

AMBER VALLEY BOROUGH COUNCIL

CRICH PARISH NEIGHBOURHOOD PLAN DECISION STATEMENT

1. Summary

- 1.1 Following an independent examination undertaken by written representations, Amber Valley Borough Council now confirms that the Crich Parish Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum.

2. Background

- 2.1 On the 12 February 2015, Amber Valley Borough Council designated Crich Parish as a Neighbourhood Area, for the purpose of preparing a Neighbourhood Plan in accordance with The Neighbourhood Planning (General) Regulations 2012.
- 2.2 Following the submission of the Crich Parish Neighbourhood Plan to the Borough Council by Crich Parish Council on 14 September 2017, the Plan was publicised, and representations were invited. The 6-week publicity period ended on 3 November 2016.
- 2.3 Following consultation with the Parish Council, the Borough Council appointed an independent Examiner, Mr Richard High, 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 Having considered each of the recommendations made by the Examiner and the reasons for them, the Borough Council decided to accept the suggested 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.
- 2.6 The Leader of the Cabinet agreed on 27 July 2018 that the modified Crich Parish Neighbourhood Plan should proceed to referendum.

3. Decision and Reasons

- 3.1 Under paragraph 12 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) the Council has agreed to accept the suggested modifications to the Crich Parish Neighbourhood Plan as recommended by the Examiner.
- 3.2 A referendum posing the question 'Do you want Amber Valley Borough Council to use the Crich Parish Neighbourhood Plan to help it decide planning applications in the neighbourhood area?' shall take place on 6 September 2018.

4 Availability of the Decision Statement

4.1 A copy of this decision statement is available on the Amber Valley Borough Council's website www.ambervalley.gov.uk and at the Amber Valley Borough Council's Offices, Town Hall, Market Place, Ripley, Derbyshire. DE5 5BT during normal opening hours.

TABLE 1
Crich Parish Neighbourhood Plan

Part of the Plan	Examiner's Recommendation	Reason for Recommendation	Agreed Action
Paragraph 90 Table 7	In Table 7 amend the column headed "Approved Planning Applications May 2016" to include the permissions off Coast Hill and at Fritchley and include any other outstanding planning permissions.	To provide a complete and less confusing picture to meet the basic conditions.	Update table 7 to include all outstanding planning permissions
Policy NP1: Spatial Strategy			
Part 1 (b)	After "...environment" insert "having regard to Policies NP2 and NP4"	To ensure clarity and include cross referencing to assist in the application of the policy to meet the basic conditions.	Modify policy as suggested
Part 1 c)	After "settlement" insert "having regard to Policy NP3"	To ensure clarity and include cross referencing to assist in the application of the policy to meet the basic conditions.	Modify policy as suggested
Part 1 d)	After "conservation" insert "having regard to Policy NP9"	To ensure clarity and include cross referencing to assist in the application of the policy to meet the basic conditions	Modify policy as suggested
Part 1 e)	Delete "and not putting an unreasonable burden on existing infrastructure and services"	To ensure clarity and definition to meet the basic conditions.	Modify policy as suggested
Part 2	Modify part 2 to read "Development proposals within the settlement boundaries defined in Policy NP2 that can demonstrate that they satisfy the principles of sustainable development set out in this policy and the more detailed criteria in Policy NP2. will be supported. Development will normally be in	There is no justification for 5 dwellings and the scale of development should be determined by specific considerations of the site having regard to the criteria in policy NP2 rather than a reference to a specific number of dwellings. The policy should not preclude the possibility of developments reaching a scale where	Modify policy as suggested

	the form of individual dwellings or small groups of dwellings on small infill sites, or the redevelopment of brownfield sites, where larger proposals may be justified.”	affordable housing could be required, and modification is required to meet the basic conditions.	
Policy NP2 Developments within Settlement Development Boundaries			
Part 1	in the first two lines of part 1. Delete “in the region of 5 dwellings” and insert “infill development” and replace “provided that all the following criteria are met” with “where”	There is no justification for 5 dwellings and the scale of development should be determined by specific considerations of the site having regard to the criteria in policy NP2 rather than a reference to a specific number of dwellings and modification is required to meet the basic conditions.	Modify policy as suggested
Part 1 f)	After part 1. f) add “Where one or more of these criteria are not met proposals will only be permitted where the public benefit of the proposals clearly outweighs the harm”	To ensure the policy is consistent with the presumption in favour of sustainable development and allow for the planning balance required by the National Planning Policy Framework (NPPF) to meet the basic conditions.	Modify policy as suggested
Part 2 b)	In Part 2. b) delete “occupy only local plateaux and” and insert “it does” before “not extend...”	To provide clarity to meet the basic conditions.	Modify policy as suggested
In Part 2. d)	In Part 2. d) delete the existing wording and insert “rooflines are not prominent on the skyline when viewed from a distance.”	To provide clarity to meet the basic conditions.	Modify policy as suggested
Part 3	In Part 3 after “Whatstandwell, development” insert “of more than individual dwellings or very small groups of dwellings	To provide clarity to meet the basic conditions.	Modify policy as suggested

	is unlikely to be compatible with the character of the village and”		
Part 4 c)	Modify Part 2. c) to read “sits well below the skyline so that buildings are not prominent when viewed from a distance.”	To provide clarity to meet the basic conditions.	Modify policy as suggested
Part 5	In Part 5 insert a full stop after “beauty” and modify the last part of the policy to read “Development proposals will be determined in accordance with national policy. Proposals for the provision of affordable housing on rural exception sites adjacent to Settlement Development Boundaries will be supported where they meet an identified local need, relate well to the built form of the existing settlement and are not intrusive in the countryside”.	To ensure the policy makes reference to rural exception sites in the provision of affordable housing in line with the NPPF to meet the basic conditions	Modify policy as suggested
Policy NP 3: Protecting the Landscape Character of Crich Parish			
part 3	In Policy NP 3 part 3 replace “Bullbridge” with “Crich”.	To correct an error.	Modify policy as suggested
Map 10	In Map 10 reduce the area coloured dark green by deleting the arrowhead at the northern end and the section that lies to the south of the northern edge of the green space between Crich and Fritchley at the southern end.	To provide clarity to meet the basic conditions.	Modify map as suggested
Map 11	In Map 11 reduce the area coloured dark green by deleting the sections that lie to the east of Dimple Lane and to the west of	To provide clarity to meet the basic conditions.	Modify map as suggested

	Chadwick Nick Lane.		
Map 12	In Map 12 reduce the area coloured dark green by deleting the sections of it that lie outside the Parish of Crich and the remaining section of the arrowhead at the western end.	To provide clarity to meet the basic conditions	Modify map as suggested
Map 13	In Map 13 delete views 9, 15,18 and 19.	There is no clear justification in terms of sustainable development for the use of this extra layer of protection in these sensitive locations and modification is required to meet the basic conditions.	Modify map as suggested
Policy NP 4: Design Principles for Residential Development			
Crich Part b)	In part b) of the section relating to Crich delete “should not be higher than the ridgeline on the east of the settlement” and insert “should not be prominent in the skyline from distant views.”	To provide clarity to meet the basic conditions	Modify policy as suggested
Whatstandwell Part b)	In part b) of the section relating to Whatstandwell delete “run along the ridgelines” and insert “where possible, follow the contours”	To provide clarity to meet the basic conditions	Modify policy as suggested
Fritchley part b)	In part b) of the section relating to Fritchley delete “sit below the ridgelines” and insert “not be prominent in the skyline from distant views.”	To provide clarity to meet the basic conditions	Modify policy as suggested
Section 2	Modify section 2 to read “Applicants will be required to demonstrate how their	To allow the policy more flexibility to meet the basic conditions	Modify policy as suggested

	<p>proposals accord with Building for Life 12 standards where they are applicable to the scheme.</p> <p>Proposals for major development will be required to score 9 greens out of 12 unless it can be demonstrated that there are constraints which make this not possible or viable.”</p>		
Policy NP 5: A Mix of Dwelling Types			
Part 1	In Part 1 after “...reflects” in the first line delete “local need” and insert “the most up to date published evidence of housing need at a local or district level.”	To ensure that the policy is based on the most up to date evidence at the time to meet the basic conditions.	Modify policy as suggested
Policy NP 6: The conversion of redundant farm buildings			
Part 1 criterion b)	In Policy NP6 delete criterion b).	To have regard to the NPPF to meet the basic conditions.	Modify policy as suggested
Policy NP 7: Affordable Housing			
Part 2	Modify Part 2 to read “On developments of more than 10 dwellings 20-30% of new dwellings will be required to be affordable unless this can be demonstrated to be unviable”	To be consistent with sustainable development to meet the basic conditions	Modify policy as suggested
Part 3	Delete Part 3.	To avoid duplication as policies NP3 and NP4 would be applied to all development proposals to meet the basic conditions.	Modify policy as suggested

Policy NP 8: Local Green Spaces			
First sentence	In Policy NP8 insert after “The following areas” “described and defined on maps in Appendix 3.”	Include cross referencing to assist in the application of the policy to meet the basic conditions.	Modify policy as suggested
Section 19 Protecting and Enhancing Heritage Assets Paragraph 203	In the last line of paragraph 203 delete the reference to “Policy NP 7” and insert “The Neighbourhood Plan”.	To ensure the Neighbourhood Plan is not misleading to meet the basic conditions.	Modify paragraph as suggested
Policy NP 11: Protecting and Enhancing Heritage Assets			
Part 3	In Policy NP11 delete part 3 and modify part 4 to read “The effect of a proposal on the buildings and structures of local importance identified in paragraph 203 will be taken into account...of the proposal”.	To provide clarity and remove potential confusion relating to the status of these structures to meet the basic conditions.	Modify policy as suggested
Policy NP 12: Supporting Local Businesses			
Part 1 a)	Delete criterion a) in part 1	To comply with national policy to meet the basic conditions	Modify policy as suggested
Part 2 c)	At the end of criterion c) of part 2 delete the full stop and insert “;and d) the scale design and form is in keeping with the built environment and landscape character”.	To comply with national policy to meet the basic conditions	Modify policy as suggested
Part 3	In part 3 insert “demonstrated” after “..be” at the beginning of the second line.	To ensure clarity to meet the basic conditions	Modify policy as suggested

Policy NP14: Tourism Development and Employment in the Countryside			
Title	Delete “and employment” from the title of Policy NP 14	To provide clarity to meet the basic conditions	Modify title as suggested
Policy NP15: Supporting Crich Village Centre			
Part 2	In Part 2 of Policy NP 15 insert after “... retail (A1)” “, professional and financial services (A2) and restaurants and cafes (A3)”.	In the interests of sustainable development, to align with national policy to meet the basic conditions	Modify policy as suggested
Part 3	In part 3 insert after “...any other use” “other than those within the definition of permitted development”.	To provide clarity to meet the basic conditions.	Modify policy as suggested
Policy NP 17: Car Parking			
Part 1	At the beginning of Policy NP17 part 1 insert “Residential”	To provide clarity to meet the basic conditions.	Modify policy as suggested
Appendix 3			
All Maps	In Appendix 3 replace the maps with maps which more clearly define the Local Green Spaces and include street names to assist location.	To provide clarity to meet the basic conditions	Modify maps as suggested
Map of Fritchley Green	On the map of Fritchley Green exclude the road area from the Local Green Space.	To provide clarity to meet the basic conditions	Modify map as suggested