

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

North East Derbyshire policy comments – Reg 16 stage consultation

1. This report describes the comments that the District Council is making on the Ashover Neighbourhood Development Plan (ANP or NP). [The Plan, and supporting documents may be found online at www.ashover-pc.gov.uk/neighbourhood-plan.html]

Background

2. The Ashover Parish Council has been preparing a Neighbourhood Development Plan under the Neighbourhood Planning Regulations. This Plan is important because, within the Parish, the Neighbourhood Plan together with the Local Plan will both become part of the Development Plan for planning decisions. The District Council is the 'Responsible Authority' for the Neighbourhood Plan; as such it has a certain role to play in finalising the Plan. During this period there has been on-going discussion between District Council Planning officers and the consultants preparing the Plan.
3. The Ashover Neighbourhood Development Plan has now been submitted to the District Council (under Regulation 15 of the Neighbourhood Planning Regulations). Council Planning Officers have determined that the legal requirements of the Neighbourhood Planning Regulations are complied with, as set out in s2 of that Statement, and demonstrated by the Statement of Basic Conditions submitted on behalf of Ashover Parish Council (March 2016).
4. The Plan also needs to meet the EU obligations (s3.5), impact on a European Site (s3.6) and the Statement of Consultation (s3.7). With regard to this a screening report has been prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004. The screening includes record of consultation with the requisite environmental assessment consultation bodies.
5. The District Council has confirmed, in line with the screening report; that no significant effects are likely as a result of the implementation of the Ashover Neighbourhood Plan and that there is no requirement to prepare a Habitats Regulation Assessment.
6. The District Council, as Responsible Authority, has determined that the Plan complies with the relevant statutory requirements and may progress to an examination.
7. Prior to an examination, there is a period of consultation on the Submitted Plan. It is this stage that has now been reached. All comments will be put before an examiner for consideration prior to their report being presented to the Council.
8. The District Council will subsequently consider the examiner's report and take a formal view on whether certain "basic conditions" are satisfied and the Plan can be brought into force.

9. If the District Council then decides that the Plan does meet the 'basic conditions' assessed by the Examiner then it will arrange a referendum (in the Parish). Following a positive referendum result the Council will publicise the neighbourhood plan and formally bring it into force. This last step is called 'making' the Plan. Following a positive referendum result the Neighbourhood Plan becomes effectively part of the Development Plan for development management purposes.

The Local Plan, its Status and Evidence Base

10. The current Local Plan was adopted in 2005, with a period of 2001-11. Consequently it is acknowledged to be out-of-date.
11. The emerging Local Plan is currently (as of March 2017) the Consultation Draft Local Plan (CDLP). Unless specified otherwise reference to the Local Plan is to this Plan. This Plan has a period running to 2033.

Note on Comments and Summary

12. Many comments relate to detailed matters. There are a few substantive matters, however:
 - Some policies relate to matters that will be superseded by the Local Plan, when approved; others offer guidance or support. While no objections are raised to these policies they are unlikely to be applied in practice. The Parish has been informed of this situation through preparation. Nevertheless it is recognised the Neighbourhood Plan as a whole presents a local view of how development should take place, and this will inform applicants and planning officers. As a result the Council is only objecting to such policies where they compromise its role in development management.
 - The Plan does not make any specific housing allocations, as planning permissions are now in place. The way in which the Plan is providing for housing is broadly in line with the strategy for the Local Plan.
 - The Plan will not change settlement development limits (SDLs), leaving this matter, along with the resultant Green Belt boundaries, to be dealt with by the Local Plan within the scope of its review of SDLs. This is acceptable and planning officers will liaise closely with the Parish over this matter.
 - The Policy on existing employment uses seeks to prevent the loss of unspecified employment uses. This policy is stricter than the CDLP employment protection policies and is considered to be unreasonable.
 - Under AP7 development proposals for new, or the expansion of existing, small scale employment uses will be supported in all circumstances, implying employment development is acceptable in the countryside more loosely than prescribed by policy S3 or the CDLP.
 - Policy AP9 15 specific buildings or locations of community value to be protected. The reasons why certain sites or buildings have been included are

not presented and in the case of the public houses, the listing of several suggests that a policy for these may be unnecessary.

- Policy AP15 designates Local Green Spaces, with supporting evidence in an Appendix. There are several spaces listed in this policy which do not appear to fulfil the criteria for Local Green Space Designation. The emerging Local Plan will give appropriate protection to some these areas.
- The policy on renewable energy and low carbon technologies and the emerging Local Plan policy are similar and comprehensive. Only one criterion in this policy could apply once an emerging Local Plan Policy is finalised, that to protect landscape character, which is addressed in policy AP14. This policy is considered unnecessary as a result.
- Policies that specifically address issues not in the emerging Local plan include noisy sports and dark skies.

13. Note: several Policies of this Plan (e.g. AP6,AP7) are similar to ones in the Holymoorside and Walton Neighbourhood Development Plan. The examiner's report on that Plan (due August 2017) may inform the appropriate approach for those policies.

Comments on Neighbourhood Plan Policies and Content

Limits to Development

14. As the Plan states, the original intention was to update the existing (2005) Limits to Development and introduce new ones for Fallgate and Alton. However, following discussions with North East Derbyshire District Council, it is now proposed that the Settlement Development Limits are not revised through this Plan. Instead, it is proposed that this review is undertaken as part of the district-wide review of Settlement Development Limits, to be published in the emerging Local Plan.

15. An earlier draft of the Neighbourhood Plan did include proposed changes to Settlement Development Limits for Ashover and Kelstedge. The Parish intends these proposed Settlement Development Limits as a key input to the Local Plan. District Council officers will liaise with the Parish over these in determining the final boundaries in the North East Derbyshire Local Plan.

AP 1: Development Within Limits to Development

16. Suggested changes put forward by District officers at the draft stage of the Plan have been accepted; there remains a minor issue over what 'small scale' means although AP3 indicates this would be 5 dwellings or less in the case of residential development. No objection.

AP 2: Development Proposals Outside the Limits of Development - No objection.

Housing Development and Meeting Housing Needs

17. The Plan sets out the background over housing provision and the case that there should be no specific provision for housing in the Neighbourhood Plan, as is the case for the Local Plan.

“With the development of the four sites proposed for housing in the original draft of the Neighbourhood Plan, the Narrowleys Lane housing approval and on-going ‘windfall development’ (see section 7.2.2), it is considered that the Plan provides for a proportionate amount of housing growth. Indeed, it could be argued that the Plan is providing much more housing than it is required to do by the Draft Local Plan.”

18. The discussion in Section 7.2.1 and subsequent estimation of housing provision may not reflect the eventual decision on the level of housing in the emerging Local Plan, as acknowledged in the final paragraph. However, The Plan does not make any specific housing allocations, as planning permissions are now in place. The way in which the Plan is providing for housing is now in line with the strategy for the Local Plan.

AP 3: Windfall Housing Sites – No objection.

AP 6: New Housing Mix

19. While the intention of the policy is understood, such a policy may be difficult to apply in practice, for example the meaning of ‘identified local needs’. The Policy encourages the provision of smaller homes (three bedrooms or less), especially for young families and young people and for older people who wish to downsize. This policy recommends a more specific requirement than the CDLP policy LC4, which indicates that proposals ‘should seek to ensure an appropriate mix of dwelling types, and sizes, taking account of existing imbalances in the housing stock’.

20. Specifying house sizes is uncommon in a policy for open market housing. It is evident that this policy can only present encouragement and advice as does Local Plan policy LC4. Evidence to support the Policy AP6 is provided in Appendix B of the Plan and so reference should be made to that evidence. The Policy could include the following: ‘Housing development should reflect the findings over housing mix in the Parish as presented in Appendix 8.’”

AP5: Affordable Housing

21. The emerging Local Plan sets out the policy on affordable housing taking account of the latest national policy position. At this point in time this (AP5) policy is not relevant insofar as the ADNP only allows for small scale development of less than 10 dwellings, which is below the threshold set out in the NPPG and in the Local plan, beneath which affordable housing should not be sought. If an application for housing over ten dwellings were submitted then the Adopted (2005) Local Plan and evidence over housing needs provided by the Council’s housing officers currently guides affordable housing provision. In future the Local Plan policy (LC2) would apply (once adopted).

AP6 Existing Employment Uses

22. This policy seeks to prevent the loss of unspecified employment uses unless (inter alia) it has been actively marketed for at least a year for employment purposes. This policy is stricter than the CDLP employment protection policies, which do not apply to any sites in the Parish, and it would apply across the whole the Parish. The policy does not identify specific employment sites or locations, and consequently is considered unreasonable as it stands.
23. There is also some concern that this policy would unreasonably limit the scope to change the use of suitable small-scale commercial premises, some of which may be linked to domestic properties. Finally, the phrase 'actively marketed' is insufficiently clear. If this policy is retained the wording 'all reasonable efforts have been made to let or sell the current use over a twelve month period' is more appropriate.

AP7 New Small Scale Employment Uses

24. Development proposals for new, or the expansion of existing, small scale employment uses will be supported in all circumstances, limited by reference to (amongst other things) residential and environmental amenity, and local character. Compliance with this policy as it stands would allow employment development in the countryside, more loosely than prescribed by policy S3. It is assumed that this is an oversight.
25. The last sentence should read "Any proposal will also be required to comply with the provisions of Policies AP1 if it is within a Settlement Development Limit, and AP2 elsewhere in the Parish. If left unaltered this policy does not deliver sustainable development and should be deleted.

AP8: Protection and Enhancement of Shopping Provision

26. The meaning of the phrase 'the site has ... for shopping purposes' is vague and should be replaced with 'there is no demand for a shop use as evidenced through unsuccessful active marketing for employment use over a period of 2 years;' or similar wording.

AP9: Protection and Enhancement of Community Provision

27. This policy lists 15 specific buildings or locations where development proposals which would lead to their loss or a significant adverse effect would not be supported. The evidence for this policy is presented in 7.4 and in general is supported by the District Council. It cites the District Council's Settlement Role and Function Study (2013), the scattered and rural nature of the Parish, and previous losses of facilities along with the draft Plan consultation.
28. However, there is no clear evidence of the reasons to include the specific facilities listed or justification for those listed. It is not clear whether any other facilities have been not considered, or ruled out. The reasons why certain sites or buildings have been included are not presented and in the case of the public houses, the listing of several suggests that a policy for these may be unnecessary.

29. The final paragraph of this policy, or the phrase 'where it... local need' is unnecessary, but no objection is raised.

AP10: Assets Of Community Value

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

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

31. Consequently this establishes that material consideration, in the context of the continuation of the use as such, therefore the policy is supported.

AP11: Design

32. There is a degree of duplication here with Policy AP1 and Local Plan policies; with that caveat, this policy is supported.

AP12: Listed Buildings – No objection

AP13: Non-Designated Heritage Assets

33. It may be helpful for the Policy (and Parish) to promote the 'Local List' implied in the Policy. Wording as in the Holymoorside and Walton Neighbourhood Plan is suggested. (Subject to the examiner's report on that Plan).

"The Parish Council in consultation with North East Derbyshire District Council, Derbyshire County Council and other relevant bodies will hold a schedule of buildings and structures of special local historic and architectural interest.

The designation of these buildings and sites as part of a 'Local List' by North East Derbyshire District Council is supported.

Development proposals that affect a non-designated heritage asset, or its setting, identified on this list should seek to conserve and enhance the character and the setting of that building or structure."

AP14: Landscape Character

34. This policy offers a degree more detail of the features of value than the Local Plan Policy SDC3, and so is acceptable.

AP15: Local Green Spaces

35. This policy designates Local Green Spaces, with supporting evidence in an Appendix. There are several spaces listed in this policy which do not appear to

fulfil the criteria for Local Green Space Designation, so formally designating only some of these spaces would be appropriate. The District Council intends to consider recreational and open spaces in the emerging Local Plan and thus will give appropriate protection to these areas. A re-assessment of this list would be advisable, in light of the emerging Local Plan.

AP16: Biodiversity

AP17: Trees And Woodlands:

36. The Local Plan policies that cover these matters (SDC2 & 4) are more comprehensive, and either strategic or would take precedence as a more recent policy where there is conflict. Consequently these policies are unnecessary. However, in this case the examiner's report on the Holymoorside and Walton Neighbourhood Plan may be a valuable guide.

AP18: Dry Stone Walls

37. Suggested changes put forward by District officers at the draft stage of the Plan have been accepted; the policy is supported.

AP19: Renewable Energy and Low Carbon Technologies

38. Both this and the emerging Local Plan policy are similar and comprehensive. The policy and criteria are almost completely dealt with and/ or more vague than in the CDLP policy (SDC 10) or, in the case of landscape, this Plan's policy AP14. Consequently this policy is thought unnecessary. Criterion (f), to protect good quality agricultural land in the case of ground-mounted solar panels is not addressed in the CDLP, but it appears unnecessary unless a proposal would not allow restoration following decommissioning, which is dealt with in the CDLP policy, or in criterion (g) if this policy is retained.

AP20: Noisy Sports

39. There is no objection to this policy in principle, and suggested changes put forward by District officers at the draft stage of the Plan have been accepted. It should be pointed out that in this case, as for AP21, Policy SDC14: 'Environmental Quality' in the Local Plan would apply.

"All development proposals will be expected to prevent unacceptable levels of air and water quality, as well as noise and light pollution from being created particularly in rural areas.

Planning applications for development with the potential to result in significant levels of pollution should be accompanied by an assessment of the likely impact of the development on environmental quality.

Assessments of noise, light, air or water quality impacts should relate to all stages of development. Where adverse effects are identified, development will only be approved where suitable mitigation can be achieved which would bring emissions or impacts within acceptable

levels.”

AP21: Dark Skies

40. There is no objection to this policy in principle, and it adds an enhanced local approach to the issue. It is noted that some provision of lighting is not controlled by planning regulation.

AP22: Traffic

AP23: Traffic Management

AP24: Traffic Management

41. No comments.

AP25: Footpaths, Cycleways And Bridleways

42. This policy is supported.

Minor & typographical comments.

Policy AP3: 3rd line: ‘where in accordance’ should be ‘where they are in accordance’.

Chapter 6: 1st line – Replace “Country” with “County”.

p 23: 1st line – Replace “main” with “many”.

7.2.1: Grammatical error: “It is reasonably easy to get to those with access to private transport from major towns and cities such as Sheffield...”