

Chris Collison
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By email

Our Ref : DS
Your Ref :
Date : 4 May 2020
Ask For : Derek Stafford
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Dear Chris

**INDEPENDENT EXAMINATION OF THE KIRK LANGLEY NEIGHBOURHOOD
DEVELOPMENT PLAN**

I refer to your letter of 29 April 2020, in which you seek clarification in respect of various matters relating to the above Plan.

I can now provide you with agreed joint responses on behalf of the Borough Council and the Parish Council, as set out below.

1. Could you please confirm the Parish Council do not wish to comment on the Regulation 16 representations of other parties?

Response

In relation to the Regulation 16 representations from other parties, there is nothing the Parish Council would wish to comment upon apart from a point raised by Derbyshire County Council (DCC) concerning the fact that a settlement boundary has not been drawn within the Plan. DCC made the same point during the Regulation 14 consultation. During this process, the chair of the Neighbourhood Plan Steering Committee sent this response:

"We also discussed the need for a settlement boundary with Mr Stafford and he proposed the wording we have used in place of a detailed plan. Since we sent you the draft plan, AVBC has given permission for a further 30 dwellings, making 63 in a location to the North of Ashbourne Road at Kirk Langley Village. This means in effect our target has been more than exceeded already. Due to this it is likely we will decide that a settlement boundary is unnecessary".

The comments raised by DCC were fully discussed by the Steering Committee following the Regulation 14 consultation and a decision was then taken by the Parish Council not to amend the plan.

However, the Parish Council would now like to expand on this previous response, as follows:-

The issue of a settlement boundary was discussed at length, with the Steering Committee working through various supporting advice documents in deciding what was the best option for our area. This process is documented in the minutes of the Committee and the decision not to create such a boundary was endorsed by the Parish Council.

Settlement boundaries are not the only way to restrict inappropriate development. Planning policies can be used against each plot of land to assess appropriateness for development. The advantage of this approach is that it would increase flexibility in deciding where development could come forward.

However, the disadvantage would be a lack of clarity about where development may occur. That is the trade-off considered at the development stage of the plan. In addition, because of the building development which has already taken place since the inception of the plan, it was felt there was no pressing need to allocate land for development. This was an important consideration.

This issue was also discussed with Derek Stafford, Assistant Director (Planning) at the Borough Council, who assisted in devising the following definition, which is consistent with that in the adopted Amber Valley Borough Local Plan 2006:

“3.2.3.4 Justification

The “built framework” at a) above is defined as “the limits of continuous or contiguous development forming the existing built up area of a settlement”.

2. The Strategic Environmental Assessment and Habitats Regulations Assessment of the Kirk Langley Neighbourhood Plan Screening Document prepared by Lepus Consulting and dated September 2019 states in Section 4.3 that the report will be subject to consultation with Natural England, the Environment Agency, and Historic England, and that their comments will be presented in Appendix B. Appendix B appears to without content. The Habitats Regulations Assessment and the Environmental Assessment of Plans and Programmes Regulations 2004 Regulation 9 Screening Determination dated 5 November 2019 states on page 2 that the responses of the statutory consultees are appended, although this does not appear to be the case. Could you please confirm the outcome of statutory consultation regarding both Strategic Environmental Assessment and Habitats Regulations Assessment?

Response

I can confirm that all of the relevant statutory consultees responded to the consultation on the draft Screening Opinion in respect of the Strategic Environmental Assessment and Habitats Regulations Assessment of the Kirk Langley Neighbourhood Plan and that none of those consultees raised any concerns in relation to the Screening Opinion on either of the assessments. The responses are now correctly set out under Appendix B: Consultation Responses to the Screening Opinion (October 2019) on the Borough Council's website.

Policy HOUS5

3. In that the term “other buildings” is imprecise is it intended the policy, which is a housing policy, should apply to outbuildings in this respect?

Response

The Parish Council can confirm that the term “other buildings” is intended to apply to other domestic buildings which require planning permission.

Policy HER1

4. Is the term “improves or enhances the approach” intended to refer to visual amenity?

Response

The Parish Council can confirm that the term “improves or enhances the approach” is intended to refer to visual amenity.

5. Is it intended the policy should apply to all forms of development rather than housing and commercial only?

Response

The Parish Council can confirm that it is intended that policy HER1 should apply to all forms of development.

Policy ENV3

6. Paragraph 3.4.3.6 of text supporting Policy ENV3 states Figure 33 (this should be Figure 34) shows six Local Wildlife Sites. Could you please inform me of the names of those six Local Wildlife Sites?

Response

The names of the six Local Wildlife Sites shown on Figure 33 (which should be referred to as Figure 34 in the justification at 3.4.3.6) are as follows:-

AV008 – Meynall Langley Lake
AV149 – Burma Road Lake
AV150 – Pastures Ponds
AV152 – Meynall Gorse Meadow
AV338 – Lodge Farm Woods
AV346 – Flagshaw Brook Swamp.

Policy ENV5

7. Figure 36 has the title of "Extent of Surface Water Flood Risk". The text below Figure 36 identifies areas at Church Lane and at Moor Lane where surface water flooding has been recorded but these areas do not appear to be identified on Figure 36. Is it intended parts, and if so which parts, of the policy should apply in the areas identified on Figure 36 and in the areas identified in the text below Figure 36?

Response

The Parish Council can confirm that the second reference to a map in policy ENV5 is an error and that the photograph at Figure 37 and the narrative immediately above it are intended to expand on the information depicted in Figure 36, to provide a more detailed local reference.

8. Can you please explain the meaning of the part of the policy which states "Developers providing sewers on new developments should safely accommodate floods which exceed the design capacity of the sewers".

Response

The Parish Council has advised that the wording of this part of policy ENV5 has been taken directly from the representations made by Severn Trent Water in response to the Regulation 14 consultation. However, it is acknowledged that the meaning of this wording is unclear and an alternative form of wording is therefore suggested, as follows:-

'Any new development proposals which provide new sewers will need to ensure that they will safely accommodate floods, which would otherwise not be accommodated due to the design capacity of the existing sewerage network being exceeded.'

I hope the above agreed joint responses provide the further clarification that you are seeking.

Yours sincerely



Derek Stafford
Assistant Director (Planning)