

Consultation Responses
Holymoorside and Walton Neighbourhood Plan
Submission Draft April 2017

Respondent #1:

Alan Borman

Response:

Holymoorside and Walton Neighbourhood Plan

Thank you for notifying me that an amended Draft Plan has now been formally submitted.

It is to last until 2033, (16 or 17 years) and it should not need to be amended regularly.

We should not be asked to vote in a Referendum on an 'unfinished' Plan and then have no vote on substantial amendments.

It is wrong to rush it through. The Draft Plan is available in the interim.

Approval of the Draft Plan should be postponed for a short while until The Green Belt and Settlement Limit have been resolved, and the Draft Neighbourhood Plan amended accordingly.

Only 2.25% of the population (as at 2011) attended the meeting and very few residents sent in written replies. There is nothing to require the Neighbourhood Plan to be completed urgently.

The Draft Plan contains various spelling and grammatical errors, a major one is 'Leeds Valley' which presumably means 'Loads Valley' (top of page 29).

There are other inaccuracies, for example:-

Pinfold (Pages 39 and 83)

There is no pinfold. It was demolished over 100 years ago with the approval of Brampton and Walton Urban District Council and the stone used in road widening on Doghole Lane.

It was only 20 feet (about 6 metres) square on the top of the bank and set in unfenced grass verges at the end of Pocknedge Lane (See Ordnance Survey Maps). There were no trees and trees were planted on the land after the pinfold was removed.

Hat Factory (Page 39)

This was a felt hat factory.

Mr Entwistle got the information for his book 'Holymoorside' from the publication General View of the Agriculture and Minerals of Derbyshire by John Farey 1811 which records the hat making at Doghole using imported (i.e. not produced in the county) animal substances. It also mentions basket making elsewhere in Holymoorside but not at Doghole.

There was Framework Knitting in a now demolished dwelling next to The Hat Factory.

Green Space Land adjacent Belmont Park Housing (Page 84)

This land does have historic significance. Nearest the camera is where Dark Lane crosses at its T junction with Doghole Lane. Dark Lane was the road from Brookside to Wadshelf prior to the construction of the new Turnpike Road after 1811, roughly where the A619 now is, although this was straightened and widened later. Tolls were paid at Brookside Toll Bar.

Brampton Hill Top Farm was renamed Belmont in the 1830s after purchase by Col. Gladwin.

Neil Cottages

Which are Neil Cottages? (Page 39)

My view is that while the Draft Neighbourhood Plan has had a lot of good work carried out on it, for which the parishioners will be grateful, the Parish deserves a full, complete and correct document which will serve for many years to come and not lead to conflict and confusion.

Respondent #2:

Mr Joseph Drewry
Planning Advisor, Environment Agency

Response:**Submission of Draft Neighbourhood Plan for Holymoorside and Walton**

Thank you for the opportunity to respond to the Draft Holymoorside and Walton Neighbourhood Plan. The Environment Agency welcomes the opportunity to engage with local communities to promote environmental enhancements at a local level. Please find our comments as follows:

We note that there are no proposed site allocations within this draft neighbourhood plan

Flood Risk

The only new housing development proposed is to allow infill within Holymoorside and Walton. If any of this new development would be within flood zones 2 and 3, then the Neighbourhood Plan should make reference to the National Planning Policy Framework to ensure the development is acceptable or not from a flood risk perspective.

Biodiversity Policy NE2

We welcome the proposed policy to support proposals that protect and enhance Biodiversity.

Respondent #3:

Clive Fletcher,
Principal Advisor, Historic Places

Response:

Fwd: Consultation on Submission Draft Neighbourhood Plan for Holymoorside and Walton.

Dear Mr Cooper,

Thank you for your email. Further to our letter of the 1st April 2016, we have no further comments.

Yours sincerely,

Respondent #4:

Richard Agnew
Gladman Developments Ltd.

Response:

This letter provides Gladman Developments Ltd (Gladman) representations in response to the first draft version of the Holymoorside and Walton Neighbourhood Plan (HWNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. Gladman requests to be added to the Council's consultation database and to be kept informed on the progress of the emerging neighbourhood plan. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy.

Legal Requirements

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the HWNP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.*
- (d) The making of the order contributes to the achievement of sustainable development.*
- (e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.*

National Planning Policy Framework and Planning Practice Guidance

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role in which they play in delivering sustainable development to meet development needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through both plan-making and decision-taking. For plan-making this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account the latest and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 16 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 17 further makes clear that neighbourhood plans should set out a clear and positive vision for the future of the area and policies contained in those plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 184 of the Framework makes clear that local planning authorities will need to clearly set out their strategic policies to ensure that an up-to-date Local Plan is in place as quickly as possible. The Neighbourhood Plan should ensure that it is aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

Planning Practice Guidance

It is clear from the requirements of the Framework that neighbourhood plans should be prepared in conformity with the strategic requirements for the wider area as confirmed in an adopted development plan. The requirements of the Framework have now been supplemented by the publication of Planning Practice Guidance (PPG).

On 11th February 2016, the Secretary of State (SoS) published a series of updates to the neighbourhood planning chapter of the PPG. In summary, these update a number of component parts of the evidence base that are required to support an emerging neighbourhood plan.

On 19th May 2016, the Secretary of State published a further set of updates to the neighbourhood planning PPG. These updates provide further clarity on what measures a qualifying body should take to review the contents of a neighbourhood plan where the evidence base for the plan policy becomes less robust. As such it is considered that where a qualifying body intends to undertake a review of the neighbourhood plan, it should include a policy relating to this intention which includes a detailed explanation outlining the qualifying bodies anticipated timescales in this regard.

Further, the PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded. It is with that in mind that Gladman has reservations regarding the HWNP's ability to meet basic condition (a) and this will be discussed in greater detail throughout this response.

Relationship to Local Plan

To meet the requirements of the basic conditions the HWNP will need to be found in general conformity with the strategic priorities contained in the adopted Development Plan. For the purposes of plan preparation, this means that the HWNP will need to be consistent with the requirements sets out in the North East Derbyshire Local Plan. However, this Plan was prepared in accordance with a different era in national planning policy and guidance and only covered the period to 2011. It is therefore important to consider the requirements of the Framework which is likely to supersede some of the policies contained in the adopted Development Plan.

The emerging North East Derbyshire Local Plan 2011-2033 is still in its infancy and as such the HWNP should incorporate as much flexibility as possible as Section 38(5) of the Planning and Compulsory Purchase Act 2004 states:

'if to any extent, a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approached, or published (as the case may be).'

Holymoorside and Walton Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the HWNP as currently proposed. It is considered that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend a series of alternative options that should be explored prior to the Plan being submitted for Independent Examination.

The Plan states it is based on robust evidence however Gladman have not seen any publicly available evidence to support several of the policy options being progressed. It will be detailed throughout this response, where it is considered the evidence is currently lacking.

Policy S1: Presumption in favour of sustainable development

Gladman support the inclusion this policy however suggest that the wording of the policy is modified slightly to ensure that the policy will support the implementation of objectives of the Framework. This would ensure the plan takes a positive stance towards sustainable development meeting basic condition (a), taking the policy further than simply reflecting the Framework. Suggested wording is included below:

'When considering development proposals, the Plan will take a positive approach towards sustainable development.'

Policy S2: Settlement Development Limits and Policy S3: Development Proposals Outside the Defined Settlement Development Limits

Gladman question the use of a settlement development limits policy where the limits are the same as current Green Belt boundaries. This policy sets out the circumstances where development will be viewed sympathetically, it is suggested that the wording of this policy is simplified for a decision maker and written in more positive way to support policy S1 of the plan. Reference is made to a number of the other policies of the plan which any development proposal will already be considered against. Gladman suggests these elements are removed from the policy and replace with wording from Policy S3, *'where they comply with relevant policies of this Plan.'* This would ensure the policy is not overly prescriptive.

It is also not considered appropriate to define settlement limits for Walton, where most of the settlement continues on in to Chesterfield, beyond the boundaries and remit of the HWNP. Gladman are also concerned with the wording of this policy, which states land outside the development limits will be treated as open countryside protected for the sake of its intrinsic character and beauty. Gladman suggest this policy is reworded to reflect that land beyond the built up area Green Belt, a national designation where development will only be permitted in 'very special circumstances' and not for the sake of its intrinsic character and beauty.

Policy H2: Small Infill and Redevelopment Sites

This policy will need clarifying as it does not state what is meant by the term 'small' it is also considered that the wording of this policy is not positive. This policy could be contained as a part of S2 in setting out a positive approach to development within the settlement limits.

Policy H3: Housing mix

Gladman are concerned with the wording of this policy, whilst support can be demonstrated for smaller homes it is inappropriate to include a strong presumption against larger homes. There is no 'presumption against' housing mix in the Framework and this sentence should be deleted from the policy. The housing mix should be considered on a scheme by scheme basis where the full needs of the community are met.

Policy H5: Rural Exception Sites

This policy will view rural exception sites 'sympathetically' where they would provide exclusively affordable housing. This does not accord with the Framework's definition of a rural exception site which would allow small amounts of market homes at the local authority's discretion where it would be essential to enable the delivery of affordable units. This policy should either be modified to reflect the Framework's definition or delete the criteria that the scheme should be exclusively affordable.

Policy NE1: Local Green Spaces

This policy is seeking to designate 14 parcels of land as Local Green Space (LGS). Due to the lasting nature of this designation and the level of protection of these designations, similar to that of Green Belt, Gladman contend that robust evidence should support such a policy. Paragraph 77 sets out the three tests that must be met for the designation of LGS, these are that:

'The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- Where the green space is reasonably close proximity to the community it serves;
- *Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreation value (including as a playing field), tranquillity or richness of its wildlife; and*
- Where the green area concerned is local in character and is not an extensive tract of land.'

Gladman contend that the evidence to warrant the inclusion of such a policy should be extremely robust and having not currently seen any evidence to support the inclusion of the designations in the policy recommend it is deleted from the plan. The map outlining the proposed designations is unclear however it appears that some of the designations may not be meeting all of the criteria for LGS designation. Further, most of the identified LGS parcels are already protected by Green Belt designations and it is considered that this additional level of protection is unnecessary.

The wording of the policy does not accord with the Framework when considering the circumstances upon which LGS may be developed. Paragraph 78 of the Framework states '*local policy for managing development within a Local Green Space should be consistent with policy for Green Belts*'. It is not considered appropriate for development of designations to be considered where equivalent LGS can be provided as this would not meet the criteria of being demonstrably special to the local community, as defined in the Framework.

The issues surrounding LGS designations have been considered in a number of other Examiner's reports across the country and we highlight the following decisions:

- The Seldlescombe Neighbourhood Plan Examiner's Report¹ recommended the deletion of a LGS measuring approximately 4.5ha as it was found to be an extensive tract of land.
- The Oakley and Deane Neighbourhood Plan Examiners Report² recommended the deletion of a LGS measuring approximately 5ha and also found this area to be not local in character. Thereby failing to meet 2 of the 3 tests for LGS designation.
- The Alrewas Neighbourhood Plan Examiner's Report³ identifies that both sites proposed as LGS in the neighbourhood plan '*in relation to the overall size of the Alrewas Village*' to be extensive tracts of land. The Examiner in this instance recommended the deletion of the proposed LGSs which measured approximately 2.4ha and 3.7ha.
- The Freshford and Limpley Neighbourhood Plan Examiner's Report⁴ identified that the six LGS proposed did not meet the criteria required by the Framework either collectively or individually. Indeed, the Examiner identified that the combination of sites comprised of an extensive tract of land. The Examiner also considered that the protection of fields to 'prevent agglomeration between the settlement areas... is not the purpose of Local Green Space designation'.
- The Eastington Neighbourhood Plan Examiner's Report⁵ recommended the deletion of three LGS (16ha and 2ha) considered to be extensive tracts of land. The third proposed LGS was deleted due to the lack of evidence demonstrating its importance and significance to the local community.
- The Tattenhill and Rangemore Neighbourhood Plan Examiner's Report⁶ recommended the deletion of 2 LGS comprising of 4.3ha and 9.4ha.
- The Norley Examiner's Report⁷ identified a total of 13 parcels of land to be designated as LGS. The Examiner recommended at §4.98 that the identification of these extensive tracts of agricultural land was contrary to NPPF policy and recommended that the policy should be deleted. The proposed LGS measured in the range of 1ha – 4.3ha.

Policy NE4: Important Views and Policy NE5: Special Landscape Area

Gladman are concerned that policies NE4 and NE5 are lacking the proportionate robust evidence to support the designations proposed in the policies. Paragraph 109 of the Framework states that '*the planning system should contribute and enhance the natural and local environment by protecting and enhancing valued landscapes...*' without denying what is considered a valued landscape. Numerous appeals have sought to bring clarity to this term and the consensus suggests that for a landscape to be considered as valued it must exhibit some demonstrable physical attributes which elevate its importance above simply being an area of undeveloped countryside.

Designation of important views should not be used to try and block sustainable development coming forward, as this would be a direct conflict with the Framework. Gladman does not consider that the Landscape Character Assessment produced as part of the evidence base for the emerging Local Plan is sufficient evidence for why the important views identified should be protected. An additional landscape study should be undertaken to demonstrate why each of the views is considered necessary of protection further the designation of a Special Landscape Area to protect the entire area outside the defined limits to development is considered overly and a blanket restriction towards development; without sufficient evidence to demonstrate why the area is special this policy should be deleted.

Conclusions

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the HWNP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area.

Gladman is concerned that the plan in its current form does not comply with basic condition (a). The plan does not conform with national policy and guidance. Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Respondent #5:

Steve Pearce

Operations Directorate – Midlands Area 7, Highways England

Response:**SUBMISSION VERSION – HOLYMOORSIDE AND WALTON NEIGHBOURHOOD DEVELOPMENT PLAN**

Highways England welcomes the opportunity to comment on the submission version of the Holymoorside and Walton Neighbourhood Plan that covers the period 2016-2031. It is noted that the document provides a vision of the future of the Parishes of Holymoorside and Walton and sets out a number of key objectives and planning policies which will be used to help determine planning applications.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is the role of Highways England to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth. In relation to the Holymoorside and Walton Neighbourhood Plan, Highways England's principle interest is safeguarding a section of the M1 that routes approximately 9 miles to the east of the Neighbourhood Plan area.

Highways England understands that a Neighbourhood Plan is required to be in conformity with relevant national and Borough-wide planning policies. Accordingly, the Neighbourhood Plan for Holymoorside and Walton is required to be in conformity with the North East Derbyshire Local Plan (NEDLP) and this is acknowledged within the document.

Highways England notes that the NEDLP has set a minimum housing target of 15 dwellings to come forward across the plan period. However, Highways England notes that between 2011 and 2014, there were seven new homes built in the settlements of Holymoorside and Walton whilst planning permission has been granted for a further 10 homes. Highways England understands that any future growth in the parishes is likely to be restricted to small-scale windfall development. Given the small scale of the planned future development and the distance of the Neighbourhood Plan area from the SRN it is not considered that there will be any impacts on the operation of the M1.

Highways England has no further comments to provide, and trusts the above is useful in the progression of the Holymoorside and Walton Neighbourhood Plan.

Yours sincerely,

Respondent #6:

Mr & Mrs J & M Birds

Response:

Thank you for notifying us that an amended Draft Plan has now been formally submitted to the District Council and inviting feedback.

We note that our previous written submission to the Parish Council is included in the Consultation Statement.

On 8 March 2004 Holymoorside and Walton Parish Council write to North East Derbyshire District Council supporting removal of various properties including our property, comprising Birds Funeral Services and our residential accommodation at 44 Loads Road, from the Green Belt and inclusion in the Settlement Limit.

We are disappointed that after over 13 years this has still not been implemented and the Holymoorside and Walton Neighbourhood Plan does not properly address the issues.

As the Parish Council are aware the amendment is already proposed in the Local Plan currently being reviewed by the District Council as far as removal from the Green Belt is concerned and this has completed the consultation stage. We understand that the adjustment of the Settlement Limit will be dealt with by the District Council shortly.

We urge delay of the final approval as such matters are vital could soon be included in the Neighbourhood Plan which is declared to last until 2033 that is another 16 or 17 years.

The Draft Plan would be available to be consulted in the meantime.

If we and the other parishioners are asked to vote in a referendum on an incomplete document we will then have no vote on any amendments.

Leaving the Green Belt and Settlement Limit to be dealt with by at least three formal documents, the Neighbourhood Plan, the Local Plan and the Settlement Limit, makes understanding more difficult and any conflict between the documents will cause misunderstanding.

Respondent #7:

Andy Stubbs – Lead Adviser
East Midlands Sustainable Development Team, Natural England

Response:

BY EMAIL ONLY

Dear Richard

Holymoorside and Walton Neighbourhood Plan - Draft submission.

Thank you for your consultation on the above dated 24/05/2017

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made..

Natural England does not have any specific comments on this draft neighbourhood plan.

However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.

For clarification of any points in this letter, please contact Andy Stubbs on 02080261978. For any further consultations on your plan, please contact: consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities**Natural environment information sources**

The Magic1 website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones). Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](#)2.

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)3. Most of these will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and

economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)⁴.

There may also be a local landscape character assessment covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a National Park or Area of Outstanding Natural Beauty (AONB), the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on soil types and Agricultural Land Classification is available (under 'landscape') on the [Magic](#)⁵ website and also from the [LandIS](#) website⁶, which contains more information about obtaining soil data.

Natural environment issues to consider

The National Planning Policy Framework⁷ sets out national planning policy on protecting and enhancing the natural environment. Planning Practice Guidance⁸ sets out supporting guidance. Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

Landscape

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)⁹), such as Sites of Special Scientific Interest or Ancient woodland¹⁰. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)¹¹) or protected species. To help you do this, Natural England has produced advice [here](#)¹² to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see our publication *Agricultural Land Classification: protecting the best and most versatile agricultural land*¹³.

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape. Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings. Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see Planning Practice Guidance on this ¹⁴).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

Respondent #8:

Adele Metcalfe

Community Policy Planner, Peak District National Park Authority

Response:

Dear Richard,

Thank you for the opportunity to comment on Holymoorside and Walton Neighbourhood Plan.

POLICY S3 and POLICY NE5. POLICY S3 defines land outside the settlement boundaries as 'open countryside' where 'development will only be allowed in special circumstances' but POLICY NE5 defines the same area as a 'special landscape area' (which is then referred to as a 'strong' landscape area) where 'development proposals will be viewed sympathetically' subject to certain protections for landscape etc. Although S3 does reference compliance with 'district or national countryside policies' these 2 neighbourhood policies as currently drafted are contradictory and therefore do not give clarity about the level of protection to the valued landscape bordering the Peak District National Park. The Peak District National Park Authority's Development Plan Core Strategy lists valued characteristics (p59) including 'flow of landscape character across and beyond the National Park boundary; providing a continuity of landscape and valued setting for the National Park'.

POLICY NE1: LOCAL GREEN SPACES

The policy does not clearly designate the green spaces using explicit reference to, and language of, National Policy. Policy NE1 uses the term 'proposed green spaces' only in referring to the appendix but elsewhere variously refers to 'an identified important local green space' and the list of areas 'identified as being of special importance'. The policy should clearly designate each area as a green space and state that development is ruled out other than in very special circumstances. The precise boundary of each local green space should be shown on accurate, individually titled plans.

Kind Regards

Adele

Respondent #9:

Bob Brookes

Response:

Thank you for giving me the opportunity to comment on the final draft of the plan which has been submitted following public consultation in which I was able to participate.

Most of the points I raised originally have either been satisfied or rejected on sensible grounds, However, there is one major issue and one very small issue upon which I would wish to comment further.

Section 8 - Housing

S8.1 Meeting the housing need identifies that during the initial consultation the "vast majority of Parishioners do not wish to see major new housing development in the Parish". Plan H1 identifies that 17 homes have been or will be built within the plan period and that this exceeds the minimum target of 15. However, the North East Derbyshire District Council has subsequently reserved the right to set its own target for housing development in the Parish, thus making the proposals entirely meaningless and pointless. This also makes Plans H3 and H4 irrelevant. I would suggest therefore that the whole of this section be dropped from the draft plan to be added when the District Council tells the Parish Council what to put in.

Section 10.1 - Shops

Plan SCF1 Identifies that there is a "petrol station/shop" in the Parish but totally ignores Kendall's shop in Holymoorside which is much larger and is a vital asset to elderly people in the village who, because of the poor bus service, have difficulty shopping elsewhere. Was this excluded as a result of ignorance or prejudice?

Thank you again for the opportunity to comment of the Draft Plan

Respondent #10:

Dawn Williams
Water Efficiency and Growth Advisor, Severn Trent Water

Response:

Dear Sir/Madam
Consultation on Submission Draft Neighbourhood Plan for Holymoorside and Walton.

Thank you for giving Severn Trent Water the opportunity to comment on your consultation. We currently have no specific comments to make, however we have set out some general information and advice below.

Position Statement

As a water company we have an obligation to provide water supplies and sewage treatment capacity for future development. It is important for us to work collaboratively with Local Planning Authorities to provide relevant assessments of the impacts of future developments. For outline proposals we are able to provide general comments. Once detailed developments and site specific locations are confirmed by local councils, we are able to provide more specific comments and modelling of the network if required.

For most developments we do not foresee any particular issues. Where we consider there may be an issue we would discuss in further detail with the local planning authority. We will complete any necessary improvements to provide additional capacity once we have sufficient confidence that a development will go ahead. We do this to avoid making investments on speculative developments to minimise customer bills.

Sewage Strategy

Once detailed plans are available and we have modelled the additional capacity, in areas where sufficient capacity is not currently available and we have sufficient confidence that developments will be built, we will complete necessary improvements to provide the capacity. We will ensure that our assets have no adverse effect on the environment and that we provide appropriate levels of treatment at each of our sewage treatment works.

Surface Water and Sewer Flooding

We expect surface water to be managed in line with the Government's Water Strategy, Future Water. The strategy sets out a vision for more effective management of surface water to deal with the dual pressures of climate change and housing development. Surface water needs to be managed sustainably. For new developments we would not expect surface water to be conveyed to our foul or combined sewage system and, where practicable, we support the removal of surface water already connected to foul or combined sewer.

We believe that greater emphasis needs to be paid to consequences of extreme rainfall. In the past, even outside of the flood plain, some properties have been built in natural drainage paths. We request that developers providing sewers on new developments should safely accommodate floods which exceed the design capacity of the sewers.

Water Quality

Good quality river water and groundwater is vital for provision of good quality drinking water. We work closely with the Environment Agency and local farmers to ensure that water quality of supplies are not impacted by our or others operations. The Environment Agency's Source Protection Zone (SPZ) and Safe Guarding Zone policy should provide guidance on development. Any proposals should

take into account the principles of the Water Framework Directive and River Basin Management Plan for the Severn River basin unit as prepared by the Environment Agency.

Water Supply

When specific detail of planned development location and sizes are available a site specific assessment of the capacity of our water supply network could be made. Any assessment will involve carrying out a network analysis exercise to investigate any potential impacts.

We would not anticipate capacity problems within the urban areas of our network, any issues can be addressed through reinforcing our network. However, the ability to support significant development in the rural areas is likely to have a greater impact and require greater reinforcement to accommodate greater demands.

Water Efficiency

Building Regulation requirements specify that new homes must consume no more than 125 litres of water per person per day. We recommend that you consider taking an approach of installing specifically designed water efficient fittings in all areas of the property rather than focus on the overall consumption of the property. This should help to achieve a lower overall consumption than the maximum volume specified in the Building Regulations.

We recommend that in all cases you consider:

- Single flush siphon toilet cistern and those with a flush volume of 4 litres.
- Showers designed to operate efficiently and with a maximum flow rate of 8 litres per minute.
- Hand wash basin taps with low flow rates of 4 litres or less.
- Water butts for external use in properties with gardens.

We hope this provides you with useful information and look forward in receiving your detailed proposals at your earliest convenience.

Yours sincerely

Respondent #11:

Clive Hart

Response:

Note for the Examiner - Comments received from Dr Clive Hart

At 9.45am on Friday 2nd June 2017, Lucinda Chapman, Principal Planning Officer, received a phone call from Dr Clive Hart, of 3 Gallery Lane, Holymoorside. He has received a copy of the Submission Draft Holymoorside Neighbourhood Plan and wishes to comment on three minor errors. She requested that he make them in writing. He indicated that the note which was included with the NP (Not the Statutory Notice, possibly one of the submitted documents) stated that he could leave comments by phone. Dr Hart was satisfied to have his comments recorded over the phone.

My view is that these comments can be accepted, my understanding is that NP Regulations would allow for non-written comments, they do not specify that responses have to be in writing.

p. 28, regarding the recent archaeological study: this study is not the 'North East Derbyshire....', but should be 'North Derbyshire....'

p. 29, second line, 'Hyper River and Leeds Valley': Leeds Valley should be Loads Valley

P. 30 12.4: Heading 'Dry Stone Walls' should also refer to 'Historic Hedges'

Richard Cooper,

Principal Planning Officer,

North East Derbyshire District Council

Respondent #12:

David M Dale, Derbyshire County Council

Response:**Localism Act 2011 – Strategic Planning Comments****Holymoorside and Walton Neighbourhood Plan 2016-2033: Submission Draft (April 2017)**

I am writing in relation to the above Submission Draft (April 2017) of the Holymoorside and Walton Parish Neighbourhood Plan (HWNP). The comments below are Derbyshire County Council's (DCC) Member and Officer technical comments with regard to the Green Belt, housing, renewable energy, transport, archaeology and landscape aspects of the Plan.

Local Member Comments

Councillor Angelique Foster, the Local County Council Member for Dronfield West and Walton Electoral Division, has been consulted. No comments have been received at the time of writing. However, if I receive any comments I will forward them to you for your consideration.

Officer Comments**General Comments on Content and Format**

Overall, it is considered that the HWNP provides a thorough and comprehensive analysis of the key planning issues facing the Parish and contains a wide range of policies to address those issues. On the whole, the Plan includes well-reasoned justifications to support the policy approach, which is based on an extensive range of evidence and research. The comments below, however, recommend the inclusion of a number of new policies, particularly on the Green Belt and renewable energy and amendments to existing policies to ensure that they are compliant with national planning policy in the National Planning Policy Framework (NPPF). For clarity and ease of reference, it is also recommended that the Plan incorporates numbered paragraphs within each specific Section.

7.0 A Sustainable Holymoorside and Walton Parish**Green Belt**

The vast majority of the Parish of Holymoorside and Walton is washed over by Green Belt. This is appropriately recognised in Paragraph 3 of Section 6 and Figure 4 on page 14. Section 7.3 appropriately indicates that the main purpose of Green Belts is to protect land around large urban centres from urban sprawl by keeping land permanently open. Again, in conformity with national policy for Green Belts in the NPPF, Paragraph 3 on page 18 includes appropriate reference to the fact that within the Green Belt, development will be strictly controlled and only allowed in very exceptional circumstances; and that the Plan supports and endorses national and district policies for the Green Belt in Holymoorside and Walton, which emphasise its importance and its continuing role.

This approach above is supported in principle. However, given the importance of the Green Belt to the Parish it is considered essential that the Plan contains a specific policy on the Green Belt, as currently, the Plan only applies countryside policy (Policy S3) to land outside the settlement development limits of Holymoorside and Walton, which is not wholly the correct policy approach.

Although there is no need to replicate national or local plan policy for Green Belts set out in the NPPF or in the North East Derbyshire Local Plan Consultation Draft (LPCD), a new policy could be framed largely around the text in paragraph 3 on page 18, which clearly sets out the Plan's support and endorsement of national and local Green Belt policy as a key principle.

The NPPF sets out five main Green Belt purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In order to provide a more local context for the Green Belt, the HWNP could provide a short summary of the main roles of the Green Belt in the Parish. It is clear that the Green Belt plays an important role in restricting the sprawl of the suburban area of Chesterfield to the west of the town. It plays an important role in preventing the coalescence of the urban area of Chesterfield around Walton and Brampton with Holymoorside itself and maintaining the separate identity of the settlement. It also plays an important role in safeguarding the open countryside in the Parish from further encroachment from the urban area of Chesterfield and plays a wider role in assisting urban regeneration, by helping to ensure that brownfield land within the urban area of Chesterfield is re-developed for housing and employment purposes in preference to Greenfield land outside the urban area of the town.

Renewable Energy

DCC's officers would recommend the addition of a preamble and policy relating to decentralised, renewable and low-carbon energy technologies as follows:

7.4 Decentralised, Renewable and Low-Carbon Energy Technologies

The potential for wind energy and other forms of renewable low carbon related development needs to be balanced against other important considerations. In particular, the potential impact on the Parish's high quality landscape, heritage attributes and residential amenity.

The entire Parish outside the defined Settlement Development Limits is designated as Green Belt for the protection of the open character of the countryside, where development will only be permitted in very special circumstances. Any development must therefore meet the criteria for development in the Green Belt and be of an appropriate scale, in a suitable location, and sensitive to the special and high quality landscape of the Parish, as well as respecting residential amenity and other important considerations.

New policy inserted as:

POLICY S4: RENEWABLE ENERGY AND LOW-CARBON TECHNOLOGIES

Suitably located and designed proposals that promote and encourage the development of renewable and low-carbon energy resources may be permitted following consultation with local residents, the Parish Council and the District Council, where either individually or cumulatively, it can be demonstrated that any adverse impacts have been addressed and that the proposal does not conflict with the purpose of including land in the Green Belt. Proposals will be supported that:

- a) do not have an unacceptably adverse impact on the amenity of local residents (including: noise, vibration, visual impact, shadow flicker, water pollution, odour, air quality, emissions, sensitivity and character of the landscape);**
- b) do not have a significant adverse effect on any designation or designated site (including: Green Belt, Site of Special Scientific Interest, regionally or locally important geological site, site of ecological value, Special Landscape and Landscape Character Areas, Listed Building, heritage asset, Local Green Space, Conservation Area or their settings);**
- c) in the case of wind turbines, it can be demonstrated that the development would not result in an unacceptably adverse effect on protected species, including migration routes or sites of biodiversity value;**
- d) in the interests of residential amenity and safety, there is an appropriate minimum separation between wind turbines over 25m to blade tip and residential properties;**
- e) in the case of ground mounted solar panels, it can be demonstrated that they do not result in the loss of good quality agricultural land;**
- f) proposals should include details of associated developments including access roads and ancillary buildings. Transmission lines should be located below ground wherever possible in order to reduce the impact on the open countryside.**
- g) measures are included for the removal of structures and the restoration of sites, should sites become non-operational; and**
- h) identify the potential positive effects the proposed renewables development would have on the local environment and community.**

8.0 Housing

The approach to housing policy is fully supported and is consistent with the settlement hierarchy and housing policies of the LPCD, which identifies Holymoorside as being a 'Level 3 Settlement – Settlement with Limited Sustainability' where there are no housing allocations identified in the Plan. Accordingly, the policy approach in Policy H1 is fully supported, which seeks to ensure that any new housing in the Parish will take the form of windfall or small infill sites only.

Policy H2: Housing Mix and its supporting text provides a well-reasoned and evidenced justification for setting out a priority for the need for smaller housing units in the Parish where new housing development does take place.

The policy approach in H3: Affordable Housing and its background text is similarly fully supported in principle and provides a well-reasoned and evidenced justification for the need to ensure that the provision of affordable housing in the Parish is an important priority and for which there is a clear need. However, the Government has recently clarified (through a Ministerial Statement and an Order of the Court of Appeal) that affordable housing can only be required by local planning authorities on planning applications of 11 dwellings or more or on applications where a development is of 10 dwellings or less but where the gross floorspace is over 1000 square metres. The threshold therefore needs to be amended in paragraph 2 on page 21 and in Policy H3.

9.0 Employment and Economy

9.1 Employment and Economic Growth

Paragraph 4

DCC's officers would suggest that reference should be made to the 'towns and cities of Chesterfield and Sheffield' in that order.

Policy E2: New Small-Scale Employment Uses

'Development proposalswhere they will not generate ...'

11.0 Transport and Accessibility

DCC's officers consider that there are unlikely to be any issues that emerge from the HWNP which would have any material impacts upon the County's roads.

12.0 Built Environment

12.1 Buildings and Structures of Local Historical and Architectural Interest

The Submission Draft contains consideration of, and policy on, undesignated built heritage assets and sites of archaeological and geological interest (12.1 – 12.2 and Policies BE2 and BE3). The Derbyshire Historic Environment Record (HER) is the definitive record for the historic environment record in the County: the HER has been consulted in carrying out the study and the relevant sites have been acknowledged in the text. DCC's officers would therefore advise that the relevant information base has been assembled in preparation of the Neighbourhood Plan with regard to the historic environment.

Policy BE2 is in line with the wider historic environment policies contained in the NPPF Chapter 12: Conserving and enhancing the historic environment, in that there is a presumption in favour of conservation of significance.

DCC's officers welcome Policy BE3 in relation to undesignated archaeological sites; however the suggested wording 'development proposals that affect a known important archaeological or geological feature will not be supported unless effective mitigation and/or compensatory measures

can be ensured' is not fully compliant with the NPPF presumption in favour of conservation of significance for heritage assets (e.g. core planning principles at NPPF paragraph 17), in that it implies that the loss of archaeological features is always acceptable if mitigation/compensation can be applied. NPPF requires a process of planning balance where harms to heritage assets are weighed against other benefits in decision-making, and mitigation/compensation is only applied once the harm is judged to be outweighed. DCC's officers would therefore advise that Policy BE3 should be reworded to reflect a similar presumption in favour of conservation as in Policy BE2, and to bring it in line with the NPPF policy.

13.0 Natural and Rural Environment

13.1 Landscape

DCC's officers are satisfied that:

- Landscape Character has been adequately considered as part of the environmental evidence base where applicable, including reference to 'Areas of Multiple Environmental Sensitivity'; and
- development policies have taken appropriate account of these pieces of work prepared by DCC, which aim to conserve and enhance landscape character and local distinctiveness.

I hope the above comments can be taken into account by the independent Examiner and the District Council. Please contact me if you wish to discuss them further.

Yours sincerely

Respondent #13:

North East Derbyshire District Council

Response:

Holymoorside and Walton Submission Draft (Apr 17) Neighbourhood Plan – Comments from North-East Derbyshire DC

North East Derbyshire policy comments – Reg 16 stage consultation

1. This report describes the comments that the District Council is making on the Holymoorside and Walton Neighbourhood Development Plan (HWNP or NP). (Plan Policies are listed in an Appendix below)

Introduction / Background

2. The Holymoorside and Walton Parish Council has been preparing a Neighbourhood Development Plan under the Neighbourhood Planning Regulations. This Plan is important because, within the Parish, the Neighbourhood Plan together with the Local Plan will both become part of the Development Plan for planning decisions. The District Council is the 'Responsible Authority' for the Plan; as such it has a certain role to play in finalising the Neighbourhood Plan.

3. The Holymoorside and Walton Neighbourhood Development Plan has now been submitted to the District Council. Council Planning Officers have determined that the Plan complies with the relevant statutory requirements and may progress to an examination.

4. Prior to an Examination, there is a period of consultation on the Submitted Plan. It is this stage that has now been reached. All comments will be put before an Examiner for consideration prior to their report being presented to the Council.

5. The District Council will subsequently consider the examiner's report and take a formal view on whether certain "basic conditions" are satisfied and can be brought into force.

6. If the District Council then decides that the Plan does meet the 'basic conditions' assessed by the Examiner then it will arrange a referendum (in the Parish). Following a positive referendum result the Council will publicise the neighbourhood plan and bring it into force. This last step is called 'making' the Plan.

Note on Comments

7. Many comments relate to detailed matters. There are a few substantive matters, however:

- Some policies relate to matters that will be superseded by the Local Plan, when approved, others offer guidance or support. Others apply to circumstances that cannot be controlled under Planning Law, for example protection of dry stone walling (other than being part of a development). While no objections are raised to these policies they are unlikely to be applied in practice. The Parish has been informed of this situation through preparation. Nevertheless it is recognised the Neighbourhood Plan as a whole presents a local view of how development should take place, and this will inform applicants and planning officers. As a result the Council is only objecting to such policies where they compromise its role in development management.

- Some policies repeat policies contained in either the existing or the emerging Local Plan. It is not the role of neighbourhood planning policies to repeat existing policy. Consequently, unless they add specific local policy, these are recommended for removal.
- The HWNP will not change settlement development limits (SDLs), leaving this matter, along with the resultant Green Belt boundaries, to be dealt with by the Local Plan within the scope of its review of SDLs. This is acceptable and planning officers will liaise closely with the Parish over this matter.
- Policy W2 allows for new, or the expansion of existing, small scale employment uses but suggests as it stands that the Plan would allow employment development in the countryside, more loosely than prescribed by policy S3. It is assumed that this is an error; it needs to contain reference to Policy S3.
- Policy LCF1 includes specific 'community facilities' that should be retained. There is no clear evidence of the reasons to include the specific facilities listed. In addition some instances, such as the two golf courses, Holymoorside memorial Garden, and Walton motors could be protected in other ways. Consequently there is an objection this policy.
- POLICY NE2 This protects Important Open Views. Nine specific views are presented in this policy, that are protected such that the "visual impact of the development on these views is carefully controlled." The policy itself is satisfactory, as is the selection process.
- POLICY NE5: This policy protects Important Local Green Spaces, it does not propose them for Local Green Space Designation. Most will be protected in the Local Plan as, for example, recreation land. formally designating some of the spaces listed would be appropriate.

Regulation 15

8. The Holymoorside and Walton Neighbourhood Development Plan (HWNP) has now been submitted in accordance with Regulation 15 of the Neighbourhood Planning Regulations. The District Council has determined that the legal requirements of the Neighbourhood Planning Regulations are complied with, as set out in s2 of that Statement, and demonstrated by the Statement of Basic Conditions submitted on behalf of Holymoorside and Walton Parish Council (April 2017).

9. The District Council, as Responsible Authority, has determined that the Plan also meets the EU obligations (s3.5), impact on a European Site (s3.6) and the Statement of Consultation (s3.7). With regard to s3.5 & s3.6 a Strategic Environmental Appraisal scoping report has been prepared (to comply with the Environmental Assessment of Plans and Programmes Regulations 2004).
The Local Plan context

10. The current Local Plan was adopted in 2005, with a period of 2001-11. Consequently it is acknowledged to be out-of-date.

11. The emerging Local Plan is currently (as of May 2017) the Consultation Draft Local Plan (CDLP). Unless specified otherwise reference to the Local Plan is to this Plan. This Plan has a period running to 2033.

12. Where policies in the Neighbourhood Development Plan and the Local Plan cover the same topic, the last plan that became part of the Development Plan takes precedence. That is unless the Local Plan policy has been identified as 'strategic'. For non-strategic policies Para 185 of the NPPF

states: 'Local planning authorities should avoid duplicating planning processes ...where a neighbourhood plan is in preparation. '

13. Consequently there has been on-going discussion between District Council Planning officers and the consultants preparing the Plan. This has covered the suitability of HWNP policies in the context of the emerging Local Plan. In principle, therefore, the approach in these comments is to assume that, as its approval will be later, the Local Plan will take precedence unless stated otherwise.

14. There has also been consideration of the Settlement Development Limits / Green Belt boundary in the HWNP (see below).

Comments on Neighbourhood Plan Policies and Content

15. It is noted that there is duplication in several instances, either with policies elsewhere in the NP with resultant conflict or ambiguity, or with Local Plan policies (including in the Initial Draft Local Plan). It is not the role of neighbourhood planning policies to repeat existing policy. An Examiner may want to see duplication removed. In general a reference to District wide or national policies is not necessary and a Neighbourhood Plan policy is most effective where it provides a local input. However, unless duplication raises a conflict in what the Development Plan (as a whole) states, these are not recommended for removal.

POLICY STATEMENT S1 Presumption In Favour Of Sustainable Development

16. No objection, this policy reflects compliance with NPPF policy. While there is a strategic policy in the Local Plan this statement of intent is worthwhile.

7.2 Settlement Development Limits

17. The Plan text reads: 'Following discussions with North East Derbyshire District Council It is proposed that the Settlement Development Limits (SDLs) are not revised through the Plan. The existing Settlement Development Limits for Holymoorside and Walton are shown at Appendix 2 and 3 of the Plan. This approach is supported, as it could remove any need to alter SDLs, which also serve as the Green Belt boundary, when the Local Plan is approved. However, the Local Plan does propose one change to the SDL and the question arises as to what SDLs should be shown in the Neighbourhood Plan to prevent confusion.'

18. The District's preferred approach is to remove SDLs from the Neighbourhood Plan Maps (Green Belt boundaries are not shown). This would involve minor changes to the text & policy to refer to SDLs 'as described in the Local Plan and it's successor(s)'.

19. Alternative approaches might be to revise SDLs as per the Local Plan, on the understanding that the boundaries may be subject to further change (requiring an amendment to the Neighbourhood Plan). Another, less favoured approach would be to hold back any referendum (and making of the Plan) until the SDLs have been finalised in the Local Plan (expected to be spring/summer 2018); this may not be feasible under the regulations in any case.

POLICY S2 Settlement Development Limits

20. This is a policy supportive of development within Settlement Development Limits and as such would not prevent appropriate development being granted permission. Policy SS12 in the Local

Plan deals with such proposals and so this policy raises no significant issues. The policy references and duplicates other prescriptive policies (e.g. BE1, BE2) which themselves are considered below.

21. Note: Sub-paragraph (b) 'Helps to meet a clearly identified need for the Parish' would be difficult to demonstrate as no such need is identified.

POLICY S3 Development Proposals Outside The Defined Settlement Development Limits For Holymoorside And Walton

22. Policy SS12 in the Local Plan deals with such proposals and all countryside locations in the Neighbourhood Plan area are subject to Green Belt Policies. This NP policy, which was prepared at a time when a Local plan had not been drafted, sets out principles rather than means of determining applications. For these reasons this policy would be redundant in practice. Because it is potentially prescriptive and provides for development only in 'special circumstances' it is also misleading regarding the Local plan policies.

23. The replacement of the last sentence with 'In the countryside, development will only be allowed for appropriate uses and in circumstances appropriate to a rural area, and where it complies with relevant policies in this Plan and the District Local Plan.' is suggested. However, also see Policy W2, which would allow for employment development in the countryside.

8.0 Housing

24. This Plan makes no allocations for housing and no specific provision; the Consultative Draft Local Plan (CDLP) does likewise. No comment. The policy approach to dealing with proposals for new housing on unallocated land in these settlements is set out policy H1 (HWNP) and SS12 & SS13 (CDLP).

POLICY H1 Small Infill And Redevelopment Sites

25. This is a policy supportive of development in such circumstances and in accordance with other policies. As such it would not prevent appropriate development being granted permission. The policy approach to dealing with proposals for new housing on unallocated land in this Plan's area would be as set out principally in policies SS9, SS12 & SS13 of the CDLP.

POLICY H2 Housing Mix and 8.2 New housing mix

26. This section gives evidence and Policy H2 provides that priority should be given to the provision of smaller homes (three bedrooms or less), especially for young families and young people and for older people who wish to downsize. This policy recommends a more specific requirement than the CDLP policy LC4, (which may not be determined as strategic) which inter alia indicates that proposals 'should seek to ensure an appropriate mix of dwelling types, and sizes, taking account of existing imbalances in the housing stock'. Evidence for the Policy H2 is provided in Appendix 8 of the Plan.

27. Specifying house sizes is uncommon in a policy for open market housing. It is evident that this policy can only present encouragement and advice as does Local plan policy LC4. The 'strong presumption against' is neither balanced nor enforceable. The Policy could read as follows: 'Where possible, residential development should provide a housing mix that reflects local need. Housing development should reflect the housing mix in the Parish as evidenced in Appendix 8. [...] Applications for smaller homes will be supported, rather than those for larger homes (four or more bedrooms).'

POLICY H3 Affordable Housing

1. This policy is supportive in that 'development proposals for new housing ... should provide affordable housing to meet clearly identified need'. As a statement of intent this policy raises no significant concerns; however, 'to meet clearly identified need' would be difficult to demonstrate. While this policy does not reference a Local Plan policy the relevant policy (LC2) applies only to development over 10 dwellings, is a strategic policy & would take precedence once the Plan is adopted in any case. In the meantime the words 'as established through the Local Plan and its successor' should follow 'identified need'.
2. The Policy indicates that priority should be given to the provision for residents of the Parish in the allocation of affordable housing, but this is beyond the remit of a land-use policy.

POLICY H4 Rural Exception Sites For Affordable Housing

3. This policy states that development proposals for affordable housing on rural exception sites will be considered sympathetically in certain circumstances including that they should 'to meet clearly identified need'. The same concerns apply here as with H3. A suitable alternative phrasing for this criterion would be as in the draft Local plan policy; 'to meet a proven need which is supported by an up to date local housing needs survey.'

POLICY E1 Existing Employment Uses

4. This policy seeks to prevent the loss of unspecified employment uses unless (inter alia) it has been actively marketed for at least a year for employment purposes. This policy is stricter than the CDLP employment protection policies, which do not apply to any sites in the Parish, and would apply across the whole the Parish. The policy does not identify specific employment sites or locations, and consequently is considered unreasonable. However, Policy SCF1 could take the place of this policy, as it protects specific facilities, some of which are employment sites. See comments on policy SCF1.
5. There is also some concern that this policy would unreasonably limit the scope to change the use of suitable small-scale commercial premises, some of which may be linked to domestic properties. Finally, the phrase 'actively marketed' is insufficiently clear. The wording similar to that of SCF1 'all reasonable efforts have been made to let or sell the current use over a twelve month period' is appropriate.

6. On balance it is recommended that the role of this policy is sufficiently covered by Policy

SCF1.

POLICY E2 New Small Scale Employment Uses

7. Development proposals for new, or the expansion of existing, small scale employment uses will be supported in all circumstances, limited by reference to amenity, the special character of Parish and Settlement Development Limits as in Policy W2(sic). It is assumed reference to policy W2 means S2. Compliance with this policy as it stands would allow employment development in the countryside, more loosely than prescribed by policy S3. It is assumed that this is an oversight.
8. The last sentence should read "Any proposal will also be required to comply with the provisions of Policies S2 if it is within Holymoorside or Walton Settlement Development Limit, and S3 elsewhere in the Parish. If left unaltered this policy does not deliver sustainable development and should be deleted.

POLICY SCF1 Important Shops, Community Services And Facilities

9. This policy lists 17 specific buildings or locations where development proposals which would lead to their loss or significant adverse effect would not be supported. The evidence presented for this policy is (in 10.1) the District Council's Settlement Role and Function Study (2013) which showed that 'the Parish is generally not well served by community facilities, and any further loss could have a major adverse impact on the community. The consultation also 'shows that the retention and enhancement of these and other important shops and community facilities is a top priority for the Plan.'

10. There is no clear evidence of the reasons to include the facilities listed or justification for those listed. It is not clear whether any other facilities have been not considered, or ruled out. The reasons why certain sites or buildings have been included are not presented and some are beyond the scope of a land use policy, such as Ladywood Garage and shop, and Walton motors. Other inapplicable examples include the two golf courses (which are open land outside the settlement). Open space facilities such as Holymoorside Memorial Garden could be protected in other ways.
POLICY SCF2 Assets Of Community Value

11. This policy is superfluous as it simply re-iterates Assets of Community Value regulations.

POLICY TA1 Traffic Impact Policy

POLICY TA2 Footpaths, Cycleways And Bridleways

POLICY TA3 Footpaths, Cycleways And Bridleways

12. No comments.

POLICY BE1 Listed Buildings

POLICY BE2 Non-Designated Heritage Assets

POLICY BE3 Important Sites Of Archaeological And Geological Interest

POLICY BE4 High Quality Design Principles

13. The Local Plan policies that cover these matters, once approved, are likely to take precedence. Consequently these policies are, in the main, unnecessary. There is some duplication, but no issues of conflict, with NP Policy S2. The exception is Policy BE2, with its reference to maintaining lists; this would assist the consideration of planning applications.

14. No other comments.

POLICY BE5: Dry Stone Walls

15. The intention of the policy is clear, but the removal of stone walls is unlikely to require planning permission. There is a limit to how much existing walls are protected; in general this is only those in a Conservation Area and over 1m in height. Thus the policy may remain as it will help in securing boundary treatments on new developments in line with the Parish's wishes and contains appropriate reference to walls affected by development proposals.

POLICY NE1 Landscape Character

POLICY NE3: Biodiversity

POLICY NE4: Trees And Woodlands:

16. The Local Plan policies that cover these matters (SDC2,3 & 4) are more comprehensive, and either strategic or would take precedence as a more recent policy where there is conflict. Consequently these policies are unnecessary.

POLICY NE2: Important Open Views

17. Nine specific views are presented in this policy, that are protected such that the “visual impact of the development on these views is carefully controlled.” The policy itself is satisfactory, and the means of selecting the protected views is described as:

“Through the development of the Plan, several important views were identified, which were considered to have the greatest importance.

“These were identified through two main routes; Firstly, at the initial drop in events at which members of the community were asked to identify on a map important views. Secondly, members of the Steering Group considered which ones they considered to be most important from the findings of the consultation and local knowledge.

“From these a small number were identified for further consideration. Generally, these comprise panoramas from specific viewpoints, encompassing broad vistas with natural, built and other features of interest.

“These were then tested through the consultation process. A key milestone was the formal consultation with the community and stakeholders on the draft plan which took place early in 2016. The proposed views were met positively by the community, with one comment being received for the addition/ modification of a further important view, which was agreed.”

18. The process and suggested views are described in more detail in the consultation report. Overall, the process of identifying suitable views appears satisfactory. No objection to this policy.

POLICY NE5: Protection Of Important Local Green Spaces:

19. This policy does not, as it stands, formally designate Local Green Spaces, simply protects them. There are several spaces listed in this policy which do not fulfil the criteria for Local Green Space Designation, so formally designating only some of these spaces would be appropriate. The District Council intends to consider recreational and open spaces in the emerging Local Plan and thus will give appropriate protection to these areas. An assessment of this list to consider Local Green Space designation would be advisable, in this Plan or the Local Plan.