

AMBER VALLEY BOROUGH COUNCIL

KIRK LANGLEY NEIGHBOURHOOD DEVELOPMENT PLAN **DECISION STATEMENT**

1. Summary

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

2. Background

- 2.1 On the 7 April 2017, Amber Valley Borough Council designated the parish of Kirk Langley as a Neighbourhood Area, for the purpose of preparing a Neighbourhood Plan in accordance with The Neighbourhood Planning (General) Regulations 2012 (as amended).
- 2.2 Following the submission of the Kirk Langley Neighbourhood Development Plan to the Borough Council by Kirk Langley Parish Council on 4 December 2019, the Plan was publicised, and representations were invited between 13 December 2019 and 7 February 2020 and subsequently from each of the consultation bodies referred to in the consultation statement submitted alongside the Neighbourhood Plan, as required by Regulation 16(b) of the Neighbourhood Planning (General) Regulations 2012 (as amended), between 7 February 2020 and 20 March 2020.
- 2.3 Following consultation with the Parish Council, the Borough Council appointed an independent Examiner, Mr Christopher Collison, 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 12 June 2020 that the modified Kirk Langley 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 Kirk Langley Neighbourhood Development Plan as recommended by the Examiner.

- 3.2 A referendum posing the question 'Do you want Amber Valley Borough Council to use the Kirk Langley Neighbourhood Development Plan to help it decide planning applications in the Neighbourhood Area?' shall take place in due course.

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/kirklangleyneighbourhoodplan

TABLE 1

Part of the Plan	Examiner’s Recommendation	Reason for Recommendation	Recommended Action
<p>Policy HOUS2 Location</p>	<ul style="list-style-type: none"> • replace “permitted” with “supported” in all four instances • delete the sentence commencing “In either” • continue the sentence commencing “Outside of” with “unless one or more of the circumstances set out in paragraph 79 of the Framework apply” 	<p>So that the policy <i>“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”</i> as required by paragraph 16d) of the Framework.</p>	<p>Modify as recommended</p>
<p>Policy HOUS3 Natural and Built Environmental Impact</p>	<p>Delete Policy HOUS3</p>	<p>This policy does not meet the Basic Conditions</p>	<p>Delete as recommended</p>
<p>Policy HOUS4 New Housing Mix</p>	<p>Replace Policy HOUS4 with “To be supported housing development proposals must, unless this can be demonstrated to not be deliverable, reflect the following housing mix: 8% one-bedroom homes; 43% two-bedroom homes; 47% three-bedroom homes; and 2% four-bedroom homes, or reflect the findings of the most recent housing needs assessment.”</p>	<p>So that the policy has sufficient regard for national policy and <i>“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”</i> as required by paragraph 16d) of the Framework.</p>	<p>Modify as recommended</p>
<p>Policy HOUS5 Housing Design</p>	<ul style="list-style-type: none"> • replace the opening statement with “To be supported development proposals must demonstrate how they meet the following criteria:” • replace “other buildings” with “other domestic buildings” • delete “strongly” • replace “Design Principle” with “design principles” • in point 4 replace “styled to complement” with “designed in a way which complements” • in point 5 delete “good quality” 	<p>So that the policy has sufficient regard for national policy and <i>“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”</i> as required by paragraph 16d) of the Framework.</p>	<p>Modify as recommended</p>

	<ul style="list-style-type: none"> • delete point 6 • delete point 12 		
Policy HOUS6 The Conversion of Redundant Farm Buildings & Extensions to Existing Housing	<ul style="list-style-type: none"> • in criterion 1 delete part a), and in part b) replace “undue impact on the road network” with “unacceptable impact on highway safety” • replace criterion 2 with “To be supported extensions to dwellings must be subservient to the existing building in scale and proportion, and must complement its design.” <p>In justification paragraph 3.2.3.12 delete “where it can be shown that the building is no longer needed for agricultural purposes,”</p>	So that the Neighbourhood Plan has sufficient regard for national policy and <i>“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”</i> as required by paragraph 16d) of the Framework.	Modify as recommended
Policy HER1 Maintaining identity as a separate and distinct community	<ul style="list-style-type: none"> • replace the first sentence with “To be supported proposals for new development must demonstrate the distinctive and separate identities of Kirk Langley village, Langley Common, and surrounding hamlets and farmhouses will not be adversely affected by the development.” • replace “the village towards” with “Kirk Langley village towards” • replace “permitted” with “supported”; • insert “visual amenity of the” before “approach” 	So that the policy <i>“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”</i> as required by paragraph 16d) of the Framework.	Modify as recommended
Policy HER2 Protecting the Conservation Area, listed buildings and other heritage assets	<ul style="list-style-type: none"> • delete part a) and replace the first sentence of part b) with “To be supported development proposals must demonstrate regard for the significance of the Conservation Area, and any heritage asset identified in Appendix 4 and Appendix 6 (as updated throughout the plan period) where they, or their setting may be affected by the proposal.” • delete the final sentence of part b) • replace part c with “Where a site on which 	So that the policy <i>“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”</i> as required by paragraph 16d) of the Framework.	Modify as recommended

	<p>development is proposed includes, or has potential to include heritage assets with archaeological interest, an appropriate desk- based assessment, and where necessary a field evaluation, must be submitted. Where assets with archaeological interest are to be lost it must be demonstrated why that loss is necessary, and how an appropriate record will be publicly accessible.”</p>		
<p>Policy ENV1 To protect and enhance the Parish’s open spaces and recreation facilities</p>	<p>Replace Policy ENV1 with “Development proposals that detract from the quality or quantity of the current use of the open spaces and recreation facilities, listed below and identified on Figure 31, will not be supported unless:</p> <ul style="list-style-type: none"> • the open space, building or land is surplus to requirements; or • replacement facilities of an equivalent or better standard are provided in a location no less convenient for users; or • the proposed development is for alternative sports and recreation provision, the need for which clearly outweighs the loss. <p>a) the GB Barrington Playing Field and pavilion, including children’s playground area; b) the allotments at Poles Road; c) the village hall and church; d) the village green; and e) the public house on Moor Lane.”</p> <p>Adjust the title of Figure 31 to “Map showing open spaces and recreation facilities listed in Policy ENV1”</p>	<p>So that the Neighbourhood Plan “<i>is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals</i>” as required by paragraph 16d) of the Framework.</p>	<p>Modify as recommended.</p>

<p>Policy ENV2 To protect, enhance and conserve the landscape and views</p>	<p>Replace the first paragraph with “To be supported development proposals must demonstrate how they recognise, protect and enhance the historic landscape and local character. The open rural “feel” and those vistas identified on Figure 33, and described in Appendix 8, must be protected. These include the views from footpaths and roads, and from the designated open spaces and recreation facilities identified in Policy ENV1.”</p> <p>Insert a Key to Figure 33 naming the significant views Delete “and ridgelines” from the title of Figure 33</p>	<p>So that the Neighbourhood Plan “<i>is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals</i>” as required by paragraph 16d) of the Framework.</p>	<p>Modify as recommended</p>
<p>Policy ENV3 To protect and enhance biodiversity</p>	<ul style="list-style-type: none"> • replace the text before the first colon with “To be supported development proposals affecting the local wildlife sites identified on Figure 34 must demonstrate” • delete “in Kirk Langley Parish” • in the first two bullet point lists, replace full stops with semicolons, and conclude the penultimate point in both lists by inserting “and” • in the ninth bullet point replace “Including” with “including” <p>In paragraph 3.4.3.6 delete “Figure 33” and insert “Figure 34”</p> <p>In Figure 35 (the key to Figure 34) add a list of the names of the six local wildlife sites identified as follows: AV008 – Meynell Langley Lake AV149 – Burma Road Lake AV150 – Pastures Ponds AV152 – Meynell Gorse Meadow AV338 – Lodge Farm Woods AV346 – Flagshaw Brook Swamp</p>	<p>So that the policy “<i>is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals</i>” as required by paragraph 16d) of the Framework.</p>	<p>Modify as recommended</p>

Policy ENV4 To use land efficiently and to preserve high quality agricultural land	Replace Policy ENV4 with “To be supported proposals for the development of best and most versatile agricultural land must demonstrate the public benefit outweighs the economic and other benefits of the existing use”	So that the policy <i>“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”</i> as required by paragraph 16d) of the Framework.	Modify as recommended
Policy ENV5 Flooding and drainage	<ul style="list-style-type: none"> • replace “and referenced on the map below” with “identified on Figure 36” • replace “noted on the map below” with “referred to below and illustrated on Figure 37” • in the second paragraph replace “where space permits” with “unless there is clear evidence that this would be inappropriate” • replace the third paragraph with “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.” • delete the fourth paragraph 	So that the policy <i>“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”</i> as required by paragraph 16d) of the Framework.	Modify as recommended
Policy BUS1 Fostering sustainable growth	<p>Replace Policy BUS1 with “Development proposals which foster economic development consistent with the scale of existing businesses will be supported. All proposed employment buildings must provide for broadband connectivity.”</p> <p>In the Policy title after “sustainable” insert “economic”</p>	So that the policy has sufficient regard for national policy and <i>“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”</i> as required by paragraph 16d) of the Framework.	Modify as recommended

Policy BUS2 Managing the environment impact of business development	<ul style="list-style-type: none"> • delete “where the use is in accordance with what the community consider acceptable” • delete paragraphs 2 and 3 • replace the fifth paragraph with “To be supported new business developments, and significant extensions to business premises, must provide infrastructure for electric vehicle charging unless it is demonstrated that it is not practicable.” • replace the sixth paragraph with “Development proposals that include small decentralised renewable energy systems, including building mounted solar energy, biomass, and ground and air source heating systems will be supported. 	<p>So that the policy has sufficient regard for national policy as “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.</p>	<p>Modify as recommended</p>
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Minor Corrections to the Neighbourhood Plan			
Part of Plan	Examiner’s/Borough Council Recommendation	Reason for Recommendation	Recommended Action
General Text	<p>Modify general text to achieve consistency with the modified policies, and to correct identified errors including those arising from updates. Renumber parts of policies arising from modifications.</p>	<p>Recommend minor change in these and any other respects only in so far as it is necessary to correct an error or where it is necessary so that the Neighbourhood Plan “<i>is clearly written and unambiguous so it is evident how a decision maker should react to development proposals</i>” as required by paragraph 16d) of the Framework</p>	<p>Modify as recommended</p>
Page 3, Foreword – Paragraph 3	<p>Line 3 -Borough not District</p>	<p>As above</p>	<p>Modify as recommended</p>

<p>Page 7, List of Appendix in Table of Contents</p>	<ul style="list-style-type: none"> • Appendix 1 – amend to “AECOM Kirk Langley Housing Needs Assessment (HNA)” • Appendix 2 – amend to “History of St Michaels Church. Kirk Langley” • Appendix 3 – amend to “Kirk Langley Conservation Area Description” • Appendix 5 – amend to “Character Assessment – Langley Common” • Appendix 6 – amend to “Other Historical Assets” • Appendix 7 – amend to “The Five Character Areas” • Appendix 8 – amend to “Significant Views” • Appendix 9 – amend to “Table of Dwellings Under Construction and Dwellings with Planning Permission as at 1 April 2019” • Appendix 10 – amend to “Kirk Langley Environment” • Appendix 11 – amend to “Kirk Langley Village & Surrounding Areas”. 	<p>As above</p>	<p>Modify as recommended</p>
<p>Page 8, Section 1.2 Submitting body</p>	<p>Amend “This Plan will be submitted for examination....” with “This Plan was submitted for examination...”</p>	<p>As above</p>	<p>Modify as recommended</p>
<p>Page 8, Section 1.4 Strategy behind the Plan – Paragraph 1</p>	<ul style="list-style-type: none"> • Replace the second to last sentence with “The Borough Council has commenced the preparation of a new Local Plan and is working to an agreed timetable for its preparation”. • Amend the last sentence to read “Pending the adoption of the new Local Plan...” 	<p>As above</p>	<p>Modify as recommended</p>
<p>Page 9, Section 1.5 The Strategy for development in the Parish - Paragraph 3</p>	<p>Assessment not Analysis</p>	<p>As above</p>	<p>Modify as recommended</p>

Page 16, Paragraph under Figure 11	Adjust to read “The present school has recently undergone development which will provide an additional 29 places from September 2020”.	As above	Modify as recommended
Page 25, Section 2.6 Drafting the detailed objectives	Assessment not Analysis	As above	Modify as recommended
Page 26, Section 3 The Neighbourhood Development Policies	Add “Plan” to the title	As above	Modify as recommended
Page 27, 3.2.3.2	<ul style="list-style-type: none"> • Paragraph 3 - Assessment not Analysis • Paragraph 4 – delete “a resolution to grant planning permission for 33 dwellings (planning application no.” 	As above	Modify as recommended
Page 30, 3.2.3.6 – Last Paragraph	<ul style="list-style-type: none"> • Delete “A resolution to grant” and replace “made” with “granted” 	As above	Modify as recommended
Policy HOUS 5 Housing Design – 1st Bullet Point	<ul style="list-style-type: none"> • Replace “Character Statement Conservation Area” with “ Kirk Langley Conservation Area Description”. • Add “Character Assessment –“ before “Langley Common”. • Add “Village &” before “Surrounding Areas”. 	As above	Modify as recommended
Page 34, 3.3.3.2 – Last Paragraph	Amend “Annex 3” to “Appendix 5”	As above	Modify as recommended

Page 36, 3.3.3.4 – Last Paragraph	<ul style="list-style-type: none"> Amend “CA report” to “Conservation Area Description (Appendix 3)” 	As above	Modify as recommended
Page 39, 3.4.2 Key Objectives	Insert “Lowland Derbyshire” before “Biodiversity”	As above	Modify as recommended
Page 46 – Figure 34	Amend “langley” to “Langley” in the title	As above	Modify as recommended
Page 55 – Last paragraph	Adjust to read “reflected in the encouragement”	As above	Modify as recommended
Page 57, Section 4 Monitoring and Review – fourth paragraph	Amend to “The Borough Council has agreed a timetable which envisages adoption in March 2023”.	As above	Modify as recommended