

Hazelwood Neighbourhood Development Plan *Referendum 2016*

Summary of Representations

Summary of Representations to the Hazelwood Neighbourhood Plan

Amber Valley Borough Council

Policy 1: Support appropriate new build

The wording of this policy would appear to allow development at a scale (particularly considering the areas identified on Map 5) that would be unsuitable given the range of facilities and employment opportunities in the area, and as such would not constitute sustainable development.

It should be noted that only part of the area lies within an area designated as a Special Landscape Area or the Green Belt.

It should also be noted that the Village Design Statement has not been adopted by the Borough Council and although referred to does not appear to be part of the Neighbourhood Plan.

Policy 2: Design principles for development

The policy does not provide clarity in relation to the attributes that make Hazelwood unique.

Policy 4: The conversion of redundant farm buildings

It is not clear what is meant by Criterion F.

Policy 5: Maintaining and enhancing the Parish's biodiversity

Part 2 of the policy would benefit from rewording to avoid unintended consequences. Dry stone walls are features that contribute to the character of the area and do have benefits for biodiversity. There may be instances where these would be more appropriate forms of boundary treatments but would be precluded by this policy.

Policy 8: Supporting the expansion or creation of local businesses

The policy would benefit from criterion c) being linked to the other criteria.

Ashfield District Council

No comments

Environment Agency

No comments to make.

Natural England

No specific comments.

Historic England

No detailed comments to make on the plan at this time.

Highways Agency

No comments to make.

Coal Authority

No specific comments to make

Pegasus Group on Behalf of Mr M Grogan

The Parish Council must be able to demonstrate that the draft Neighbourhood Plan contributes towards promoting sustainable development. This basic condition is

consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. Planning Practice Guidance (PPG) makes it clear that a qualifying body must demonstrate how its plan will contribute to improvements in environmental, economic and social conditions and that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset. Crucially the guidance states that in order to demonstrate that a draft neighbourhood plan contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan guides development to sustainable solutions.

The HNP does not appropriately deliver the objectives of the NPPF. The deliverability of the whole plan, and subsequently its contribution to the achievement of sustainable development is impaired.

Presumption in favour of sustainable development

Para 8 of page 25 of the HNP contains a section titled 'Sustainable Development Principles' and seeks to align the HNP with the principles contained within the NPPF. These principles and the commentary that follow it, broadly align with the 'presumption in favour of sustainable development' found at Para.14 of the NPPF.

It is noted that HNP's sustainable development principles are stated outside of any policies of the HNP and therefore do not embed the principles of sustainable development and the presumption in favour of sustainable development within the policies of the plan. This approach may well be considered sound as the plan should be read in its entirety, but this is not without risk of the plan being misinterpreted and the overall vision of the plan be irreversibly harmed. For instance NP1 could be interpreted to support new single dwellings even if it isn't sustainable development.

The absence of clarification of this matter will mean that the HNP will fail to meet the 'Basic Conditions'.

Policy NP1 – support appropriate new build

Policy NP1 of the HNP, by way of its title seeks to support 'Appropriate New Build', however, the policy specifically only relates to the provision of housing and only provides support for the delivery of housing. The policy title is therefore misleading and should be amended for clarity. It is recommended that the policy be titled Support Appropriate New Build Housing.

Whilst it is not clear, it is assumed that NP1.1 is the main body of Policy NP1 which supports only single dwellings in the plan area. The wording at point 2 therefore suggests 'proposals for more than one dwelling.....' will only be supported if they are single dwellings. This makes no sense and we suggest there is a drafting error in the wording of Policy NP1 which should be corrected. It can only be assumed at this stage that the intention here is for proposals of more than one dwelling to be subject to the same criteria (a-d) as a single dwelling would be.

In addition to this identified ambiguity, reference is made to 'proposals of more than one dwelling only being considered where there is an exceptional and demonstrable need'. It is noted that 'exceptional and demonstrable' are not defined in the HNP and the absence of such a definition will lead to possible abuse, misinterpretation and the overall vision of the plan be irreversibly harmed.

To ensure that the plan satisfies the presumption in favour of sustainable development, and in light of our comments set out above in respect of modifying the HNP to only support sustainable development, it is recommended the policy be amended to support proposals of more than one dwelling, where it can be demonstrated that it is necessary to meet the exceptional and demonstrable local housing needs of residents who have lived in the Parish for 5 years or more. This would be wholly consistent with the approach taken in Policy NP3.

Should these matters not be amended the Plan will fail to meet the 'Basic Conditions' .

Mr N. Straw

The presumption in favour of development in the National Planning Policy Framework (NPPF) is based on sustainability. The limbs of sustainability are clearly set out in NPPF and via Appeal Decisions since 2012 a body of evidence has been built as to their interpretation and application. It is an important and well established principle at national level and is applied by AVBC in the determination of planning applications where saved policies are deemed 'out of date'. The need to anticipate that the new Local Plan (of which the Neighbourhood Plan will form a subset) will also embrace sustainability means that the Neighbourhood Plan Policies should do so too. There is an acknowledgement in section 8 of the need for new development to be sustainable but section 8 is not one with its own attendant Policy and nowhere in any of the Policies in other sections is the need for sustainability called for either. It is suggested therefore that this important issue be addressed by moving NP1 to section 8 and adapting it so that:

- a) It makes a clear statement that **all** new development must be sustainable by reference to the principles set out in NPPF and
- b) It ceases to be a housing Policy and becomes instead an overarching Policy for **all** new development. (It is difficult to see what NP1 as currently drafted is seeking to achieve as a housing Policy which NP3 isn't given that both relate to new housing development only and that they are distinguished merely by the fact that NP1.2 deals with the number of dwellings and NP3 the mix, which could easily be covered within a single Policy ie NP3).

The above change would mean that NP1 sits in a section with more appropriate narrative (which may need some refinement to reflect NP1's new overarching 'status') rather than as now sitting in section 9 which is actually about design and which has a design policy (NP2) in it as well as wholly design narrative.

Whilst welcoming proposals for smaller dwellings, NP3.1 does not itself require that these be limited to proposals for single dwellings so would be inconsistent with NP1.2 (which I am suggesting be imported to NP3 – see below). Moreover, NP3 states that

providing such a proposal meets *“local need”* it *“will be supported”*. The expression *“local need”* is vague and therefore open to interpretation. For example, there is no requirement that it should be Parish-borne. *“Local”* could mean Alport Ward or even Amber Valley. Moreover, if the desire to see more smaller accommodation in the Parish is a response to the MRH Survey findings suggesting a requirement for more smaller, quality accommodation for some residents at each end of the age spectrum then that desire is necessarily finite so *“will be supported”* in the context of a Plan with a 15 year horizon risks a procession of proposals leveraging this aspiration leading to oversupply. Indeed, it already appears to have begun (AVA/2016/0091). It is suggested that this be resolved by re-wording.

NP1.2 states that proposals for more than one dwelling will only be considered where there is an *“exceptional and demonstrable need”*. The risk with this expression is that it is vague and therefore leaves applicants free to assign their own meaning. Moreover, there is no requirement that this *“need”* should be Parish-borne, so an applicant could bring forward a development mix of market and affordable housing with the latter justified by reference to *“exceptional and demonstrable need”* beyond the Parish boundary. Whilst AVBC continues to lack a five year supply of deliverable housing land, this would leave the Neighbourhood Plan particularly exposed to this prospect.

It is suggested that this vulnerability be addressed by a) introducing a Parish-borne constraint to *“need”* and b) avoid any vagueness by adopting wording which aligns with an existing local benchmark (saved Policy H11) which is itself consistent with NPPF (para 54) and has a widely accepted meaning, as follows:

“Proposals for more than one dwelling will only be considered where it can be demonstrated it will meet a genuine housing need within the Parish which would not otherwise be met by the open market”.

As noted above, this would be captured in NP3 as a new NP3.2 meaning that the current NP3.2 would become NP3.3.

At Pre-Submission Draft stage, the comment was that the narrative aspiration that barn conversions would be supported *“particularly where the existing building could be divided into smaller dwellings”* was not captured by what was then Policy 3. An attempt has been made to add this to what is now NP4 but clumsily so with the result that, if the redundant farm building in question was too small to be capable of sub-division, the Policy position is that its conversion would not be supported even though plainly its conversion would meet the Plan aspiration for an increase in supply of smaller, quality dwellings.

The words *“will be supported...”* in the opening paragraph are needlessly permissive. Suggest this be replaced with *“may be supported...”*

Note that if the proposal for NP1 above is accepted then NP4.2 (which has been added to what was Pre-Submission Draft Policy 3) could be omitted.