessed against.</p>
<p>b) Is it based on a robust evidence base?</p>	<p>Page 30, paragraph 126 of the NPPF (2012) sets out the importance of Local Plans having a positive strategy for the conservation and enjoyment of the historic environment.</p> <p>Page 25 & 26, paragraph 2.5 - 2.11 of EB-IV3a, the Council's Green Infrastructure Strategy, identifies the District's Heritage Assets, and highlights the importance of the District's historic environment.</p> <p>Page 35 - 36, paragraph 3.5 of EB-ENV3a: Historic Environment Study Overview, identifies the District's scheduled monuments.</p> <p>Appendix B of the Regulation 19 SA Report (SubD3a) sets out an assessment of the policies in Chapter 8 against the SA Framework. The assessment found policy SDC2 to have a positive effect on a number of the SA Objectives, and no negative effects. (Paragraph 1.38.)</p>
<p>c) How will the policy be implemented and would it be flexible to respond to specific circumstances including viability?</p>	<p>The policy will be implemented through the determination of planning applications as and when they are submitted through the development management process.</p> <p>The policy is flexible as although it protects registered parks and gardens it does not restrict sustainable development.</p>

	The Council's Whole Plan Viability Assessment (EB-IV2a) found that this policy was not considered relevant from a viability point of view, in terms of having a direct financial impact upon development.
d) Is the policy positively prepared, justified by the evidence and consistent with national policy and will it be effective? Are any modifications necessary for soundness?	<p>The Council considers Policy SDC8 is compliant with the NPPF, positively prepared, justified by the evidence and will be effective.</p> <p>National planning guidance advises that local planning authorities should set out a positive strategy for the conservation and enjoyment of the historic environment. This is in line with the Council's policy.</p> <p>This policy is positively prepared in that it allows scope for sustainable development to take place, so long as its guidance regarding the protection of registered parks and gardens is followed.</p> <p>The policy is effective, in that it is deliverable over the plan period. (See the answer to c) for more information.)</p> <p>The Council considers policy SDC8 is sound without the need for further modification.</p>
SDC9: Non-designated Local Heritage Assets	
a) Is the Policy Clear and will it provide sufficient guidance for decision making?	<p>Policy SDC9 aims to ensure that these assets are preserved, whilst development proposals which conserve and take the opportunity to enhance the, character appearance and significance of such assets are treated positively.</p> <p>The policy clearly sets out Development Management guidance against which developments that affect non-designated local heritage assets can be assessed against.</p>
b) Is it based on a robust evidence base?	<p>Page 30, paragraph 126 of the NPPF (2012) sets out the importance of Local Plans having a positive strategy for the conservation and enjoyment of the historic environment.</p> <p>Page 25 & 26, paragraph 2.5 - 2.11 of EB-IV3a, the Council's Green Infrastructure Strategy, identifies the District's Heritage Assets, and highlights the importance of the District's historic environment.</p> <p>Page 37 - 38, paragraph 3.6 of EB-ENV3a: Historic Environment Study Overview, identifies the District's scheduled monuments.</p> <p>Appendix B of the Regulation 19 SA Report (SubD3a) sets out an assessment of the policies in Chapter 8 against the SA Framework. The assessment found policy SDC2 to have a positive effect on a number of the SA Objectives, and no negative effects.</p>

	(Paragraph 1.39.)
c) How will the policy be implemented and would it be flexible to respond to specific circumstances including viability?	<p>The policy will be implemented through the determination of planning applications as and when they are submitted through the development management process.</p> <p>The policy is flexible as although it protects non-designated local heritage assets, it does not restrict sustainable development.</p> <p>The Council's Whole Plan Viability Assessment (EB-IV2a) found that this policy was not considered relevant from a viability point of view, in terms of having a direct financial impact upon development.</p>
d) Is the policy positively prepared, justified by the evidence and consistent with national policy and will it be effective? Are any modifications necessary for soundness?	<p>The Council considers Policy SDC9 is compliant with the NPPF, positively prepared, justified by the evidence and will be effective.</p> <p>National planning guidance advises that local planning authorities should set out a positive strategy for the conservation and enjoyment of the historic environment. This is in line with the Council's policy.</p> <p>This policy is positively prepared in that it allows scope for sustainable development to take place, so long as its guidance regarding the protection of non-designated local heritage assets is followed.</p> <p>The policy is effective, in that it is deliverable over the plan period. (See the answer to c) for more information.)</p> <p>The Council considers policy SDC9 is sound without the need for further modification.</p> <p>Upon adoption of the Plan though, the Council will seek to identify local heritage assets that contribute to local identity, and that reflect locally significant parts of the District's history so as to implement Policy SDC9 of the Plan.</p>
SDC10: Decentralised, Renewable and Low Carbon Energy Generation	
a) Is the Policy Clear and will it provide sufficient guidance for decision making?	<p>This Council recognises that there are a variety of other ways to reduce carbon emissions and that different renewable and low carbon energy technologies will suit different parts of the District and different types of development.</p>

	The policy clearly sets out Development Management guidance in regards to proposals for the generation of renewable energy, the determination of related planning applications, and the necessities that should be included, or which will be expected if a proposal were to be submitted to the Council.
b) Is it based on a robust evidence base?	<p>Page 22, Paragraph 97 of the NPPF (2012) provides guidance on how LPAs should facilitate and recognise the responsibility of all communities to contribute to energy generation from renewable or low carbon sources.</p> <p>Page 4 – 6 of EB-CC1: Low and Zero Carbon Energy Study, provides a summary of the context for the policy.</p> <p>Appendix B of the Regulation 19 SA Report (SubD3a) sets out an assessment of the policies in Chapter 8 against the SA Framework. The assessment found policy SDC2 to have a positive effect on a number of the SA Objectives, and no negative effects. (Paragraph 1.40.)</p>
c) How will the policy be implemented and would it be flexible to respond to specific circumstances including viability?	<p>The policy will be implemented through the determination of planning applications as and when they are submitted through the development management process.</p> <p>The policy is flexible as it does not restrict development, but instead provides guidance for proposals that generate renewable energy, and sets conditions for major new developments, which will be expected to connect to District or community heating networks where appropriate.</p> <p>The Council’s Whole Plan Viability Assessment (EB-IV2a) found that it is not appropriate to make any separate cost allowance in this policy, and that there would be a direct financial impact upon development.</p>
d) Is the policy positively prepared, justified by the evidence and consistent with national policy and will it be effective? Are any modifications necessary for soundness?	<p>The Council considers Policy SDC10 is compliant with the NPPF, positively prepared, justified by the evidence and will be effective.</p> <p>National guidance sets out the Government’s commitment to facilitating the development of renewable energy sources, but recognises that this must be consistent with protecting the local as well as global environment, In particular care should be taken in assessing proposals for renewable energy projects in sensitive, designated areas. This is in line with the Council’s policy.</p> <p>This policy is positively prepared in that it does not restrict sustainable development from taking place within the District.</p> <p>The policy is effective, in that it is deliverable over the plan period. (See the answer to c) for more information.)</p>

	The Council considers policy SDC10 is sound without the need for further modification.
SDC11: Flood risk and Drainage	
a) Is the Policy Clear and will it provide sufficient guidance for decision making?	<p>Policy SDC11 aims to constrain inappropriate development from taking place in areas at risk of flooding, by directing said development away from areas at highest risk, and where there is the possibility of flood risk to a proposed development site, or the potential for flood risk impact on other sites, a site-specific Flood Risk Assessment is required.</p> <p>This policy clearly sets out Development Management guidance in regards to development sites which have a potential flood risk. The policy also clearly sets out the approach to reducing flood risk through new development.</p>
b) Is it based on a robust evidence base?	<p>Page 23, Paragraph 100, identifies the national guidance in regards to in appropriate develop in areas at risk of flooding.</p> <p>Page 8 of EB-CC2a: Strategic Flood Risk Assessment, provides a summary of the context for the policy.</p> <p>Page 25, 26 & 26, Section 13 of EB-CC3: Water Cycle Study, sets the context for elements of the policy.</p> <p>Appendix B of the Regulation 19 SA Report (SubD3a) sets out an assessment of the policies in Chapter 8 against the SA Framework. The assessment found policy SDC2 to have a positive effect on a number of the SA Objectives, and no negative effects. (Paragraph 1.41.)</p>
c) How will the policy be implemented and would it be flexible to respond to specific circumstances including viability?	<p>The policy will be implemented through the determination of planning applications as and when they are submitted through the development management process.</p> <p>The Council's Whole Plan Viability Assessment (EB-IV2a) considers, that the rather large allowances for on-site infrastructure and opening up costs, ranging from £7,500 - £22,000, are generally sufficient to cover this element of costs which is now, largely, standard. (Page 35 & 36, Paragraphs 3.108 – 3.112.)</p>
d) Is the policy positively prepared, justified by the evidence and	The Council considers Policy SDC11 is compliant with the NPPF, positively prepared, justified by the evidence and will be effective.

<p>consistent with national policy and will it be effective? Are any modifications necessary for soundness?</p>	<p>National policy is clear that planning policy should minimise vulnerability and provide resilience to impacts arising from climate change, and avoid inappropriate development in areas at risk of flooding. This is in line with the Council's policy.</p> <p>This policy is positively prepared in that it does not restrict sustainable development from taking place within the District. Instead it sets out an approach to reducing flood risk through new development, and constraining inappropriate development from taking place in areas at risk of flooding.</p> <p>The policy is effective, in that it is deliverable over the plan period. (See the answer to c) for more information.)</p> <p>The Council believe that Policy SDC11 is generally sound, however they have agreed that the policy could usefully be expanded to make reference to the opportunities to maximise biodiversity and amenity value within surface water management areas Furthermore is has been agreed that point 3 of the policy could be amended slightly for better clarity.</p>
<p>SDC12: High Quality Design and Place-Making</p>	
<p>a) Is the Policy Clear and will it provide sufficient guidance for decision making?</p>	<p>SDC12 clearly sets out the design criteria that should be taken into account to ensure quality, distinctive, and functional design, and to ensure developments are satisfactorily assimilated within the existing local context reinforcing local character and a sense of local identity it also aims to ensure that development is not intended to stifle originality but rather forms a broad framework within which sustainable design concepts can be developed.</p> <p>The policy should also be read in conjunction with the guidance contained within the Successful Places: A Guide to Sustainable Housing Layout and Design document (CD-SPD5)</p>
<p>b) Is it based on a robust evidence base?</p>	<p>Page 13, Paragraph 50 of the NPPF (2012), requires that LPAs deliver a wide choice of high quality homes.</p> <p>Page 14, Paragraph 56 of the NPPF (2012), identifies the importance of the design of the built environment, and how good design is a key aspect of sustainable development.</p> <p>Page 15, Paragraph 57 of the NPPF (2012), makes clear that it is important to plan positively for the achievement of high quality and inclusive design for all development.</p> <p>Page 22, Paragraph 95, of the NPPF (2012), suggests that LPAs should, when setting local requirements for a buildings' sustainability, enable it to do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards.</p>

	<p>Page 12, Paragraph 1.1 of CD-SPD5: Successful Places Guidance, identifies the importance of good design.</p> <p>Appendix B of the Regulation 19 SA Report (SubD3a) sets out an assessment of the policies in Chapter 8 against the SA Framework. The assessment found policy SDC2 to have a positive effect on a number of the SA Objectives, and no negative effects. (Paragraph 1.42.)</p>
<p>c) How will the policy be implemented and would it be flexible to respond to specific circumstances including viability?</p>	<p>The policy will be implemented through the determination of planning applications as and when they are submitted through the development management process.</p> <p>The policy is flexible as it does not restrict development, but instead provides guidance to ensure that all new developments meet the highest standards of urban and architectural design, and make a positive contribution to the quality of the local environment.</p> <p>The Council's Whole Plan Viability Assessment (EB-IV2a) found that although there is a financial impact on developments, the use of the standard Build Cost Information Service (BCIS) benchmarks should be sufficient to cover the cost of a good standard of design. (Page 36 & 37, Paragraphs 3.113 – 3.118.)</p>
<p>d) Is the policy positively prepared, justified by the evidence and consistent with national policy and will it be effective? Are any modifications necessary for soundness?</p>	<p>The Council considers Policy SDC12 is compliant with the NPPF, positively prepared, justified by the evidence and will be effective.</p> <p>National policy attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. This is in line with the Council's policy.</p> <p>This policy is positively prepared in that it does not restrict sustainable development from taking place within the District. Instead it sets out a criteria based, Development Management Policy, that requires high quality design and place-making.</p> <p>The policy is effective, in that it is deliverable over the plan period. (See the answer to c) for more information.)</p> <p>The Council believe that Policy SDC12 is generally sound, however the Council has agreed to a minor wording for point 1, to improve clarity.</p>

SDC13: Environmental Quality

<p>a) Is the Policy Clear and will it provide sufficient guidance for decision making?</p>	<p>The purpose of this policy is to set out the approach for proposals with the potential to affect, of which could be affected by, water quality, air quality, noise contaminated and unstable land.</p> <p>This policy clearly sets out Development Management guidance in regards to development which impact upon environmental quality.</p>
<p>b) Is it based on a robust evidence base?</p>	<p>Page 25, Paragraph 109 of the NPPF (2012), sets the context for the policy, by attaching significance to the need to prevent new and existing development from contributing to or being put at acceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.</p> <p>Page 28, Paragraph 120 & 121 of the NPPF (2012), sets the context for the policy, by requiring that account should be taken for where new development is located, in order to prevent unacceptable risks from pollution and land instability.</p> <p>Page 25, 26 & 26, Section 13 of EB-CC3: Water Cycle Study, sets the context for elements of the policy.</p> <p>Appendix B of the Regulation 19 SA Report (SubD3a) sets out an assessment of the policies in Chapter 8 against the SA Framework. The assessment found policy SDC2 to have a positive effect on a number of the SA Objectives, and no negative effects. (Paragraph 1.43.)</p>
<p>c) How will the policy be implemented and would it be flexible to respond to specific circumstances including viability?</p>	<p>The policy will be implemented through the determination of planning applications as and when they are submitted through the development management process.</p> <p>The policy is flexible as it does not restrict development, but instead provides guidance to prevent unacceptable impacts on environmental quality, or public health from new developments.</p> <p>The Council's Whole Plan Viability Assessment (EB-IV2a) found that the overall effect of the policy ensures that the Council has the ability to guarantee that the environmental impact of a new development does not create a burden on the community. If such burdens were not mitigated in the manner envisaged by the policy then the developments would be unacceptable in planning terms. This was found to be standard, and to not impose any burden which would not be encountered on any acceptable form of development. (Page 37, Paragraphs 3.119 – 3.121.)</p>

<p>d) Is the policy positively prepared, justified by the evidence and consistent with national policy and will it be effective? Are any modifications necessary for soundness?</p>	<p>The Council considers Policy SDC13 is compliant with the NPPF, positively prepared, justified by the evidence and will be effective.</p> <p>National policy attaches great importance to preventing both new and existing development from contributing to, or being put at acceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. This is in line with the Council's policy.</p> <p>This policy is positively prepared in that it does not restrict sustainable development from taking place within the District. Instead it sets out a criteria based, Development Management Policy, that requires high quality design and place-making.</p> <p>The policy is effective, in that it is deliverable over the plan period. (See the answer to c) for more information.)</p> <p>The Council considers policy SDC13 is sound without the need for further modification.</p>
<p>SDC14: Land potentially affected by Contamination or Instability</p>	
<p>a) Is the Policy Clear and will it provide sufficient guidance for decision making?</p>	<p>The purpose of this policy is to set out the approach to proposals affecting contaminated and unstable land.</p> <p>This policy clearly sets out Development Management guidance in regards to development which affect contaminated and unstable land.</p>
<p>b) Is it based on a robust evidence base?</p>	<p>Page 25, Paragraph 109 of the NPPF (2012), sets the context for the policy, by attaching significance to the need to prevent new and existing development from contributing to or being put at acceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.</p> <p>Page 28, Paragraph 120 & 121 of the NPPF (2012), sets the context for the policy, by requiring that account should be taken for where new development is located, in order to prevent unacceptable risks from pollution and land instability.</p> <p>Appendix B of the Regulation 19 SA Report (SubD3a) sets out an assessment of the policies in Chapter 8 against the SA Framework. The assessment found policy SDC2 to have a positive effect on a number of the SA Objectives, and no negative effects. (Paragraph 1.44.)</p>
<p>c) How will the policy be implemented and</p>	<p>The policy will be implemented through the determination of planning applications as and when they are submitted through the development management process.</p>

<p>would it be flexible to respond to specific circumstances including viability?</p>	<p>The policy is flexible as it does not restrict sustainable, well placed development, but instead provides guidance to prevent development proposals that cannot demonstrate that any contaminated or unstable land issues will be addressed by appropriate mitigation measures, in order to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health, and the built and natural environment.</p> <p>The Council's Whole Plan Viability Assessment (EB-IV2a) found that it is necessary for planners and promoters to work together on the details of the contamination, in order to ensure that the financial impacts from this policy do not make developments unviable.</p>
<p>d) Is the policy positively prepared, justified by the evidence and consistent with national policy and will it be effective? Are any modifications necessary for soundness?</p>	<p>The Council considers Policy SDC14 is compliant with the NPPF, positively prepared, justified by the evidence and will be effective.</p> <p>National guidance states that if there is a reason to believe contamination could be an issue, developers should provide proportionate but sufficient site investigation information to determine the existence of contamination, its nature and extent, the risks it may pose and to whom/ what so that these risks can be assessed and satisfactorily reduced to an acceptable level. This is in line with the Council's policy.</p> <p>This policy is positively prepared in that it does not restrict sustainable development from taking place within the District. Instead it provides guidance to prevent development proposals that cannot demonstrate that any contaminated or unstable land issues will be addressed by appropriate mitigation measures, in order to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health, and the built and natural environment.</p> <p>The policy is effective, in that it is deliverable over the plan period. (See the answer to c) for more information.)</p> <p>The Council considers policy SDC14 is sound without the need for further modification.</p>
<p>SDC15: Development near Hazardous Uses</p>	
<p>a) Is the Policy Clear and will it provide sufficient guidance for decision making?</p>	<p>This policy is clear in how it deals with development proposals near hazardous uses, as where proposals fall within the HSE consultation zones that the LPA will consult the HSE and apply its methodology and advice in dealing with the proposal.</p>

<p>b) Is it based on a robust evidence base?</p>	<p>Page 46, Paragraph 194 of the NPPF (2012) states that LPAs should consult the appropriate bodies when planning, or determining applications, for development around major hazards.</p> <p>Appendix B of the Regulation 19 SA Report (SubD3a) sets out an assessment of the policies in Chapter 8 against the SA Framework. The assessment found policy SDC2 to have a positive effect on a number of the SA Objectives, and no negative effects. (Paragraph 1.45.)</p>
<p>c) How will the policy be implemented and would it be flexible to respond to specific circumstances including viability?</p>	<p>The policy will be implemented through the determination of planning applications as and when they are submitted through the development management process.</p> <p>The policy is flexible as it does not restrict sustainable, well placed development, but instead requires that development proposals will be assessed in accordance with the Health and Safety Executive (HSE) guidance where they fall within the consultation zone for one or more hazardous installations.</p> <p>The Council's Whole Plan Viability Assessment (EB-IV2a) found that this policy was not considered relevant from a viability point of view, in terms of having a direct financial impact upon development.</p>
<p>d) Is the policy positively prepared, justified by the evidence and consistent with national policy and will it be effective? Are any modifications necessary for soundness?</p>	<p>The Council considers Policy SDC14 is compliant with the NPPF, positively prepared, justified by the evidence and will be effective.</p> <p>The NPPF (2012) states that planning policies should be based on up to date information on the location of major hazards and on the mitigation of the consequences of major accidents. The Council's policy is in line with this.</p> <p>This policy is positively prepared in that it does not restrict sustainable development from taking place within the District. Instead requires that development proposals will be assessed in accordance with the Health and Safety Executive (HSE) guidance where they fall within the consultation zone for one or more hazardous installations.</p> <p>The policy is effective, in that it is deliverable over the plan period. (See the answer to c) for more information.)</p> <p>The Council considers policy SDC14 is sound without the need for further modification.</p>

Question 12.4

How have landscape character and other natural and historic environment designations been taken into account in identifying site allocations?

Council's Response:

- 12.4.1 Site allocations have been identified either due to their planning permission status, or through the results of the Housing Land Availability Assessment (LAA) and Policy Assessment (**EB-HOU6**). The Housing LAA and Policy Assessment includes criteria which assess impact on landscape character, nature conservation assets and European sites, and heritage assets. The Council's response to Main Matter 10, Question 10.1b sets out the impact on these factors from each allocation site.
- 12.4.2 The Housing LAA and Policy Assessment Report (**EB-HOU6a**), tables 1, 2 and 4 and appendix A, explain how all assessment criteria and scores were applied. Where harmful impacts were identified, that could not be mitigated against, the site was scored red. Any sites with a 'Red' score have been discounted from further site selection (except where the site already had planning permission).
- 12.4.3 Derbyshire County Council's Conservation and Design Section provided landscape assessments and advice on the potential impacts of development. If significant adverse effects on important landscape characteristics was identified, the site would score 'Red' on this criteria.
- 12.4.4 Lepus Consulting used the County Council's approach to these landscape assessments and assessed impacts of development when the County Council was not able to provide this. This included in particular, the potential sites to be released from the Green Belt, which were not previously assessed by the County Council. The advice from Lepus Consulting also included recommendations for mitigation. Whereas the assessment may have identified adverse effects on the landscape and scored 'Red', this was reduced to 'Amber' due to the potential mitigation measures.
- 12.4.5 Derbyshire Wildlife Trust provided advice on the impacts of development on a site upon the natural conservation assets. The site assessment looks at impacts on protected sites, eg SSSI, Local Wildlife Site, and protected species or their habitats. If any identified impacts cannot be mitigated then the site will be categorised as 'Red'.
- 12.4.6 The site assessment looks at the impact on Conservation Areas, designated heritage assets and their setting and any known archaeological deposits within the site. This was initially done in-house and through the Sustainability Appraisal. Asbury Planning subsequently provided heritage advice on a few sites with potentially outstanding issues. A site would be scored 'Red' where there is potential for harmful impacts on a heritage asset which would unlikely be capable of being adequately mitigated against.

Question 12.5

Is the spatial interpretation of Policy SDC3 clear on the Policies Map including the Areas of Multiple Sensitivity (AMEs)? How will the AMEs influence development proposals? How will the requirement for Landscape and Visual Impact Assessments (para 8.19) be delivered?

Council's Response:

- 12.5.1 The Local Plan Policies Maps do not show the Derbyshire Landscape Character Areas or the Areas of Multiple Environmental Sensitivity (AMEs). This is because the landscape within North East Derbyshire is subdivided into 12 Landscape Character Types over 4 National Character Areas (**EB-ENV2**), and areas of 'primary' and 'secondary' significance identified through the AMEs Study (**EB-ENV5**), and to show them on Policies Maps along with all of the other proposals and designations in the Plan would be impractical. Overall, it would make the Plan difficult to read and interpret and not aid its use nor implementation.
- 12.5.2 Instead the landscape character types are shown on Figure 8.1 on page 139 of the Publication Draft Local Plan and the areas of 'primary' and 'secondary' significance are contained in the Green Infrastructure Study (page 21 of EB-IV3a), as referenced in footnote 41 on page 138 of the Publication Draft Local Plan. The council considers that this provides an acceptable alternative approach to the issue.
- 12.5.5 Areas of 'Primary Significance' are considered to be the most sensitive areas of landscape, which are most likely to be negatively affected by change or development. Within these areas the emphasis will be on the protection of environmental assets and development proposals will be expected to conserve the landscape for its visual, historic, cultural and/or ecological value.
- 12.5.6 Areas of 'Secondary Significance' are considered to have environmental sensitivities but are potentially weaker in one area. Within these areas the emphasis will be on management of environmental assets such that development proposals maintain features of existing value but also seek to address those that are in decline through landscape restoration and/or habitat creation
- 12.5.7. The intention is that on major development proposals where it is considered that development would be sensitive to the landscape the council will expect applicants to prepare a Landscape and Visual Impact Assessment (LVIA). It is expected that the LVIA would accompany planning applications to demonstrate how the development proposed would impact upon the local and wider landscape through the Development Management process. It is considered that this would be made clearer if paragraph 8.19 of the Publication Draft Plan were amended as follows;

“8.19 For major development proposals where it is considered the development proposed would be sensitive in the landscape the council will expect applicants to submit a Landscape and Visual Impact Assessment with planning applications in order to demonstrate how the development would impact upon the local and wider landscape”.

Question 12.6

Should Policy SDC4 be modified to reflect the avoidance-mitigation-compensation hierarchy and should it provide stronger protection for Sites of Special Scientific Interest?

Council’s Response:

12.6.1 Some modifications were proposed by Natural England during the consultation on the Publication Draft Local Plan, in regards to improving the clarity and strength the wording of Policy SDC4: Bio-diversity and Geodiversity. The Council agrees that the policy wording should be amended slightly, in the interests of clarity, to reflect the avoidance-mitigation-compensation hierarchy (**Rep ID: 7372**). The Council has also agrees it would be appropriate to strengthen the policy wording in regards to protecting areas designated as SSSI’s from development that could adversely affect them (**Rep ID: 7371**) see Council’s Responses to Specific Suggestions for Changes to the Plan edited version (**ED7**).

Question 12.7

Would Policy SDC12 secure inclusive design and accessible environments as required by the NPPF? Is the reference to the ‘Successful Places’ Supplementary Planning Document within Policy SDC12 justified?

Council’s Response:

12.7.1 Part 2 criterion g. in Policy SDC12 expects streets and spaces, and the wider public realm to be designed to be overlooked, active and promote inclusive access for all. In this respect, the council considers the policy is positively prepared and will be effective in securing inclusive design and accessible environments as required by the NPPF.

12.7.2 Policy SDC12 expects the design of development to comply with the guidance contained in the ‘Successful Places’ Supplementary Planning Document (SPD) (**CD-SPD5**). The purpose of the SPD being to build upon and provide more detailed guidance to the 12 core design principles embed within Policy SDC12, rather than impose any particular onerous design specifications or additional requirements that would add to the cost of development, as is implied by representation to the Publication Draft Plan (**Rep ID: 7885**).

12.7.3 Although referred to as such in Policy SDC12: High Quality Design and Place-Making the document was never formally adopted as SPD by the Council. It has however been subject to extensive public consultation and subject to the adoption of Policy SDC12 in its current form, the council's intention is to move forwards to adopt the 'Successful Places' design guidance as SPD shortly after the adoption of the Plan.