

North East Derbyshire District Council

DRONFIELD NEIGHBOURHOOD PLAN

Decision Statement: Dronfield Neighbourhood Plan Proceeding to Referendum

1. Summary

- 1.1 In line with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (NPR) North East Derbyshire District Council has produced this 'Decision Statement' in relation to the Dronfield Neighbourhood Development Plan (the 'Plan') submitted to them by Dronfield Town Council.
- 1.2 The Plan sets out a vision for the Town and comprises policies to support and control development needed to help sustain the community. If made, it will become part of the development plan for land use and development proposals within the Town until 2034.
- 1.3 Following an independent examination of written representations, North East Derbyshire District Council confirms that the Plan will proceed to a local referendum subject to specified modifications set out in the table below.
- 1.4 In accordance with the examiner's recommendation, the Dronfield Neighbourhood Plan will proceed to Referendum scheduled for **Thursday, 24 October 2019**.
- 1.5 This Decision Statement, along with the independent Examiner's report and the plan documents can be inspected:
 - At North East Derbyshire District Council's Offices at Mill Lane, Wingerworth between 9am – 4.30pm
 - At the following location in the Plan area:
 - o Dronfield Civic Centre, Dronfield, S18 1PD
 - o Dronfield Library, Manor House, High Street, Dronfield, S18 1PY
 - Online via the Council's website: -
<http://www.ne-derbyshire.gov.uk/index.php/neighbourhood-planning>

2. Background

- 2.1. On 4 August 2016 Dronfield Town Council submitted an application to North East Derbyshire District Council for the designation of the Parish as a Neighbourhood Area. The area was formally designated on 23 September 2016 for the Dronfield Neighbourhood Plan.
- 2.2. The Town Council subsequently prepared the Dronfield Draft Neighbourhood Plan. Consultation on the Parish's Draft Plan was held for 6 weeks ending on 11 September 2018.
- 2.3. The Submission version of the Neighbourhood Plan for Dronfield was completed and submitted to the District Council on 23 January 2019. North East Derbyshire District

Council accepted the Plan was legally compliant and held a 6 week consultation period ending on 12 April 2019, in accordance with Regulation 16 of the Neighbourhood Planning Regulations.

- 2.4. An Independent Examiner was appointed in April 2019 to undertake the examination of the Submission version of the Dronfield Neighbourhood Plan and this was completed with the final examination report sent to both the Town Council and District Council on 8 August 2019.

3. Decisions and Reasons

- 1.1 The Examiner has concluded that, subject to specified modifications, the Plan meets the Basic Conditions and other relevant legal requirements. The Council concurs with this view.
- 1.2 The District Council must consider each of the recommendations made in the Examiner's report and decide what action to take in response. The table attached to this statement sets out the examiner's recommended modifications, his reasoning (summarised by the Council) and the Council's decisions in respect of each of them.
- 1.3 The District Council is therefore satisfied that, subject to the modifications being made, the Draft Neighbourhood Plan meets the legal requirements and basic conditions as set out in legislation; thus the plan can proceed to referendum.
- 1.4 Therefore, to meet the requirements of the Localism Act 2011, a referendum which poses the question "*Do you want North East Derbyshire District Council to use the Neighbourhood Plan for Dronfield to help it decide planning applications in the neighbourhood area?*" will be held in the Parish of Dronfield on Thursday, 24 October 2019.

Decision Statement Dronfield Neighbourhood Plan:

Table of Examiner's Recommendations, North East Derbyshire District Council's decisions and proposed amendments

Section in Examined Document	Examiner's Recommendation	Examiner's Reasons (summarised by the Council)	Local Authority's decision	Action to be taken
All Policies, p. 10	<u>Recommended modification 1:</u> Use a text box with background shading, or other method, to make the policies of the Neighbourhood Plan more distinct from the supporting text	I agree with a comment of the District Council that the policies should be more clearly identifiable as distinct from the supporting text of the Plan. I have recommended a modification in this respect so that the Plan provides a practical framework for decision-taking as required by the Framework.	Agree	Amend according to examiner's recommendation
Policy C1 Retention of important community facilities, p. 11	<u>Recommended modification 2:</u> In Policy C1 <ul style="list-style-type: none"> • delete "to NEDDC" • delete "in the town" 	It is unnecessary and confusing for the policy to state "in the town" as all the policies of the Plan apply throughout the Plan area unless a smaller area is stated. The term "in the town" is in any case imprecise. It is unnecessary and confusing for one part of the policy to state "to NEDDC". I have recommended a modification in these respects so that the Plan provides a practical framework for decision-taking as required by the Framework.	Agree	Amend according to examiner's recommendation
Policy C2 Supporting new and enhanced community facilities, p. 11	<u>Recommended modification 3:</u> In Policy C2 replace the text after "supported" with " <i>where there are no significant adverse residential or other environmental impacts, and no severe adverse transport impacts</i> "	The requirement of Policy C2 to demonstrate that a local need will be met is not sufficiently justified. Use of the term "for example" and inclusion in the policy of examples of types of facilities introduces uncertainty. It is unnecessary for a policy to state "to North East Derbyshire District Council" and the term "including through discussions with the Town Council" does not provide a basis for the determination of planning proposals. A requirement that the Town Council should discuss proposals is not a reasonable requirement to impose on an applicant proposing a development scheme. The term "respects local transport, environmental, amenity and landscape considerations" is imprecise. The Framework states "Development should	Agree	Amend according to examiner's recommendation

Section in Examined Document	Examiner's Recommendation	Examiner's Reasons (summarised by the Council)	Local Authority's decision	Action to be taken
		only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." I have recommended a modification in these respects so that the policy has sufficient regard for national policy, and provides a practical framework for decision-taking as required by the Framework.		
Policy C3 Assets of Community Value, p.12	<u>Recommended modification 4:</u> In Policy C3 delete " <i>permitted unless in special circumstances, such as</i> " and insert " <i>supported unless</i> "	The policy includes the term "not be permitted". It is not appropriate for a policy to indicate that proposals will be permitted or not permitted as all planning applications "must be determined in accordance with the development plan, unless material considerations indicate otherwise". All material considerations will not be known until the time of determination of a planning proposal. The term "special circumstances" is imprecise. The term "such as" introduces uncertainty. I have recommended a modification in these respects so that the policy has sufficient regard for national policy, and provides a practical framework for decision-taking as required by the Framework.	Agree	Amend according to examiner's recommendation
Policy ENV1 Green Belt, p. 14	<u>Recommended modification 5:</u> In Policy ENV1 delete the first sentence	The Framework states "local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan." It is inappropriate for a Neighbourhood Plan policy to either support the continued designation, or to propose a change. The statement of national policy relevant to this Independent Examination is very clear - that these are matters for the Local Plan. It is inappropriate for the Neighbourhood Plan to seek to introduce policy relevant to the supply of housing without	Agree	Amend according to examiner's recommendation

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		sufficient evidence to support the approach proposed, in particular in the context of the aspects of national policy that seek to boost significantly the supply of housing. The first sentence of the policy is a statement that does not provide a basis for the determination of planning proposals. I have recommended a modification of Policy ENV1 so that the policy has sufficient regard for national policy in these respects, and provides a practical framework for decision-taking as required by the Framework.		
Policy ENV2 Landscape character, p. 15	<u>Recommended modification 6:</u> In Policy ENV2 <ul style="list-style-type: none"> • replace "Development proposals should" with <i>"To be supported development proposals must"</i> • replace ", wherever possible should" with <i>"must"</i> • replace "incorporate landscaping and boundary treatments" with <i>"ensure any proposed landscaping and boundary treatments are"</i> 	The policy is without consequence, and the terms "should" and "wherever possible" do not provide a basis for the determination of planning applications. I have recommended a modification so that the policy has sufficient regard for national policy in these respects, and provides a practical framework for decision-taking as required by the Framework.	Agree	Amend according to examiner's recommendation
Policy ENV3 The Lea Brook Valley green corridor, p. 17	<u>Recommended modification 7:</u> In Policy ENV3 replace the final sentence with <i>"Development proposals that assist active travel, or ecological, connections with the Lea Brook Valley Corridor will be supported."</i> Map 7 should be adjusted to more clearly define the Lea Brook Valley area to which Policy ENV3 applies.	Map 7 shows cross hatched areas to both the east and west of the A61, the latter showing the name Gosforth Valley. The town Council has confirmed the Lea Brook Valley includes both of these areas. I have recommended a modification so that Map 7 more clearly defines the Lea Brook Valley area to which Policy ENV3 applies. This could be achieved through insertion of a map legend. The terms "where appropriate and practicable" and "for example" introduce uncertainty. I have recommended a modification so that the policy	Agree	Amend according to examiner's recommendation

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		provides a practical framework for decision-taking as required by the Framework.		
Policy ENV4 Ecology, p. 17	<p><u>Recommended modification 8:</u> In Policy ENV4</p> <ul style="list-style-type: none"> • commence the policy with "To be supported" • delete "will be expected to" and insert "must" • delete ", wherever appropriate," • delete "will be targeted to" and insert "that" • after "Plan" continue "will be supported" 	The policy is without consequence. The terms "will be expected to" and "will be" do not provide a basis for the determination of planning proposals. The term "wherever appropriate" introduces uncertainty. I have recommended a modification in these respects so that the policy provides a practical framework for decision-taking as required by the Framework.	Agree	Amend according to examiner's recommendation
Policy ENV5 Local Green Spaces, p. 18	<p><u>Recommended modification 9:</u> In Policy ENV5 delete "<i>unless it is consistent with the function of the Local Green Space</i>"</p> <p>Delete sites 13 (Dronfield Nature Park); 24 (School Wood, off Barlow Lees Road, Dronfield, Derbyshire); 25 (Hollins Spring Wood, off Barlow Lees</p>	<p>I have noted the policy seeks to introduce the term "unless it is consistent with the function of the Local Green Space." I have given consideration to the possibility of the policy including a full explanation of "very special circumstances" but concluded such explanation would necessarily be incomplete and that decision makers must rely on paragraph 78 of the Framework. In particular, paragraphs 87 to 91 set out statements regarding the types of development that are not inappropriate in Green Belt areas. The Neighbourhood Plan is not able to designate Local Green Spaces on terms that are different to those set out in the Framework. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.</p> <p>The Guidance states if the land is already protected by Green Belt policy then consideration should be given to whether any additional local benefit would be gained by the designation as Local Green Space. The Framework</p>	Agree	<p>Amend according to examiner's recommendation</p> <p>N.B. In order to maintain consistency with earlier versions of the Plan and the examiner's report, the sites will retain their original numbering (i.e. site 14. will remain no. 14 in the final Plan, etc.). Site 30 is renamed (see</p>

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	<p>Road, Dronfield, Derbyshire); 26 (Long Acre Wood, off Barlow Lees Road, Dronfield, Derbyshire); 31 (Open space behind Coal Aston Village Hall, Coal Aston Playing Fields, Eckington Road, Coal Aston, Dronfield); 37 (Land to the rear of 33-47 Gosforth Drive); 39 (The Ridding, north east of Frithwood and Meadowland (Derbyshire Wildlife Trust)); 42 (The woods and path along the Bridle path from Hill Top to the footbridge at side of golf course); and 46 (Coal Aston Allotments, Birches Lane, Coal Aston S18) from the list of Proposed Local Green Spaces in Appendix 6 and from Map 6.</p>	<p>states "the Local Green Space designation will not be appropriate for most green areas or open space". Where the Neighbourhood Plan seeks to designate Local Green Space in areas of Green Belt it is necessary to consider whether any additional local benefit would be gained by that designation.</p> <p>I am satisfied the Steering Group's statements confirm awareness of the need to question the additional local benefit when proposing Local Green Space designations in Green Belt however there is insufficient evidence to confirm the application of that awareness in substance. I am not satisfied designation of Local Green Space sites that are within Green Belt is appropriate under these circumstances. I have recommended a modification to delete sites 24, 25, 26, 31, 37, 39, 42 and 46.</p> <p>However, in terms of site 27 (Frith Wood) the Local Green Spaces Report goes some way to indicate the significance of Frith Wood referring to a picnic area; car park; nature trail; interpretive boards; ancient woodland; and some nature conservation value. I have additionally observed intensive visiting of the area, and noted signage and wider promotional material, that confirm this area is a cherished resource that should be identified as of particular importance to the local community.</p> <p>The designation of site 13 as a Local Green Space would however significantly prejudice the implementation of strategic Policies E1 and E2 of the Adopted Local Plan and would therefore not be in general conformity with the strategic policies of the Development Plan. I have recommended site 13 is deleted from the list of proposed Local Green Space designations. The reason for my recommendation of the deletion of Site 13 from Policy ENV5 relates to the Adopted Local Plan.</p>		<p>modifications for Rec. 28)</p>

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Policy ENV5 Local Green Spaces, p. 18 (Cont'd.): Map changes	Replace Map 6 with a series of Maps at sufficient scale to clearly identify the boundaries of each Local Green Space	For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on Map 6 of the Plan. Whilst an electronic version of Map 6 can be expanded to assist inspection this is not possible in respect of hard copies of the Neighbourhood Plan. Map 6 does not include any notation identifying each Local Green Space by name or reference number. the Neighbourhood Plan should be self-contained in this respect. I have recommended Map 6 is replaced with a series of Maps presented at a scale that is sufficient to identify the precise boundaries of each designated Local Green Space. This will ensure that the policy provides a practical framework for decision-taking as required by the Framework.	Agree	Consequent amendments are required to remove duplication, misalignment and inaccuracies following analysis of the replacement maps. (See modifications for Rec. 28)
Policy ENV6 Trees and woodlands, p. 18	<u>Recommended modification 10:</u> In Policy ENV6 <ul style="list-style-type: none"> • delete "will be encouraged "and insert "that" • continue the first sentence with "will be supported" • delete "permitted" and insert "supported" 	Encouragement does not provide a basis for the determination of planning proposals. The policy includes the term "not be permitted". It is not appropriate for a policy to indicate that proposals will be permitted or not permitted as all planning applications "must be determined in accordance with the development plan, unless material considerations indicate otherwise". All material considerations will not be known until the time	Agree	Amend according to examiner's recommendation

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	<ul style="list-style-type: none"> delete the final paragraph 	<p>of determination of a planning proposal. I have recommended a modification so that the policy has sufficient regard for national policy in these respects, and provides a practical framework for decision-taking as required by the Framework.</p> <p>The final paragraph of the policy is seeking to establish information requirements in support of planning applications. This is a function that must be achieved through inclusion in the District Council Local Area Planning Applications Requirements List that is subject to modification during the Plan period. I have made a recommendation of modification in this respect so that the policy has sufficient regard for national policy.</p>		
Policy HOU1 Windfall housing development, p. 21	<p><u>Recommended modification 11:</u> In Policy HOU1</p> <ul style="list-style-type: none"> delete "where in accordance with relevant policies in the Plan (especially D3) and relevant District and national policies, and" delete "an unacceptable" and insert "a severe adverse" 	<p>It is unnecessary and confusing for one policy to state support "where in accordance with relevant policies in the Plan" as the Neighbourhood Plan should be read as a whole. The term "especially" cannot be reflected in decision making on development proposals. There is no requirement for proposals to be "in accordance" with national policy. The terms "relevant" and "unacceptable" are imprecise. The Framework states "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". I have recommended a modification so that the policy has sufficient regard for national policy in these respects, and provides a practical framework for decision-taking as required by the Framework.</p>	Agree	Amend according to examiner's recommendation
Policy HOU2 Housing Mix, p. 22	<p><u>Recommended modification 12:</u> In Policy HOU2</p> <ul style="list-style-type: none"> commence the policy with "To be supported" delete "e.g." 	<p>DCC state in their comments that a 'Building for Life' (BfL) approach would be preferable, resulting in a mix of housing types and tenures to cater for a wide range of circumstances. I have recommended a modification in</p>	Agree	Amend according to examiner's recommendation

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	<ul style="list-style-type: none"> delete "and specialised" and insert "or specialised" delete "are encouraged" and insert "will be supported" delete "town" and insert "local" 	<p>this respect so that the policy has sufficient regard for paragraph 50 of the Framework.</p> <p>The policy is without consequence. The terms "e.g." and "town" introduce uncertainty. Encouragement does not provide a basis for the determination of planning proposals. I have recommended a modification so that the policy provides a practical framework for decision-taking as required by the Framework.</p>		
Policy HOU3 Affordable Housing, p. 23	<p><u>Recommended modification 13:</u> In Policy HOU3 delete the text after "as a whole."</p>	<p>The second part of the policy relates to the allocation of homes to particular groups of people which is an administrative matter related to the District Council's powers under the Housing Acts and is not a land use matter. The term "normally be expected to" in any case introduces uncertainty and does not provide a basis for the determination of planning proposals. I have recommended a modification so that the policy has sufficient regard for national policy in these respects, and provides a practical framework for decision-taking as required by the Framework.</p>	Agree	Amend according to examiner's recommendation
Policy HOU4 Infrastructure for new housing and other forms of development, p. 24	<p><u>Recommended modification 14:</u> In Policy HOU4</p> <ul style="list-style-type: none"> replace the text before "a)" with "<i>To be supported development proposals must, through Section 106 agreements or other mechanisms, provide for timely delivery of essential infrastructure needs arising from the scheme which may include:</i>" in parts a) and c) delete "the need for" in part b) delete "that" and "are made" 	<p>Paragraph 173 of the Framework requires careful attention to viability and costs in plan making and states sites should not be subject to such a scale of obligations that their ability to be delivered viably is threatened. The requirement of Policy HOU4 that infrastructure needs must be met before planning approval is granted has not been sufficiently justified. I have recommended a modification so that the policy has sufficient regard for national policy in this respect, and provides a practical framework for decision-taking as required by the Framework.</p>	Agree	Amend according to examiner's recommendation

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	<ul style="list-style-type: none"> • in part d) delete "any" and replace "<i>provision required in the proposed development should be</i>" with "<i>which is</i>" • in part e) delete "where relevant, proposals should include measures for" • in part f) delete "the inclusion of" 			
Policy HOU5 Developer contributions p. 24	<p><u>Recommended modification 15:</u> In Policy HOU5</p> <ul style="list-style-type: none"> • replace the first sentence with "<i>Use of developer contributions able to be locally determined will be directed to any of the following priorities: Parks and recreational facilities Footpaths Infrastructure Public Transport Community facilities</i>" • transfer the final sentence to the supporting text 	<p>Whilst most developer contributions are subject to strict limitations on use and are tied to specific purposes, for example through Section 106 agreements, some funds may become available during the plan period the use of which can be locally determined, for example the neighbourhood portion of Community Infrastructure Levy. I have recommended a modification so that this point is clarified. It is appropriate for the Town Council to use the Neighbourhood Plan preparation process to engage with the community to identify how development generated finance should be utilised. In order to assist Plan users and achieve greater clarity the priority areas should be set out in the policy itself. The final sentence of the policy encouraging developers to engage with the Town Council is procedural in nature. Encouragement does not in any case provide a basis for the determination of planning proposals. I have recommended a modification to transfer that sentence to the supporting text so that the policy has sufficient regard for national policy in these respects, and provides a practical framework for decision-taking as required by the Framework.</p>	Agree	Amend according to examiner's recommendation
Policy T&A1 Highways, p. 26	<p><u>Recommended modification 16:</u> Delete Policy T&A1 and set out the community aspirations regarding</p>	<p>Policy T&A1 does not provide an additional level of detail or distinct local approach to that set out in national policy. The policy is without consequence and includes imprecise terms. The policy does not provide a practical</p>	Agree	Amend according to examiner's recommendation

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	Highway related matters in an Appendix to the Neighbourhood Plan	<p>framework for decision-taking as required by the Framework and does not meet the Basic Conditions. I have recommended the policy is deleted.</p> <p>The Plan preparation process is a convenient mechanism to surface and test local opinion on matters considered important in the local community. Matters that will not be the subject of a planning proposal, but raised and considered important should not be lost sight of. The acknowledgement in the Plan of issues raised in consultation that do not have a direct relevance to land use planning processes would be consistent with this guidance and represent good practice. I recommend an approach should be adopted presenting the matters raised in Policy T&A1 as "community aspirations" in an additional Appendix to the Plan to differentiate them from the policies of the Plan.</p>		(amending to Appendix H)
Policy T&A2 Traffic management , p. 27	<p><u>Recommended modification 17:</u> Delete Policy T&A2 and set out the community aspirations regarding Traffic Management matters in an Appendix to the Neighbourhood Plan</p>	<p>A requirement to demonstrate safety improvements does not have sufficient regard for national policy in this respect. Some terms introduce uncertainty and are imprecise. Encouragement does not provide a basis for the determination of planning proposals. Traffic management measures will invariably be within the highway and not require planning permission. The policy does not have sufficient regard for national policy, and does not provides a practical framework for decision-taking as required by the Framework. I have recommended the policy is deleted.</p> <p>The Plan preparation process is a convenient mechanism to surface and test local opinion on matters considered important in the local community. Matters that will not be the subject of a planning proposal, but raised and considered important should not be lost sight of. The acknowledgement in the Plan of issues raised in consultation that do not have a direct relevance to land</p>	Agree	Amend according to examiner's recommendation

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		use planning processes would be consistent with this guidance and represent good practice. I recommend an approach should be adopted presenting the matters raised in Policy T&A2 as "community aspirations" in an additional Appendix to the Plan to differentiate them from the policies of the Plan.		
Policy T&A3 Cycling and walking, p. 27	<u>Recommended modification 18:</u> In Policy T&A3 replace the first two paragraphs with " <i>To be supported development proposals must demonstrate they take advantage of opportunities to enhance the existing network of footpaths and cycleways.</i> "	The second paragraph of the policy is without consequence. Policy HOU5 establishes an approach to developer obligations. It is confusing for another policy to seek to introduce alternative obligations which are in any case made without reference to viability considerations as required by paragraph 173 of the Framework. I have recommended a modification so that the policy has sufficient regard for national policy in these respects, and provides a practical framework for decision-taking as required by the Framework.	Agree	Amend according to examiner's recommendation
Policy T&A4 Car parking, p. 28	<u>Recommended modification 19:</u> In Policy T&A4 replace part b) with " <i>equal provision is made in no less convenient location for users.</i> "	The term "adequate and convenient" is imprecise. The term "can be provided" does not establish a basis for the determination of planning proposals. I have recommended a modification so that the policy has sufficient regard for national policy in these respects, and provides a practical framework for decision-taking as required by the Framework.	Agree	Amend according to examiner's recommendation
Policy E1 Maintaining and enhancing the role and attractiveness of Dronfield town centre, p. 31	<u>Recommended modification 20:</u> In Policy E1 <ul style="list-style-type: none"> • delete "(Use classes A1, A2, A3)" and "(Use Class A4)" and "(Use Class D2)" • delete "to North East Derbyshire District Council in consultation with the town council". • delete "generally" 	It is confusing and unnecessary for on part of one policy to state "to North East Derbyshire District Council in consultation with the town council". The term "generally" introduces uncertainty. References to the Use Classes Order are inaccurate and Use Classes may be revised during the Plan period. I have recommended a modification so that the policy has sufficient regard for national policy in these respects, and provides a	Agree	Amend according to examiner's recommendation

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		practical framework for decision-taking as required by the Framework.		
Policy E2 Shop frontages in the town centre, p. 32	<u>Recommended modification 21:</u> In Policy E2 <ul style="list-style-type: none"> commence the policy with "<i>To be supported</i>" delete "will be required to" and insert "<i>must</i>" delete "and appropriate" 	The policy is without consequence. The term "will be required to be" does not provide a basis for the determination of planning proposals. The term "and appropriate" is imprecise. I have recommended a modification so that the policy has sufficient regard for national policy in these respects, and provides a practical framework for decision-taking as required by the Framework.	Agree	Amend according to examiner's recommendation
Policy E3 Shopping hubs and other local shops outside Dronfield town centre, p. 32	<u>Recommended modification 22:</u> In Policy E3 <ul style="list-style-type: none"> delete "to NEDDC, including through discussions with the Town Council,". 	It is confusing and unnecessary for one part of one policy to state "to NEDDC, including through discussions with the Town Council". The Framework states planning policies should plan positively for the provision of local shops and guard against unnecessary loss of valued facilities and services particularly where this would reduce the community's ability to meet its day-to-day needs. I have recommended a modification so that the policy has sufficient regard for national policy in these respects, and provides a practical framework for decision-taking as required by the Framework.	Agree	Amend according to examiner's recommendation
Policy E4 Hot food takeaways, p. 33	<u>Recommended modification 23:</u> In Policy E4 <ul style="list-style-type: none"> delete "to NEDDC, in consultation with the Town Council". transfer the final paragraph to the supporting text 	It is confusing and unnecessary for one part of one policy to state "to NEDDC in consultation with the Town Council". The requirements relating to provision of litter bins has not been adequately justified. Emptying and maintenance of litter bins are not land use matters. I have recommended a modification so that the policy has sufficient regard for national policy in these respects, and provides a practical framework for decision-taking as required by the Framework.	Agree	Amend according to examiner's recommendation

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Policy E5 Existing employment uses, p. 34	<u>Recommended modification 24:</u> In Policy E5 delete "to North East Derbyshire District Council"	It is unnecessary and confusing for on part of the policy to state "to North East Derbyshire County Council". I have recommended a modification so that the policy provides a practical framework for decision-taking as required by the Framework.	Agree	Amend according to examiner's recommendation
Policy E6 New small-scale employment uses, p. 34	<u>Recommended modification 25:</u> In Policy E6 after "safety or" insert "severely impede"	The Framework states "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". I have recommended a modification so that the policy has sufficient regard for national policy in this respect.	Agree	Amend according to examiner's recommendation
Policy D1 Listed Buildings, p. 37	<u>Recommended modification 26:</u> In Policy D1 <ul style="list-style-type: none"> • delete the first sentence • delete "their value and appreciation" and insert "the value and appreciation of Listed Buildings" • delete "encouraged" and insert "supported" 	Encouragement does not provide a basis for the determination of planning proposals. The first sentence of the policy is a statement. I have recommended a modification so that the policy has sufficient regard for national policy in these respects, and provides a practical framework for decision-taking as required by the Framework.	Agree	Amend according to examiner's recommendation
Policy D2 Dronfield character buildings and structures of local heritage interest, p. 38	<u>Recommended modification 27:</u> In Policy D2 <ul style="list-style-type: none"> • commence the second and third sentences with "To be supported" and in those sentences replace "will be required to" with "must" • delete "appropriately taking" and insert "to take" • delete "exceptional circumstances can be demonstrated" and insert "it is demonstrated that any loss or harm cannot be avoided or mitigated and would be clearly outweighed by the benefits of the development." 	The second and third sentences of the policy are without consequence. The terms "designed appropriately" and "exceptional circumstances" are imprecise. Paragraph 135 of the Framework states "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset." I have recommended a modification in these respects so that the policy has sufficient regard for national policy and provides a practical framework for decision-taking as required by the Framework.	Agree	Amend according to examiner's recommendation

Section in Examined Document	Examiner's Recommendation	Examiner's Reasons (summarised by the Council)	Local Authority's decision	Action to be taken
	<p>The status of the locally identified non-designated heritage assets in relation to any list of non-designated heritage assets that may in the future be maintained by the District Council should be clarified in supporting text.</p>	<p>It is appropriate for a community to use the neighbourhood plan preparation process to identify buildings and structures of local interest, and to include policies to require particular consideration of identified assets in the determination of planning applications. The emerging Local Plan states with respect to non-designated heritage assets the District Council "will aim to identify and establish a list of locally important buildings and structures". Work in connection with the preparation of such a list would usually include an invitation for nominations. The status of the locally identified non-designated heritage assets should be clarified in supporting text, and the action required to achieve their formal recognition should be included in Section 5 of the Neighbourhood Plan. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and provides a practical framework for decision-taking as required by the Framework.</p>		
<p>Policy D3 Good design, p. 40</p>	<p><u>Recommended modification 28:</u> In Policy D3</p> <ul style="list-style-type: none"> • commence the policy with "To be supported" • delete "The plan requires that they have regard to the following design principles, where appropriate" and insert "Proposals must reflect the following design principles" • in the first bullet point delete "should" • delete "wherever possible and appropriate" • delete "and generally meet the requirements of "secure by design"" 	<p>The policy is without consequence. The Framework states planning policies should seek to promote or reinforce local distinctiveness and avoid unnecessary prescription. The term "where appropriate" does not provide a basis for the determination of planning proposals and introduces uncertainty. The terms "generally meet the requirements of 'secure by design'"; "to ensure a well-maintained landscape"; "minimise"; "adequate"; and "minimised wherever possible" are imprecise.</p> <p>Local planning authorities may use nationally recognised optional technical standards where there is evidence to show these are required. However, Neighbourhood Plans may not be used to apply these. The Written Ministerial Statement from March 2015 states: "From the</p>	<p>Agree</p>	<p>Amend according to examiner's recommendation</p>

Section in Examined Document	Examiner's Recommendation	Examiner's Reasons (summarised by the Council)	Local Authority's decision	Action to be taken
	<ul style="list-style-type: none"> • delete "to ensure a well-maintained landscape" • in the seventh bullet point delete the text after "techniques" • in the eighth bullet point replace the text after "not to" with "increase flows from the site" • in the ninth bullet point replace "minimise the" with "not adversely " • replace the tenth bullet point with "only include external lighting that is essential and include measures to avoid light spillage beyond the application site; and" 	<p>date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings".</p> <p>The Framework states "planning obligations should only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development." It is inappropriate for the policy to refer to "where possible reduce, existing flooding problems elsewhere in the town."</p> <p>I have recommended modifications so that the policy has sufficient regard for national policy in these respects.</p>		