

Planning Policy  
Amber Valley Borough Council  
Town Hall  
Market Place  
Ripley  
Derbyshire  
DE5 3BT

7<sup>th</sup> May 2020

Dear Sir or Madam,

### **Submission Draft Neighbourhood Plan Consultation Response**

These representations have been prepared by Planning and Design Group (UK) Limited in response to the submission Belper Neighbourhood Plan.

Firstly, it is noted from the AVBC website that during the consultation period, *'A hard copy of the documents had been made available to view in Belper Library during the 6 weeks consultation period during normal opening hours. However, along with all Derbyshire County Council's other libraries, Belper Library was closed from 5pm on Friday 20 March 2020 until further notice, in accordance with the government's latest advice in relation to COVID-19.*

*It had been proposed for the submitted Neighbourhood Plan and associated documents to also be made available to view at St John's Chapel, The Butts, Belper, DE56 1HX. However, this venue is also now closed until further notice for the same reasons. in accordance with the government's advice in relation to COVID-19. Amber Valley Borough Council is also restricting access to the Town Hall at Ripley so the documents will also not be available to view there.'*

Planning Practice Guidance Paragraph: 107 Reference ID: 41-107-20200407 published 7 April 2020 states that:

*'Neighbourhood planning groups or local planning authorities intending to undertake public consultation and notification (as set out under Regulation 14 and Regulation 16 respectively of the Neighbourhood Planning (General) Regulations 2012) should consider the government's current guidance on staying at home and away from others or any superseding guidance.'*

As the consultation period has run from 20<sup>th</sup> March to 7<sup>th</sup> May, covering the whole of the Covid 19 lockdown period, and given that it is acknowledged that public access to hard copy documents has been necessarily prevented, it is considered that due to these unforeseen circumstances the consultation cannot be deemed to have been validly or fairly

conducted. At the very least, the consultation period will need to be re-run, once public access to hard copies is reenabled.

In our review of the Submission Version Belper Neighbourhood Plan it is clear that the document does not currently meet the basic conditions prescribed under paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. In particular the emerging Neighbourhood Plan is not considered to be in general conformity with local, including emerging, planning policy framework. It is also considered that full regard is not given to national planning policy and guidance. Therefore, we raise in principle objection to the NP in its current form.

In failing to be in general conformity with relevant strategic policies, not displaying regard to national policies and a subsequent failure to contribute to the delivery of sustainable development, The submission document will not act as a positive tool to help guide planning decision makers but appears to be orientated almost entirely to the opposition of development beyond the tightly constrained bounds of the existing built form.

The relevant evidence-based document is currently the 2006 Local Plan 'Saved Policies', of which Belper is identified as an area of growth within the built framework of the urban area. The draft housing policies limit sustainable development and appear to be negatively geared to oppose the allocation of land beyond the existing built framework. The location of the Green Belt also restricts development and urban extensions to Belper and none of the potential development sites consider land to the north along Belper Lane which is a logical location to consider future development to cater for the housing needs.

Furthermore, providing and establishing the Neighbourhood Plan according to an up to date Local Development Plan is of significance to ensure the Plan corresponds to the District's overall development needs. A new Local Plan is being prepared with the Draft Plan to be published in March 2021.

Planning Practice Guidance Paragraph: 107 Reference ID: 41-107-20200407 published 7 April 2020 states that:

*'All neighbourhood planning referendums that have been recently cancelled, or are scheduled to take place, between 16 March 2020 and 5 May 2021 are postponed in line with the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 until 6 May 2021.'*

On this basis, any Neighbourhood Plan referendum will most certainly not take place until later in 2021, after the Draft Local Plan has been published and consulted on. It would be very imprudent to advance a Neighbourhood Plan in the absence of a spatial lead, which is in active preparation and will supersede any referendum.

By the time the Neighbourhood Plan has been carried through to adoption, the document shall be out of date within a short period of time. Also, whilst emerging planning policy is not always required to be tested against neighbourhood plans, guidance makes it clear that *'the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.* Paragraph: 009 Reference ID: 41-009-20190509. Noting that the Local Plan process will not revisit much of the evidence base: (<https://info.ambervalley.gov.uk/WebServices/AVBCFeeds/DemocracyJSON.aspx/StreamCommitteeDoc>) it would not be appropriate for the neighbourhood plan to ignore the spatial strategy clearly directed by that evidence.

Further, notwithstanding AVBC's contention that it can currently demonstrate a 5 year housing land supply based on the standard methodology, the overall housing requirement, including consideration of the unmet housing need within the HMA, will need to be evidence, consulted on and tested at examination. The submission neighbourhood plan does not utilise up to date evidence of need, and as such it is not demonstrated that the housing supply policy contributes to the achievement of sustainable development. The housing supply evidence utilised for the plan dates from 2016 and 2017 and cannot be considered up to date.

The guidance is clear that *'Strategic policies should set out a housing requirement figure for designated neighbourhood areas from their overall housing requirement (paragraph 65 of the revised National Planning Policy Framework). Where this is not possible the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body, which will need to be tested at the neighbourhood plan examination.'*

It is not clear that the neighbourhood planning body has requested any evidence of their overall housing requirement from the LPA and this represents a significant omission which undermines the basis for the plan as a whole.

The revised National Planning Policy Framework ('NPPF') Feb 2019 states that strategic policies should *'set out an overall strategy for the pattern, scale and quality of development'* (para. 20) in order to provide the quantum of housing required at a local level. Also, that strategic policies should *'provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs'* (para. 23). This primarily relates to the allocation of land for residential development which has not been addressed due to the withdrawal of the emerging Local Plan in May 2019.

The neighbourhood plan proposes drawing a tight built settlement framework boundary around Belper, but acknowledges that *'Given the lack of an up to date Local Plan and uncertainty over whether Belper will be required to meet additional housing need it is*

*proposed that if additional sites are allocated via borough policies the Built Framework boundary will be taken to extend around any site allocated via Borough policies.'* In this context, it is consider premature to tightly define boundaries when it is expressly recognised that these will probably need to be amended. Amending the boundary in the light of the Local Plan is likely to be confusing.

Based on the Town Council's Housing Needs Assessment for Belper identify a residual housing requirement in Belper, over the plan period to 2028 of around 775 dwellings (noting lapsed permission at North Derwent Street) taking account of completions and outstanding permissions. It is also clear that the majority of sites identified for housing development within the Submission Draft Neighbourhood Plan are not deliverable in the terms of Annex 2 of the NPPF. From the identified, deliverable housing sites, there is almost no requirement for the delivery of any affordable housing.

Notably, it is not the role of any neighbourhood to limit sustainable development. Indeed, in relation to land to the east of Belper Lane, the submission Belper Neighbourhood Plan appears to have omitted reference to the site's positive history and assessment that led to its proposed allocation and the recommendation of planning approval to committee.

The Neighbourhood Plan identifies a limited number of allocated sites within Belper up to the period of 2035. The SHMA as stated recognises a clear need for housing, notwithstanding there being no up to date Local Plan, the need for housing does not disappear and it is not a credible decision to ignore the need as a Parish. Unequivocal conclusion that for Belper to accommodate a proportion of the growth recognised, the brownfield sites will not achieve the growth need. Furthermore, brownfield land come with consequences and unknown issues such as flooding and contamination which prevents development from occurring.

We reiterate our objection and significant concern regarding the submission draft Belper Neighbourhood Plan. The document has no direction of strategic planning policies. Therefore, the basic condition of displaying general conformity with relevant strategic polices has been failed entirely, a lack of regard has been given to the NPPF and the document does not provide a positive framework for sustainable development. Without substantial revision therefore, the draft Belper Neighbourhood Plan should not progress to examination, referendum or adoption.

Within Policies NPP3 to NPP9, while we entirely agree with the aspiration to protect character areas, we object to the words 'are required to' in that the policies will be too rigid and will not allow for a sufficient degree of flexibility or innovation. Similarly, Policy NPP 10, while laudable in its purpose, seeks to limit design to a very narrow set of boundary treatments and materials, which could have the potential to restrict creativity and innovation.

NPP13a seeks to restrict housing mix to that defined by a very locally specific housing needs assessment, based on a relatively restricted evidence base. As a key growth location in the Borough, Belper must assist in the delivery of housing to meet needs across the HMA, and cannot limit itself to focussing on the needs of one sector of the community, albeit that they might be over-represented. Meeting needs in its widest sense is far more important than seek to address a current imbalance. The NPPF is clear that the needs of all must be addressed. On this basis we object to Policy NPP13a.

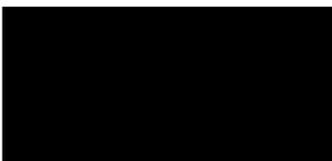
In respect of Policy NPP11, we object to the inclusion of Whitehouse Farm, Amber Hills, 153 Belper Lane on the list of non-designated heritage assets on the basis of the professional historic assessment submitted in connection with the application for the demolition of the property.

In light of all the factors outlined above it is clear that the submission document is not suitable for examination, referendum or adoption. This is because of a fundamental lack of not displaying regard to national policies, there being no strategic policies to relate and deliver to and a subsequent failure to contribute to the delivery of sustainable development.

Notwithstanding our current objection to the submission Neighbourhood Plan, we are keen to establish a positive relationship with Belper Town Council moving forward. As such we further welcome the opportunity for collaborative working in order to best address the concerns of Belper and resolve issues arising. We would welcome the opportunity to support the sustainable community of Belper through high quality, accessible development, which actively responds and contributes to local need and community development, in partnership with the local community.

Should you wish to raise any questions or want to discuss issues further then please do not hesitate to contact me.

Yours Sincerely



Bob Woollard BA(Hons) MA MRTPI  
**Director**