

AMBER VALLEY BOROUGH COUNCIL

IDRIDGEHAY & ALTON AND ASHLEY NEIGHBOURHOOD PLAN **DECISION STATEMENT**

1. Summary

- 1.1 Following an independent examination, Amber Valley Borough Council now confirms that the Idridgehay & Alton and Ashleyhay Neighbourhood Plan will proceed to a Neighbourhood Planning referendum.

2. Background

- 2.1 On 23 May 2013, Amber Valley Borough Council designated Idridgehay & Alton and Ashleyhay Parish as a Neighbourhood Area, for the purpose of preparing a Neighbourhood Plan in accordance with the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.
- 2.2 Following the submission of the Idridgehay & Alton and Ashleyhay Neighbourhood Plan to the Borough Council by Idridgehay, Alton and Ashleyhay Parish Council on 15 December 2014, the Plan was publicised and representations were invited. The 6 week publicity period ended on 9 February 2015.
- 2.3 Following consultation with the Parish Council, the Borough Council appointed an independent Examiner, Mr Julian Jackson, to review whether the Plan should proceed to referendum.
- 2.4 The Examiner's report concluded that subject to a number of recommended modifications, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.
- 2.5 The Borough Council's Cabinet agreed on 2 September 2015 that the Idridgehay & Alton and Ashleyhay Neighbourhood Plan should proceed through referendum.
- 2.6 Having considered each of the recommendations made by the Examiner and the reasons for them, the Borough Council decided to make the modifications to the Plan as set out in Table 1 below, to ensure that the Plan meets the basic conditions set out in the legislation.

3. Decision and Reasons

- 3.1 The Borough Council has made the modifications proposed by the Examiner, to ensure that the Plan meets the basic conditions, for the reasons as are set out in Table 1 below.

A copy of this statement and the Examiner's Report are available to view on the Borough Council's website at www.ambervalley.gov.uk or at the Amber Valley Borough Council, Town Hall, Market Place, Ripley DE5 3BT during normal opening hours

| Part of the Plan | Examiner's Suggested Change | Reason for suggested change | Local Authority's Decision | Action |
|--------------------------------|---|---|---|---|
| Period the Plan is in effect | The Plan period ought to be more precise so as to assist ongoing monitoring and to clarify when it is intended to cease to be in force. The most convenient dates for monitoring are those that coincide with the monitoring year used by the local planning authority. This is likely to be 1 April to 31 March. | To be precise to assist ongoing monitoring | Amend the Plan date to 1 April 2014 to 31 March 2028. | Amend the Plan date to 1 April 2014 to 31 March 2028. |
| Policy L1 Criterion a) | Add at the end 'if at all possible' | There are likely to be instances where farmsteads or house sites are not enclosed or it might otherwise be impractical to locate development 'within or adjacent to the enclosed areas.' | Modify as recommended | Modify as recommended |
| Policy L1 Criterion b) | Replace 'sit well in the landscape with 'be not unduly prominent in the landscape.' | 'Sit well in the landscape' is somewhat ambiguous, a more precise terms is required to refer to the prominence of new development in the landscape. | Modify as recommended | Modify as recommended |
| Housing Policy H1 Criterion d) | Add at the end 'if it is reasonably practical' | Criterion d) of this policy refers to retaining and enhancing green space as part of proposed development however there may be no such space within or associated with the development site under consideration or it may, in any event, be impractical to meet this stipulation as well provide the development itself. | Modify as recommended | Modify as recommended |
| Housing Policy H2 Criterion c) | delete "to retain the open nature of the farmyard" and replace with "so as not to be unduly prominent" | Criterion c) refers to the siting of any proposals for enclosed private areas to avoid adversely impacting on an aim to maintain the open nature of farmyards. However a consequence of this stipulation may be the creation of prominent domestic curtilages. | Modify as recommended | Modify as recommended |
| Housing Policy H2 Criterion d) | replace "rural style gateways" with "gateways reflective of the local vernacular" | The reference in criterion d) to "rural style gateways" requires clarification. There are no doubt various styles of gateway an applicant could argue are rural in style when the more appropriate approach would be to encourage designs which reflect those consistent with local vernacular features. This does not mean only replicas of old traditional gateways will be allowable, as modern design solutions | Modify as recommended | Modify as recommended |

| | | | | |
|---|--|---|-----------------------|-----------------------|
| | | that respect the established style should also be permitted as being 'reflective' of the vernacular. | | |
| Housing Policy H3 Criterion d) | add "significant" before "adverse" and delete "context or" | Criterion d) of this policy refers to "no adverse impact on the context or amenities of occupiers of neighbouring properties". Firstly in reality it can prove very difficult to ensure there is no adverse impact at all of new development. A more practical approach is to avoid significant adverse impact. Secondly it is not clear what is meant by "context" in this circumstance; it appears to have no proper meaning in respect of neighbouring occupiers. | Modify as recommended | Modify as recommended |
| Business Policy B1 Criterion b) Criterion c) Criterion g) Criterion h) Final two lines | In line 1 replace "looked at" with "considered" add at the end ", if at all possible" delete "sustainable and" add "significantly" before "adversely" replace "have minimal" with "not have unacceptable" Delete final two lines of policy. | The term "considered" is more precise than "will be looked at". It may not be feasible to comply with criterion b) and yet the development proposal could be acceptable in all other respects. The use of the word "sustainable" is superfluous as all development needs to be assessed against a range of sustainability factors. Adversely" needs qualifying The use of "minimal" in criterion h) needs qualifying as it is too strict It is not appropriate to define sustainable in the limited terms set out in the last two lines of the policy. | Modify as recommended | Modify as recommended |
| Environmental Policy E1 | In line 1 replace "must" with "shall" | The use of the word "must" in this policy is too categorical and inconsistent with the language used in nearly all other policies in the Plan. | Modify as recommended | Modify as recommended |
| Environmental Policy E2 | In line 1 replace "must" with "shall" | The use of the word "must" in this policy is too categorical and inconsistent with the language used in nearly all other policies in | Modify as recommended | Modify as recommended |

| | | | | |
|-----------------------------|---|---|-----------------------|-----------------------|
| | In line 2 replace “avoid” with “minimise” | the Plan. Also to completely avoid light pollution may be impossible to achieve so the aim should be to minimise it. | | |
| Renewable Energy Policy RE1 | replace “minimal” with “no unacceptable” | The use of “minimal” in this policy is too strict. | Modify as recommended | Modify as recommended |
| Community Policy C1 | In line 1 add “development” before “proposals” and after “that” add “would” Criterion a) – replace whole text with “enable the reopening and retention of the Black Swan building as a community asset open to public use” Criterion c) – replace “identify a suitable site for” with “enable or directly provide” and after “car parking” add “for the church and community room” Criterion d) – replace “identify and develop” with “enable the bringing into use” | It should be made clear that this policy is referring to “development” proposals (which include uses as well as buildings) and should refer to such development proposals as the means of enabling the desired outcome and not be limited to the preliminary actions currently set out in the policy. | Modify as recommended | Modify as recommended |