

Summary of Consultation Results and Analysis

April 2017

Ashover Parish Draft Neighbourhood Plan

| Policy No. | Comment | Response | Amendment |
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| General | Natural England generally welcomes the Neighbourhood Plan. | The general support for the Plan is welcomed. | None. |
| General | The Authority has no comments on the draft neighbourhood plan | Noted. | None. |
| General | It is unfortunate that the Neighbourhood Plan (APNP) was published in January 2017 only a month or so prior to the publication of North East Derbyshire District Council's (NEDDC's) Local Plan Consultation Draft (LPCD) on 24th February. This means that much of the development plan context of the APNP will be quickly out of date because it is based on the North East Derbyshire Local Plan Initial Draft of 2015. NEDDC is pursuing a revised development strategy and housing requirement for the District, which is set out in the LPCD. Consequently, the LPCD, even though only at draft stage at the moment, sets out an important new context for the preparation of the APNP. | Yes, we were not aware of the date that the North East Derbyshire DC had planned to publish their draft Local Plan. We will ensure that Submission Version of the NP takes into account the contents and strategic direction of the draft NEDDC Local Plan. | That the NP considers the contents and strategic direction of the draft NEDDC Local Plan. |

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| General | This chapter indicates that the APNP will cover the period 2011 – 2031. The APNP Plan period will need to be updated to be consistent with the new Local Plan period of 2013 – 2033. | Agreed. | That the timescales of the Plan be amended to 2033 to be consistent with the draft Local Plan. |
| General | The Neighbourhood Plan has been prepared to reflect the period 2011 to 2031, to mirror the period in the withdrawn North East Derbyshire Local Plan (as set out on page 7). However, the recent draft Local Plan identifies that the emerging Local Plan will now cover the period 2011 to 2033. The Neighbourhood Plan does not therefore reflect the period of the emerging Local Plan and it will therefore inevitably become out-of-date as soon as the Local Plan is adopted. 5.4 In such a context, the Neighbourhood Plan period should be extended by 2 years in order to provide a plan which is capable of being up-to-date following adoption of the Local Plan. | Agreed. | That the timescales of the Plan be amended to 2033 to be consistent with the draft Local Plan. |
| General | As you will be aware the Neighbourhood Plan area lies within the current defined coalfield. If the Neighbourhood Plan allocates sites for future development in these areas then consideration as to the development will need to respond to these risks to surface stability in accordance with the National Planning Policy Framework and the North-East Derbyshire Development Plan. | Noted. | None, as Plan does not make any housing allocations. |

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| AP1: Presumption in Favour Of Sustainable Development | <p>The Neighbourhood Plan is required to contribute to sustainable development which is defined by paragraphs 8 to 219 of the National Planning Policy Framework (NPPF) as described in paragraph 6 of the NPPF. The NPPF constitutes national policy and so a failure to provide for sustainable development results in a Neighbourhood Plan not meeting 2 of the Basic Conditions (sustainable development and consistency with national policy). Policy AP 1 of the Neighbourhood Plan seeks to deliver sustainable development. It identifies that a positive approach to sustainable development will be taken, which is to be welcomed.</p> <p>However, the remaining policies of the Neighbourhood Plan are restrictive and so there is no ability for Policy AP 1 of the Neighbourhood Plan to be enacted (as this would be contrary to the remaining</p> | <p>The policy as worded duplicates national policy which is explicit in establishing a presumption in favour of sustainable development as well as earlier text which talks about the how plan contributes to sustainable development. In addition, it is reliant upon on national and district policies not within the control of the neighbourhood plan. On balance therefore it is considered more appropriate if the policy was removed.</p> | <p>Delete policy and supporting text.</p> |

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| | <p>policies). For example, a development proposal which provided for economic, social and environmental gains outside of the Limits of Development would accord with Policy AP 1 but be prohibited by Policy AP 3. This internal inconsistency will need to be addressed by ensuring that the remaining policies facilitate sustainable development in order to meet one of the Basic Conditions. Such internal inconsistencies were identified by the Examiner of the Weedon Neighbourhood Plan as not providing a practical framework as required by the NPPF.</p> <p>Policy AP 1 supports sustainable development, unless national and district wide plans direct otherwise. This suggests that some national and district wide plans do not provide for sustainable development, which is a bold claim. Furthermore, Policy AP 1 requires that where these alleged “unsustainable” national and district wide policies exist, sustainable development should be resisted in the Neighbourhood Area. A literal reading of the final 5 words of Policy AP 1 actively prevents sustainable development in certain circumstances and therefore does not meet one of the Basic Conditions. However, this can be easily resolved by deleting the final 5 words or by rewording the Policy as a whole.</p> | | |

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| AP1: Presumption in Favour Of Sustainable Development | <p>No objection to the inclusion of this policy. Suggest wording changes as follows:</p> <p>'the Plan Council will take a positive approach that reflects the presumption in favour of sustainable development. contained in relevant national and district wide plans and policies., unless those policies direct otherwise.</p> | <p>The policy as worded duplicates national policy which is explicit in establishing a presumption in favour of sustainable development as well as earlier text which talks about the how plan contributes to sustainable development. In addition, it is reliant upon on national and district policies not within the control of the neighbourhood plan. On balance therefore it is considered more appropriate if the policy was removed.</p> | <p>Delete policy and supporting text.</p> |
| AP 2: Development Within Limits to Development | <p>The third paragraph on page 13 of the Neighbourhood Plan identifies that there has been a significant amount of development in the Parish in recent years. However, no evidence is provided in support of this claim within the evidence base of the Neighbourhood Plan. This absence of proportionate evidence contrary to</p> | <p>It is considered that the Plan Area has been subject to significant development relative to its size. It is recognised that the term 'significant' is to some degree a subjective term. It is</p> | <p>That the reference on page 13 to 'significant' be removed. Further evidence regarding recent development approvals provided in section 7.2, page 19.</p> |

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| | <p>the NPPG (41-039) and prevents the Neighbourhood Plan proceeding to referendum as identified by the Examiners Report to the Weedon Neighbourhood Plan.</p> <p>Similarly, the withdrawn Local Plan identifies that over the period 2011 to 2014 there were only 2 completions. This average of either 2 dwellings or 0.5 dwellings per year cannot be described as significant levels of new development, and so the Neighbourhood Plan misrepresents the facts. This misrepresentation appears to have informed all of the policies of the Neighbourhood Plan and this is a significant concern regarding the rationality of those policies.</p> | <p>agreed to delete the reference to significant.</p> | |
| <p>AP 2: Development Within Limits to Development</p> | <p>In terms of the settlement hierarchy set out on page 12 of the APNP, the source for the definition of the hierarchy is unclear as reference is made to the 'emerging North East Derbyshire's Local Plan'. If the hierarchy quoted was from the Local Plan Initial Draft, this has been superseded. Section 4 of the LPCD now defines a proposed new settlement hierarchy for the District based on: Level 1A: Principal Towns, Level 1B: Secondary Towns ,Level 2: Settlements with a good level of sustainability, Level 3: Settlements with limited sustainability, Level 4: Very small villages and hamlets with very limited sustainability.</p> | <p>Agreed</p> | <p>That the Policy be revised to more closely align with the revised draft North East Derbyshire Local Plan. This includes in terms of housing requirements as well as the broad approach to developing Settlement Development Limits.</p> |

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| | <p>In this context, the LPCD defines Ashover and Kelstedge as Level 3: Settlements with limited sustainability, where there will be no housing allocations (over and above existing commitments), although windfall developments of an appropriate scale may be acceptable in line with criteria in an Adopted Neighbourhood Plan. Alton, Fallgate and Littlemoor are defined as Level 4: Very small villages and hamlets with very limited sustainability, where there will be no allocations and development will be restricted to limited infill development to meet local needs.</p> <p>Policy SS3: Spatial Strategy and the Distribution of Development, of the LPCD sets out a housing requirement for the District of 6,600 houses over the period 2011 to 2033, which is based on the most up-to-date evidence on the objectively assessed housing needs of the District in the North Derbyshire and Bassetlaw Strategic Housing Market. No housing provision requirements are indicated for settlements in Ashover Parish.</p> | | |
| AP 2: Development Within Limits to Development | <p>The ANDP indicates that the smaller settlements (i.e. Alton, Fallgate, Kelstedge and Littlemoor; not Ashover) are more akin to Very Small Settlements in the emerging North East Derbyshire Local Plan hierarchy, but that a modest scale of development is acceptable, more related to the (higher) Small Settlements that the Local Plan actually categorises them as.</p> | Agreed. | <p>That the Policy be revised to more closely align with the revised draft North East Derbyshire Local Plan. This includes in terms of housing requirements as well as the broad</p> |

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| | <p>As the Neighbourhood Plan says in the next paragraph 'the community is generally comfortable with the modest scale of development suggested by the hierarchy and proposed in the district-wide growth strategy.' It would have been better if the statement about the community's reservations over the hierarchy be left out of the Plan itself, but rather included in the report of consultation. There is no objection to distribution suggested.</p> | | <p>approach to developing Settlement Development Limits. That the text be amended to remove community's reservations over the hierarchy be left out of the Plan.</p> |
| <p>AP 2: Development Within Limits to Development</p> | <p>It is identified on page 13 that Limits to Development distinguish between areas where in planning terms development would be acceptable and where it would not. The Neighbourhood Plan identifies new Limits to Development. It is necessary to do this, as the original Limits to Development were adopted in 1998 and no longer provide an appropriate framework to facilitate the necessary growth. However, the revised Limits to Development must be determined based on a clear definition, so that these can be demonstrated to be equitable to all landholdings and to fulfil a consistent and clear purpose, namely to identify areas where development would be acceptable. Any site included in the Limits to Development benefits from a presumption in favour of development as compared to those sites excluded from the Limits to Development. This means that the Limits to Development either need to be....</p> | <p>It is disputed that the proposed limits to development have not been subject to adequate consultation. They were detailed in the original and this draft of the Neighbourhood Plan, for example. In addition, they were set out at the drop-in consultation events. However, following discussions with North East Derbyshire District Council it is considered more appropriate to review the development limits as part of district wide review, which is to take place as part of the development of the North East Derbyshire Local Plan. The <u>suggested</u> limits for Ashover and Kelstedge villages</p> | <p>No change.</p> |

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| | <p>However, in the Neighbourhood Plan, the Limits to Development have been amended using a methodology which reflects rural restraint (contrary to the NPPF), and without any assessment of the sustainability of sites or of alternative Limits to Development through the SEA. The Neighbourhood Plan identifies that the Limits to Development have been developed through consultation with stakeholders, however Marsh Green Estates Ltd has not been invited to contribute to this process. The involvement of some stakeholders will have resulted in a biased assessment, with those stakeholders who would benefit from revisions to the Limits to Development able to argue their case, while other landholdings have not been afforded the same opportunity.</p> <p>The Limits to Development have been extended to include permitted development sites, but this same courtesy has not been applied to the permitted development site at the Junction of Narrowleys Lane and Moor Road (which the Neighbourhood Plan relies upon to justify the deletion of the former Policy AP 5).</p> | <p>developed as part of the draft Neighbourhood Plan will form part of NEDDC considerations. Your comments will be passed onto North East Derbyshire DC as the Local Plan will determine the final boundaries.</p> | |
| AP 2: Development Within Limits to Development | <p>On page 13 of the Neighbourhood Plan it also identifies that “any development will be required to demonstrate that it meets an identified local need” even within the Limits of Development, where development is defined to be acceptable. The result of this is that any development proposal which is acceptable would still be resisted unless it was demonstrated that it was</p> | <p>Agreed that reference to local need should be removed. Agreed that bullet points K & L should be redrafted as suggested.</p> | <p>That reference to meeting a local need should be removed, and the proposed minor amendments to bullet points K&L to make them clearer be agreed.</p> |

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| | <p>needed. This is contrary to the Government policy (including the NPPF) which actively seeks to promote sustainable development to address the housing crisis and to provide for economic growth. This is again reflective of the restrictive approach of the Neighbourhood Plan which runs contrary to the presumption in favour of sustainable development.</p> <p>This requirement to identify a need is translated into Policy AP 2 under the first bullet point. As set out above this constrains sustainable development and is contrary to the NPPF, and so does not meet 2 of the Basic Conditions. The first bullet point of Policy AP 2 must be removed for the Neighbourhood Plan to be eligible to proceed to referendum.</p> <p>Bullet point K of Policy AP 2 is not sufficiently clear and would not be consistently used by case officers in the determination of applications, in the absence of any guidance on what an appropriate reduction in garden space would be. It is assumed that this bullet point actually relates to the character and amenity of areas rather than the reduction of gardens and it should be redrafted in this context.</p> <p>Bullet point L of Policy AP 2 requires that all development contributes to reducing crime and anti-social behaviour. However, this may not be appropriate or possible for all development proposals and so this bullet point should include appropriate caveats along the lines of "...where appropriate."</p> | | |

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| AP 2: Development Within Limits to Development | <p>This policy contains some repetition of later policies, notably at (h) (AP18) and (i)/(j) (AP14-17) but is mostly acceptable. Suggested changes are as follows:</p> <p>“Within the defined Limits to Development for Alton, Ashover, Fallgate, Littlemoor, and Kelstedge, as defined on the proposals map, planning permission for small scale development proposals which helps to meet the development needs of the parish and secure the sustainability of the Parish will be viewed positively granted where the proposal:.....criterion a) is too restrictive and in general not relevant insofar as it requires all (therefore unspecified) development proposals to meet an identified local need. Where an identified need needs to be demonstrated other more pertinent policies should apply.“d) retains existing important natural boundaries and features such as trees, hedges, walls and streams,...;”e) respects important views in and out of the settlement;f) does not adversely affect neighbouring properties by way of loss of privacy,.....;”i) preserves and where possible, enhances Ashover Conservation Area in which it is situated or adjacent to, where relevant; j) preserves and where possible, enhances the Ashover Conservation Area or setting of any important heritage asset, where these setting of that heritage asset would be affected by the proposal;</p> | That the proposed revised amendments to the wording be agreed. | That the policy be amended to reflect the proposed revised amendments to wording. |

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| AP 2: Development Within Limits to Development | The policy, which includes criteria relating to meeting local needs and scale reflecting the level of services provision in the settlements, is fully supported in principle. However, the policy title and wording require amendment as the word 'development' appears five times. Part e) 'considers important views' fails to define the specific nature and direction of a 'view', and would therefore be difficult to implement. | The support, in principle, for this Policy is welcomed. The text will also be amended to avoid repetition of the phrase development. | The Policy will be amended to reflect the suggestions. The supporting text in relation to important views will also be strengthened. |
| AP 2: Development Within Limits to Development | I note that The Bourne, its outbuilding The Coach House (which has planning consent for its conversion to a separate dwelling, planning ref. 06/00042/FL) and its curtilage have not been included in the proposed Limits to Development of Ashover. This is an anomaly for which I can see no justification, particularly when ribbon development to the south of Butts Road and Hockley Lane is now proposed for inclusion within the Limits to Development in the draft plan. On behalf of my client I would ask that The Bourne, the Coach House and its curtilage be included within the Limits to Development (indicated in blue on the submitted Site Location Plan). It would be normal practice for the proposed Limits to Development to include sites with planning permission including the site adjacent to Moor Road and Narrowleys Lane for 26 dwellings. | Following discussions with North East Derbyshire District Council it is considered more appropriate to agree the final Settlement Development Limits as part of a district wide review of Settlement Development Limits, which is underway. However, the intent is that the proposal boundary for Ashover as contained in the draft Neighbourhood Plan will still be identified in the Plan. This proposed boundary was developed following consultation and based on a robust methodology. The boundaries are drawn around the existing built up parts of the settlements. | No change. Your comments will be drawn to the attention of NEDDC as the Local Plan will determine the final boundaries. |

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| | | <p>We do not consider that the inclusion of the Bourne, its outbuilding and curtilage would reflect the existing built form.</p> <p>Your comments will be passed onto North East Derbyshire DC as the Local Plan will determine the final boundaries.</p> | |
| <p>AP 2: Development Within Limits to Development</p> | <p>Please find attached updated plan of the Fallgate settlement showing the full extent of my garden to Jetting Cottage. (highlighted in Green on the attached). I have noticed across the remainder of the settlements and the properties I know that all the gardens have been included so I'd ask if you could please update the plan to reflect mine.</p> | <p>Following discussions with North East Derbyshire District Council it is considered more appropriate to agree the final Settlement Development Limits as part of a district wide review of Settlement Development Limits, which is underway. Furthermore, the draft Local Plan is proposing that smaller settlements such as Fallgate should not have a SDL.</p> | <p>That a SDL not be introduced for Fallgate in accordance with the draft Local Plan.</p> |
| <p>AP 3: Development Proposals Outside the Defined Limits Of Development</p> | <p>The policy refers to special circumstances but makes no suggestion as to what these might be.</p> | <p>Agreed.</p> | <p>That the text be amended to clarify to the special circumstances that this may be.</p> |

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| AP3: Land Outside the Development Limits | The phrase 'in exceptional circumstances' is unacceptable as it is more onerous than open countryside policies and more appropriate to Green Belt. Neither does it establish appropriate circumstances. While once this text is removed the policy states little more than either this Plan or Local and National Policies, it is otherwise acceptable. Suggest removal of the words '..in exceptional circumstances and..' NB p 13 para 4 '2001' should be '2011'. | Agreed. | That the text be amended to remove exceptional circumstances' and more closely align with the wording set out in the draft Local Plan. |
| AP3: Land Outside the Development Limits | Policy AP 3 identifies that land outside of the Limits to Development will be treated as open countryside. The extent to which this Policy provides for sustainable development will depend upon the suitability of the Limits to Development which are currently contrary to at least 2 of the Basic Conditions as outlined previously; and the extent to which the housing requirements of the Neighbourhood Area are able to be met within the Limits to Development. The latter of these points is considered later in this response. | Since the publication of the draft Plan there have been significant developments. In particular, the publication of the draft Local Plan for North East Derbyshire. The draft Local Plan does not propose any specific housing requirement for the Parish as there are more sustainable and suitable locations – a policy position the Plan | No change. |
| | If it is not demonstrated that the housing requirement for the Neighbourhood Area is able to be met within the Limits to Development, then Policy AP 3 will prevent sustainable development and it will be necessary either to extend the Limits to Development, identify allocations and/or include a policy which supports development adjacent to the Limits to Development. | supports. It does, in principle, support carefully controlled 'windfall' development within the main settlements and the open countryside. It is considered therefore that the Plan makes adequate provision for housing and that this policy does not require amending. | |

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| AP 4: New Housing Provision | <p>This section will need to be updated to reflect the latest housing provision requirement for the District of 6,600 houses. However, the methodology set out in Section 2 for a suggested housing requirement for the Parish of 98 houses is not only rudimentary, but is also based on an outdated housing requirement figure. The LPCD identifies sufficient land to meet the District's housing requirement within levels 1 and 2 of the settlement hierarchy, so there is no overriding need for the APNP to set out a housing requirement or to identify specific allocations (as repeated below).</p> <p>The calculation of growth for Ashover Parish is based on the 2011 Census of the NEDDC area, which contained 43,068 households. This figure is divided by 6,000 new dwellings to arrive at a 14% growth figure, which is then applied to the APNP Area.</p> | Agreed. | That the development section be revised to align with the revised draft North East Derbyshire Local Plan. |
| | <p>The Draft NEDDC Local Plan, currently out for consultation, proposes no specific housing numbers for any of the settlements within the APNP Area. In the absence of Local Plan housing figures, if the APNP wishes to identify the amount of housing that the Neighbourhood Area should accommodate, this should be based on evidenced local need through a local housing needs assessment and not a crude methodology of applying the NEDDC 14% growth to the amount of housing within APNP Area.</p> | | |

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| | <p>Although a draft neighbourhood plan or Order is not tested against the policies in an emerging Local Plan, the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development</p> | | |
| <p>AP 4: New Housing Provision</p> | <p>I am writing on behalf of my Clients who currently have an application pending (17/00200/OL) for the construction of 10 bungalows to wheelchair user standard M4(3) on land to the south west of Grange Farm off Milken Lane, Ashover. Please find enclosed a Site Location Plan. The application seeks to provide suitable accommodation to meet the needs of an ageing population on a site which is within a short walking distance of the services and amenities within Ashover, in particular the medical centre. The Neighbourhood Plan identifies that the Parish has an ageing population which is significantly higher than the district and national levels. Housing affordability has also been recognised as another issue where the Parish struggles to retain or attract younger generations. The combination of these issues over time will have an adverse impact on the vitality of the settlements within the Parish.</p> | <p>It is not considered that the site, which lies outside the existing limits to development, is a suitable or sustainable location for housing. Further, since the publication of the draft Plan there have been significant developments. In particular, the publication of the draft Local Plan for North East Derbyshire. The draft Local Plan does not propose any specific housing requirement for the Parish as their more sustainable and suitable locations – a policy position the Plan supports. It does, in principle, support carefully controlled ‘windfall’ development within the main</p> | <p>No change.</p> |

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| | <p>Ashover is the largest settlement within the Parish and the focal point of local services and facilities. It is therefore considered that Ashover should be the focus for growth and the delivery of housing to meet local housing needs. This does not appear to be the case when considering the allocations made. Ashover is subject to extensive allocations for Local Green Space with only one modest sized site being identified as a Residential Development Site of at least 5 dwellings. The extensions to the Settlement Development Limits are also modest allowing only a limited number of opportunities for developments of 5 or less dwelling.</p> <p>The community values the local landscape character highly however the Neighbourhood Plan should make allowance for the loss of land which is well related to the settlement and of a lower sensitivity to allow for growth whilst meet local housing needs. This would better align the Neighbourhood Plan with the aims of and policies contained within the National Planning Policy Framework.</p> | <p>settlements and the open countryside. It is considered therefore that the Plan makes adequate provision for housing and that this policy does not require amending.</p> | |
| AP 4: New Housing Provision | <p>The level of growth in the parish should be higher in light of the need to significantly boost the supply of housing alongside addressing the needs of the Parish (an ageing population, affordability issues, the continuation and enhancement of services and facilities and creating a village which can both attract and retain younger generations). Growth should</p> | <p>It is not considered that there is a compelling case for the Plan to allocate any additional housing sites above those identified the initial draft Neighbourhood Plan. The Parish is generally not considered to be a suitable or</p> | No change. |

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| | <p>also be focused in Ashover as the most sustainable settlement within the parish. More sites for residential development of 5 or more should therefore be allocated.</p> <p>The application currently being considered by the District Council is an example of a site which can deliver 10 bungalows to wheelchair user standards whilst minimising any impact on a locally important landscape. It is considered that this site should therefore form one of the additional allocations as a Residential Development Site of at least 5 dwellings.</p> <p>Overall the policies contained within the Neighbourhood Plan are excessively restrictive. There is a particular focus on landscape impact rather than taking a balanced yet positive approach to growth, boosting the supply of housing and the delivery of development to meet local housing needs.</p> | <p>sustainable location for housing development, as evidenced by the community consultation and the Draft Local Plan, for example. It is considered that the Plan through the sites allocated in the initial draft plan (and subsequently approved for development and thus not specifically identified in the Plan), other planning approval and provision for windfall developments makes proportionate provision for housing growth.</p> <p>Further, the Draft North East Derbyshire Local Plan identifies sufficient land to meet the District's housing requirement. The draft Local Plan does not consider that there is an overriding need for the NP to set out a housing requirement or to identify specific allocations – a policy position the Plan shares.</p> <p>The absence of any significant objections to the amount of development proposed indicates general support for the approach set out in the Plan.</p> | |

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| AP 4: New Housing Provision | <p>I note the assertion that 98 dwellings is a sufficient allocation for the parish up to the year 2031. The previous iteration of the draft Local Plan earmarked Ashover village for a 40% increase (190 dwellings) in housing numbers and provides clear and specific reasons for this, namely:</p> <ul style="list-style-type: none"> • a lack of affordable housing; • an ageing population; and <p>the need to maintain local services.</p> <p>It remains to be seen whether the 98 dwellings figure is robust and whether Ashover is taking its 'fair share' of new housing in the district as the NEDDC Local Plan is still at an early stage of preparation. This is confirmed in the appeal decision for Land At The Junction Of Narrowleys Lane And Moor Road where it was stated that "it is too early to confirm whether the new Local Plan will set a housing target for Ashover."</p> <p>Ashover is the largest settlement within the Parish and the focal point of local services and facilities. It is therefore considered that Ashover should be the focus for growth and the delivery of housing to meet local housing needs. This does not appear to be the case when considering the sites which have planning permission. Ashover is subject to extensive allocations for Local Green Space with only one modest sized site being identified as a Residential Development Site of at least 5</p> | <p>It is not considered that there is a compelling case for the Plan to allocate any additional housing sites above those identified in the initial draft Neighbourhood Plan. The Parish is generally not considered to be a suitable or sustainable location for housing development, as evidenced by the community consultation and the Draft Local Plan, for example. It is considered that the Plan through the sites allocated in the initial draft plan (and subsequently approved for development and thus not specifically identified in the Plan), other planning approvals and provision for windfall developments makes proportionate provision for housing growth.</p> <p>Further, the Draft North East Derbyshire Local Plan identifies sufficient land to meet the District's housing requirement. The draft Local Plan does not consider that there is an overriding need for the NP to set out a housing requirement or to identify specific allocations</p> | No change. |

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| | <p>dwelling. The extensions to the Settlement Development Limits are also modest allowing only a limited number of opportunities for developments of 5 or less dwelling. It is therefore considered that if the current level of housing provision is pursued, there is a strong possibility that the plan will be found unsound when it is examined.</p> | <p>– a policy position the Plan shares. The absence of any significant objections to the amount of development proposed indicates general support for the approach set out in the Plan.</p> | |
| <p>AP 4: New Housing Provision</p> | <p>On page 16 of the Neighbourhood Plan, it is recognised that residents accept that new housing development is necessary and that it can bring benefits to the Parish. However, despite this, the Neighbourhood Plan now proposes no additional housing development. There is also a typographical error on page 16, as it identifies that the Local Plan requires 6,000 new homes between 2001 and 2031. The withdrawn version of Local Plan actually required 6,000 homes between 2011 and 2031.</p> <p>Furthermore, it should be noted that the emerging Local Plan now identifies that the housing requirement should be 6,600 homes over the period 2011 to This means that in order to be consistent with the emerging Local Plan, the Neighbourhood Plan should plan for an additional 2 years with an additional 2 years' worth of housing being identified now. The withdrawn Local Plan proposed a distribution of housing to meet the previous requirement for 6,000 homes and stated:</p> | <p>It is not considered that there is a compelling case for the Plan to allocate any additional housing sites above those identified the initial draft Neighbourhood Plan. The Parish is generally not considered to be a suitable or sustainable location for housing development, as evidenced by the community consultation and the Draft Local Plan, for example. It is considered that the Plan through the sites allocated in the initial draft plan (and subsequently approved for development and thus not specifically identified in the Plan), other planning approvals and provision for windfall developments.</p> | <p>No change.</p> |

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| | <p>This distribution resulted in a housing requirement for 190 homes in Ashover Parish (115 in Ashover; 30 in Fallgate; 20 in Littlemoor (including Alton); and 25 in Kelstedge) over the period 2011 to 2031....</p> <p>This distribution explicit in the case of Ashover, there are sustainable additional sites which could be developed to meet the housing requirements as identified in the October 2016 SEA. The development of these should be supported to ensure that there is sufficient housing in Ashover Parish and across NE Derbyshire to provide for sustainable levels of development. The distribution also supported delivery of a range of housing to meet specific housing needs, which as identified throughout the Neighbourhood Plan is still required in Ashover Parish. Any reduction from the identified distribution will limit the potential to deliver and the availability of the required mix of housing types and tenures, including limiting the number of affordable housing units, contrary to paragraphs 47 and 50 of the NPPF.....It must however be acknowledged that this version of the Local Plan was withdrawn as the District Council identified that there were significant problems in showing that the proposed strategy could be delivered successfully. This did not apply to Ashover Parish as the identified distribution can be delivered...</p> | <p>makes proportionate provision for housing growth.</p> <p>Further, the Draft North East Derbyshire Local Plan identifies sufficient land to meet the District's housing requirement. The draft Local Plan does not consider that there is an overriding need for the NP to set out a housing requirement or to identify specific allocations – a policy position the Plan shares.</p> <p>The absence of any significant objections to the amount of development proposed indicates general support for the approach set out in the Plan.</p> | |

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| | <p>Since the revised Neighbourhood Plan was published for consultation, a revised Local Plan has now been published for consultation. The revised emerging Local Plan has not been subject to consultation and so the weight to be afforded must be very limited. It is very likely that this will significantly change prior to adoption and so the Neighbourhood Plan should not be overly reliant on the emerging Local Plan. The revised emerging Local Plan now suggests that there is no housing requirement for any of the settlements in Ashover Parish, despite the significant housing needs in these settlements, including to address the infrastructure issues and deprivation locally. Such an approach clearly does not reflect sustainable development and representations will be submitted to the Local Plan on this basis. Similarly, at the time the pre-submission version of the Neighbourhood Plan was published the latest iteration of the Local Plan identified that Ashover was to be classified as a Large Settlement, which was expected to provide a focus for growth outside of the towns. The revised Local Plan now proposes to amend this such that Ashover will be designated as a Settlement with Limited Sustainability. This clearly does not reflect the sustainability credentials of Ashover and representations will be submitted to the Local Plan on this basis.</p> | | |

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| | <p>The revised housing requirement and settlement hierarchy was not available when the Neighbourhood Plan was published for consultation, and so it is clear that the Neighbourhood Plan was not prepared in the context of sustainable development, but rather that a subsequent Local Plan (which can be afforded very limited weight) now retrospectively suggests that the Neighbourhood Plan does provide for sustainable development.</p> <p>In such a context, the Neighbourhood Plan faces a significant challenge in determining a housing requirement, which stands a prospect of having longevity. The Neighbourhood Plan could be prepared to accord with:</p> <ul style="list-style-type: none"> <input type="checkbox"/> the emerging revised Local Plan which can be afforded only very limited weight (as it has not been subject to consultation) and which relies upon Green Belt releases (which are protected by the NPPF) and which constrains development which is required to meet the housing and infrastructure needs of Ashover Parish. This approach would prevent sustainable development and is likely to result in the Neighbourhood Plan becoming instantly out-of-date following the adoption of the Local Plan with appropriate modifications; | | |

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| | <p>□ the withdrawn Local Plan which sought to address local needs in accordance with the NPPF, in particular addressing the infrastructure, deprivation and housing issues which exist in Ashover Parish. This would provide for sustainable development and would remain up-to-date following adoption of the Local Plan. It would require at least 190 homes over the period 2011 to 2031 (or 209 homes from 2011 to 2033...</p> <p>On page 17 of the Neighbourhood Plan, it is identified that an assessment has been carried out to identify the existing housing supply. This assessment has not been made available, but following a request to the Steering Group, a spreadsheet of the identified sources of supply was e-mailed to Pegasus Group. This identifies a supply of 145 dwellings. However, the sources of supply identified within this spreadsheet include a host of permissions which are ineligible for inclusion for the following reasons: Once the identified necessary adjustments are taken into account (and there may be more besides) this would reduce the identified supply to at most 120 dwellings.</p> | | |

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| | <p>5.51 Even if all of these sites were to be delivered this means that the Neighbourhood Plan would provide for the identified housing requirement of 98 dwellings which does not represent the number of homes required to achieve sustainable development.</p> <p>In order to overcome this significant issue, it will be necessary to review the Neighbourhood Plan to include allocations capable of meeting the housing requirement. There are 6 alternative sites identified in the October 2016 SEA sites</p> <p>The Neighbourhood Plan should not only plan for the identified housing requirement, it should also provide flexibility to account for exceptional levels of non-delivery or an increased housing requirement if this arises through the Local Plan. This could be achieved through the identification of reserve sites (rather than allocations) in accordance with the NPPG (41-009).</p> <p>It should also be noted that the first paragraph on page 17 of the Neighbourhood Plan needs to be amended as it identifies that sites are being allocated in the Neighbourhood Plan when this is no longer the case.</p> | | |

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| AP 4: New Housing Provision | <p>The discussion in Section 8.2 of the ANDP and subsequent estimation of housing provision may not reflect the eventual decision on the level of housing that the emerging Local Plan would reach, as acknowledged in the final paragraph. However, Policy AP4 as it stands does not raise any concerns. The possibility of a shortfall against the minimum requirement might suggest a revision to Policy AP6, however, any shortfall would only be apparent towards the end of the plan period (2031).</p> | <p>These comments are noted and welcomed.</p> | <p>No change.</p> |
| AP5: Small Infill and Redevelopment Sites | <p>As stated above, this policy does not provide for a possible shortfall, but no change is suggested on that basis. As the policy does not refer to windfall sites within Settlement Development Limit for 5 or more dwellings these, by default, would be subject to Local Plan policies. The basis for a limit on house sizes would need to be demonstrated to an Examiner with evidence, community support may be insufficient reason.</p> <p>Criterion b) – It is not appropriate to seek to restrict suitable housing growth in this policy, when policy AP4 states that the target itself is a minimum.</p> | <p>The Plan will be amended to remove the explicit reference to house sizes, and criterion b) as suggested. The reference to 5 or more dwellings will be amended to read 'generally five or more dwellings to provide more flexibility.</p> | <p>That the wording of the Policy be amended as suggested, including the removal of Criterion b).</p> |

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| AP5: Small Infill and Redevelopment Sites | <p>Policy AP 5 relates to small scale development within the Limits to Development as does Policy AP 2. It is unclear how these 2 policies inter-relate and it would be much clearer to integrate these into a single policy. Indeed, as currently drafted a development proposal could be consistent with one or other of these but not consistent with the other, and would thereby be supported and resisted within the same Neighbourhood Plan resulting in confusion for a case officer when determining an application. Policy AP 5 introduces a definition that windfall development must be on sites of less than 5 dwellings. This definition is not based on evidence and is not justified anywhere within supporting documentation contrary to the NPPG (41-039). It is also not consistent with the withdrawn Local Plan which does not set a threshold for windfall development. Furthermore, this unjustified threshold would preclude sustainable development opportunities such as those which have recently been approved at the Land off Moor Road, Land east of Ashover Road, Land west of Ashover Road, Land off Fallgate and Land at the Junction of Narrowleys Lane and Moor Road. Such an approach would therefore clearly not facilitate sustainable development (as</p> | <p>The bringing together of the two policies was considered. There is a difference as Policy AP5 deals with housing windfall sites, and other windfall type development may come forward such as shops or community facilities. These would then be considered against the provisions of AP 2. The definition of sites of less than 5 dwellings reflects the findings of the community consultation. It is agreed that the text should be amended to include reference to 'generally' as this will allow for more flexibility. It is also agreed that the word "sympathetically" could be made clearer and will be amended to read "supported". It is acknowledged that developments of 5 or less and unlikely to trigger the requirement for affordable housing provision. It is</p> | <p>That the Plan be amended accordingly.</p> |

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| | <p>represented by the recent planning approvals), contrary to one of the Basic Conditions. National guidance identifies that affordable housing cannot be sought on sites of less than 10 units. The restriction of development to sites of less than 5 dwellings within the Plan will therefore prevent the delivery of any affordable housing, despite the fact that the Plan recognises a need for affordable housing. Policy AP 5 demonstrably restricts sustainable development.</p> <p>Policy AP 5 also identifies that proposals will be viewed “sympathetically”. This is not sufficiently clear, as this word could be used to be supportive or unsupportive of development. It is recommended that this word should be replaced with “positively” to reflect paras 14 and 17 of the NPPF. The first bullet point of Policy AP 5 requires that half of dwellings on schemes of 2 or more dwellings are smaller (three or less dwellings). Again, this is not supported by any evidence as required by the NPPG Sub-bullet a) of Policy AP 5 requires that regard is given to the degree to which the identified housing requirement of 98 dwellings is exceeded. The district-wide housing requirements of the withdrawn and now emerging Local Plan were both set as minima and it is therefore</p> | <p>also agreed to remove the criterion relating to meeting local need and that regard is given to the degree to which the identified housing requirement of 98 dwellings is exceeded.</p> | |

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| | <p>necessary to deliver in excess of this number (including within the Parish). Furthermore, no matter what the housing requirement is, this should not be set as a limit (which is the inference of a requirement to demonstrate any additional need) as this prevents sustainable development and does not provide for flexibility as required by paragraph 14 of the NPPF. Indeed, this sub-bullet provides a further constraint on sustainable development within the context of a Neighbourhood Plan which already constrains sustainable development.</p> <p>There is also no guidance on how such a need would be demonstrated and so the Policy as drafted would not be operable. Sub-bullet c of Policy AP 5 requires that there is evidence of community support. This is not a planning consideration and provides for nimby-ism rather than sustainable development. This should be removed from the Policy.</p> | | |
| AP5: Small Infill and Redevelopment Sites | The Plan does not make any specific housing allocations, as planning permissions are now in place. | Agreed. The suitable sites identified in the initial draft have subsequently been approved for development and thus do not need to be specifically identified as allocations in the Plan. | That the Plan be amended to make this clearer. |

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| AP5: Small Infill and Redevelopment Sites | We would like to ask if the Steering Group would consider whether there would be potential for further development of one dwelling on our land at the above address. | The Plan together with the National and District (i.e. North East Derbyshire) provide a framework to consider development proposals. As the proposal is for a single 'infill' dwelling any application would need to be considered within this framework. Generally specific housing allocations in a neighbourhood plan or a Local Plan concern sites of five or more homes. | No change. |
| AP 6: NEW HOUSING MIX | While the intention of the policy is understood, such a policy may be difficult to apply in practice. For example in (a), what is meant by identified local need? Within an identified Settlement Development Limit the principle of development accepted. | Partially agreed. The policy was developed following consultation with the local community and assessment of housing needs and characteristics. It is agreed that the text should be amended to make this clearer. | The text be amended accordingly. |

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| AP 6: NEW HOUSING MIX | Policy AP 6 requires that housing proposals should meet identified local needs in terms of the mix of types and sizes. However, there is no assessment of local needs and so conformity with this Policy cannot be achieved. Furthermore, the Policy sets a priority for smaller homes. There is no such priority in national policy or in the strategic policies of the adopted Local Plan. This part of the Policy should therefore be revised to suggest that smaller homes will be encouraged rather than setting a priority which would be inconsistent with national and local policy and which would actively prevent the sustainable development of larger homes. | Partially agreed. The policy was developed following consultation with the local community and assessment of housing needs and characteristics (the findings from which can be found on the Neighbourhood plan part of the Parish Council web site). It is agreed that the Policy should be revised to suggest that smaller homes will be encouraged as suggested. | That the policy should be revised to suggest that smaller homes will be encouraged as suggested. |
| AP 6: NEW HOUSING MIX | There is recognition here that the housing mix in the village is unbalanced, with too many large detached properties. This is not unsustainable for the village in the medium to long term. | Noted. | No change. |
| AP7: Affordable Housing | This policy is not in line with national policy on affordable housing where sites of 10 or less dwellings or which are under 1000 square metres are not required to provide or make a contribution towards affordable housing. | This policy was developed in advance of the draft Local Plan. It is considered that the Local Plan is the most appropriate document to set out the affordable housing policy for Ashover and the wider NED. | It is considered that the supporting text should be retained as sets out the context and need for affordable housing. That Policy AP7 be deleted dealing with the provision of affordable housing be removed, but the supporting text retained. |

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| AP7: Affordable Housing | The emerging local plan will set out the policy on affordable housing taking account of the latest national policy position. At this point in time this 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, beneath which affordable housing should not be sought. As matters stand this would need testing through the Examination. | This policy was developed in advance of the draft Local Plan. It is agreed that the Local Plan is the most appropriate document to set out the affordable housing policy for Ashover and the wider NED. Further the policy requires the provision of at least 40% affordable housing whilst Plan does not envisage other developments of more than ten dwellings (than those with existing planning permission) coming forward during the plan period. It is considered that the part of the policy dealing with affordable housing provision be removed. The related supporting text should be retained as sets out the context and need for affordable housing as well as the local connections element as the will be relevant to existing planning permissions . | That part of Policy AP7 dealing with the provision of affordable housing be removed, but the supporting text and that part of the policy dealing with local connections be retained. |

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| AP7: Affordable Housing | <p>As with Policy AP6, Policy AP 7 both requires that development responds to an identified local need which has not been established, and it sets a priority for certain forms of development contrary to national and local policy.</p> <p>Policy AP 7 also requires that affordable housing is delivered on site. However, in accordance with national guidance, affordable housing cannot be sought on sites of less than 10 dwellings. Therefore, Policy AP 7 is contrary to national guidance and therefore contrary to one of the Basic Conditions.</p> | <p>This policy was developed in advance of the draft Local Plan. It is agreed that the Local Plan is the most appropriate document to set out the affordable housing policy for Ashover and the wider NED. Further the policy requires the provision of at least 40% affordable housing whilst Plan does not envisage other developments of more than ten dwellings (than those with existing planning permission) coming forward during the plan period. It is considered that the part of the policy dealing with affordable housing provision be removed. The related supporting text should be retained as sets out the context and need for affordable housing as well as the local connections element as the will be relevant to existing planning permissions .</p> | <p>That part of Policy AP7 dealing with the provision of affordable housing be removed, but the supporting text and that part of the policy dealing with local connections be retained.</p> |

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| AP10: Protection and Enhancement of Shopping Provision & AP11: Protection and Enhancement of Community Provision | No objection to these policies. Suggest there may be scope to combine both into one policy dealing with shops and other community facilities. If retained minor suggested change to AP11: Amend to read “Development proposals that result in the loss of ,.....”. Replace “viewed sympathetically” with “ permitted ”. | It is considered that it is more appropriate that they are not combined into one policy. It is agreed to replace “viewed sympathetically” with “will not be supported”. | Retain the two separate policies and amend the wording along the lines suggested. |
| AP14: Listed Buildings | Chapter 4 usefully points out that “it is important that when using the plan to form a view on development proposal or a policy issue the whole document and the policies contained within it must be considered together.”. In the light of this statement it is therefore unnecessary to include the generic phrase “in accordance with other relevant policies of this Plan”. Reference to “and district and national planning policies” in AP15 could also be removed as it is superfluous when the law requires all applications to be determined in accordance with the development plan unless material considerations indicate otherwise. | Agreed. | That the reference to phrase “in accordance with other relevant policies of this Plan be removed. |
| AP15: Other buildings of Heritage Interest | Other Buildings and Structures of Local Heritage Importance and Interest 5.74 The first sentence of Policy AP 15 is not a Policy and should be removed. | Agreed. | That Policy AP 15 be removed but the suggested text be retained. |

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| AP16: Dry Stone Walls | No objection to this policy in principle. Minor suggested changes as follows: “Development proposals affecting that may result in the loss of, or has a significant effect on, a dry stone wall should be designed to retain or enhance it the affected dry stone wall. Development Proposals for new dry stone walls that will protect and enhance make positive contribution to the network of dry stone walls across the Parish will be permitted viewed positively. | Agreed. | That the wording of Policy AP 16 be revised as suggested. |
| AP 17: Special Landscape Area | The Plan makes explicit reference to the locally designated Special Landscape Area allocated in the out of date North East Derbyshire Local Plan (2005). However there are no guarantees that this will be carried through in the emerging local plan and does not feature in the Consultation Draft. | Given the uncertainty regarding the future use of ‘Special Landscape Area’ in the draft Local Plan, the Neighbourhood Plan will utilise the Derbyshire Landscape Character assessment and the Areas of Multiple Environmental Sensitivity to support the landscape protection policy. | The supporting text and Landscape Character Policy (AP15) revised and enhanced to reflect the Derbyshire Landscape Character Assessment and the Areas of Multiple Sensitivity. |
| AP 17: Special Landscape Area | The emerging local plan intends to use a criteria based policy approach to guide development in or affecting all of the district’s landscape based upon the Derbyshire Landscape Character Assessment, and the Areas of Multiple | The Neighbourhood Plan will utilise the Derbyshire Landscape Character assessment and the Areas of Multiple Environmental Sensitivity to support the | The supporting text and Landscape Character Policy (AP15) revised and enhanced to reflect the Derbyshire Landscape Character Assessment and the |

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| | <p>Environmental Sensitivity prepared by Derbyshire County Council. This approach is in preference to the use of local landscape designations such as the Derbyshire Special Landscape Area which originated in the Approved Derbyshire Structure Plan of the late 1980's. Whilst no objection is raised in principle to the inclusion this local landscape designation in the ANDP, it should be underpinned by robust up to date evidence setting out the special character and quality of this area to augment the information in the landscape character assessment and other work referred to above.</p> | <p>landscape protection policy to better align with the approach in the emerging Local Plan.</p> | <p>Areas of Multiple Sensitivity.</p> |
| <p>AP 17: Special Landscape Area</p> | <p>The future of Special Landscape Areas in the emerging Local Plan is uncertain as confirmed in the appeal decision for Land At The Junction Of Narrowleys Lane And Moor Road where it was stated that “it is too early to confirm.....whether it will include Special Landscape Areas (“SLAs”) or a similar approach to landscape protection.</p> | <p>This is acknowledged. Given the uncertainty regarding the future use of ‘Special Landscape Area’ in the draft Local Plan, the Neighbourhood Plan will utilise the Derbyshire Landscape Character Assessment and the Areas of Multiple Environmental Sensitivity to support the landscape protection policy.</p> | <p>The supporting text and Landscape Character Policy (AP15) revised and enhanced to reflect the Derbyshire Landscape Character Assessment and the Areas of Multiple Sensitivity.</p> |

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| AP 17: Special Landscape Area and Chapter 12 | We welcome Section 12.3 We welcome the policies in chapter 12, particularly 12.1 landscape and 12.3 biodiversity, which aim to protect and improve the surrounding landscape and natural assets. Biodiversity and Nature Conservation which details the habitats and species to be found within Ashover including the Nationally designated site of Fall Hill Quarry SSSI and that the Neighbourhood Plan will seek to protect and enhance these sites. | This support is welcomed. | No change. |
| AP 18: Local Green Space | We would like to see a small area of land (see map) that is used a small holding removed from the proposed Local Green Space designation. | It is agreed that this small area of land, which forms part of a much wider green space, should not be identified as Local Green Space. | That the small area of land that is used as a small holding removed from the much larger proposed Local Green Space designation be removed. |
| AP19: Ecology and Biodiversity | DCC would suggest that the document preamble should explicitly refer to the highly significant geology/geodiversity of the Ashover area – a microcosm of Derbyshire geology. DCC would suggest the following (slightly amended) policy wording: <i>Development proposals that conserve or enhance biodiversity, and incorporate biodiversity in and around them, will be encouraged. Development proposals should promote preservation, restoration</i> | That the suggested revised wording to the text and the policy are agreed. | That the suggested revised wording to the text and the policy are agreed. |

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| | <p><i>and recreation of local and national priority sites (such as Fall Hill Quarry Site of Special Scientific Interest) and habitats, ecological networks and the protection and recovery of priority species populations where applicable. Development proposals that cannot avoid (through, for example, locating to an alternative site with less harmful impacts), adequately mitigate, or, as a last resort, compensate for the loss of a locally or nationally identified site or species of biodiversity value, should not be permitted. Where a development proposal may affect a protected species, a suitable survey should be undertaken prior to development in accordance with Natural England Standing Advice.</i></p> | | |
| AP19: Ecology and Biodiversity | <p>DCC would also suggest that there should be a policy linking geology/geodiversity, biodiversity, and the need to protect dark skies (one hook would be to refer to the presence of the glow worms within the Ashover parish). This would also protect the character of the landscape, especially where windfall development impacts on the countryside outside of development limits.</p> | Welcomed. | The inclusion of a specific policy dealing with light pollution be included. |

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| AP19: Ecology and Biodiversity | <p>We welcome Section 12.3 We welcome the policies in chapter 12, particularly 12.1 landscape and 12.3 biodiversity, which aim to protect and improve the surrounding landscape and natural assets. Biodiversity and Nature Conservation which details the habitats and species to be found within Ashover including the Nationally designated site of Fall Hill Quarry SSSI and that the Neighbourhood Plan will seek to protect and enhance these sites.</p> | This support is welcomed. | No change. |
| AP22: Noisy Sports | <p>No objection to this policy in principle, however it includes text unsuitable for a policy. Suggested changes to the opening paragraph and criteria a), b) & c). Words removed might be usefully added to the supporting text: "Development proposals for the use of land for noisy sports will be viewed sympathetically permitted provided that where the proposed development: will be assessed in respect of its noise impact on noise sensitive development or areas valued for their tranquillity can be adequately mitigated through a scheme of noise mitigation measures. Account will be</p> | The Policy is based on that contained in an approved Local Plan, but is agreed to amend the wording as suggested. | That the wording to Policy AP22 be amended as suggested. |

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| | <p>a) taken of all applicable statutory standards, British Standards, and the rules governing bodies and other appropriate guides, with reference to the District Council's environmental services team;</p> <p>b) incorporates a scheme indicating noise mitigation measures to be incorporated at the site. This scheme will be reviewed at intervals to allow a progressive improvement of the noise environment as changes in technology and regulation take place. Conditions will also be imposed limiting the hours and/or days of use where appropriate.</p> <p>c) <i>it</i> would not result in excessive noise levels at the boundaries of the noise sensitive development;.....</p> | | |
| AP20: Important Trees, Hedges and Woodlands | Trees, hedgerows and woodland are all key characteristics of the wider landscape and as such it is appropriate to have a policy dealing with their retention and protection as part of new development. DCC would suggest that the policy should go further to include new planting as part of a development proposal. In this context, reference should be made to the tree and woodland planting guidance in | This support is welcomed, and the proposed wording is agreed. | The text to be amended as suggested. |

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| | <p>the 'Landscape Character of Derbyshire' (4th edition, 2013) publication, which provides guidance on species selection and typical woodland size appropriate to the particular landscape character type. The first sentence of the policy is very convoluted and loses its meaning. The policy should also consider the protection of trees and hedgerows during the construction process which is when many trees (mainly roots, through soil compaction issues) are damaged. An example of a good neighbourhood plan tree policy is:</p> <p><i>'Development proposals will be required to retain existing trees and hedgerows of good quality and/or visual significance, trees and hedgerows which are likely to become visually significant when a site is developed or have been identified as being of historic importance. During the course of any development such trees and hedgerows should be protected to ensure their future survival and retention.'</i></p> | | |
| AP20: Important Trees, Hedges and Woodlands | This policy is overly restrictive and does not allow for an approach where the loss of such trees, hedges and woodlands should be weighed against the benefits of the proposal in question. | Disagree. It is not considered overly restrictive. There is good support for its inclusion. | No change. |

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| AP21: Renewable Energy and Low Carbon Technologies | <p>The policy addresses a standard set of issues. However, DCC would suggest some wording amendments to both the supporting text and the associated policy in order to remove some unnecessary text and duplication as follows:</p> <p><i>Renewable energy and low carbon related development is an issue in the Parish, where a small number of planning applications for such developments have been submitted. To date, all planning applications for significant energy related development in the Parish have been refused. The main reasons for refusal have included impacts on landscape character, visual amenity and residential amenity. Consultations show that the community is not in principle opposed to such energy generation, and recognises the potential benefits it may bring as a renewable energy source.</i></p> <p><i>However, its potential for wind energy and other forms of renewable low carbon related development needs to be balanced against other important considerations, notably the potential impact on the Parish's high quality landscape and residential amenity.</i></p> <p><i>Any development must also be of an appropriate scale, in a suitable location, and sensitive to the special and high quality landscape of the Parish, as well</i></p> | <p>It is agreed to revise the wording to remove unnecessary text and duplication.</p> | <p>That the Policy and supporting text be amended to remove unnecessary text and duplication.</p> |

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| | <p><i>as respecting residential amenity and other important considerations. Suitably located and designed proposals that promote and encourage the development of renewable and low carbon energy resources will be permitted following consultation with local residents, the Parish Council and the District Council, where either individually or cumulatively, it can be demonstrated that the impacts have been fully addressed. Proposals will be supported that:</i> a) <i>do not have an unacceptably adverse impact on the amenity of local residents (including: noise, visual impact, shadow flicker, water pollution, odour, air quality, emissions, sensitivity and character of the landscape);</i> b) <i>do not have a significant adverse effect on any designated site (including: Site of Special Scientific Interest, regionally or locally important geological site, site of ecological value, Landscape Character Area, Listed Building, heritage asset, Local Green Space, Conservation Area or their settings);</i> c) <i>in the case of wind turbines, it can be demonstrated that the development would not result in an unacceptably adverse effect on protected species, including migration routes or sites of biodiversity value;</i></p> | | |

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| | <p><i>d) in the interests of residential amenity and safety, there is an appropriate minimum separation between wind turbines over 25m to blade tip and residential properties;</i></p> <p><i>e) in the case of ground mounted solar panels, it can be demonstrated that they do not result in the loss of good quality agricultural land;</i></p> <p><i>f) proposals should include details of associated developments including access roads and ancillary buildings. Transmission lines should be located below ground wherever possible in order to reduce the impact on the open countryside.</i></p> <p><i>g) measures are included for the removal of structures and the restoration of sites, should sites become non-operational; and</i></p> <p><i>h) identify the potential positive effects the proposed renewables development would have on the local environment and community.</i></p> | | |
| AP23: Traffic | <p>Development proposals must demonstrate that the traffic generation and parking impact created by the proposal do not result in a severe direct or cumulative adverse impact on congestion or road and pedestrian safety.</p> | Agreed. | That the wording be revised. |

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| AP23: Traffic | Suggested replace “must demonstrate” with “will be permitted”. | Partially agreed. It is agreed that the wording “must demonstrate” could be usefully amended. It is considered however that the phrase “will be supported” is more appropriately aligned with the NPPF which states “Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.” The material considerations at the time of determination of a future planning application are unknown and therefore cannot be dismissed through a policy that states planning permission will be granted. | That “must demonstrate” be replaced with “will be supported”. |