

AMBER VALLEY BOROUGH COUNCIL

SWANWICK NEIGHBOURHOOD PLAN DECISION STATEMENT

1. Summary

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

2. Background

- 2.1 On 22 May 2013, Amber Valley Borough Council designated Swanwick 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 Swanwick Neighbourhood Plan to the Borough Council by Swanwick Parish Council on 18 November 2015, the Plan was publicised and representations were invited. The 8 week publicity period ended on 13 January 2016.
- 2.3 Following consultation with the Parish Council, the Borough Council appointed an independent Examiner, Mr Nigel McGurk, 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 29 June 2016 that the Swanwick 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.

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Table 1: Modifications in line with Examiner’s Recommendations

Part of the Plan	Examiner’s Recommendation	Reason For Recommendation	Action Taken
Introductory section page 4	<ul style="list-style-type: none"> Second sentence, change to “...(AVBC) <i>it will form part of the development plan. As such, it will be used by</i>” Change b) to “...<i>applications...</i>” 	To ensure clarity	Modified as recommended
Section 2 on page 4	<ul style="list-style-type: none"> Section 2, second paragraph, change to “...amongst local <i>people. It is therefore considered to be important that new large scale housing development also provides local facilities to support the social and economic well--being of the community.</i>” 	To ensure the text does not read as a policy	Modified as recommended
Map page 7	<ul style="list-style-type: none"> Map on page 7, delete “Local Green Space” (in Key and on Map) Also, delete “Cycle Network Proposed” and “Proposed Employment” (in Key and on Map) 	To ensure clarity	Modified as recommended
Page 8	<ul style="list-style-type: none"> Page 8, part e), delete “...previously...” Page 8, delete part b) Page 8, third paragraph, last sentence, change to “...<i>are intended to achieve the following:</i>” Page 8, six lines up from bottom of page, 	The policy is extant, to ensure clarity and to correct typographical error	Modified as recommended

	<p>change to “<i>The Plan seeks to minimise the negative impacts of growth during the plan period and sets out policies that aim to ensure that planning gains benefit the wider community.</i>”</p> <ul style="list-style-type: none"> • four lines up, add “...Saved Policies of the Local...” 		
Page 9	<ul style="list-style-type: none"> • section 4, line one, change to “...recognised...” • Line 6, change to “...Plan was reported in the Parish newsletter, delivered to...Articles encouraged participation and provided updates on progress.” • Line 8, change to “...events was collated and...Each one provided a full...The key events were summarised in the Consultation...” 	Minor changes to ensure clarity	Modified as recommended
Page 12	<ul style="list-style-type: none"> • Delete section 7, “Community Aim” • Delete section 8, “Community Objectives” 	For clarity - to ensure these do not read as a policy	Modified as recommended
Page 12	<ul style="list-style-type: none"> • Delete text under section 9, “Neighbourhood Plan Policies.” Move heading “Neighbourhood Plan Policies” to the top of a new page. As a heading, this title does not need to be numbered, but this is purely a presentational matter and no recommendation is made in this regard. 	Repeat of information and to aid presentation	Modified as recommended
Policy 1 and supporting text	<ul style="list-style-type: none"> • Delete Policy 1 • delete “Justification” and delete the final two paragraphs of the supporting text 	To meet the basic conditions	Modified as recommended

Policy 2 and supporting text	<ul style="list-style-type: none"> • Delete Policy 2 • Delete supporting text on pages 14 and 15; and delete Map 3 on page 16 	To meet the basic conditions	Modified as recommended
Policy 3 and supporting text	<ul style="list-style-type: none"> • Policy 3, delete parts 3.1 and 3.2 • Policy 3, replace part 3.3 with “The provision of a community park or naturalised open space within any strategic development that comes forward at Lily Street Farm, will be supported.” • Change title of Policy 3 to “Open Space for Community Use” • Page 17, delete from the second paragraph “Swanwick residents are...” to the end of the fourth paragraph “...of the village.” • Page 17, delete from the sixth paragraph “It is a requirement...” to the end of the penultimate paragraph “...as amended.” 	To meet the basic conditions	Modified as recommended
Policy 4 and supporting text	<ul style="list-style-type: none"> • Delete all of the text in Policy 4 and replace with “<i>The provision, protection and/or enhancement of green infrastructure, which includes linkages between existing green corridors, parks and open spaces, will be supported.</i>” • Delete second paragraph of supporting text on page 20, which reads as though it were a Policy, which it is not 	To ensure clarity and to not meet the basic conditions	Modified as recommended
Policy 5	<ul style="list-style-type: none"> • delete all text and replace with “The provision of new and/or the enhancement of existing footpaths and cycle routes will be supported, especially where these connect to the existing network of such routes.” 	To meet the basic conditions.	Modified as recommended

<p>Policy 6 and supporting text</p>	<ul style="list-style-type: none"> • change first sentence to “Where appropriate, development should take into account the following:” • delete 6.3 and replace with “The provision of adaptable or flexible space, to allow for home working, is encouraged.” • Page 21, supporting text, delete first sentence and “However,” which is unnecessary. • Page 21, second sentence, change to “...to do this it should, where possible open...” • Page 21, second paragraph, change fourth line to “...village are encouraged. Similar...housing are also...” • Page 22, first paragraph, delete second sentence, which is out of date • Page 22, delete second paragraph, which is overly prescriptive and fails to reflect the recommendation above • Page 22, third paragraph, line two, change to “Proposals for major development are encouraged to reflect this variety of housing...” • Page 22, third paragraph, delete third sentence, which reads as though it were a Policy, but is not • Page 22, penultimate paragraph, delete third sentence, which is in direct conflict with the appropriate wording set out in Policy 6 	<p>To meet the basic conditions and ensure the policy prevents inadvertent support for inappropriate development.</p>	<p>Modified as recommended</p>
<p>Policy 7</p>	<ul style="list-style-type: none"> • change second part to “...with the community <i>applicants are encouraged</i> to follow the guidelines set out in Appendix C <i>as appropriate.</i>” 	<p>To meet the basic conditions</p>	<p>Modified as recommended</p>

<p>Policy 8 and supporting text</p>	<ul style="list-style-type: none"> • delete parts 8.1 and 8.2 and replace with “<i>Development proposals affecting the non-designated heritage assets in the Neighbourhood Area (listed in Appendix D) should set out what the effect on the significance of the non-designated heritage asset would be. This should include reference to any harm or loss.</i>” • change to “Proposals to sympathetically redevelop shop fronts in the Village...” • Supporting text, page 25, second paragraph, second line, move comma to “...a Conservation Area, aside from the Listed Buildings there is limited...” • Page 25, final sentence, change to “...village centre <i>is encouraged to look to both...</i>” 	<p>To meet the basic conditions</p>	<p>Modified as recommended</p>
<p>Policy 9</p>	<ul style="list-style-type: none"> • change first part to “...range of local shops <i>and services</i> for the local...” • delete part 9.2 • change third part to “...will <i>be supported.</i>” • delete part 9.4 	<p>To meet the basic conditions</p>	<p>Modified as recommended</p>
<p>Policy 10 and supporting text</p>	<ul style="list-style-type: none"> • delete parts 1 and 2 and replace with “<i>Where possible, residential development should provide a housing mix that reflects local need.</i>” • Supporting text, page 29, delete penultimate sentence “The type of houses...village centre.” • Final sentence on page 29, change to “<i>The Parish Council will seek to encourage developers to give attention to the needs...</i>” 	<p>To meet the basic conditions</p>	<p>Modified as recommended</p>

Policy 11 and supporting text	<ul style="list-style-type: none"> • Delete Policy 11 and create a new “<i>Community Action: Affordable Housing.</i>” • Supporting text, delete final paragraph on page 32 • Supporting text, delete all supporting text (relating to Policy 11) on page 33 	To meet the basic conditions	Modified as recommended
Policy 12 and supporting text	<ul style="list-style-type: none"> • delete 12.1 d) and 12.1 e) and replace with “<i>d) the proposal has regard to residential amenity and highway safety.</i>” • Delete Policy 12.2 • Supporting text, final paragraph, page 34, change to “... residential areas. <i>Support for the expansion of business space, as set out in Policy 12, will encourage the creation...</i>” 	To meet the basic conditions	Modified as recommended
Policy 13 and supporting text	<ul style="list-style-type: none"> • change to “<i>Development proposals which provide...</i>” • delete “particularly” • Supporting text, page 35, change first line of second paragraph to “<i>Internet access is not of itself a land use...all developers consider the development--- related connectivity requirements of their...</i>” 	To meet the basic conditions	Modified as recommended
Other Matters	<ul style="list-style-type: none"> • Update the Contents page, to take into account recommended changes 	To meet the basic conditions	Modified as recommended

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Conclusions in relation to the 'basic conditions'

It is considered that the Swanwick Neighbourhood Plan as modified meets the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990:

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State
- (b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses
- (c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area
- (d) contributing to the achievement of sustainable development
- (e) being in general conformity with the strategic policies contained in the development plan
- (f) not breaching, and otherwise compatible with, EU obligations or any of the Convention rights (within the meaning of the Human Rights Act 1998)
- (g) meeting the prescribed conditions and complying with the prescribed matters.