

North East Derbyshire District Council WESSINGTON NEIGHBOURHOOD PLAN

Decision Statement: Wessington 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 has produced this 'Decision Statement' in relation to the Wessington Neighbourhood Development Plan (the 'Plan') submitted to them by Wessington 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 2034.
- 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 Wessington Neighbourhood Plan will proceed to a public referendum scheduled for Thursday, 18th July 2019.
- 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
 - At the following location in the Plan area:-
 - Derbyshire County Council Mobile Library Service in Wessington on Tuesdays (Hillcrest Avenue) from 1.55-2.20pm and (Brackenfield Lane) 2.25-2.50pm.
 - Online on the Wessington Parish Neighbourhood Plan website:-
www.wessingtonparishcouncil.co.uk
 - Online via the Council's website:-
<http://www.ne-derbyshire.gov.uk/index.php/resident/local-plan?accid=2>

2 Background

- 2.1 On 10 May 2015 Wessington 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 18 August 2015 for the Wessington Neighbourhood Plan.

- 2.2 The Parish Council subsequently prepared the Wessington Draft Neighbourhood Development Plan. Consultation on the Parish's Draft Plan was held for 6 weeks ending on 27 August 2018.
- 2.3 The Submission version of the Neighbourhood Plan for Wessington was completed and submitted to the District Council on 7 November 2018. North East Derbyshire District Council accepted the Plan was legally compliant and held a 6 week consultation period ending on 25 January 2019, in accordance with regulation 16 of the Neighbourhood Planning Regulations.
- 2.4 An Independent Examiner was appointed in February 2019 to undertake the examination of the Submission version of the Wessington Neighbourhood Plan and this was completed with the final examination report sent to both the Parish Council and District Council on 8 April 2019.

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 concurs with this view and has determined that the modifications set out in the table attached 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 table attached to 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 Wessington to help it decide planning applications in the neighbourhood area?" will be held in the Parish of Wessington on Thursday, Thursday, 18th July 2019.

Decision Statement Wessington Parish Neighbourhood Plan:

Table of Examiner's Recommendations, North East Derbyshire District Council's decisions and proposed amendments

Section in Examined Document	Examiner's Recommendation	Examiner's Reasons	Local Authority's decision	Action to be taken
Section 10, Engaging with the Community: a Key Principle	Move the heading "Neighbourhood Plan Policies" from before "10 Engaging with the Community: a Key Principle" to before "11 Sustainable Development and the Settlement Development Limit".	Section 10 with the heading "Engaging with the Community: A Key Principle appears immediately under the heading "Neighbourhood Plan Policies". This conveys the impression that this is a policy and this is reinforced by the presentation of the Key Principle itself in bold type, even though the supporting text makes it clear that this is a voluntary process which is encouraged. I therefore recommend that the heading Neighbourhood Plan Policies is moved to follow the Key Principle and precede Section 11.	Agree	Amend according to examiner's recommendation
Paragraph 74, p. 26	In Paragraph 74 after "...major development" insert a full stop and replace the remaining text with "This is defined in the National Planning Policy Framework August 2018 as 'For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m2 or more, or a site of 1 hectare or more'."	The definition of major development given in paragraph 74 and Appendix E is an over-simplified form of the definition in the Town and Country Planning (Development Management Procedure)(England)Order 2015 and NPPF2 and I have recommended a modification to correct this.	Agree	Amend according to examiner's recommendation

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Appendix E	In the first paragraph delete "the Neighbourhood Plan Policy 1 please complete the following form" and insert "the Key Principle in the Wessington Neighbourhood Plan you are encouraged to complete the following form." in the box headed "Definitions" delete the existing wording and insert the wording inserted into paragraph 74 above.	The supporting text refers to Appendix E which is a pro-forma letter which would be sent to the developer by the Parish Council. This letter does not make clear that this is a voluntary process, it mistakenly refers to "Neighbourhood Plan Policy 1" and simply states "please complete the following form". This implies that this is a requirement in accordance with a policy and I have recommended a modification to clarify this.	Agree	Amend according to examiner's recommendation
On Map 10, p. 32	Remove Viewpoint 4 and move Viewpoint 5 to the position of the photograph in Appendix B, between Hill Crest Avenue and the eastern edge of development to the north of Back Lane	Criterion b) refers particularly to the views identified on Map 10 and in Appendix B. I looked at all of these on my visit and am generally satisfied that that they are important in defining the character of the village and its relationship with the landscape, subject to reservations regarding view-points 4 and 5. The photograph of view-point 4 in Appendix B is from an aerial position and is thus not a view that is generally available. The photograph successfully illustrates the important relationship between the countryside and the green space that runs through the village, but it is misleading to describe this as an important viewpoint. The view from viewpoint 4 is simply of a field that rises gently towards the road and cannot be described as a "significant long view." Protection of the relationship between the village and the open countryside at this point is appropriately achieved through the application of criterion 1a).	Agree	Amend according to examiner's recommendation including removal of Viewpoint 4 from Appendix B, for consistency with Map 10.

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		<p>The symbol depicting viewpoint 5 on Map 10 is not in the same place as the photograph relating to it in Appendix B. At the point shown on the map the view to the north-east is hidden by the high hedge bordering the road. The photograph appears to be taken from a point about 100m west of this looking over the gate at the point at which the footpath across the field leaves the road. I am satisfied that this view is an important long view.</p>		
NP Policy 2	<p>Modify part 1c) to read "it does not involve the loss of the character forming clusters of trees identified in Map 9 and where possible provides additional similar clusters. Where some loss of trees is unavoidable, equivalent compensatory provision should be made elsewhere."</p> <p>Delete part 4 and renumber part 5 as part 4.</p>	<p>Criterion c) aims to protect the distinctive clumps of trees around the village which are identified on Map 9 and seeks compensatory planting where any loss is unavoidable. Even in early March, with no leaves on the trees, the distinctive contribution of the trees was evident. However, there is a large overlap between part 1c) of the policy and part 4. I have therefore recommended that these two elements should be combined.</p> <p>See recommendation above (on Part 1c and Part4).</p>	Agree	Amend according to examiner's recommendation
NP Policy 3	<p>Modify Part 1 to read "Proposals should demonstrate a high design quality, that will reinforce the character of the Village having regard to the character areas defined in the Wessington Village</p>	<p>The first principle simply requires development to respect the character of the village as defined in Village Appraisal. This is consistent with NEDLP policy BE1a) but the reference to the Village Appraisal makes it locally distinct. The Policy refers to Table 6 but, as this table refers to the relevant character</p>	Agree	Amend according to examiner's recommendation

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	Appraisal, shown on Map 7 and summarised in Table 6."	areas, it also needs to refer to the Map 7 where they are defined.		
	In the first line of Part 3, "...character area" change ". As" to ", as" and modify the last sentence to read "In the historic core, development should reflect the local materials, styles and colour palette of the area."	The meaning of the third principle is unclear. The second sentence is incomplete as it lacks a main verb, and I have established that it should be connected to the first. The implication of the last sentence is that all development should reflect the materials, style and colour palette of the central core, but it has been clarified to me that the intention is that this should only relate to the central core. I have recommended a modification to correct these errors.		
	Combine parts 4 and 5 to read "Where appropriate, proposals should demonstrate how the buildings, landscaping and planting create well defined streets, include attractive green spaces and maximise opportunities to integrate new development with the existing settlement pattern."	Point 4 requires that proposals should demonstrate how they create well defined streets and attractive green spaces. It contains a small grammatical error. This principle and point 5, which requires development to be well integrated with the existing settlement pattern could only be applied to larger scale developments, as infill developments of one or two dwellings would not create new streets and spaces. I have recommended that this should be made clear and that the two should be combined as they are closely related.		
	Modify Part 7 to read "Major housing development proposals will be required to demonstrate that they accord with the Building for Life 12 standards described in paragraphs 101 and 102, or an equivalent	The final principle refers to the use of Building for Life standards or equivalent, particularly for major developments. However, as phrased it does not provide clear guidance to a decision maker on how it should be applied and I have therefore recommended a modification to address this. Building for Life 12 is a nationally recognised set of design		

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	standard, unless it can be demonstrated that this is not practical or viable."	principles, endorsed in NPPF2, and it is appropriate to apply it to larger scale residential developments. While NEDDC comment that there is no requirement in the emerging plan policies to use Building for Life, that does not preclude its use in a neighbourhood plan.		
	Modify the footnote 32 to read "for housing development 10 or more homes, or a site of 0.5 hectares or more. For non-residential development additional floorspace of 1000m2 or more or a site of 1 hectare of more."	The definition of major development given in the footnote is an over-simplification and needs to be modified.		
NP Policy 4	Modify the first part of the policy to read "Development proposals for housing will be required to demonstrate that they take into account the need identified in the 2017 Objective Assessment of Need for most dwellings to be 1-3 bedrooms, or the most up to date published evidence of housing need in Wessington and North-East Derbyshire.	This policy requires new development proposals to take into account the most up to date evidence of housing needs in Wessington Parish and North-East Derbyshire. It points to a current need for 2-3 bed dwellings. The use of the word "current" is unclear as the Plan could be in use for a period of 17 years. It is appropriate to specify the requirement for 2-3 bed dwellings identified on the 2017 Objective Assessment of Need, but to make it clear that later evidence may change this. I have recommended a modification to clarify this.	Agree in principal but the Update OAN 2017 points towards a focus on "two- and three-bed properties"	Amend according to examiner's recommendation including "most dwellings to be 2 and 3 bedrooms"

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NP Policy 4	Delete the second part of the Policy.	<p>The second part of the policy requires new dwellings to be accessible or adaptable to M4(2) standard of the Building Regulations or equivalent.</p> <p>As NEDDC point out any provision of accessible and adaptable dwellings will “affect” the viability of a development. While there is evidence quoted regarding the need to make provision for older and disabled people, there is no clear evidence to justify the application of the M4(2) standard for all new 1-3 bedroom dwellings. Saved Policy H10 of the NEDLP refers to “a proportion” being designed to mobility standards, particularly on level sites that are well served by shops community facilities and public transport. Policy LC4 of the NEDSLP if adopted in its present form will require 20% to meet the M4(2) standard. Wessington is not well served by shops and community facilities and the difference of the proposed policy from both the existing Saved Policy and the emerging policy has not been justified.</p>	Agree	Amend according to examiner's recommendation
NP Policy 5	Delete Part 1 and insert it as an additional paragraph of supporting text before paragraph 115.	This policy is in four parts. The first part simply refers to National and Local Plan policy for the protection of Listed Buildings and their setting. There is no need to do this within the Policy, but this statement could be appropriately included in the supporting text.	Agree	Amend according to examiner's recommendation
	Reword part 2 of the policy to read: “The buildings listed below, shown on Map 11 and described in Appendix D, are of local historical or architectural significance.	The second part of the Policy puts forward a long list of buildings for inclusion on NEDDC's local list and Part 3 sets out the policy that will apply when they are included on that list. The Policy rightly acknowledges that the Local Planning		

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	<p>Proposals that would affect these buildings will be required 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>Authority has the power to maintain a list of non-designated assets, on the basis of clear criteria, but there is no obligation on it to do this and it is my understanding that NEDDC does not at present maintain such a list. It is not appropriate for a Neighbourhood Plan policy to nominate sites for inclusion in a local list as this would not be a policy for the development and use of land which would guide a decision maker. At the same time there is no reason why a neighbourhood plan should not identify buildings or structures that it considers to be of historic interest and apply a policy to them providing that the policy meets the basic conditions. The wording that I have used reflects the balanced approach to development affecting heritage assets outlined in the NPPF23 but the weight that can be attached to any harm to these buildings will clearly be less than harm to listed buildings or to buildings on a local authority “Local List”. The aspiration that these buildings should be included on any “Local List” may be referred to in the supporting text but there is no need to include a policy that would apply if this happens as that policy will be automatically applied when and if the buildings are included on the list.</p>		
	<p>Delete part 3.</p>			
	<p>Insert the revised Map 11 omitting reference to listed buildings and change the description of the blue dots to “Other buildings of historical or architectural interest”, to avoid confusion with the</p>	<p>Paragraph 115 Refers to Map 10 by mistake instead of Map 11. It also refers to 13 listed structures, but Map 11 only shows two locations. I have been provided with a map which just shows the “non-designated heritage assets” which are referred to below.</p>		

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	normal use of the term "non-designated heritage assets".			
NP Policy 6	In Policy 6 delete part 1.	<p>This policy supports proposals to protect and improve community facilities subject to consultation in accordance with the Key Principle which I have referred to in paragraphs 63-66, and to the design being in accordance with other policies.</p> <p>The Key Principle referred to at the beginning of the Plan cannot be a policy, because it effectively seeks to change the legal requirements for the determination of planning applications. This is why it was changed from being a proposed policy in the pre-submission version of the Plan to a Key Principle. The reference to it in Part 1a) of this policy attempts to apply it as a policy and is therefore not consistent with the basic conditions. It is also not necessary to cross refer to other policies in the Plan as is required by Part 1b) of the policy.</p>	Agree	Amend according to examiner's recommendation
NP Policy 7	In Part 1. Insert a full stop after "...Green Spaces" and delete "and are protected for their beauty, recreational value, tranquillity and richness of wildlife."	Part 1 of the policy is potentially misleading as it implies that all the Local Green Spaces are designated for "their beauty, recreational value, tranquillity and richness of wildlife." In fact, the reasons for the designation of these areas vary and not all of these factors apply in all cases. The reasons for the designation are set out in Table 7 and need not be repeated in the Policy.	Agree	Amend according to examiner's recommendation

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	In Part 2 replace "exceptional" with "special".	Part 2 of the Policy is consistent with paragraph 76 of the NPPF and the basic conditions subject to the replacement of "exceptional" with "special" as highlighted by NEDDC.		
Maintaining Local Employment, Paragraph 132	Modify Paragraph 132 to read "There is potential for limited additional development for commercial uses on the existing Proctors site to the west of the A615 and the site is in a good location to both capture passing trade and to provide a service for local people."	Paragraphs 132 and 133 of the supporting text refer to a site, which, though not named, appears to be the Proctors Employment Site to the west of the A615 at the north-western end of the village. It suggests that this Plan encourages the commercial use of this site, or the redevelopment of it, but the Policy itself makes no specific reference to it. During the examination I sought clarification on the intentions of the policy.	Agree	Amend according to examiner's recommendation

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NP Policy 8	<p>After part 1 insert a new part 2 to read "Additional business or tourism related development or redevelopment on the Proctors site shown on Map 14 will be supported within the curtilage of the existing site."</p> <hr/> <p>Renumber part 2 as part 3, insert a full stop after "...supported" and delete "provided that;" before criteria a) – d) insert "4. All employment related development will be required to meet the following criteria:"</p>	<p>It has been clarified to me that it is the intention to have a policy encouraging employment related development of the Proctors site. However, the policy to be applied to the site should be contained in the policy itself rather than the supporting text.</p> <p>Also, the criteria in part 2 of the Policy are intended to apply more widely than to proposals for a café and /or shop. I do not agree with the comment of NEDDC that reference to these uses is too specific, as it is appropriate for a neighbourhood plan to identify uses that would contribute to sustainable development in the village. I have therefore recommended modifications to include reference to the Proctors site in the Policy and to make the intentions of the Policy clear.</p>	Agree	Amend according to examiner's recommendation