

AMBER VALLEY BOROUGH COUNCIL

HAZELWOOD NEIGHBOURHOOD PLAN DECISION STATEMENT

1. Summary

- 1.1 Following an independent examination, Amber Valley Borough Council now confirms that the Hazelwood Neighbourhood Plan will proceed to a Neighbourhood Planning referendum.

2. Background

- 2.1 On 10 February 2014, Amber Valley Borough Council designated Hazelwood Parish as a Neighbourhood Area, for the purpose of preparing a Neighbourhood Plan in accordance with the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.
- 2.2 Following the submission of the Hazelwood Neighbourhood Plan to the Borough Council by Hazelwood Parish Council on 9 May 2016, the Plan was publicised and representations were invited. The 6 week publicity period ended on 20 June 2016.
- 2.3 Following consultation with the Parish Council, the Borough Council appointed an independent Examiner, Mr Chris 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 The Borough Council's Cabinet agreed on 7 September 2016 that the Hazelwood Neighbourhood Plan should proceed through referendum.
- 2.6 Having considered each of the recommendations made by the Examiner and the reasons for them, the Borough Council decided to make the 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.

3. Decision and Reasons

- 3.1 The Borough Council has made the modifications proposed by the Examiner, to ensure that the Plan meets the basic conditions, for the reasons as are set out in Table 1 below.

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Modifications in line with Examiner's Recommendations

Part of the Plan	Examiner's Recommendation	Reason For Recommendation	Action Taken
	Transfer Aspiration Policy 2 'Road safety and transport' to a non-statutory annex to the Neighbourhood Plan	The matters included in Aspiration Policy 2 do not relate to the development and use of land and as such cannot serve a role in the determination of planning applications	Modified as recommended
	The Village Design Statement should be included as an annex to the Neighbourhood Plan and consequential adjustments to text should be made to clarify this	The Village Design Statement is considered to be part of the Neighbourhood Plan and should be included as an annex to it.	Modified as recommended
Policy NP1	<ul style="list-style-type: none"> • add "homes" as a final word to the policy title • in 1. Replace the first paragraph with "Development proposals for single dwellings, that can be demonstrated to satisfy the principles of sustainable development set out in the Framework, will be supported on sites within and well-integrated with the groups of continuous buildings forming settlements at Hazelwood Hill, Firestone, Hob Hill, Nether Lane, Shottlegate, and Over Lane, as existing on the date the Neighbourhood Plan is made, subject to the following criteria:" <ul style="list-style-type: none"> • in b. delete "guidelines" • in d. after "Belt" insert "and World Heritage Site Buffer Zone" • replace 2. with "Development proposals for more than one dwelling will be supported where, in addition to 	To comply with national policy.	Modified as recommended

	the sustainability and locational requirements and criteria stated in part 1 of this policy being met, it can also be demonstrated that it is necessary to meet the exceptional and demonstrable local housing needs of residents within the Parish.”		
Policy NP2	Replace the text with “To be supported development proposals must demonstrate how they reflect, preserve, and enhance the locally distinctive design attributes and characteristics of the Parish detailed in the Village Design Statement, and in respect of new homes or extensions, the Housing Character Survey. In particular, the retention and reinstatement of existing key features such as mellow bricks, stone, slate roofs, and hedgerows will be strongly supported”	To ensure clarity and meet the basic conditions.	Modified as recommended
Policy NP3	Replace the text with “Proposals for new homes will only be supported if they include a maximum of 3 bedrooms, unless the latest assessment of housing need in the Parish demonstrates such homes are no longer required. Otherwise proposals for new homes with more than 3 bedrooms will only exceptionally be supported to meet particular housing needs of local residents for example, to enable their caring for dependent or elderly relatives, or to cater for a large family.”	To ensure clarity and meet the basic conditions.	Modified as recommended
Policy NP4	<ul style="list-style-type: none"> • replace criterion f. with “does not create any dwelling with more than 3 bedrooms.” • in b. delete “have an undue impact on” and insert “adversely affect the tranquillity and rural character of” • delete “, where applicable” 	To ensure clarity and meet the basic conditions.	Modified as recommended
Policy NP5	Replace 2. with “Development proposals must include native hedgerows on site boundaries unless the biodiversity benefits of an alternative boundary treatment can be demonstrated.”	To meet the basic conditions	Modified as recommended

Policy NP6	<ul style="list-style-type: none"> delete the number "1" delete "should" and insert "will" after "corridors" insert "that are visible from locations that are freely accessible to the general public" 	To meet the basic conditions	Modified as recommended
Policy NP7	<ul style="list-style-type: none"> delete "light industry" insert "business" delete "and policies NP2, NP4 NP5" in b. delete "have an undue impact on" and insert "adversely affect the tranquillity and rural character of" in e. replace "or" with "and" 	To meet the basic conditions	Modified as recommended
Policy NP8	<ul style="list-style-type: none"> in b. delete "would not have unacceptable impacts on the local road network." and insert "would not adversely affect the tranquillity and rural character of the local road network and" delete "may" and insert "will" delete "this Neighbourhood Plan and its attendant" and insert "the" 	To meet the basic conditions	Modified as recommended
Policy NP9	delete "and, if possible, contribute to improvements in the service for existing residents and businesses"	To meet the basic conditions	Modified as recommended
Policy NP10	<ul style="list-style-type: none"> the community facilities should be specified delete provision e) 	To ensure clarity and meet the basic conditions	Modified as recommended
General	Identified errors that are typographical in nature or arising from updates should be corrected. Modification of general text will be necessary to achieve consistency with the modified policies	Minor changes to ensure clarity	Modified as recommended

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Conclusions in relation to the 'basic conditions'

It is considered that the Hazelwood Neighbourhood Plan as modified meets the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990:

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State
- (b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses
- (c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area
- (d) contributing to the achievement of sustainable development
- (e) being in general conformity with the strategic policies contained in the development plan
- (f) not breaching, and otherwise compatible with, EU obligations or any of the Convention rights (within the meaning of the Human Rights Act 1998)
- (g) meeting the prescribed conditions and complying with the prescribed matters.