

## Amber Valley Borough Council

### The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

#### Notice Issued under Regulation 11 (Special urgency), regarding the intention to take a Key Decision without 28 clear-days' notice

Regulation 9 of the above Regulations requires 28 clear days' notice to be given of all Key Decisions taken on behalf of the Council.

Where such notice is impracticable, Regulation 10 requires two notices and states the decision can only be made where:

- the proper officer has given written notice to the Chairman of the relevant overview and scrutiny committee– or, if there is no such person, each member of the relevant overview and scrutiny committee of the matter about which the decision is to be made;
- a copy of that notice has been made available for public inspection and published on the Council's website and five clear days have elapsed; and
- the Council has issued a Public Notice (i.e. this Notice), setting out the reasons why compliance with Regulation 9 is impracticable

Where the date by which a key decision must be made, makes compliance with regulation 10 impracticable, Regulation 11 states the decision may only be made where the decision maker has obtained agreement from:

- (a) the chairman of the relevant overview and scrutiny committee; or
  - (b) if there is no such person, or if the chairman of the relevant overview and scrutiny committee is unable to act, the chairman of the relevant local authority; or
  - (c) where there is no chairman of either the relevant overview and scrutiny committee or of the relevant local authority, the vice-chairman of the relevant local authority,
- that the making of the decision is urgent and cannot reasonably be deferred.

The Chairman of the Improvement & Scrutiny Committee agreed by email on 14 May 2020 that the making of the decision is urgent and cannot reasonably be deferred for the reasons set out below in this Notice.

Notice is hereby given in accordance with Regulation 11 that the Leader of the Cabinet intends to make the following key decisions without the 28 clear days' notice:

#### **Decisions:**

That the following representations be made in response to publication of the Neighbourhood Plan For Belper Civil Parish 2019-2035, in accordance with Regulation 16 of The Neighbourhood Planning (General) Regulations 2012: -

The Borough Council welcomes the amendments that have been made to the Neighbourhood Plan in response to the concerns it raised at the pre-submission stage (Regulation 14).

Some of the policies do however still repeat national policy and/or other policies in the Plan and request information such as transport assessments that are part of the national validation requirements. Statements also remain in some policies and in those cases it is not sufficiently clear how a decision maker should use the policies to respond to development proposals.

### **Minor Errors**

Some minor errors have been identified which should be corrected, namely: -

- Page 9 – delete ‘Borough Council’ in second line of paragraph 11
- Page 22 – amend ‘ERiC’ to ‘ER1C’ in fourth line of paragraph
- Page 26 – amend criterion 1 d) in policy NPP1 to read: - ‘it would not result in the loss of a Local Green Space (identified on Map 9), Local Nature Reserve or any other area designated for its nature conservation interest (identified on Map 3) without compensatory provision being made elsewhere; and’
- Page 62 – amend first sentence of paragraph 186 to read: - ‘The 2013 Strategic Housing Market Area Assessment for Amber Valley calculated the expected population change by 15-year age bands for the Borough from 2011 to 2028.’
- Page 110 - amend ‘NP1’ to ‘NPP1’ in third line of paragraph 358
  
- Page 76 – amend first part of policy NPP16 to read: -
  1. Development should provide links to safe walking and continuous, safe, cycling routes:
    - a) to the Town Centre, facilitating access to schools, the surrounding countryside and public transport hubs - minimising the need for car use: and
    - b) along the Derwent Valley including the west bank of the River on Wyver Lane, as part of a wider tourism initiative to link up the Mills from the Silk Mill to Cromford.

### **Policies**

#### **Page 58 - NPP 11 Protecting Heritage Assets**

Non-designated heritage assets can only be established by the Borough Council, as the Local Planning Authority. Part 2 of the policy should therefore be deleted, and the other parts of the policy renumbered accordingly.

#### **Page 65 - NPP 13 A Mix of Housing Types**

In relation to flats, the policy states, "a lift is expected to be provided unless it can be demonstrated that sufficient accessible accommodation for older people has been provided elsewhere".

Planning Practice Guidance states: *“Based on their housing needs assessment and other available datasets it will be for local planning authorities to set out how they intend to approach demonstrating the need for Requirement M4(2) (accessible and adaptable dwellings), and/or M4(3) (wheelchair user dwellings), of the Building Regulations.”*

It is not therefore considered appropriate to include this requirement in the Neighbourhood Plan.

### **Page 73 - NPP 15 Increasing the Use of Renewable Energy**

The way the policy is written is unclear. Part 2 is a statement followed by a number of points and would therefore benefit from rewording.

### **Page 77 - NPP 17 Increasing the Use of Electrical Vehicles**

This policy includes statements and is ambiguous. It is therefore unclear how a decision maker should use the policy to respond to development proposals.

It will not be appropriate in all cases for developments to provide the infrastructure listed under 3.

### **Page 89 - NPP 21 Redevelopment of North Derwent Street**

Part 11 would benefit from rewording so that it is sufficiently clear how a decision maker should use this part of the policy to respond to development proposals.

### **Page 99 - NPP 24 Redevelopment of West Mill**

Part 6 is a statement and it is therefore ‘not sufficiently clear how a decision maker should use this part of the policy to react respond to development proposals.’

### **Page 108 - NPP 28 Increasing Local Employment**

The wording of part 1 of the policy pre-empts the planning application process and should be amended to read: -

Development proposals for a range of starter and/or mid-size business and/or industrial units (B1 or B2) suitable for starter and growing local businesses

on the following brownfield sites;

- a) Dalton Fuchs,
- b) West Mill,
- c) East Mill and North Mill and Strutt House and
- d) Derwent Street South,

should be supported, as long as the proposal is;

## Other Matters

Page 25 - the built framework is not sufficiently clear on Map 2 for a decision maker to use to respond to development proposals.

Page 48 - paragraph 137: This states that the '*EA were satisfied that sequential test had been applied to sites allocated in the Local Plan. It is worth noting that sequential testing is only required for demolition.*' However, this relates to the previous emerging Local Plan, which was withdrawn in 2019. A sequential test has not been applied to sites allocated in the adopted Local Plan and sequential testing is required for new development.

Page 54 – delete Table 6 from main Plan document and include as additional appendix (to be Appendix K).

Page 54 – amend paragraph 157 to read: -

As part of a public consultation a further 11 buildings/structures have been identified from the Derwentwise study as of local historic and/or architectural value when assessed against agreed criteria. These are set out in Table 6 at Appendix K.

Page 54 - paragraph 158: This states:

*'Within the Town Centre there are 9 buildings that have been identified that erode the historic character of the Town Centre. The NP4B supports the sensitive renovation of these buildings and shop fronts to enhance the historic character of the town'*. However, there is no reference to where these buildings have been identified.

### Reasons for decision:

1. To ensure that the Borough Council meets its requirements as set out in the Town and Country Planning Act 1990 (as amended), the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 (as amended).
2. To ensure that the policies, justification and other supporting text in the Neighbourhood Plan are clear, concise and accurate.
3. To ensure that the policies of the Neighbourhood Plan are consistent with the National Planning Policy Framework (NPPF) and are underpinned by appropriate evidence.

<b>Reasons why the decisions are urgent and cannot reasonably be deferred</b>
The intended decisions, for the reasons set out above, need to be made as a matter of special urgency and such decisions cannot be reasonably deferred as the comments are required by the Examiner without delay.

S DELAHAY

Executive Director (Resources), Amber Valley Borough Council

**Date:** 14 May 2020