

# **Idridgehay & Alton and Ashleyhay Neighbourhood Plan**

**A Report to Amber Valley Borough Council of the  
Independent Examination of the Idridgehay & Alton and  
Ashleyhay Neighbourhood Plan**

**By**

**Independent Examiner**

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## Summary

This Neighbourhood Plan has been prepared over a period of approximately two years. This has clearly involved a great deal of hard work by committed volunteers.

The Parish Council are to be commended on the quality of the Neighbourhood Plan produced and submitted for examination. The document is well evidenced, presented and justified. It follows a logical structure and uses plain English which should make it accessible to all future Plan users.

The Neighbourhood Plan focuses on how new development can be appropriately provided within the special landscape setting of the area and covers a series of topics over a total of 10 policies.

On completing my examination I have recommended a number of modifications to the Neighbourhood Plan. Subject to these modifications the Idridgehay & Alton and Ashleyhay Neighbourhood Plan meets the required Basic Conditions and can be submitted to referendum.

# 1.Introduction

## *What is Neighbourhood Planning?*

The Localism Act 2011 empowers local communities to prepare planning policies for designated neighbourhood plan areas.

The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need*”.<sup>1</sup> Further advice on the preparation of neighbourhood plans is contained in the Government’s Planning Practice Guidance (the Guidance).

A neighbourhood plan is prepared by a qualifying body – the local parish/town council or, in a non-parished area, the formally designated neighbourhood forum. Local planning authorities are required to assist qualifying bodies in their plan making.

Neighbourhood plans have statutory weight once they are finalised and formally ‘made’ as part of the development plan for the local area. They are then to be taken into account in the determination of planning applications.

## *Independent Examination*

This Examiner’s Report sets out the findings of the Examination into the Idridgehay & Alton and Ashleyhay Neighbourhood Plan (hereafter referred to as the Neighbourhood Plan in this Report).

I was appointed to examine the Neighbourhood Plan by Amber Valley Borough Council with the consent of Idridgehay & Alton and Ashleyhay Parish Council. I am independent of both bodies. I have no interest in land that may be affected by the Neighbourhood Plan. I have appropriate qualifications and over 35 years town and country planning experience.

The Examiner’s role is to decide whether the neighbourhood plan being examined meets the Basic Conditions set out in the relevant legislation<sup>2</sup> following the Localism Act, and complies with the other specified requirements as set out later in this Report.

An Examiner can recommend modifications as may be necessary for a neighbourhood plan to meet the Basic Conditions. The recommendations concerning this Neighbourhood Plan are set out in Section 10 of this Report. I go on to state whether the Neighbourhood Plan should be submitted to referendum (with or without modifications) and if so submitted whether the referendum area should include land outside the area covered by the Neighbourhood Plan.

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<sup>1</sup> Paragraph 183 of the National Planning Policy Framework (2012)

<sup>2</sup> Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990

The general rule for carrying out an examination of a neighbourhood plan is for the Examiner to solely consider the relevant written material – the submitted documents, background evidence and the written representations made by interested parties.

However, in addition, the Examiner has the ability to call a hearing for the purposes of receiving oral representations about a **particular issue** in any case where the Examiner considers it is necessary so as to ensure;

- adequate examination of any relevant issue and/or;
- to ensure a person has a fair chance to put a case.

In the case of this Neighbourhood Plan I have decided not to hold a hearing. The factors that influenced my decision were:

- There have been no requests for a hearing
- All parties have had full opportunity to register their views and put their case forward in writing
- There are no points of clarification that I needed to pursue orally as the Neighbourhood Plan and representations have been precisely written and with clarity

#### *Next Stages*

This is a Report to Amber Valley Borough Council, the local planning authority for the area covered by the Neighbourhood Plan. The Council will decide how to act on my recommendations. The Council is responsible for arranging any referendum and, if there is majority support at such a vote, to ‘make’ the Neighbourhood Plan so that it becomes part of the development plan.

## **2.The Development Plan**

The development plan for any local area is typically made up of several plans that have been prepared at different times and often by different planning authorities. The extent to which these plans are currently in force and applicable to the area covered by the Neighbourhood Plan being examined depends on their content, how up to date they are and, related to the latter, whether steps have been taken to ‘save’ policies in plans produced several years ago.

#### *The Development Plan Currently in Force in Amber Valley*

This comprises the saved policies of Amber Valley Borough Local Plan adopted in 2006 together with saved minerals and waste policies in plans adopted by Derbyshire County Council.

The emerging Amber Valley Local Plan Part 1 Core Strategy is at an advanced stage of preparation although currently the examination of this plan has been suspended pending further work, mainly on strategic housing requirements.

### 3. Basic Conditions

The key consideration in the examination of a neighbourhood plan is whether it meets the applicable Basic Conditions. In order to meet the Basic Conditions a neighbourhood plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area, and
- not breach, and be otherwise compatible with European Union (EU) obligations and the European Convention on Human Rights<sup>3</sup>.

The national policies and advice are primarily those set out in the National Planning Policy Framework published in March 2012 and the latest version of the Government's Planning Practice Guidance, an on-line resource first published in March 2014.

There are various definitions of sustainable development but the United Nations General Assembly defined it "*as meeting the needs of the present without compromising the ability of future generations to meet their own needs*"<sup>4</sup>. There are three dimensions to sustainable development: economic, social and environmental.

Environmental considerations are picked up further in EU Directive<sup>5</sup> on Strategic Environmental Assessment (SEA). In certain circumstances a SEA can be required for a neighbourhood plan.

The principal parts of the European Convention on Human Rights that can be relevant to neighbourhood plans are: Article 8 (privacy); Article 14 (discrimination); and Article 1 of the First Protocol (property).

The basis of the Basic Conditions is set out in the relevant primary legislation<sup>6</sup> this provides for further Basic Conditions to be prescribed. The Neighbourhood Planning (General) Regulations specify a further Basic Condition concerning European habitats legislation that is relevant to neighbourhood plans:

- the making of a neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects<sup>7</sup>.

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<sup>3</sup> This has the same meaning as the Human Rights Act 1998

<sup>4</sup> United Nations General Assembly – Resolution 24/187

<sup>5</sup> EU Directive 2001/42

<sup>6</sup> Town and Country Planning Act 1990 – Paragraph 8(2) Schedule 4B

<sup>7</sup> The Neighbourhood Planning (General) Regulations 2012 – Regulation 32

Compliance with the Basic Conditions is considered later in this Report but particularly within *The Plan as a Whole* and *Policies* Sections.

I have only recommended modifications to this Neighbourhood Plan (presented in **bold type**) where I consider changes need to be made so that the Neighbourhood Plan meets the Basic Conditions.

## 4. Unaccompanied Visit and Documents

I have visited the parishes covered by the proposed Neighbourhood Plan and viewed the area from a series of locations.

I have taken account of the following documents in my examination.

### *National and European Documents*

- National Planning Policy Framework (27 March 2012)
- Planning Practice Guidance (6 March 2014 as later amended)
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Localism Act 2011
- Neighbourhood Planning (General) Regulations 2012
- European Convention on Human Rights

### *Local Authority Documents*

- Saved policies of the Amber Valley Borough Local Plan (2006)
- Relevant emerging policies in the Amber Valley Borough Local Plan Part 1 Core Strategy and news of the plan's examination on the local authority's website

### *Parish Council Documents*

- Idridgehay & Alton and Ashleyhay Neighbourhood Plan Submission Version 2014
- Basic Conditions Statement October 2014
- Statement of Community Engagement and Statutory Consultation (the 'Consultation Statement')
- Consultation questionnaire, surveys results and analysis
- Designated Neighbourhood Area Decision Notice
- Neighbourhood Plan Area Map

- Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report
- 2011 Census data for the Neighbourhood Plan Area
- Landscape Character, Special Landscape Value and Quality Report 2013/2014
- Sustainability Grid
- Steering Committee Constitution
- Steering Committee Minutes
- Relevant Parish Council Minutes
- Site of Special Scientific Interest citation and map
- Descriptions of Local Sites of Importance for Nature Conservation
- Relevant newspaper articles, public notice and parish newsletters
- Posters and flyers referring to the preparation of the Neighbourhood Plan
- List of Non-resident Landowners consulted

I have also read, taken account of and understood the representations made on the Submission version of the Neighbourhood Plan.

## 5.The Neighbourhood Plan Area

There is a map showing the Designated Area on page 6 of the Neighbourhood Plan. It covers the whole of the Parish of Idridgehay & Alton and the whole of the Parish of Ashleyhay.

Further to the application made by Idridgehay & Alton and Ashleyhay Parish Council, Amber Valley Borough Council approved the Designated Area on 23 May 2013. No other neighbourhood development plan has been made for the Designated Area.

Idridgehay & Alton and Ashleyhay Parishes are located in Amber Valley Borough in the County of Derbyshire. There are several small hamlets in the two parishes and numerous standalone dwellings, farmsteads and other buildings, however the area is sparsely populated overall being home to 393 people at the time of the 2011 census. The main road running north to south through the area is the B5023 along which run hourly bus services to Derby and Matlock. Other roads are typically single track lanes.

There are very few services located in the two parishes but there is the Idridgehay Village Store and Corn Store, and also a church, part of which is the Alton Room which is used as a community space. There are 36 listed buildings across the two parishes and a conservation area at Idridgehay. The only public house, the Black Swan closed in 2012 and was subsequently designated an Asset of Community Value. The local school closed in 1983 and the post office in 1998. From the hilltop viewpoint at Alport Height, which is owned by the National Trust, the rural character and attractive special landscape quality of the Neighbourhood Area is plainly evident.



## 6. Community Engagement and Consultation

The Parish Council resolved to prepare a neighbourhood plan in November 2012. To assist with the preparatory work a fully constituted Steering Committee was set up, it met regularly during the ensuing two years. The Steering Committee was also assisted by various working groups devoted to particular topics.

The Parish Council received assistance from the Borough Council and also from Planning Aid England. Financial support was made available under the Government's Supporting Communities in Neighbourhood Planning programme.

It is clearly evident that there has been a thorough and sustained approach to community engagement and consultation. There was a questionnaire survey of all households in the Neighbourhood Area which achieved a very high response rate. Successful efforts were made to engage with hard to reach groups such as young people and the local business community.

The local community was kept informed of progress on the Neighbourhood Plan through local events, parish newsletter and local newspaper articles. At key consultation stages additional leaflet drops were made to outline the Plan's proposals and the opportunities to make comments. The Parish Council appear to have maintained a good website providing relevant information on the preparation of the Plan and full paper copies of the document have been conveniently made available for viewing.

The Consultation Statement sets out who which bodies were specifically consulted. This appears to be an appropriate range of parties. It is also clearly evident that the plan evolved over time to reflect comments made demonstrating an open approach to taking on board alternative suggestions.

The draft Neighbourhood Plan was consulted on from 28 March until 9 May 2014.

The scope and range of consultation carried out well exceeds the statutory minimum required. The process has been properly informed by collected evidence and the finalised Plan is well presented and positive in its approach to guiding development. I am satisfied that the Neighbourhood Plan is broadly supported in the local community and that the preparatory process was carried out in an open and comprehensive, robust manner.

## 7.Submission of the Plan

The Submission version of the Neighbourhood Plan was approved by the Parish Council on 12 November 2014 and was submitted for examination together with the supporting documents as required by the Regulations<sup>8</sup> to Amber Valley Borough Council.

The Borough Council proceeded to publicise the Neighbourhood Plan and invited representations in accordance with the Regulations<sup>9</sup>. The period for representations was from 15 December 2014 until 9 February 2015 – two weeks longer than the statutory minimum given the Christmas and New Year period.

A total of four representations were made. I have taken each of these into consideration in preparing this Report even though the points made may not be referred to specifically. There were no representations received after the deadline date. I am satisfied that the publicity requirements under Regulation 16 have been met.

## 8.The Plan - Introductory and Background Sections

I now set out my consideration of the introductory parts of the Neighbourhood Plan. In Section 1 '*Background*' appropriately brief reference is made to national and local planning policy. However neighbourhood plans are not required to have regard to emerging plans. It is although good practice to have regard to emerging evidence that is being produced for local plans in preparation.

The need to produce a neighbourhood plan for Idridgehay & Alton and Ashleyhay is well made and appropriately presented with a balance of control and positive aspects to managing development. The approach to community involvement is neatly summarised as is the stage of submitting the plan to the Borough Council.

Section 2 '*Evidence Base*' thoroughly sets out the key information that has informed the content of the Plan. In common with the remainder of the document the Section is clearly written and a wealth of information is succinctly explained. The text provides useful summary extracts of other key documents, is well illustrated and appropriately cross refers to detailed information given in appendices and separate supporting documents accessed through hyperlinks. However it should be remembered that much of this evidence will become out of date and its relevance will not endure for as long as the policy provisions of the Plan are intended to. It is suggested a decision will need to be taken as to whether the finally 'made' plan should include this evidence base section.

I will deal with Section 3 '*The Plan*' in the next part of my Report.

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<sup>8</sup> Neighbourhood Planning (General) Regulations 2012 – Regulation 15

<sup>9</sup> Neighbourhood Planning (General) Regulations 2012 – Regulation 16

Section 4 of the Plan '*Community Priorities*' refers to non-planning matters including transport objectives that are appropriately set out as being distinct from the policies in Section 3 and as such I will not concern myself with these. Section 4 also refers to the proposal to set up a Community Forum. This appears to be a commendable suggestion for maintaining a local community dialogue on planning and other related matters. It is in this context that reference is made to the prospect of the Plan being monitored and reviewed in the future. Such a commitment is to be welcomed. However thought should be given to setting performance indicators to measure how effective each policy in the Plan is in practice and triggers for when under performance would necessitate actions to be taken to address this.

## 9. The Plan - as a Whole

In this Section and the one that follows (concerning the *Policies*) I am principally considering whether the Neighbourhood Plan meets the Basic Conditions as outlined in Section 3 of this Report.

However there are also a few other aspects of content that I need to refer to.

First I can confirm the following:

- The policies in the Neighbourhood Plan relate to development and use of land in the designated Area and do not relate to more than one neighbourhood area.
- The Neighbourhood Plan specifies the period it is to have effect as being 2014 to 2028. However the Plan 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.
- The Neighbourhood Plan does not include provision about excluded development<sup>10</sup> such as minerals or waste proposals or major infrastructure schemes.

### Meeting the Basic Conditions

As required by the Regulations<sup>11</sup> the Parish Council submitted a Basic Conditions Statement setting out how it considers the Neighbourhood Plan complies in these respects. I now consider each aspect of the Basic Conditions in terms of the Neighbourhood Plan taken as a whole.

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<sup>10</sup> Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

<sup>11</sup> Neighbourhood Planning (General) Regulations 2012 – Regulation 15(d)

### ***European Union (EU) Obligations, Habitats and Human Rights Requirements***

The submitted Basic Conditions Statement states “*the Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights, in particular Article 8 (privacy); Article 14 (discrimination); and Article 1 of the First Protocol (property) and therefore complies with the Human Rights Act 1998*”. I have given consideration to the European Convention on Human Rights. I have seen nothing in the submitted Neighbourhood Plan that indicates a breach of the Convention. No concerns on this matter were made in representations.

I am satisfied that the Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the Convention.

In terms of the relevant provisions of the Habitats Regulations this matter has been considered in the submitted Screening Report which found no requirement for an Appropriate Assessment and the Basic Conditions Statement says “*The Neighbourhood Area is not in close proximity to any European designated nature sites so does not require an Appropriate Assessment under the EU Habitats Regulations*”. No representations have been made expressing concern in this regard. Natural England was consulted on the Screening Report and raised no concerns.

I am satisfied that the Neighbourhood Plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

EU Directive 2001/42 refers to Strategic Environmental Assessment (SEA). The Screening Report considered the need for a SEA and concluded following appropriate consultation with the relevant statutory bodies that an Assessment was not required given it was unlikely the Plan would give rise to significant environmental effects.

I am satisfied that the Neighbourhood Plan is not likely to have any significant environmental effects and that a SEA is not required.

I am satisfied that the Neighbourhood Plan is compatible with EU obligations and Convention rights.

### ***Regard to National Policies and Advice Contained in Guidance Issued by the Secretary of State, and Contribution to the Achievement of Sustainable Development***

National policies and advice are primarily those set out in the National Planning Policy Framework (the Framework) and the Government’s Planning Practice Guidance (the Guidance).

The Framework confirms that *“the purpose of the planning system is to contribute to the achievement of sustainable development.”*<sup>12</sup> Also that *“there are three dimensions to sustainable development: economic, social and environmental.”*<sup>13</sup> *“These roles should not be undertaken in isolation, because they are mutually dependent...therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously...”*<sup>14</sup>

These references underline the wisdom of producing a Sustainability Grid for the Neighbourhood Plan as the process encapsulates the consideration of the three dimensions of sustainable development. The Sustainability Grid appropriately considers the potential for each policy in the Plan to have a sustainability impact taking account of environmental, social, economic and, for completeness, other factors. This work clearly demonstrates that the policies have a series of positive effects and very few negative and unavoidable impacts.

I am satisfied the Neighbourhood Plan contributes to the achievement of sustainable development.

National policies and advice have specific content referring to the preparation of neighbourhood plans. Given the absence of an up to date Local Plan in Amber Valley it is important to recognise the Guidance where it states neighbourhood plans *“can be developed before or at the same time as the local planning authority is producing its Local Plan”* but the same paragraph goes on to explain that any conflict between policies in different plans *“must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan”*.<sup>15</sup>

The Government’s intention is that plan making bodies should avoid duplicating planning processes. Neighbourhoods should *“plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”*<sup>16</sup> Furthermore *“once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains can take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict”*.<sup>17</sup>

I will come to consideration of the Neighbourhood Plan in respect of its general conformity with the development plan later in this Section. However it is clear from national policies and advice that neighbourhood plan policies can take precedence over non-strategic Local Plan policies.

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<sup>12</sup> National Planning Policy Framework – Paragraph 6

<sup>13</sup> National Planning Policy Framework – Paragraph 7

<sup>14</sup> National Planning Policy Framework – Paragraph 8

<sup>15</sup> Planning Practice Guidance – Reference ID: 41-009-20140306

<sup>16</sup> National Planning Policy Framework – Paragraph 16

<sup>17</sup> National Planning Policy Framework – Paragraph 185

The Framework refers to core planning principles, these include that planning should:

- *“be genuinely plan-led, empowering local people to shape their surroundings, with succinct ... neighbourhood plans setting out a positive vision for the future of the area”;*<sup>18</sup>
- *“always seek to secure high quality design and a good standard of amenity...”;*<sup>19</sup>
- *“take account of the different roles and character of different areas ...recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”;*<sup>20</sup>
- *support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources...”*<sup>21</sup>
- *“conserve heritage assets in a manner appropriate to their significance...”;*<sup>22</sup>
- *“...deliver sufficient community and cultural facilities and services to meet local needs”.*<sup>23</sup>

The submitted Neighbourhood Plan aims to achieve all these relevant principles through its Vision and its Policies. There is a clear commitment to achieving high standards of design and amenity in new development, and a recognition of the particular character of the local area with its built and natural heritage assets. There is also acknowledgement of a need to improve the very limited range of local existing community facilities.

The Guidance makes clear that underpinning neighbourhood plans should be *“proportionate, robust evidence... [to] ... support the choices made and the approach taken”.*<sup>24</sup> The submitted Plan draws together the relevant evidence and demonstrates how applicable this is to the local context rather than just applying the broader findings of wider studies. This particularly applies to the landscape evidence.

In terms of housing evidence it is clear from the 20 year record of planning applications that the demand for housing locally is very low. It follows from this that it would be impractical to try to calculate a numerical housing requirement for the Neighbourhood Area for the plan period. Furthermore none of the Regulation 16 respondents have suggested that the strategic housing market area work being re-addressed for the emerging Local Plan is in any way relevant to the very small part to be played by these two parishes in terms of housing provision.

The Plan does not propose housing allocations but neither does it seek to stop residential development. Rather the Plan recognises that small scale housing, as is appropriate to the locality, can occur in a number of ways.

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<sup>18</sup> National Planning Policy Framework – Paragraph 17 – First Principle

<sup>19</sup> National Planning Policy Framework – Paragraph 17 – Fourth Principle

<sup>20</sup> National Planning Policy Framework – Paragraph 17 – Fifth Principle

<sup>21</sup> National Planning Policy Framework – Paragraph 17 – Sixth Principle

<sup>22</sup> National Planning Policy Framework – Paragraph 17 – Tenth Principle

<sup>23</sup> National Planning Policy Framework – Paragraph 17 – Twelfth Principle

<sup>24</sup> Planning Practice Guidance – Reference ID: 41-040-20140306

Similarly the Parish Council has not sought to assemble housing affordability evidence but the Plan does recognise that some households experience difficulties in this regard. The Plan points to the fact that saved Policy H11 of the adopted Local Plan allows rural exceptions site proposals to come forward locally to provide affordable housing for local people.

The Framework states that neighbourhoods should include “*policies for housing and economic development*”.<sup>25</sup> Commendably the Plan is positive about allowing appropriate business development and has rightly sought out the views of the local business community, as well as residents, on catering for economic development.

The submitted Basic Conditions Statement appropriately sets out the relationship of each policy in the Plan to supporting references in the Framework.

Subject to my recommended modifications to the specific Policies, as set out later in this Report, I find that the Neighbourhood Plan, taken as a whole, has regard to national policies and advice contained in guidance issued by the Secretary of State and contributes to the achievement of sustainable development.

### ***General Conformity with the Strategic Policies Contained in the Development Plan***

The Framework states that “*Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan*”.<sup>26</sup>

The part of the development plan that is relevant to the Neighbourhood Plan and is currently in force are the saved policies of the Amber Valley Borough Local Plan. This Local Plan was adopted in 2006 and had a plan period that ran to 2011. It is therefore ‘time-expired’ however its saved policies are used in the determination of planning applications.

The Neighbourhood Plan refers to key saved policies from the 2006 Local Plan that have general application in that they do not refer to specific sites. The Basic Conditions Statement refers to a fuller list of adopted Local Plan policies, some of those that have been saved for use after 2011 are intended to be considered for replacement in a future (non-strategic) part of the Local Plan.

The Borough Council has not identified a definitive list of saved Local Plan policies that are considered to be strategic in the context of neighbourhood plan preparation. I have therefore considered all the currently saved non site specific Local Plan policies in terms of their relevance to the Neighbourhood Area and I am satisfied that the Neighbourhood Plan is in general conformity with strategic policies contained in the development plan.

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<sup>25</sup> National Planning Policy Framework – Paragraph 16

<sup>26</sup> National Planning Policy Framework – Paragraph 184

## 10.The Plan - Policies

In this part of my Report I consider Section 3 of the Neighbourhood Plan in detail. My particular focus is on the policies as they are the key operative elements of the Plan.

National Guidance states a policy in a neighbourhood plan should be

*“clear and unambiguous.”*<sup>27</sup>

*“drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.”*<sup>28</sup>

*“concise, precise and supported by appropriate evidence”.*<sup>29</sup>

*“distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared”*<sup>30</sup>

These guidelines provide a very useful set of parameters for the detailed consideration of policy wording.

Section 3 of the Plan is a complete self contained and justified body of text that could, as I indicated earlier, stand alone from the remainder of the submitted document. It neatly sets out the key issues arising, presents a concise plausible vision together with a spatially distinctive commentary that logically leads to a set of objectives. This appropriately establishes the basis for the policies that follow. The justification for each policy helpfully summarises the relevant evidence, the views of the community and refers to higher level policies. I assume the references to the emerging Local Plan are included partly in anticipation that that document would have passed examination by this time (of writing my Report). As it has not I can take little regard of the emerging Plan.

I now turn my attention to each Neighbourhood Plan Policy in turn.

### *Landscape Policy L1*

In respect of criterion a) I consider that there are likely to be instances where farmsteads or house sites are not enclosed or it might be otherwise impractical to locate development *“within or adjacent to the enclosed areas...”*. Nevertheless it is a justifiable aim to seek to minimise the visual impact of new development.

Turning to criterion f) the term *“sit well in the landscape”* is somewhat ambiguous, a more precise term is required to refer to the prominence of new development in the landscape.

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<sup>27</sup> Planning Practice Guidance – Reference ID: 41-041-20140306

<sup>28</sup> Planning Practice Guidance – Reference ID: 41-041-20140306

<sup>29</sup> Planning Practice Guidance – Reference ID: 41-041-20140306

<sup>30</sup> Planning Practice Guidance – Reference ID: 41-041-20140306



I therefore recommend the following modifications to meet the Basic Conditions:

**Policy L1**

**Criterion a) – add at the end “, if at all possible”**

**Criterion f) – replace “*sit well in the landscape*” with “*be not unduly prominent in the landscape*”**

*Housing Policy H1*

This policy appropriately aims to preserve and enhance the Idridgehay Conservation Area. A representation requests that the Neighbourhood Plan should have a similar policy for listed buildings. However the need to have special regard to listed buildings is enshrined in specific legislation and universally applicable. I see no need for there to be specific policy on listed buildings for this Plan to meet the Basic Conditions.

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.

I therefore recommend the following modification to meet the Basic Conditions:

**Policy H1**

**Criterion d) – add at the end “, if it is reasonably practical”**

*Housing Policy H2*

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 cartilages.

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 that respect the established style should also be permitted as being ‘reflective’ of the vernacular.

I therefore recommend the following modifications to meet the Basic Conditions:

## **Policy H2**

**Criterion c) – delete “to retain the open nature of the farmyard” and replace with “so as not to be unduly prominent”**

**Criterion d) – replace “rural style gateways” with “gateways reflective of the local vernacular”**

## *Housing Policy H3*

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.

I therefore recommend the following modifications to meet the Basic Conditions:

## **Policy H3**

**Criterion d) – add “significant” before “adverse” and delete “context or”**

## *Business Policy B1*

There are a number of minor but in my view necessary text changes that would make this policy properly fit for use by decision makers. This can be achieved through the use of unambiguous language but without the wording being unreasonably categorical. 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. In criterion c) the use of the word “sustainable” is superfluous as all development needs to be assessed against a range of sustainability factors. It is not appropriate to define “sustainable” in the limited terms set out in the last two lines of the policy. However the term “appropriate in scale” has its own provenance that requires no modification. In criterion g) “adversely” needs qualifying similarly so does the use of “minimal” in criterion h) as it is too strict.

I therefore recommend the following modifications to meet the Basic Conditions:

**Policy B1**

**In line 1 replace “*looked at*” with “*considered*”**

**Criterion b) – add at the end “, if at all possible”**

**Criterion c) – delete “*sustainable and*”**

**Criterion g) – add “*significantly*” before “*adversely*”**

**Criterion h) – replace “*have minimal*” with “*not have unacceptable*”**

**Delete final two lines of policy.**

*Environmental Policy E1*

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.

I therefore recommend the following modification to meet the Basic Conditions:

**Policy E1**

**In line 1 replace “*must*” with “*shall*”**

*Environmental Policy E2*

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. Also to completely avoid light pollution may be impossible to achieve so the aim should be to minimise it.

I therefore recommend the following modifications to meet the Basic Conditions:

**Policy E2**

**In line 1 replace “*must*” with “*shall*”**

**In line 2 replace “*avoid*” with “*minimise*”**

### *Renewable Energy Policy RE1*

The use of “*minimal*” in this policy is too strict.

I therefore recommend the following modification to meet the Basic Conditions:

#### **Policy RE1**

**replace “*minimal*” with “*no unacceptable*”**

### *Renewable Energy Policy RE2*

This policy is considered to meet the Basic Conditions so necessitates no modification.

### *Community Policy C1*

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.

I therefore recommend the following modifications to meet the Basic Conditions:

#### **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*”**

## 11. Conclusion

In completing this examination, I have recommended a number of modifications to the Neighbourhood Plan. Subject to these, I am satisfied the Idridgehay & Alton and Ashleyhay Neighbourhood Plan meets the Basic Conditions.

Subject to the modifications proposed I recommend that the **Idridgehay & Alton and Ashleyhay Neighbourhood Plan should proceed to a Referendum.**

I am also required to consider whether the Referendum Area should extend beyond the Designated Area for the Neighbourhood Plan – the Idridgehay & Alton and Ashleyhay Parishes. I consider the Designated Area to be appropriate and no evidence or representations have been submitted that justify to me that this is not the case.

I therefore recommend that the **Idridgehay & Alton and Ashleyhay Neighbourhood Plan should proceed to a Referendum based on the Area as designated by Amber Valley Borough Council on 23 May 2013.**