

## **QUARNDON NEIGHBOURHOOD PLAN 2018 - 2033**

**The Report of the Independent Examiner to Amber Valley Borough Council on  
the Quarndon Neighbourhood Plan**

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Independent Examiner  
20<sup>th</sup> March 2019**

## Summary

I was appointed by Amber Valley Borough Council, in agreement with the Quarndon Parish Council, in January 2019 to undertake the Independent Examination of the Quarndon Neighbourhood Plan.

The Examination has been undertaken by written representations. I visited the Neighbourhood Area on 14th January 2019.

The Neighbourhood Development Plan proposes a local range of policies and seeks to bring forward positive and sustainable development in the Quarndon Neighbourhood Area. There is an evident focus on safeguarding the very distinctive rural character of the area whilst accommodating future change and growth.

The Plan has been underpinned by extensive community support and engagement. The social, environmental and economic aspects of the issues identified have been brought together into a coherent plan which adds appropriate local detail to sit alongside the Amber Valley Borough Council (saved) Local Plan 2006.

Subject to a series of recommended modifications set out in this Report I have concluded that the Quarndon Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.

I recommend that the referendum should be held within the Neighbourhood Area.

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## **Introduction**

This report sets out the findings of the Independent Examination of the Quarndon Neighbourhood Plan 2018 - 2033. The Plan was submitted to Amber Valley Borough Council by Quarndon Parish Council in their capacity as the 'qualifying body' responsible for preparing the Neighbourhood Development Plan.

Neighbourhood Development Plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently incorporated within the National Planning Policy Framework (NPPF) in 2012 and this continues to be the principal element of national planning policy. A new NPPF was published in July 2018 but the transitional arrangements in para 214 Appendix 1 on Implementation apply and thus this Examination is unaffected by the changed NPPF; accordingly all references to the NPPF in this Report are to the original 2012 NPPF document (unless otherwise indicated).

This report assesses whether the Quarndon Neighbourhood Plan is legally compliant and meets the 'basic conditions' that such plans are required to meet. It also considers the content of the Plan and, where necessary, recommends modifications to its policies and supporting text. This report also provides a recommendation as to whether the Quarndon Neighbourhood Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Quarndon Neighbourhood Plan would then be used in the process of determining planning applications within the Plan boundary as an integral part of the wider Development Plan.

## **The Role of the Independent Examiner**

The Examiner's role is to ensure that any submitted Neighbourhood Development Plan meets the legislative and procedural requirements. I was appointed by Amber Valley Borough Council, in agreement with Quarndon Parish Council, to conduct the examination of the Quarndon Neighbourhood Plan and to report my findings. I am independent of both Amber Valley Borough Council and Quarndon Parish Council. I do not have any interest in any land that may be affected by the Plan.

I possess the appropriate qualifications and experience to undertake this role. I have over 40 years' experience in various local authorities and third sector bodies as well as with the professional body for planners in the United Kingdom. I am a Chartered Town Planner and a panel member for the Neighbourhood Development Planning Independent Examiner Referral Service (NPIERS). I am a Member of the Royal Town Planning Institute.

In my role as Independent Examiner I am required to recommend one of the following outcomes of the Examination:

- the Quarndon Neighbourhood Plan is submitted to a referendum; or
- the Quarndon Neighbourhood Plan should proceed to referendum as modified (based on my recommendations); or
- the Quarndon Neighbourhood Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. If recommending that the Neighbourhood Development Plan should go forward to referendum, I must then consider whether or not the referendum area should extend beyond the Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004;
- the Neighbourhood Development Plan meets the requirements of Section 38B of the 2004 Act (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Development Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

These are helpfully covered in the submitted Basic Conditions Statement and, subject to the contents of this Report, I can confirm that I am satisfied that each of the above points has been properly addressed and met.

In undertaking this examination I have considered the following documents:

- Quarndon Neighbourhood Plan as submitted
- Quarndon Neighbourhood Plan Basic Conditions Statement (November 2018)
- Quarndon Neighbourhood Plan Consultation Statement (2018)
- The Environmental Assessment of Plans and Programmes Regulations 2004 Regulation 9 Screening Determination (July 2018)
- Content at: [www.quarndon-np.co.uk](http://www.quarndon-np.co.uk)
- Content at: [www.ambervalley.gov.uk/planning/planning-policy/neighbourhood-planning/quarndon-neighbourhood-plan/](http://www.ambervalley.gov.uk/planning/planning-policy/neighbourhood-planning/quarndon-neighbourhood-plan/)
- Representations made to the Regulation 16 public consultation on the Quarndon Neighbourhood Plan
- Amber Valley Borough Council (saved) Local Plan 2006
- Amber Valley Borough Council Submission Local Plan 2016
- Amber Valley Green Belt Review (November 2018)
- National Planning Policy Framework (NPPF) (2012 & 2018)
- Neighbourhood Development Planning Regulations (2012)
- Planning Practice Guidance (PPG) (March 2014 and subsequent updates)

I carried out an unaccompanied visit to the Neighbourhood Area on 14<sup>th</sup> January 2019. I looked at Quarndon and its rural hinterland. I also viewed the Conservation Areas and all the various sites and locations identified in the Plan document.

The legislation establishes that, as a general rule, Neighbourhood Development Plan examinations should be held without a public hearing, by written representations only. Having considered all the information before me, including the representations made to the submitted plan which I felt made their points with clarity, I was satisfied that the Quarndon Neighbourhood Plan could be examined without the need for a public hearing and I advised Amber Valley Borough Council accordingly. The Qualifying Body has helpfully responded to my enquiries so that I may have a thorough understanding of the thinking behind the Plan, and the correspondence has been shown on the Amber Valley Borough Council Neighbourhood Development Planning website for the Quarndon Neighbourhood Plan.

### **Quarndon Neighbourhood Area**

A map showing the boundary of the Quarndon Neighbourhood Area has been provided within the Neighbourhood Development Plan. Further to an application made by Quarndon Parish Council, Amber Valley Borough Council approved the designation of the Neighbourhood Area on 22<sup>nd</sup> July 2016. This satisfied the requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G(1) of the Town and Country Planning Act 1990 (as amended).

## Consultation

In accordance with the Neighbourhood Development Planning (General) Regulations 2012, the qualifying body has prepared a Consultation Statement to accompany the Plan.

The Planning Practice Guidance says:

“A qualifying body should be inclusive and open in the preparation of its Neighbourhood Development Plan [or Order] and ensure that the wider community:

- is kept fully informed of what is being proposed
- is able to make their views known throughout the process
- has opportunities to be actively involved in shaping the emerging Neighbourhood Development Plan [or Order]
- is made aware of how their views have informed the draft Neighbourhood Development Plan [or Order].” (Reference ID: 41-047-20140306)

In October 2016 three drop-in sessions were arranged at the Village Hall for members of the community to give their opening views on what are the main issues that need to be addressed. The drop-in meetings were publicised by flyers sent to all households. The following month a ten-page questionnaire was issued to all households and collected back over a 2-week period. In total 374 questionnaires were delivered and 239 were returned, giving an impressive response rate of 63.9%.

In early 2017 flyers to all households invited all to two drop-in sessions arranged to give feedback on the community input and questionnaire results and to share the timeline for the further work. During 2017 face-to-face meetings and other contacts were made to understand stakeholders' views on the development of Quarndon; 26 stakeholder contacts are listed within the Consultation Statement. Drafting of the formal Neighbourhood Plan began in April 2017 and progressed through the summer of 2017. In June 2017 walks on streets and footpaths around the Parish were arranged on two days for residents to identify rural and wildlife features of importance to Quarndon and these were the subject of a subsequent open meeting.

The Neighbourhood Plan website has been used throughout as a resource for communicating information, background evidence and supporting key documents. Details of all documents, as they evolved were made available for viewing and comments.

The six week public consultation period on the Pre-Submission Quarndon Neighbourhood Plan ran from 4<sup>th</sup> July to 15<sup>th</sup> August 2018. Prior to the commencement of the consultation a leaflet was delivered by hand to all households in the Parish giving notice that the Regulation 14 process was imminent and explaining how the consultation would proceed including where paper copies of the Plan could be viewed and how electronic copies could be accessed via the website. During the consultation period two further drop-in sessions at the Village Hall were offered to explain the draft Plan and encourage comments. A summary report of the responses and the actions relating to them was prepared and is included within the Consultation Statement.

I am therefore satisfied that the consultation process accords with the requirements of the Regulations and the Practice Guidance and that, in having regard to national policy and guidance, the Basic Conditions have been met. In reaching my own conclusions about the specifics of the content of the Plan I will later note points of agreement or disagreement with Regulation 16 representations, just as the Qualifying Body has already done for earlier consultations. That does not imply or suggest that the consultation has been inadequate, merely that a test against the Basic Conditions is being applied.

## **Representations Received**

Consultation on the submitted Plan, in accordance with Neighbourhood Development Planning Regulation 16, was undertaken by Amber Valley Borough Council from Friday 9<sup>th</sup> November to Friday 21<sup>st</sup> December 2018. I have been passed representations – 44 in total - received from the following:

Mike Allen  
Amber Valley Borough Council  
Phil Bygate  
Martin Cholerton  
John Claridge  
Ann Colder  
Dr Peter Cowley  
Dr MT Cross  
Katherine Cross  
John Cunningham  
Derbyshire County Council  
Ian Dent  
Janet Dent  
Stephen Elston  
Rosalynde Grum  
Historic England  
Dr Paul Hodson  
Alistair Kennedy  
David Knight  
Liz Lunn  
Peter Lunn  
National Grid  
National Trust  
Natural England  
David Newman  
Richard Nicholson  
Sue Nicholson  
Terry Ousley  
Mary Pitt  
Matthew Pitt  
Joan Pollard  
Simon Reed  
James Richardson  
Christian Rossel  
Severn Trent Water  
Isobel Shorrocks  
Neil Shorrocks  
Andy Small  
David Stone  
Judith Thomas  
Keith Thomas  
Clare Turner  
Barrie Vaughan  
Steve Walton

## **The Neighbourhood Development Plan**

The Quarndon Parish Council is to be congratulated on its extensive efforts to produce a Neighbourhood Development Plan for their area that will guide development activity over the period to 2033. I can see that a sustained effort has been put into developing a Plan with a vision for 2033 to “Retain the rural character and sense of community within Quarndon Parish, protecting and enhancing our natural environment, built environment and the setting of Kedleston Hall, whilst providing homes and facilities to meet the needs of our Community and local businesses”. The Plan document is well presented with a distinctive combination of text, impressive images, illustrations and Policies that are, subject to the specific points that I make below, well laid out and helpful for the reader. The Plan has been kept to a manageable length by not overextending the potential subject matter and the coverage of that.

The wording of some content & Policies is not always as well-expressed as one might wish, but that is not uncommon in a community-prepared planning document and something that can readily be addressed. It is an expectation of Neighbourhood Development Plans that they should address the issues that are identified through community consultation, set within the context of higher level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community’s intent is sustained in an appropriately modified wording for the policy. It is evident that the community has made positive use of “direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area” (PPG Reference ID: 41-001-20140306). It is evident that the Qualifying Body understands and has addressed the requirement for sustainable development.

Having considered all the evidence and representations submitted as part of the Examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It works from a positive vision for the future of the Neighbourhood Area and promotes policies that are, subject to some amendment, proportionate and sustainable. The Plan sets out the community needs it will meet whilst identifying and safeguarding Quarndon’s distinctive features and character. The plan-making had to find ways to reconcile the external challenges that are perceived as likely to affect the area with the positive vision agreed with the community. A representation comments that “there has been a lot of consideration given to the balance between the need to preserve our identity as a village on the edge of beautiful countryside and our responsibility to contribute to helping solve the long-standing housing shortage in the country as a whole”. All such difficult tasks were approached with transparency and care, with input as required and support from Amber Valley Borough Council.

However, in the writing up of the work into the Plan document, it is sometimes the case that the phraseology is imprecise, not helpful, or it falls short in justifying aspects of the selected policy. Accordingly I have been obliged to recommend modifications so as to ensure both clarity and meeting of the ‘Basic Conditions’. In particular, Plan policies as submitted may not meet the obligation to “provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17). I bring this particular reference to the fore because it will be evident as I examine the policies individually and consider whether they meet or can meet the ‘Basic Conditions’.

### **Basic Conditions**

The Independent Examiner is required to consider whether a Neighbourhood Development Plan meets the “Basic Conditions”, as set out in law following the Localism Act 2011; in

December 2018 a fifth Basic Condition was added relating to the Conservation of Habitats and Species Regulations 2017. In order to meet the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

The submitted Basic Conditions Statement has very helpfully set out to address the issues in relation to the first four of these requirements in the same order as above and, where appropriate, has tabulated the relationship between the policy content of the Plan and its higher tier equivalents. I note that the Local Plan is the Amber Valley Borough Council (saved) Local Plan 2006. At the time of Neighbourhood Plan submission the fifth Basic Condition had not been added but as the Plan does not allocate land for development and is supportive of Quarndon's rural features, I am satisfied that the making of the Plan will not breach the Basic Condition relating to the Habitats and Species Regulations 2017.

I have examined and will below consider the Neighbourhood Development Plan against all of the Basic Conditions above, utilising the supporting material provided in the Basic Conditions Statement and other available evidence as appropriate.

## **The Plan in Detail**

I will address the aspects of the Neighbourhood Development Plan content that are relevant to the Examination in the same sequence as the Plan. Recommendations are identified with a bold heading and italics, and I have brought them together as a list at the end of the Report.

### **Front cover**

A Neighbourhood Development Plan must specify the period during which it is to have effect. I note that there is a reference to the Plan dates prominently and helpfully on the front cover. The "Submission Version" label on the title page can now be dispensed with.

#### ***Recommendation 1:***

*Remove the "Submission Version" label on the front cover.*

### **1 Table of Contents**

The Contents list will need to be reviewed once the text has been amended to accommodate the recommendations from this Report.

#### ***Recommendation 2:***

*Review the "Contents" pages once the text has been amended to accommodate the recommendations from this Report.*

### **2 Foreword**

The Foreword has now served its purpose and can be removed.

#### ***Recommendation 3:***

*Remove the Foreword on page 4.*

### **3 Glossary of terms**

It is helpful to have the acronyms explained at the beginning of the document.

### **4 Introduction**

This introduction helpfully quotes rather than paraphrases the Basic Conditions but the content needs to be updated to include the fifth Basic Condition as noted above. The addition to the Basic Conditions relating to the applicable Local Plan is incorrect; the Local Plan is the *adopted* Local Plan.

#### **Recommendation 4:**

*Under the sub-heading “The Neighbourhood Plan and the Planning System” in paragraph 4.1.1.3:*

*4.1 Correct the reference to the Local Plan incorporated within paragraph (c): ‘Amber Valley Borough Council (saved) Local Plan 2006’.*

*4.2 Update the list of Basic Conditions to include (I suggest in place of the present content for paragraph (e)):*

*‘The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).’*

### **5 About the Parish Of Quarndon**

This is helpful background information but I believe it would be beneficial for paragraph 5.6 to include a reference to the fact that the Parish was designated as a Neighbourhood Area by Amber Valley Borough Council on 22<sup>nd</sup> July 2016.

#### **Recommendation 5:**

*Under the heading “About the Parish Of Quarndon” in paragraph 5.6 add at the end of the first sentence: ‘; the Neighbourhood Area was designated by Amber Valley Borough Council on 22<sup>nd</sup> July 2016’.*

### **6 Overview of Quarndon Neighbourhood Plan Themes**

This section provides helpful context but there are points in need of correction or updating. In particular, since the Neighbourhood Plan does not seek to allocate land for housing, the detail of the process followed to derive what is said to be an objective assessment of housing needs is largely superfluous. A representation challenges the use of Map 4 which is derived from the Local Plan 2006 but since that is the adopted Plan against which this Examination is being conducted, and I note the text (paragraph 6.5.3) acknowledges that “The setting of heritage assets evolves over time”, I am content that the Map 4 illustration should be retained.

#### **Recommendation 6:**

*6.1 Under the sub-heading “Spatial Portrait of the Parish of Quarndon” in paragraph 6.1.1 add a reference (here and in Section 10) for the Kedleston Park SSSI; to the extent possible update paragraph 6.1.8 regarding the legal actions.*

*6.2 Under the sub-heading “The Somme Road and Memorial Road (Poppyfields Meadow) Cluster in paragraph 6.2.4 “stated” should be replaced with ‘states’.*

*6.3 Under the sub-heading “Number of new dwellings required – Housing Needs Assessment”:*

*6.3.1 Delete from paragraph 6.2.11 the last sentence starting “A summary of....”;*

*6.3.2 Delete from paragraph 6.2.12 all but the first sentence;*

*6.3.3 Delete from paragraph 6.2.13 the last sentence starting “It is expected that....”;*

*6.3.4 Delete from paragraph 6.2.14 all but the first sentence;*

6.2.5 Replace the first sentence of paragraph 6.2.15 with: 'In view of the expectation of "limited growth" within Quarndon and the constraints applicable within the Parish, this NDP has not sought to allocate sites for housing development'; retain the second sentence.

6.4 Add source references for the content of Maps 3, 5, 6 & 7.

## **7 Vision Statement and Core Objectives**

A representation questions the use of the term "preserve" in particular in relation to Objective 4. However, these were the objectives set down as a result of the community consultation and the matter of more consequence is how the Policies related to the objectives are worded.

## **8 Neighbourhood Plan Policies**

A general point on the Policies: I note that the Policy criteria are written as bullet points but this makes for difficulties in referencing Policy elements within Committee Reports and Decision Notices. It is more helpful to use (a), (b) etc or (i), (ii) etc so that references can be efficiently expressed and readily understood.

### **Recommendation 7:**

*Ensure that the Policies are written with sub-paragraphs and/or criteria suitably numbered or lettered so that these elements can easily be referenced within planning documents.*

### **8.1 Introduction to the Policies**

Paragraphs 8.1.4 & 8.1.5 seem to be an incomplete summary of what section 7 has just noted and what just one of the subsequent policies will say and, as such, they have no helpful purpose.

### **Recommendation 8:**

*Delete paragraphs 8.1.4 & 8.1.5 and renumber the subsequent paragraph accordingly.*

### **8.2 Policies for Spatial Strategy and Housing Need**

In view of the simplification arising from the changes in section 6, section 8 should drop the reference to "Housing Need". From my initial reading of the Plan, with paragraph 8.1.1 having noted that policies will be applied as a whole, Policy QSS1 seemed to perform no obvious function since it says no more than the later individual policies, as referenced, say in more appropriate detail. The Qualifying Body agreed that Policy QSS1 as drafted provided detail that is replicated in later policies, but they wished for an opening Spatial Strategy policy that generically supports the development needed in the Neighbourhood Area. Policy QSS1 and its supporting material need therefore to be reduced accordingly.

### **Recommendation 9:**

*9.1 Delete from the 8.2 title the words "and Housing Need"; delete the last sentence of paragraph 8.2.1.4 and the whole of paragraphs 8.2.1.5 to 8.2.2.5 inclusive; renumber the subsequent sections as '8.2.2 Setting of Kedleston Hall, Park and Conservation Area', '8.2.3 Reuse of Redundant Buildings in the Open Countryside/Green Belt' and '8.2.4 Separation of Quarndon from Derby and Duffield'.*

*9.2 Reword Policy QSS1 as follows:*

*'This Plan supports the delivery of new housing, economic growth and diversification where these comply with the detailed policies set out in subsequent sections of the Plan'.*

*9.3 Replace the Interpretation section to read as follows:*

*'This Policy generically supports the development needed in the Quarndon Neighbourhood*

*Area with the detail for housing being provided by the QH policies and economic growth & diversification by the QCLE polices that follow.'*

As amended Policy QSS1 meets the Basic Conditions.

### **8.2.3 Setting of Kedleston Hall, Park and Conservation Area**

As noted above this section is renumbered 8.2.2. Particularly given the legal issues that have been tested with the planning applications for housing to the south of Kedleston Hall, it is important that the wording here should not imply or infer a difference of approach to the delineation of the "setting" than that provided within the NPPF. Further, the obligation to "provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency" (NPPF para 17) requires that some clarity is added to the second criterion within the Policy.

#### **Recommendation 10:**

*10.1 Renumber section 8.2.3 as 8.2.2.*

*10.2 Replace the last sentence of paragraph 8.2.3.1 with: 'The definition of "setting" within Policy QSS2 and throughout this Plan is that provided within the NPPF.'*

*10.3 Within Policy QSS2:*

*10.3.1 Replace "considered for approval" with 'supported';*

*10.3.2 In bullet point 1 after "of limited scale" add 'appropriate to its setting';*

*10.3.3 Reword bullet point 2 as: 'the development supports the operation of the historic Kedleston estate or community access; and'*

*10.3.4 Add a bullet point 3 as follows: 'an appraisal of potential impacts has been undertaken and applied.'*

*10.3.5 Add as a second paragraph: 'Where the setting is within Green Belt, development will only be supported where it meets the foregoing policy requirements and also those for Green Belt.'*

*10.4 Under "Interpretation" for Policy QSS2 (para 8.2.3.2), for clarity replace "test of harm" with 'consideration of potential impacts' and, to be consistent with the Policy, in the fourth line, replace "and/or" with 'or'.*

As amended Policy QSS2 meets the Basic Conditions.

### **8.2.4 Reuse of Redundant Buildings in [the] Open Countryside/Green Belt**

As noted above this section is renumbered 8.2.3. The heading here specifically says "Reuse of *Redundant* Buildings.." (*my emphasis*) but the preamble says "sites/buildings" and the Policy and the "Interpretation" do not actually use this term at all, potentially taking the Policy into conflict with the NPPF; further the NPPF requires (para 90) that within the Green Belt reused buildings should be of "permanent and substantial construction". To be in "general conformity" with Local Plan Policy H6 the Policy needs to acknowledge that "employment or tourism uses would not be suitable or viable" prior to a residential use being considered.

In relation to the Policy criteria:

- The NPPF (para 55) requires that all reuses of existing buildings in the Green Belt should "lead to an enhancement to the immediate setting", and so this is not optional.
- Since criterion 2 refers to the whole building(s) as proposed it is difficult to see why criterion 3 needs to single out "extensions or additions" although the NPPF does expect (para 89) that "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building".

Accordingly some amendments are required.

**Recommendation 11:**

11.1 Renumber section 8.2.4 as 8.2.3.

11.2 Within paragraph 8.2.4.1 replace “sites/buildings” in line four with ‘redundant buildings’.

11.3 Within Policy QSS3:

11.3.1 In the opening sentence add ‘redundant’ before “agricultural” and after “buildings” add ‘of permanent and substantial construction’;

11.3.2 In bullet point 1 replace “or” with ‘and’;

11.3.3 In bullet point 2 add ‘with regard to the rural character of the area’;

11.3.4 Replace bullet point 3 with ‘any extension or alteration does not result in disproportionate additions over and above the size of the original building’;

11.3.5 Add an additional criterion as follows:

‘new residential proposals have demonstrated that employment or tourism uses would not be suitable or viable.’

11.4 Under “Interpretation” for Policy QSS3, to be consistent with the Policy, add ‘redundant’ before “agricultural” in the first line.

As amended Policy QSS3 meets the Basic Conditions.

### **8.2.5 Separation of Quarndon from Derby and Duffield**

As noted above this section is renumbered 8.2.4. The delineation of the Green Belt is a strategic policy for the Local Planning Authority to determine. Whilst it can be said that element 1 of Policy QSS4 is in “general conformity” with the Local Plan, the NPPF (para 16) says that Neighbourhood Plans should “plan positively to support local development, shaping and directing development in their area that is *outside the strategic elements of the Local Plan*” (*my emphasis*). Accordingly, whilst the text may acknowledge the concerns of the community (wishing to retain the ‘rural feel’ of the village) and the Local Plan policies that address these concerns, Policy QSS4 is not appropriately worded. The Qualifying Body has suggested revised wording that omits reference to the Green Belt but which, with minor adjustment, remains in general conformity with the Local Plan. A Core Planning Principle within the NPPF is that planning should “take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”.

**Recommendation 12:**

12.1 Renumber section 8.2.5 as 8.2.4.

12.2 Reword Policy QSS4 as follows:

‘The separation of the Village of Quarndon from the Derby urban area and from Duffield will be maintained through retention of the existing open gaps between the settlements.’

As amended Policy QSS4 meets the Basic Conditions.

### **8.3 Policies for Housing Location, Design and Character**

#### **8.3.1 Introduction to the Housing Policies**

In paragraph 8.3.1.4 it is said that “All new housing developments are expected to meet the Building for Life 12 principles” and this is picked up in Policy QH3; “to meet” principles is unrealistic but to ‘address’ the principles is more appropriate. In the wording of Policy QH1 judgements may differ significantly on the meanings of “appropriately designed”, “excessive urbanisation” and “part of an existing built frontage”; whilst more clarity can be added to the

latter I cannot see that the first and second are needed when the criteria are designed to guide what is appropriate. The insertion of additional dwellings within the existing built form must inevitably involve some loss of parts of hedges and possibly some trees; the Policy may therefore need to acknowledge some loss of hedgerows and trees.

Clarity on what is the “village” within or washed over by the Green Belt is needed. The absolute limit of “two dwellings” as infill appears to derive from Local Plan Policy H4 with which it must show “general conformity” but it needs to be softened to show regard for the NPPF. The NPPF (para 173) says: “the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened”. This point regarding the relationship to the NPPF was highlighted by Derbyshire County Council in their representation.

The Qualifying Body has advised that their justification for a complete ban on new dwellings within the Conservation Area is that this would be at the expense of the existing natural features that give the rural feel to the village and also contribute to the appearance and character of the existing built structure in the Conservation Areas; this therefore needs to be the basis for the Policy criterion.

**Recommendation 13:**

*13.1 In paragraph 8.3.1.4 replace “meet” with ‘address’.*

*13.2 Within the first paragraph of Policy QH1:*

*13.2.1 To avoid repetition of “it would”, add ‘it would’ to the opening sentence before the colon;*

*13.2.2 Remove “it would” from the beginning of bullet point 1;*

*13.2.3 Reword bullet point 2 with a positive guide without repeating bullet point 1 as follows: ‘address and respect the amenity of neighbours’;*

*13.2.4 Reword bullet point 3 as ‘minimise the loss of hedgerows and mature trees and replace any unavoidable losses like-for-like within the site’;*

*13.2.5 Reword bullet point 4 as ‘in the case of infill, be integrated within an existing built frontage’.*

*13.3 Within the second paragraph of Policy QH1:*

*13.3.1 In the opening sentence delete “that is” and after “Green Belt” add ‘(that is the parts of the village to the south along Church Road, including the old church and the Joiner’s Arms pub, as well as the housing on The Common)’;*

*13.3.2 Reword bullet point 1 as ‘infill a small gap between existing buildings generally no larger than two new dwellings’;*

*13.3.3 Delete bullet point 2 as it is already included as part of the first paragraph;*

*13.3.4 Reword bullet point 3 as ‘if within the Conservation Area, not diminish the natural features that contribute to its appearance and character’;*

*13.3.5 Reword bullet point 4 as ‘retain the rural character by not removing the wildlife friendly green gaps where they span across both sides of the road’;*

*13.3.6 Reword bullet point 5 as ‘retain the openness of the Green Belt and respect the inter-visibility between the village and the countryside that is characteristic of the rural setting.’*

As amended Policy QH1 meets the Basic Conditions.

**8.3.3 Housing Development on Somme Road and Poppyfields Meadow**

My understanding is that the intention of this Policy is to resist enlargement of these estates (albeit they may merge with a much larger estate depending on the outcome of a pending legal decision). However the Policy as written could be guidelines applied to extending existing housing throughout the Parish; it is difficult to see a reasonable justification for

applying these specific requirements exclusively on Somme Road and Poppyfields Meadow. The local authority further points out that in failing to distinguish between land either side of Somme Road and land south of Memorial Road this Policy is not compliant with the adopted Local Plan 2006. The “Interpretation” text also strays into national policy on permitted development. The Qualifying Body has agreed that the Policy should be reworded and applied only to Somme Road.

**Recommendation 14:**

*14.1 From the title to section 8.3.3 delete “and Poppyfields Meadow”.*

*14.2 Amend paragraph 8.3.3.1 to delete “make it inappropriate to allow additional dwellings to be built in this area” and replace it with ‘continue to be relevant’.*

*14.3 Delete paragraph 8.3.3.2.*

*14.4 Reword Policy QH2 as follows:*

*‘Development proposals within the existing Somme Road development should be restricted to appropriately scaled extensions to existing dwellings and replacement dwellings’.*

*14.5 In paragraph 8.3.3.3:*

*14.5.1 In sentence 1 delete “and Poppyfields Meadow” from the first sentence and replace “in these areas are” with ‘is’;*

*14.5.2 Delete sentence 2.*

As amended Policy QH2 meets the Basic Conditions.

**8.3.4 Design and Built Character**

The NPPF (para 58) says that “Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area”. Largely speaking the expectations of Policy QH3 apply to all types of development not just housing. The Qualifying Body agreed with my suggestion that the Policy should be moved to be a separate section rather than sit within the housing Policies and reworded accordingly. As with Policy QH1 there are a number of instances where judgements may differ significantly on the meanings of phrases; “appearance of over-development”, “isolating properties from the street scene” and “authentic materials” are not self-explanatory and yet applicants need know what is intended by their use. Also over-prescriptive requirements such as “a minimum of 2 meters...between the building footprint and any boundary” are not justified by evidence nor an understanding of consequence. Accordingly some rewording is required to ensure that the Policy provides “a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17).

**Recommendation 15:**

*15.1 Renumber Policy QH3 as QDBC1 and renumber subsequent QH paragraphs and Policies accordingly; relocate the renumbered Policy and related paragraphs to after the QH Policies numbered as section 8.4; renumber subsequent sections accordingly.*

*15.2 Within Policy QDBC1 (as renumbered):*

*15.2.1 In the opening sentence replace “meeting” with ‘addressing’;*

*15.2.2 In bullet point 3 replace “spaced and set-back within the plot” with ‘set’ and delete “and avoid the appearance of over-development”;*

*15.2.3 In bullet point 5 replace “for detached new builds within the Village of Quarndon a minimum 2 metres shall be allowed between the building footprint and any boundary of the plot” with ‘this might be achieved by a 2 metre gap between properties’;*

- 15.2.4 In bullet point 6 delete “residential”;
- 15.2.5 Replace bullet point 7 with: ‘minimising the loss of hedgerows and mature trees and replacing any unavoidable losses like-for-like within the site’;
- 15.2.6 In bullet point 8 replace “avoids isolating properties from the street scene” with ‘retain the open frontages that are characteristic of rural and village settings’;
- 15.2.7 In bullet point 9 replace “authentic” with ‘high-quality, modern and/or traditional materials’;
- 15.2.8 In the final paragraph replace “include drawings or scale illustrations showing the” with ‘address and illustrate appropriately’.

15.3 In paragraph 8.3.4.2:

- 15.3.1 In sentence 1 replace “builds” with ‘buildings’ and replace “meet” with ‘address’;
- 15.3.2 In sentence 2 add ‘Appropriate’ at the beginning of the sentence and replace “are required” with ‘should be provided’;
- 15.3.3 In sentence 3 replace “aims” with ‘Policy criteria’.

As renumbered and amended Policy QDBC1 meets the Basic Conditions.

### **8.3.5 Housing mix for new development**

This section will now be numbered 8.3.4 and the Policy numbered QH3.

The NPPF (para 50) says that plans should provide “for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community”. I note the AECOM Housing Needs Assessment has been used as a basis for Policies QH3 & QH4 (as renumbered). However, the QH3 Policy wording relates to “the Village of Quarndon” whereas the pre-amble wording relates to “the Parish”. The Qualifying Body has explained that the Plan consultation has shown that the need for smaller dwellings arises primarily within Quarndon; this therefore needs to be explained within the text. The NPPF says (para 173): “the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened”. A representation comments that “the size of new build should be determined by the prospective occupants’ need, the size of the plot and the size and scale of the neighbouring houses”. However another representation comments that “there is a mismatch in the village between the housing we need as a community and the types of new houses that are being built”. The “Interpretation” section acknowledges that there may need to instances where more flexibility must be applied but the Policy wording is rigid. I believe that some more appropriate wording is therefore needed.

#### **Recommendation 16:**

16.1 Renumber the paragraphs for section 8.3.5 as 8.3.4

16.2 In the opening sentence of renumbered paragraph 8.3.4.1 add after Parish ‘,both’ and after “consultations” add ‘concentrated in the Village of Quarndon,’.

16.3 Renumber Policy QH4 as QH3 and reword as follows:

‘Proposals for new dwellings within the Village of Quarndon will be expected to contribute to meeting the requirement for downsizing and starter homes of up to 3 bedrooms; variation to this approach may be acceptable on the basis of substantiated evidence.’

As renumbered and amended Policy QH3 meets the Basic Conditions.

### **8.3.6 Provision for the Elderly**

This section will now be numbered 8.3.5 and the Policy numbered QH4.

Whilst I note that the ageing population profile does indicate a need for accommodation appropriate for elderly persons, the Housing Needs Assessment (HNA) suggests that the numbers, even across a range of needs, are quite small; these numbers would be unlikely to make the traditional forms of “accommodation and care” viable and a site on a viable scale may not exist within the Parish, given the Green Belt and landscape constraints. The HNA notes (para 165) that “This specialist dwelling need is likely therefore to be split between the parish and the rest of the borough”. Accordingly a more general term such as ‘supported housing’ will be more appropriate than “accommodation and care”. A representation expresses a view that the Policy “is too vague” but read with other Policies in the Plan its purpose to support a local need is clear.

**Recommendation 17:**

*17.1 Renumber the paragraphs for section 8.3.6 as 8.3.5 and the Policy from QH5 to QH4.*

*17.2 Within the opening sentence of Policy (as renumbered) QH4 replace “accommodation and care” with ‘supported housing’.*

As renumbered and amended Policy QH4 meets the Basic Conditions.

**8.3.7 Transport and Parking**

This section will now be numbered 8.3.6 and the Policy numbered QH5.

The NPPF does not require the setting of local parking standards but where set they must be appropriately assessed from evidence (para 39). The local authority representation pointed out an inconsistency between the wording regarding parking provision between paragraph 8.3.7.2 and the related Policy wording; “at least meeting the maximum standards” implies that the maximum level might be exceeded whereas, more appropriately, the Policy requires a “proportionate” provision. I believe that paragraph 8.3.7.2 should say “having regard to the parking standards of Derbyshire County Council” and these standards then need to be referenced. In relation to the Policy itself I believe that reference in bullet point 1 to “surrounding” pathways might be read to rule out most if not all sites whereas ‘adjacent’ would be more appropriate.

**Recommendation 18:**

*18.1 Renumber the paragraphs for section 8.3.7 as 8.3.6 and the Policy from QH6 to QH5.*

*18.2 In paragraph 8.3.6.2 (as renumbered) replace “at least meeting the maximum parking standards” with ‘having regard to the parking standards’; provide a source reference for the Derbyshire County Council Parking Standards.*

*18.3 Within Policy QH5 (as renumbered) bullet point 1 replace “surrounding” with ‘adjacent’.*

As renumbered and amended Policy QH5 meets the Basic Conditions.

**8.3.8 Larger Housing Developments**

This section will now be numbered 8.3.7 and the Policy numbered QH6.

Major or large-scale housing developments are normally defined as sites with an area of 0.5 hectares or more but I can see that in the Submission Local Plan 2016 0.5 hectares is equated with 15 dwellings. It is not explained how the higher gradation of “100 dwellings” used within Policy QH7 has been arrived at but I believe that becomes unnecessary when one considers the specifics of the content – see below. Given that the Plan does not now include a figure for the housing requirement some further rewording of paragraph 8.3.8.1 is required.

I note that the 30% level of affordable housing included in Policy QH7 is at the upper end of the range provided for in Local Plan Policy H10 and the Submission Local Plan 2016 uses “up to 30%”. The Qualifying Body has expressed a concern that unscrupulous developers might interpret “up to 30%” as including zero; they have suggested that the Policy QH7 criterion might read “at least 10% affordable housing” on the basis that the consultation and HNA have evidenced that there is unmet demand for more affordable housing in the Neighbourhood Area but this would not accord with the range in Local Plan Policy H10. Accordingly I believe that “up to 30%” is appropriate and reliance can be placed on Local Plan policies to deliver the appropriate quantum per site.

No evidence has been provided to support or justify or demonstrate the viability of the very specific level of bungalow/accessible housing. The Qualifying Body has pointed out that the Submitted Local Plan 2018 identifies that 4% of the additional housing need in the Derby Housing Market Area in the plan period needs to be suitable for the elderly (75+). Whilst that is helpful and important evidence it does not establish that bungalow/accessible housing is solely that which is required; the more general policy position of the Borough Council should therefore apply.

I note that the “reserve matters” in the planning consent granted after Appeals APP/M1005/WE/15/3132791 & APP/M1005/W/16/3147743 relate to “the appearance, landscaping, layout, and scale” and these therefore are the only matters that Policy QH7 can influence for that development at this time (subject to the outstanding Court decision and the Neighbourhood Plan being “made”). The requirement for a Health Impact Assessment is not a land-use matter and is therefore beyond the scope of a Neighbourhood Plan. I note that a Section 106 Agreement was executed as part of the Appeal process and therefore the matter of planning obligations cannot be reopened for that site; for other sites the obligation to provide a traffic-free link into the adjacent Borough and the suggested obligations within section 8.7 of the Plan will only be relevant if other Policies within the Neighbourhood Plan are breached and therefore internal consistency demands that there should be no presumption that larger sites (beyond those already noted as in process) will be entertained. Accordingly bullet points 7, 9 and 10 should be deleted.

#### **Recommendation 19:**

*19.1 Renumber the paragraphs for section 8.3.8 as 8.3.7 and the Policy from QH7 to QH6.*

*19.2 In paragraph 8.3.7.1 (as renumbered):*

*19.2.1 Replace “not necessary to meet the Parish’s identified housing need” with ‘not appropriate to addressing the Parish housing requirements’;*

*19.2.2 Delete “and/or any other larger housing development in the Parish that is proposed in the period of this Plan”.*

*19.3 Within Policy QH6 (as renumbered):*

*19.3.1 In bullet point 1 replace “30%” with ‘Up to 30%’;*

*19.3.2 Reword bullet point 2 as ‘Proportionate provision should be included for housing elderly people and others suffering from mobility challenges’;*

*19.3.3 After bullet point 6 delete “For developments of 100 or more new dwellings:”;*

*19.3.4 Delete bullet points 7, 9 & 10.*

As renumbered and amended Policy QH6 meets the Basic Conditions.

#### **8.4 Policies for Community, Leisure and Employment**

Immediately prior to this section the relocated “Design and Built Character” section will have been relocated; therefore this Community, Leisure and Employment section will become section 8.5.

**Recommendation 20:**

*Renumber the paragraphs for section 8.4 as 8.5.*

**8.4.2 Local Green Space**

The purpose of Policy QCLE1 is to designate a Local Green Space rather than detail the implication of designation which is already set down within the NPPF. The Policy wording must include the detailing of the Space and an adjacent map must unambiguously delineate the boundary of the site; the map presently within Appendix 4 is insufficiently large for this purpose. It would be helpful if the description of the site (presently within Appendix 4) more explicitly related to the NPPF criteria and it was included within the preamble to the Policy. As noted in the Planning Practice Guidance (Ref: 37-017-20140306) public access need not be a condition for or expected from a Local Green Space designation.

**Recommendation 21:**

*21.1 Move the content from Appendix 4 under the heading Green Space 1 – Deciduous woodland on Burley Lane south of Burley Grange to become an additional paragraph 8.5.2.6 (as renumbered); ensure that the text relates more closely to the NPPF criteria, such as: ‘The single Local Green Space identified is at Burley Lane south of Burley Grange (as identified on Map 8) which is close to the centre of Quarndon Village. The Space is demonstrably special to the community having been identified through the Plan consultation and it holds a particular local significance because of its wildlife; the Space provides a nature stepping stone and a footpath between Allestree Park Local Nature Reserve and Burley Wood. The site is roughly the size of two dwelling plots and is therefore local in scale.’*

*21.2 Reword Policy QCLE1 as follows:*

*‘Land on Burley Lane south of Burley Grange, delineated on the adjacent Map 8, is designated as a Local Green Space because of its wildlife significance’.*

*21.3 Provide a map of the site titled as ‘Map 8: Burley Lane Local Green Space’; the map must delineate the Local Green Space at a scale that will allow the boundary to be identified without any ambiguity.*

*21.4 In paragraph 8.5.2.7 (as renumbered):*

*21.4.1 Replace the words “treatment of” with ‘the’;*

*21.4.2 Delete the following: “(Appendix 4, Map GS1)”.*

As amended Policy QCLE1 meets the Basic Conditions.

**8.4.3 Community Facilities**

Local Plan Policies LC11 to LC13 support the retention and provision of new community facilities. The NPPF (para 28) says: “To promote a strong rural economy, local and neighbourhood plans should: *[inter alia]* promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship”. However, Policy QCLE2 and its preamble as written beg four questions:

- Why is there policy support for “new community facilities” when none has been identified as absent-but-required? The Qualifying Body has indicated that during the consultations there were suggestions for facilities such as tennis courts, allotments, improved children’s play area, improved meeting places, etc.
- Have the design points not been more appropriately and comprehensively addressed by the renumbered Policy DBC1? The Qualifying Body expressed a view that some of the possible facilities envisaged here may not constitute “buildings”, so the criteria regarding amenity, road safety etc articulated in Policy QCLE2 are still required.

- What determines that a facility is “active” – if an owner closes a facility against the wishes of the community has that ceased to be “active”? The Qualifying Body agreed that “active” could be deleted without detriment to the Policy.
- How does one determine “the community value of [a] facility”? – Local Plan Policy LC11 uses the phrase: “there is insufficient local demand to justify or sustain their existing use”.

**Recommendation 22:**

22.1 Add to paragraph 8.5.3.3 (as renumbered): ‘During the consultations there were suggestions for facilities such as tennis courts, allotments, improved children’s play area, and improved meeting places’.

22.2 Reword Policy QCLE2 as follows:

*‘Proposals that ensure the retention, improvement or expansion of key local facilities will be supported. Any redevelopment will only be supported if the facility affected is replaced by an equivalent or better provision in an equally suitable location or non-viability is established with appropriate evidence. These key facilities (as at 2018) are: St Paul’s Church & burial ground, the Primary School and its playing field, the Village Hall, the Cricket Club on the Common, the Barn Close play area/recreation ground, the Human Sundial & associated seating, and the Phone Box Library.*

*New community facilities will be supported where they address:*

- a) needs supported by the community;*
- b) the amenities of any nearby residential properties;*
- c) the requirements of Policy QDBC1;*
- d) road capacity and safety;*
- e) their impact on the local environment; and*
- f) wherever possible, provision for open-access electric vehicle and e-bike charging points.’*

As amended Policy QCLE2 meets the Basic Conditions.

**8.4.4 Retail and Rural Services**

The NPPF (para 28) says: “To promote a strong rural economy, local and neighbourhood plans should: *[inter alia]* promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship”. Paragraph 4.21 of the Local Plan says “There may be pressure for the change of use of existing local shops to other uses, particularly in rural settlements. Where it can be demonstrated that such facilities provide an important service to the local community, any proposals for change of use should be resisted”. Policy QCLE3 contributes local detail but when it addresses the possibility that any of the identified services might become unviable, the replacements would not seem to be subject to the same test of neighbourliness and road safety as the other two elements of the Policy. A restructuring of the Policy was agreed with the Qualifying Body to be the appropriate way to remove ambiguity and repetition.

**Recommendation 23:**

*Reword and restructure Policy QCLE3 as follows:*

*‘Proposals that enable the retention or further development of the valued community facilities known as the Joiner’s Arms, Kedleston Country House Hotel and Queenies Tea Room will be supported.*

*If the current use of any of these facilities is demonstrated to be unviable, despite evident efforts at safeguarding, then the conversion of part or all of a facility may be supported if the new use, whether commercial, housing or accommodation for the elderly, addresses the needs of the community.*

*A proposal to provide a small food/convenience store within the Village of Quarndon with a frontage that is appropriate to the village street scene will be supported.  
All retail and rural services development proposals must assess and address their impact on the amenity of any nearby properties and on road safety.'*

As amended Policy QCLE3 meets the Basic Conditions.

#### **8.4.5 Reuse of Buildings for Employment Purposes**

The NPPF (para 28) says that, to promote a strong rural economy, plans should “support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings”. Policy ER6 of the Local Plan says: “Planning permission will be granted for development, involving the conversion or extension of existing buildings or new built development, which assists in the diversification of the rural economy”. Rather than add local detail Policy QCLE4 takes a tangential direction. The pre-ambule says: “given the limited sites on which new dwelling houses may be built, the policy recognises this redevelopment [for employment purposes] should not be to the significant detriment of the availability of living accommodation in the Parish”. However, the Policy wording presents something of a conundrum since it says it relates solely to existing dwelling houses, whether vacant or occupied (and from the cross-reference to Policy QSS3 these houses are within the core of the village despite the reference to “existing agricultural activities”), and would not allow these to be substantially extended whilst encouraging the new employment use to coexist with the residential use. In theory the village could lose as many houses to employment as are gained through infill construction. In practice, whilst I can see a benefit from better balancing employment and housing and the potential of a diversification of the rural economy, the constraints to knitting employment uses within residential uses would be significant. Accordingly, and in general conformity with Local Plan Policy ER6, some rewording is needed to better assure the delivery of employment uses appropriate to their location and setting.

#### **Recommendation 24:**

*Within Policy QCLE4:*

*24.1 Reword the opening sentence as follows:*

*'The reuse of redundant or underused buildings within the Quarndon inset area for enterprises appropriate and beneficial to a village community will be supported where it is demonstrated that this:'*

*24.2 Delete criterion 4 and paragraph 2.*

*24.3 Add to the beginning of paragraph 3, 'Where appropriate ...'.*

As amended Policy QCLE4 meets the Basic Conditions.

#### **8.5 Policies for Renewable Energy**

One of the Core Planning Principles in the NPPF (para 17) is that planning should: “support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)”. The intent of Policy QRE1 therefore has regard to national policy. Just one representation comments that the Policy “is over-conservative regarding the adoption of small-medium scale wind power”. The Qualifying Body has advised that the wording of Policy QRE1 was largely taken from that supplied by Derbyshire County Council, who are seeking to ensure a consistent approach to renewable energy policies in Neighbourhood Plans through Derbyshire. I noted that many of the requirements are covered by Local Plan Policy EN35 and national policy but the Qualifying Body expressed the view that it is relevant to retain Policy QRE1 in order to demonstrate the

Plan's commitment to renewable energy and articulate specifically a complete set of policy considerations for the Neighbourhood Area. Accordingly I have confined my comments to the clarity of wording.

**Recommendation 25:**

25.1 Add to paragraph 8.4.1.1 (as renumbered):

*'Policy R1 in the Submission Local Plan 2016 commits the Borough Council to "support the provision of renewable energy, by working with providers to identify spatial opportunities for low-carbon energy development".'*

25.2 Amend the opening paragraph of Policy QRE1 to read as follows:

*'Domestic roof-mounted solar photovoltaic or water-heating panels (where not permitted development) shall be supported in all locations subject to the design and colour of the panels minimising their visual impact and, in the Conservation Areas, the objectives of their designation not being compromised'.*

25.3 In the 6<sup>th</sup> bullet point on the list attached to paragraph 3 replace "designated" with 'identified'.

25.4 In paragraph 5 move the "and" to before "emissions" and delete "landscape character".

As amended Policy QRE1 meets the Basic Conditions.

**8.6 Policies for Rural Character, Heritage Assets and Environment**

One of the Core Planning Principles in the NPPF (para 17) is that planning should "contribute to conserving and enhancing the natural environment and reducing pollution". Local Plan Policies EN6 to EN14 provide a local framework to which Policy QEN1 adds some Neighbourhood Area specific detail. Accordingly, Policy QEN1 meets the Basic Conditions.

**8.7 Historical/Heritage Assets**

One of the Core Planning Principles in the NPPF (para 17) is that planning should "conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations". Local Plan Policies EN 23 to EN33 provide a local framework for Policy QEN2. However, the Policy wording includes nothing specific to Quarndon and, potentially, by adopting different wording from the related national and Local Plan policies, there is the opportunity for confusion. For example the NPPF (para 134) says: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use" whereas the third element of Policy QEN2 has no mention of "less than substantial harm". Since the Local Plan has 10 Policies that address heritage matters it is inevitable that compression into a single Policy will lose subtleties as well as mislead – for example settings of Conservation Areas are not specifically protected in the legislation. Accordingly, in the absence of specific local detail, Policy QEN2 needs to be simplified.

**Recommendation 26:**

Reword Policy QEN2 as follows:

*'Heritage assets in the Quarndon Neighbourhood Area will be conserved in a manner appropriate to their significance.'*

As amended Policy QEN2 meets the Basic Conditions.

#### **8.6.4 Views**

Local Plan Policies EN8 and EN9 afford significant protection for landscape features although, notably, Policy EN9 does provide for mitigation in some circumstances. Any assessment of what “detracts from the significant views” (para 8.6.4.3) will inevitably be subjective. Also development benefits will not solely be weighed in terms of their benefit “to the Parish”. The core of this Policy is essentially the requirement that proposals assess and address their impact on views; the judgement is then about the extent to which proposals and their design succeed (after the principle of development has been established against other policies). Arguably the “high sensitivity” designation in the referenced 2016 Study achieves the same end, but I can see that community consultation is the basis for the approach in the Plan.

The views in Appendix 5 are an integral part of the Policy but the map illustrations extend beyond the Neighbourhood Area boundary whereas of course the Plan can only influence development activity within the Neighbourhood Area; therefore the views need to be truncated at the boundary.

#### **Recommendation 27:**

*27.1 Amend paragraph 1 of Policy QEN3 to replace “as shown” with ‘are shown’ and delete the wording in that paragraph after “Appendix 5”.*

*27.2 Within Appendix 5 (see later recommendation on numbering) on each of the four maps, delete the parts of the view vectors that extend beyond the Neighbourhood Area boundary.*

As amended Policy QEN3 meets the Basic Conditions.

#### **8.6.5 Dark Skies**

The NPPF (para 125) says that “By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”. I am doubtful that the NPPF term “intrinsically dark” and the term “dark at night” used within Policy QEN4 are equivalents. The Qualifying Body has been unable to provide a source for their definition of “dark at night” but I believe their purpose is simply to resist the extension of areas that are presently lit. Further, most domestic installations of lighting will not require a planning consent; therefore “Any proposals” within the Policy wording needs to be modified – a point noted within the representations. Accordingly some rewording is required for clarity.

#### **Recommendation 28:**

*28.1 Within the first sentence of Policy QEN4 replace “All development” with ‘Developments where a planning consent is required’.*

*28.2 Amend the second sentence of Policy QEN4 to read: ‘Proposals to introduce new lighting into areas that do not presently have artificial lighting will be resisted, unless it is demonstrated that this is required for road and/or pedestrian safety.’*

*28.3 In paragraph 8.5.5.3 (as renumbered) delete the second sentence (unreferenced definition of Dark at Night).*

As amended Policy QEN4 meets the Basic Conditions.

#### **8.7 Policies for Infrastructure**

The NPPF (para 30) says that “Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion”. Local Plan Policies TP2 & TP3 aim to “reduce dependency on the car and encourage more people to undertake journeys on foot or by cycle for commuting or leisure purposes” (para 5.9). However, in the

absence of related developments it is difficult to see how the Neighbourhood Plan Policies QIN1 to QIN3 will be delivered other than through the use of Parish funds. However the Qualifying Body has said that they believe that it is conceivable that the infrastructure needs may be provided as part of developments that may take place along the principal roads in the Parish and they see the QIN Policies as a way to encourage developers to pursue these. As the Neighbourhood Plan cannot extend beyond the Neighbourhood Area that part of Policy QIN1 that starts “Although not within the Parish” will need to be deleted or relocated to Section 9 that deals with non-planning matters.

**Recommendation 29:**

*Within Policy QIN1 delete paragraph 2.*

Policy QIN1 as amended and Policies QIN2 & QIN3 meet the Basic Conditions.

**8.7.5 High Speed Connectivity**

Whilst national policy (NPPF section 5) and the Submission Local Plan (Policy EN17) support the development of broadband infrastructure, Policy QIN4 as worded is not a land-use matter and adds no local detail. Whilst it is evident that good communications is of concern, non-planning national policy is driving the distribution of high speed internet connectivity. Accordingly, the Qualifying Body has agreed that the more appropriately worded Submission Local Plan Policy should be used.

**Recommendation 30:**

*30.1 Reword Policy QIN4 as follows:*

*‘Development proposals, wherever possible, should facilitate the on-site provision of high speed broadband connectivity.’*

*30.2 Add to paragraph 8.6.5.4 (as renumbered):*

*‘The extension of the telecommunications network should not impact negatively on the functioning of the existing infrastructure.’*

As amended Policy QIN4 meets the Basic Conditions.

**9 Quarndon – Non-planning issues**

Planning Practice Guidance says: “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex” (Paragraph: 004 Reference ID: 41-004-20170728). Whilst it may have been ideal if section 9 had been included as an annex, the title to the section makes the nature of the content very clear and I am satisfied that the purpose of the Guidance has been served.

**10 References**

The References section is well presented but the additions recommended in earlier sections need to be added.

**11 Appendices**

Since the content that references Appendix 1 has been removed the Appendix also needs to be removed. The remaining reference within the text will therefore be to the AECOM Report itself. Since the vital content of Appendix 4 has either been moved to within the Plan and/or replaced, that Appendix too should be removed. The remaining Appendices provide helpful background detail and illustrations but they need to be renumbered and the new numbers incorporated within the Plan text.

**Recommendation 31:**

31.1 Delete Appendices 1 and 4 and renumber the remaining Appendices accordingly.

31.2 Incorporate the new Appendices' numbers into the Plan text and Policies as required.

**Other matters raised in representations**

Some representations have suggested additional or expanded content that the Plan might include. However, given that the Neighbourhood Development Plan sits within the development plan documents as a whole, keeping content pertinent to Quarndon identified priorities is entirely appropriate. As noted within the body of this Report it is a requirement that a Neighbourhood Development Plan addresses only the “development and use of land”. Even within this restriction there is no obligation on Neighbourhood Development Plans to be comprehensive in their coverage – unlike Local Plans - not least because proportionate supporting evidence is required.

Many representations indicate support for all or parts of the draft Plan and this helps in a small but valuable way to reassure that the extensive public consultation has been productive.

I have not mentioned every representation individually but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met.

**European Union (EU) and European Convention on Human Rights (ECHR) Obligations**

A further Basic Condition, which the Quarndon Neighbourhood Plan must meet, is compatibility with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

There is no legal requirement for a Neighbourhood Development Plan to have a sustainability appraisal. The Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination carried out by Amber Valley Borough Council for the Quarndon Neighbourhood Plan (July 2018) considered whether or not the content of the Plan required a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plan and Programmes Regulations 2004. In accordance with Regulation 9 of the SEA Regulations 2004, Amber Valley Borough Council determined that an environmental assessment of the emerging Quarndon Neighbourhood Plan was not required as “the potential for significant effects to arise as a result of the Plan is likely to be limited and/or mostly positive in nature”. The Screening “also concluded that the plan will have no likely significant effects on European sites and therefore a Habitat Regulation Assessment is not required.” In making this determination, the Borough Council had regard to Schedule 1 of the Regulations and carried out consultation with the relevant public bodies who concurred with the screening opinion. Particularly in the absence of any adverse comments from the statutory bodies or the Local Planning Authority, I can confirm that the Screening undertaken was appropriate and proportionate and confirm that the Plan has sustainability at its heart.

The Basic Conditions Statement submitted alongside the Quarndon Neighbourhood Plan includes an Equalities Impact Assessment. I can confirm that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with

the Human Rights Act 1998. No evidence has been put forward to demonstrate that this is not the case.

Taking all of the above into account, I am satisfied that the Quarndon Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with, the ECHR.

## Conclusions

This Independent Examiner's Report recommends a range of modifications to the Policies, as well as some of the supporting content, in the Plan. Modifications have been recommended to effect corrections, to ensure clarity and in order to ensure that the Basic Conditions are met. Whilst I have proposed a significant number of modifications, the Plan itself remains fundamentally unchanged in the role and direction set for it by the Qualifying Body.

I therefore conclude that, subject to the modifications recommended, the Quarndon Neighbourhood Plan:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

**On that basis I *recommend* to the Amber Valley Borough Council that, subject to the incorporation of modifications set out as recommendations in this report, it is appropriate for the Quarndon Neighbourhood Plan to proceed to referendum.**

### Referendum Area

As noted earlier, part of my Examiner role is to consider whether the referendum area should be extended beyond the Plan area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case. I therefore ***recommend*** that the Plan should proceed to referendum based on the Neighbourhood Area as approved by the Amber Valley Borough Council on 22<sup>nd</sup> July 2016.

**Recommendations:** (this is a listing of the recommendations exactly as they are included in the Report)

Rec	Text	Reason
1	Remove the “Submission Version” label on the front cover.	For clarity
2	Review the “Contents” pages once the text has been amended to accommodate the recommendations from this Report.	For clarity and correction
3	Remove the Foreword on page 4.	For clarity
4	<p>Under the sub-heading “The Neighbourhood Plan and the Planning System” in paragraph 4.1.1.3:</p> <p>4.1 Correct the reference to the Local Plan incorporated within paragraph (c): ‘Amber Valley Borough Council (saved) Local Plan 2006’.</p> <p>4.2 Update the list of Basic Conditions to include (I suggest in place of the present content for paragraph (e)): ‘The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).’</p>	For clarity and correction
5	Under the heading “About the Parish Of Quarndon” in paragraph 5.6 add at the end of the first sentence: ‘; the Neighbourhood Area was designated by Amber Valley Borough Council on 22nd July 2016’.	For clarity
6	<p>6.1 Under the sub-heading “Spatial Portrait of the Parish of Quarndon” in paragraph 6.1.1 add a reference (here and in Section 10) for the Kedleston Park SSSI; to the extent possible update paragraph 6.1.8 regarding the legal actions.</p> <p>6.2 Under the sub-heading “The Some Road and Memorial Road (Poppyfields Meadow) Cluster in paragraph 6.2.4 “stated” should be replaced with ‘states’.</p> <p>6.3 Under the sub-heading “Number of new dwellings required – Housing Needs Assessment”:</p> <p>6.3.1 Delete from paragraph 6.2.11 the last sentence starting “A summary of....”;</p> <p>6.3.2 Delete from paragraph 6.2.12 all but the first sentence;</p> <p>6.3.3 Delete from paragraph 6.2.13 the last sentence starting “It is expected that....”;</p> <p>6.3.4 Delete from paragraph 6.2.14 all but the first sentence;</p> <p>6.3.5 Replace the first sentence of paragraph 6.2.15 with: ‘In view of the expectation of “limited growth” within Quarndon and the constraints applicable within the Parish, this NDP has not sought to allocate sites for housing development’; retain the second sentence.</p> <p>6.4 Add source references for the content of Maps 3, 5, 6 &amp; 7.</p>	For clarity and correction and to meet Basic Condition 1

7	Ensure that the Policies are written with sub-paragraphs and/or criteria suitably numbered or lettered so that these elements can easily be referenced within planning documents.	For clarity
8	Delete paragraphs 8.1.4 & 8.1.5 and renumber the subsequent paragraph accordingly.	For clarity
9	<p>9.1 Delete from the 8.2 title the words “and Housing Need”; delete the last sentence of paragraph 8.2.1.4 and the whole of paragraphs 8.2.1.5 to 8.2.2.5 inclusive; renumber the subsequent sections as ‘8.2.2 Setting of Kedleston Hall, Park and Conservation Area’, ‘8.2.3 Reuse of Redundant Buildings in the Open Countryside/Green Belt’ and ‘8.2.4 Separation of Quarndon from Derby and Duffield’.</p> <p>9.2 Reword Policy QSS1 as follows: ‘This Plan supports the delivery of new housing, economic growth and diversification where these comply with the detailed policies set out in subsequent sections of the Plan’.</p> <p>9.3 Replace the Interpretation section to read as follows: ‘This Policy generically supports the development needed in the Quarndon Neighbourhood Area with the detail for housing being provided by the QH policies and economic growth &amp; diversification by the QCLE polices that follow.’</p>	For clarity and correction and to meet Basic Conditions 1 & 3
10	<p>10.1 Renumber section 8.2.3 as 8.2.2.</p> <p>10.2 Replace the last sentence of paragraph 8.2.3.1 with: ‘The definition of “setting” within Policy QSS2 and throughout this Plan is that provided within the NPPF.’</p> <p>10.3 Within Policy QSS2:  10.3.1 Replace “considered for approval” with ‘supported’;  10.3.2 In bullet point 1 after “of limited scale” add ‘appropriate to its setting’;  10.3.3 Reword bullet point 2 as: ‘the development supports the operation of the historic Kedleston estate or community access; and’  10.3.4 Add a bullet point 3 as follows: ‘an appraisal of potential impacts has been undertaken and applied.’  10.3.5 Add as a second paragraph: ‘Where the setting is within Green Belt, development will only be supported where it meets the foregoing policy requirements and also those for Green Belt.’</p> <p>10.4 Under “Interpretation” for Policy QSS2 (para 8.2.3.2), for clarity replace “test of harm” with ‘consideration of potential impacts’ and, to be consistent with the Policy, in the fourth line, replace “and/or” with ‘or’.</p>	For clarity and correction and to meet Basic Conditions 1 & 3
11	<p>11.1 Renumber section 8.2.4 as 8.2.3.</p> <p>11.2 Within paragraph 8.2.4.1 replace “sites/buildings” in line four with</p>	For clarity and correction

	<p>'redundant buildings'.</p> <p>11.3 Within Policy QSS3:</p> <p>11.3.1 In the opening sentence add 'redundant' before "agricultural" and after "buildings" add 'of permanent and substantial construction';</p> <p>11.3.2 In bullet point 1 replace "or" with 'and';</p> <p>11.3.3 In bullet point 2 add 'with regard to the rural character of the area';</p> <p>11.3.4 Replace bullet point 3 with 'any extension or alteration does not result in disproportionate additions over and above the size of the original building';</p> <p>11.3.5 Add an additional criterion as follows: 'new residential proposals have demonstrated that employment or tourism uses would not be suitable or viable.'</p> <p>11.4 Under "Interpretation" for Policy QSS3, to be consistent with the Policy, add 'redundant' before "agricultural" in the first line.</p>	<p>and to meet Basic Conditions 1 &amp; 3</p>
12	<p>12.1 Renumber section 8.2.5 as 8.2.4.</p> <p>12.2 Reword Policy QSS4 as follows: 'The separation of the Village of Quarndon from the Derby urban area and from Duffield will be maintained through retention of the existing open gaps between the settlements.'</p>	<p>For clarity and correction and to meet Basic Condition 1</p>
13	<p>13.1 In paragraph 8.3.1.4 replace "meet" with 'address'.</p> <p>13.2 Within the first paragraph of Policy QH1:</p> <p>13.2.1 To avoid repetition of "it would", add 'it would' to the opening sentence before the colon;</p> <p>13.2.2 Remove "it would" from the beginning of bullet point 1;</p> <p>13.2.3 Reword bullet point 2 with a positive guide without repeating bullet point 1 as follows: 'address and respect the amenity of neighbours';</p> <p>13.2.4 Reword bullet point 3 as 'minimise the loss of hedgerows and mature trees and replace any unavoidable losses like-for-like within the site';</p> <p>13.2.5 Reword bullet point 4 as 'in the case of infill, be integrated within an existing built frontage'.</p> <p>13.3 Within the second paragraph of Policy QH1:</p> <p>13.3.1 In the opening sentence delete "that is" and after "Green Belt" add '(that is the parts of the village to the south along Church Road, including the old church and the Joiner's Arms pub, as well as the housing on The Common)';</p> <p>13.3.2 Reword bullet point 1 as 'infill a small gap between existing buildings generally no larger than two new dwellings';</p> <p>13.3.3 Delete bullet point 2 as it is already included as part of the first paragraph;</p> <p>13.3.4 Reword bullet point 3 as 'if within the Conservation Area, not diminish the natural features that contribute to its appearance and character';</p> <p>13.3.5 Reword bullet point 4 as 'retain the rural character by not removing the wildlife friendly green gaps where they span</p>	<p>For clarity and correction and to meet Basic Conditions 1 &amp; 3</p>

	<p>across both sides of the road’;</p> <p>13.3.6 Reword bullet point 5 as ‘retain the openness of the Green Belt and respect the inter-visibility between the village and the countryside that is characteristic of the rural setting.’</p>	
14	<p>14.1 From the title to section 8.3.3 delete “and Poppyfields Meadow”.</p> <p>14.2 Amend paragraph 8.3.3.1 to delete “make it inappropriate to allow additional dwellings to be built in this area” and replace it with ‘continue to be relevant’.</p> <p>14.3 Delete paragraph 8.3.3.2.</p> <p>14.4 Reword Policy QH2 as follows: ‘Development proposals within the existing Somme Road development should be restricted to appropriately scaled extensions to existing dwellings and replacement dwellings’.</p> <p>14.5 In paragraph 8.3.3.3: 14.5.1 In sentence 1 delete “and Poppyfields Meadow” from the first sentence and replace “in these areas are” with ‘is’; 14.5.2 Delete sentence 2.</p>	For clarity and correction and to meet Basic Conditions 1 & 3
15	<p>15.1 Renumber Policy QH3 as QDBC1 and renumber subsequent QH paragraphs and Policies accordingly; relocate the renumbered Policy and related paragraphs to after the QH Policies numbered as section 8.4; renumber subsequent sections accordingly.</p> <p>15.2 Within Policy QDBC1 (as renumbered): 15.2.1 In the opening sentence replace “meeting” with ‘addressing’; 15.2.2 In bullet point 3 replace “spaced and set-back within the plot” with ‘set’ and delete “and avoid the appearance of over-development”; 15.2.3 In bullet point 5 replace “for detached new builds within the Village of Quarndon a minimum 2 metres shall be allowed between the building footprint and any boundary of the plot” with ‘this might be achieved by a 2 metre gap between properties’; 15.2.4 In bullet point 6 delete “residential”; 15.2.5 Replace bullet point 7 with: ‘minimising the loss of hedgerows and mature trees and replacing any unavoidable losses like-for-like within the site’; 15.2.6 In bullet point 8 replace “avoids isolating properties from the street scene” with ‘retain the open frontages that are characteristic of rural and village settings’; 15.2.7 In bullet point 9 replace “authentic” with ‘high-quality, modern and/or traditional materials’; 15.2.8 In the final paragraph replace “include drawings or scale illustrations showing the” with ‘address and illustrate appropriately’.</p> <p>15.3 In paragraph 8.3.4.2: 15.3.1 In sentence 1 replace “builds” with ‘buildings’ and replace “meet” with ‘address’;</p>	For clarity and correction and to meet Basic Conditions 1 & 3

	<p>15.3.2 In sentence 2 add 'Appropriate' at the beginning of the sentence and replace "are required" with 'should be provided';</p> <p>15.3.3 In sentence 3 replace "aims" with 'Policy criteria'.</p>	
16	<p>16.1 Renumber the paragraphs for section 8.3.5 as 8.3.4</p> <p>16.2 In the opening sentence of renumbered paragraph 8.3.4.1 add after Parish 'both' and after "consultations" add 'concentrated in the Village of Quarndon,'.</p> <p>16.3 Renumber Policy QH4 as QH3 and reword as follows: 'Proposals for new dwellings within the Village of Quarndon will be expected to contribute to meeting the requirement for downsizing and starter homes of up to 3 bedrooms; variation to this approach may be acceptable on the basis of substantiated evidence.'</p>	For clarity and correction and to meet Basic Conditions 1 & 3
17	<p>17.1 Renumber the paragraphs for section 8.3.6 as 8.3.5 and the Policy from QH5 to QH4.</p> <p>17.2 Within the opening sentence of Policy (as renumbered) QH4 replace "accommodation and care" with 'supported housing'.</p>	For clarity and correction and to meet Basic Conditions 1 & 3
18	<p>18.1 Renumber the paragraphs for section 8.3.7 as 8.3.6 and the Policy from QH6 to QH5.</p> <p>18.2 In paragraph 8.3.6.2 (as renumbered) replace "at least meeting the maximum parking standards" with 'having regard to the parking standards'; provide a source reference for the Derbyshire County Council Parking Standards.</p> <p>18.3 Within Policy QH5 (as renumbered) bullet point 1 replace "surrounding" with 'adjacent'.</p>	For clarity and correction and to meet Basic Conditions 1 & 3
19	<p>19.1 Renumber the paragraphs for section 8.3.8 as 8.3.7 and the Policy from QH7 to QH6.</p> <p>19.2 In paragraph 8.3.7.1 (as renumbered):</p> <p>19.2.1 Replace "not necessary to meet the Parish's identified housing need" with 'not appropriate to addressing the Parish housing requirements';</p> <p>19.2.2 Delete "and/or any other larger housing development in the Parish that is proposed in the period of this Plan".</p> <p>19.3 Within Policy QH6 (as renumbered):</p> <p>19.3.1 In bullet point 1 replace "30%" with 'Up to 30%';</p> <p>19.3.2 Reword bullet point 2 as 'Proportionate provision should be included for housing elderly people and others suffering from mobility challenges';</p> <p>19.3.3 After bullet point 6 delete "For developments of 100 or more new dwellings:";</p> <p>19.3.4 Delete bullet points 7, 9 &amp; 10.</p>	For clarity and correction and to meet Basic Conditions 1 & 3

20	Renumber the paragraphs for section 8.4 as 8.5.	For clarity
21	<p>21.1 Move the content from Appendix 4 under the heading Green Space 1 – Deciduous woodland on Burley Lane south of Burley Grange to become an additional paragraph 8.5.2.6 (as renumbered); ensure that the text relates more closely to the NPPF criteria, such as: ‘The single Local Green Space identified is at Burley Lane south of Burley Grange (as identified on Map 8) which is close to the centre of Quarndon Village. The Space is demonstrably special to the community having been identified through the Plan consultation and it holds a particular local significance because of its wildlife; the Space provides a nature stepping stone and a footpath between Allestree Park Local Nature Reserve and Burley Wood. The site is roughly the size of two dwelling plots and is therefore local in scale.’</p> <p>21.2 Reword Policy QCLE1 as follows: ‘Land on Burley Lane south of Burley Grange, delineated on the adjacent Map 8, is designated as a Local Green Space because of its wildlife significance’.</p> <p>21.3 Provide a map of the site titled as ‘Map 8: Burley Lane Local Green Space’; the map must delineate the Local Green Space at a scale that will allow the boundary to be identified without any ambiguity.</p> <p>21.4 In paragraph 8.5.2.7 (as renumbered):  21.4.1 Replace the words “treatment of” with ‘the’;  21.4.2 Delete the following: “(Appendix 4, Map GS1)”.</p>	For clarity and correction and to meet Basic Conditions 1 & 3
22	<p>22.1 Add to paragraph 8.5.3.3 (as renumbered): ‘During the consultations there were suggestions for facilities such as tennis courts, allotments, improved children’s play area, and improved meeting places’.</p> <p>22.2 Reword Policy QCLE2 as follows: ‘Proposals that ensure the retention, improvement or expansion of key local facilities will be supported. Any redevelopment will only be supported if the facility affected is replaced by an equivalent or better provision in an equally suitable location or non-viability is established with appropriate evidence. These key facilities (as at 2018) are: St Paul’s Church &amp; burial ground, the Primary School and its playing field, the Village Hall, the Cricket Club on the Common, the Barn Close play area/recreation ground, the Human Sundial &amp; associated seating, and the Phone Box Library.</p> <p>New community facilities will be supported where they address:  a) needs supported by the community;  b) the amenities of any nearby residential properties;  c) the requirements of Policy QDBC1;  d) road capacity and safety;  e) their impact on the local environment; and  f) wherever possible, provision for open-access electric vehicle and e-bike charging points.’</p>	For clarity and correction and to meet Basic Conditions 1 & 3

23	<p>Reword and restructure Policy QCLE3 as follows:  ‘Proposals that enable the retention or further development of the valued community facilities known as the Joiner’s Arms, Kedleston Country House Hotel and Queenies Tea Room will be supported. If the current use of any of these facilities is demonstrated to be unviable, despite evident efforts at safeguarding, then the conversion of part or all of a facility may be supported if the new use, whether commercial, housing or accommodation for the elderly, addresses the needs of the community.</p> <p>A proposal to provide a small food/convenience store within the Village of Quarndon with a frontage that is appropriate to the village street scene will be supported.</p> <p>All retail and rural services development proposals must assess and address their impact on the amenity of any nearby properties and on road safety.’</p>	For clarity and correction
24	<p>Within Policy QCLE4:  24.1 Reword the opening sentence as follows:  ‘The reuse of redundant or underused buildings within the Quarndon inset area for enterprises appropriate and beneficial to a village community will be supported where it is demonstrated that this:’</p> <p>24.2 Delete criterion 4 and paragraph 2.</p> <p>24.3 Add to the beginning of paragraph 3, ‘Where appropriate ...’.</p>	For clarity and correction and to meet Basic Conditions 1 & 3
25	<p>25.1 Add to paragraph 8.4.1.1 (as renumbered):  ‘Policy R1 in the Submission Local Plan 2016 commits the Borough Council to “support the provision of renewable energy, by working with providers to identify spatial opportunities for low-carbon energy development”.’</p> <p>25.2 Amend the opening paragraph of Policy QRE1 to read as follows:  ‘Domestic roof-mounted solar photovoltaic or water-heating panels (where not permitted development) shall be supported in all locations subject to the design and colour of the panels minimising their visual impact and, in the Conservation Areas, the objectives of their designation not being compromised’.</p> <p>25.3 In the 6th bullet point on the list attached to paragraph 3 replace “designated” with ‘identified’.</p> <p>25.4 In paragraph 5 move the “and” to before “emissions” and delete “landscape character”.</p>	For clarity and correction and to meet Basic Conditions 1 & 3
26	<p>Reword Policy QEN2 as follows:  ‘Heritage assets in the Quarndon Neighbourhood Area will be conserved in a manner appropriate to their significance.’</p>	For clarity and correction and to meet Basic Conditions 1 & 3

27	<p>27.1 Amend paragraph 1 of Policy QEN3 to replace “as shown” with ‘are shown’ and delete the wording in that paragraph after “Appendix 5”.</p> <p>27.2 Within Appendix 5 (see later recommendation on numbering) on each of the four maps, delete the parts of the view vectors that extend beyond the Neighbourhood Area boundary.</p>	For clarity and correction and to meet Basic Conditions 1 & 3
28	<p>28.1 Within the first sentence of Policy QEN4 replace “All development” with ‘Developments where a planning consent is required’.</p> <p>28.2 Amend the second sentence of Policy QEN4 to read: ‘Proposals to introduce new lighting into areas that do not presently have artificial lighting will be resisted, unless it is demonstrated that this is required for road and/or pedestrian safety.’</p> <p>28.3 In paragraph 8.5.5.3 (as renumbered) delete the second sentence (unreferenced definition of Dark at Night).</p>	For clarity and correction and to meet Basic Conditions 1 & 3
29	Within Policy QIN1 delete paragraph 2.	To meet Basic Condition 1
30	<p>30.1 Reword Policy QIN4 as follows: ‘Development proposals, wherever possible, should facilitate the on-site provision of high speed broadband connectivity.’</p> <p>30.2 Add to paragraph 8.6.5.4 (as renumbered): ‘The extension of the telecommunications network should not impact negatively on the functioning of the existing infrastructure.’</p>	For clarity and correction and to meet Basic Conditions 1 & 3
31	<p>31.1 Delete Appendices 1 and 4 and renumber the remaining Appendices accordingly.</p> <p>31.2 Incorporate the new Appendices’ numbers into the Plan text and Policies as required.</p>	For clarity and correction