

Consultation Responses
Wessington Neighbourhood Plan
Submission Draft February 2019

Respondents

1. Historic England
2. Coal Authority
3. Crich Parish Council
4. Environment Agency
5. Highways England
6. National Grid
7. Natural England
8. North East Derbyshire District Council

Respondent 1:

Clive Fletcher, Historic England

Response:

Neighbourhood Plan for Wessington

Thank you for consulting Historic England about Wessington Neighbourhood Plan.

At this stage we have no further comments on this consultation.

Please refer to our advice on the letter dated 16th July 2018 sent to the parish Council.

If you have any queries about this matter or would like to discuss anything further, please do not hesitate to contact me.

Letter dated 16th July 2018:

Neighbourhood Plan for Wessington, Derbyshire

Thank you for consulting Historic England about your Neighbourhood Plan.

The area covered by your Neighbourhood Plan encompasses Amber Mill and Toad hole Conservation Areas and includes a number of important designated heritage assets including 13 GII listed buildings. In line with national planning policy, it will be important that the strategy for this area safeguards those elements which contribute to the significance of these assets so that they can be enjoyed by future generations of the area.

If you have not already done so, we would recommend that you speak to the planning and conservation team at North East Derbyshire together with the staff at Derbyshire County Council archaeological advisory service who look after the Historic Environment Record. They should be able to provide details of the designated heritage assets in the area together with locally-important buildings, archaeological remains and landscapes. Some Historic Environment Records may also be available on-line via the Heritage Gateway (www.heritagegateway.org.uk <<http://www.heritagegateway.org.uk>>). It may also be useful to involve local voluntary groups such as the local Civic Society or local historic groups in the production of your Neighbourhood Plan.

Historic England has produced advice which your community might find helpful in helping to identify what it is about your area which makes it distinctive and how you might go about ensuring that the character of the area is retained. These can be found at:-

[<https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>](https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/)

You may also find the advice in “*Planning for the Environment at the Neighbourhood Level*” useful. This has been produced by Historic England, Natural England, the Environment Agency and the Forestry Commission. As well as giving ideas on how you might improve your local environment, it also contains some useful further sources of information. This can be downloaded from:

http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/LIT_6524_7da381.pdf

If you envisage including new housing allocations in your plan, we refer you to our published advice available on our website, “Housing Allocations in Local Plans” as this relates equally to neighbourhood planning. This can be found at <https://content.historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/heag074-he-and-site-allocation-local-plans.pdf>

If you have any queries about this matter or would like to discuss anything further, please do not hesitate to contact me.

Respondent 2:

Melanie Lindsley, Coal Authority

Response:**Wessington Neighbourhood Plan – Submission**

Thank you for the notification of the 5 December 2018 consulting The Coal Authority on the above NDP.

The Coal Authority is a non-departmental public body which works to protect the public and the environment in coal mining areas. Our statutory role in the planning system is to provide advice about new development in the coalfield areas and also protect coal resources from unnecessary sterilisation by encouraging their extraction, where practical, prior to the permanent surface development commencing.

As you will be aware the Neighbourhood Plan area lies within the current defined coalfield.

According to the Coal Authority Development High Risk Area Plans, there are recorded risks from past coal mining activity including; 12 mine entries, recorded and likely unrecorded coal workings at shallow depth and surface coal mining activity.

It does not appear that the Neighbourhood Plan allocates any sites for future development. On this basis the Coal Authority has no specific comments to make.

In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended) please continue to consult The Coal Authority on planning matters using the specific email address of planningconsultation@coal.gov.uk.

Yours sincerely

Melanie Lindsley

Melanie Lindsley BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI

Development Team Leader

Respondent 3:

Carolyn Jennings, Crich Parish Council

Response:

Sirs

Further to your communication of 5th December 2018 regarding the Wessington Neighbourhood Plan, Consultation (Reg 16).

This is to advise that Crich Parish Council considered the matter at their Full Council Meeting of 7th January 2019 and I was instructed to advise you that the Parish Council does not wish to submit any comments.

Kind regards

Carolyn

Respondent 4:

Mr Joseph Drewry. Environment Agency

Response:**Wessington Pre Submission Neighbourhood Plan**

Thank you for consulting us on the Wessington Pre Submission version of the neighbourhood plan.

Environment Agency Position

The Environment Agency notes that there are no proposed allocations within this submission neighbourhood plan. We have included our comments that we made to the draft response in July below and

Flood Risk Comments

The neighbourhood plan area is situated in mainly in flood zone 1 though the periphery of the designated area is situated along the Birches Brook and the River Amber which is designated as flood zone 3.

Whilst no development is proposed in this area we would highlight that the Neighbourhood Plan should be in accordance with the current Draft Local Plan for North East Derbyshire, in particular their Flood Risk policy.

Biodiversity

We note that the neighbourhood plan makes reference to protection of local wildlife site. Again we would highlight that this needs to be in accordance with the draft Local Plan and their respective Biodiversity Policy. We welcome that ***'Policy 2: Protecting the Natural Environment and Landscape Character'*** asks that development aims to achieve a net biodiversity gain.

Yours faithfully

Mr Joseph Drewry

Planning Specialist

Respondent 5:

Steve Freek, Highways England

Response:

Dear Helen,

Consultation on the Wessington Neighbourhood Plan

Highways England welcomes the opportunity to comment on the Wessington Neighbourhood Plan which covers the period 2017 to 2034. It is noted that the document provides a vision for the future of the area 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 our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth. In relation to the Wessington Neighbourhood Plan, Highways England's principal interest is safeguarding the A38 which routes 2.5 miles to the south east of the Plan area and the M1 which routes 5 miles, to the east of the Plan area.

We understand that a Neighbourhood Plan is required to be in conformity with relevant national and Borough-wide planning policies. Accordingly, the Neighbourhood Plan for Wessington is required to be in conformity with the emerging North East Derbyshire (NED) Local Plan (2014-2034) and this is acknowledged within the document.

We note that Wessington is defined as a Level 3: Settlement with limited sustainability in the emerging NED Local Plan and therefore is not expected to

accommodate any further development other than existing commitments or windfall developments which will be of appropriate scale on unallocated sites within the Settlement Development Limits.

Highways England was consulted in August 2018 by the Parish Council on the draft Pre-Submission version of the Wessington Neighbourhood Plan. Our response to this consultation concluded that due to the limited level of growth expected to come forward within the Neighbourhood Plan area, it is not considered that there will be any impacts on the operation of the SRN.

Following review of the updated Neighbourhood Plan, there are no significant changes to the details provided in the August 2018 consultation documents with regards to potential implications on the operation of the SRN.

Highways England's position therefore remains unchanged, and we have no further comments to provide, and trust the above is useful in the progression of the Wessington Neighbourhood Plan.

Respondent 6:

Hannah Lorna Bevins, National Grid

Response:

Dear Sir / Madam

Wessington Neighbourhood Plan Consultation**SUBMISSION ON BEHALF OF NATIONAL GRID**

National Grid has appointed Wood to review and respond to development plan consultations on its behalf. We are instructed by our client to submit the following representation with regards to the above Neighbourhood Plan consultation.

About National Grid

National Grid owns and operates the high voltage electricity transmission system in England and Wales and operate the Scottish high voltage transmission system. National Grid also owns and operates the gas transmission system. In the UK, gas leaves the transmission system and enters the distribution networks at high pressure. It is then transported through a number of reducing pressure tiers until it is finally delivered to our customers. National Grid own four of the UK's gas distribution networks and transport gas to 11 million homes, schools and businesses through 81,000 miles of gas pipelines within North West, East of England, West Midlands and North London.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect our assets.

Specific Comments

An assessment has been carried out with respect to National Grid's electricity and gas transmission apparatus which includes high voltage electricity assets and high-pressure gas pipelines, and also National Grid Gas Distribution's Intermediate and High-Pressure apparatus.

National Grid has identified that it has no record of such apparatus within the Neighbourhood Plan area.

Key resources / contacts

National Grid has provided information in relation to electricity and transmission assets via the following internet link:

<http://www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/>

Electricity distribution

The electricity distribution operator in North East Derbyshire Council is Western Power Distribution. Information regarding the transmission and distribution network can be found at: www.energynetworks.org.uk

Respondent 7:

Alive Watson, Natural England

Response:

Dear Mr Cooper

Submission of Neighbourhood Plan for Wessington: Consultation (Reg 16)

Thank you for your consultation on the above dated 05 December 2018.

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 any further consultations on your plan, please contact:
consultations@naturalengland.org.uk.

Yours sincerely

Alice Watson

Consultations Team

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 here2.

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found here3. 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 here4.

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 Magic5 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 here⁹), 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 here¹¹) or protected species. To help you do this, Natural England has produced advice here¹² 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 land¹³.

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:

Richard Cooper, North East Derbyshire District Council

Response:

Wessington Neighbourhood Plan: Submission Draft Neighbourhood Plan

North East Derbyshire policy comments – Reg 16 stage consultation

1. This report describes the comments that the District Council is making on the Wessington Neighbourhood Plan. It should be read alongside that Plan. The Plan, and supporting documents may be found online at:-
<http://www.ne-derbyshire.gov.uk/index.php/resident/local-plan?accid=2>

Background

2. The Wessington Parish Council has been preparing a Neighbourhood Development Plan under the Neighbourhood Planning Regulations. Within the Parish, the Neighbourhood Plan will, together with the Local Plan, become part of the Development Plan for planning decisions. The District Council is the 'Responsible Authority' for the Neighbourhood Plan; as such it has certain

role to play in finalising the Plan. During this period there has been on-going discussion between District Council Planning officers and the consultants preparing the Plan.

3. The Wessington Neighbourhood Plan (WNP) has now been submitted to the District Council (under Regulation 15 of the Neighbourhood Planning Regulations). Council Planning Officers have 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 Wessington Parish Council (December 2018).
4. The Plan also needs to meet the EU obligations (s3.5), impact on a European Site (s3.6) and the Statement of Consultation (s3.7). With regard to this a screening report has been prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004. The screening includes record of consultation with the requisite environmental assessment consultation bodies.
5. The District Council has confirmed, in line with the screening report; that no significant effects are likely as a result of the implementation of the Wessington Neighbourhood Plan and that there is no requirement to prepare a Habitats Regulation Assessment.
6. The District Council, as Responsible Authority, has determined that the Plan complies with the relevant statutory requirements and may progress to an examination.
7. 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 the examiner's report being presented to the Council.
8. The District Council will subsequently consider the examiner's report and take a formal view on whether certain "basic conditions" are satisfied and the Plan can be brought into force.
9. 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 formally bring it into force. This last step is called 'making' the Plan. Following a positive referendum result the Neighbourhood Plan becomes effectively part of the Development Plan for development management purposes.

Note on Comments and Summary

10. Many comments relate to detailed matters. It is pleasing that earlier Planning Officers' suggestions of changes to the Plan have been made. There are a few substantive matters outstanding, however none are significant. As with previous Neighbourhood Plans, the fact that it precedes the Local Plan creates some difficulties in ensuring the Neighbourhood Plan is not superseded to any great extent.

- Most significantly the development of a hotel and lodges, plus housing is being proposed on the edge of the village, mostly outside the Settlement development limit (SDL). No application has yet been received but the owners have had significant discussions with residents. The Neighbourhood Plan aligns with the Local Plan Settlement development limit, proposing no changes in this location. Any development outside the SDL will be subject to countryside policies in both plans.
- The listing of local green spaces (LGS) includes recreational land protected in the emerging Local Plan, and common land. Thus LGS protection needs to be justified. The Plan does this, but an Examiner will consider the list proposed.
- A list of non-designated heritage assets is proposed in the Neighbourhood Plan. As with other neighbourhood plans, this could inform the list to be compiled by the District Council and referred to in the Local Plan.

Relationship to Local Plan

11. The Local Plan being used to check conformity is the Submission Draft Local Plan (SDLP). This is because the Emerging Local Plan Examination is underway, with only the Gypsy & Traveller matter still to be dealt with (due in March). While that Plan may change, no modifications have been presented to the Inspector directly concerning Wessington and its Settlement Development Limit, and it is considered appropriate to use that, rather than the clearly out-of-date 2005 Local Plan.

12. Reference in the Neighbourhood Plan to the emerging Local Plan should be, as of January 2019, to the Submission Draft Local Plan. For example WNP para 80 states "The Plan therefore incorporates the Submission Draft Local Plan SDL boundary and this extends the boundary compared to the 2005 SDL" Policies referring to the Local Plan should be able to remain relevant, for example using the phrase 'as indicated in the up to date Local Plan', (see for example para. 78 of the Ashover examination report, 6.204-5 & rec. 23 of the Wingerworth Neighbourhood Plan examiner). In some instances the WNP correctly refers to the 2005 Current Local Plan.

Relationship to NPPF

13. Reference to the NPPF is to the 2012 version, in view of the anticipated timetable for this Neighbourhood Plan. The NPPF transitional arrangements (Annex 1) indicate that “The policies in the previous [2012] Framework will apply for the purpose of examining plans, where those plans are submitted [to the District Council] on or before 24 January 2019.” NEDDC officers are of the view that unless a post- 24 January submission date is anticipated, the 2012 NPPF is the relevant document. This differs from the view of Derbyshire County Council officers, who consider that the 2018 NPPF should be used. Those preparing the Plan have indicated that they agree with the County Council, and understand the transitional arrangements to allow for the plan to reference the 2018 NPPF even if the Plan is submitted in advance of the 24 January deadline. In reality NEDDC officers do not consider this to have a significant impact upon the draft Plan, and any decision will rest with the Examiner.

Comments on Neighbourhood Plan Policies and Content

14. These are comments from North-East Derbyshire planning officers in response to the Submission Draft Wessington Neighbourhood Plan under the requirements of the Localism Act 2011 and Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

Introduction

15. The Neighbourhood Plan sets out its context and background in sections 1-7.

16. Sections 8 & 9 present evidence to support the Plan’s approach and list challenges and opportunities, which include landscape, village character, local housing need (including for older people), employment provision and community facilities. Section 10 sets out a Community Vision concerned with creating a safe, vibrant and friendly community with easy access to the countryside around and green spaces within the village. New development is to will help to support viable local facilities but will need to blend in, and of a scale that reflects the village’s rural character. Ten ‘Community Objectives’ are set out in section 11; these are not Neighbourhood Plan objectives.

General comments

17. Overall, the draft Plan is well presented, and scoped appropriately, dealing with relevant local issues, leaving more strategic matters, to the Local Plan. In the main, policies are consistent, well-evidenced and clear. The Village Appraisal is a particularly valuable resource.

18. In several cases changes made to the earlier (regulation 15) draft Plan have satisfied the concerns of the District Council. There remains duplication in

some instances, either with policies elsewhere in the NP with resultant conflict or ambiguity, or with Local Plan policies (including in the Submission Draft Local Plan). An Examiner may want to see duplication removed. There are some instances where more certainty and clarity is needed in policies; as District Council Development Management officers will use the Neighbourhood Plan for development decisions.

Comments on Specific Sections & Policies

Key Principle: Pre-Application Community Engagement

This was originally expressed as a policy; as a statement of general guidance for developers/applicants, rather than a policy, it is now satisfactory.

Section 13 - Sustainable development.

Sustainable Development principles have altered with the new NPPF and may need re-writing (subject to NPPF transitional arrangements). In NPP2 direct reference is misleading and the words “they can demonstrate that they satisfy the principles of sustainable development by“ should be removed. Objectives & section 13 would be appropriate locations to refer to Sustainable Development principles. (To explain, Sustainable Development principles do not as such restrict development to within settlements.

Policy NPP1 Sustainable Development and the Settlement Development Limit

Reference to Map 8, while it shows the Draft, not adopted, Local Plan Settlement Development Limit is unnecessary, suggest deletion of “in Map 8 or, if these are superseded by those..”. Similarly in sub-para 1c these designations may change, and in any case will be the concern of the Local Plan, so this criterion introduces duplication. A better wording may be to refer to specific aspects of the Village Appraisal, as long as this does not introduce duplication with NPP2. Reference to non-Local Plan designations (i.e. SINC)s is acceptable.

Policy NPP2 Protecting the Natural Environment and Landscape Character

Evidence for the significant views: In para. 89 reference to the Village Appraisal would point to the evidence and give certainty. In sub-para. 1b) clarity would be given by relating the ‘landscape setting’ to aspects of the Village Appraisal, specifically pages 5,11 and Section 3.

Policy NPP3 Design Principles

In sub-para. 3 Map 7 and the Village Appraisal should be referred to, and there appears to be a minor error and it should read: “... reinforce the existing character areas shown in Map 7 and as defined in the Village Appraisal.”

It is not the concern of a Plan policy to encourage development proposals to include a report to demonstrate design standards being met, but this sub-para. (7) may be included in the Plan text and the Key Principle. The Emerging Local

Plan does not refer to BfL in a policy but its text states: “.. the Council may seek ... to ... use Building for Life 12 as a tool to improve design elements of development.”.

There is some duplication here with the emerging local Plan policy but reference to the Local Plan is not advisable. There is some duplication with Policies NPP1 & 2, esp. in sub-para 3.

Policy NPP4 Mix of Housing Types

As it stands criterion 2 is not enforceable as in all (commercial) instances viability would be affected to some extent by meeting M42; it is suggested that criterion 2 is removed, and thus the Local Plan Policy would apply.

Policy NPP5 Protecting Heritage Assets

The policy does not need to indicate work to prepare a list of non-designated heritage assets, this may be within the text. Protection of Non-designated local heritage assets is appropriately and similarly covered in the emerging Local Plan. However, such features are not specified in the Local Plan policy. These assets may be listed and protected under this policy, as long as they are clearly identified and justified and any later list may supersede the one in this Plan. It is not considered appropriate to reference the Local plan Policy as that is not yet adopted. Thus the policy could be reworded and criteria 2 & 3 merged as follows:

The effect of a development proposal on the buildings and structures identified in Appendix D or any local list that succeeds it will be taken into consideration when determining planning applications. Proposals will be required to have regard to their historical or architectural importance, their significance and setting. Proposals that are considered to cause substantial harm to a non-designated heritage asset will require a clear and convincing justification that any harm to them cannot be avoided or mitigated and would be clearly outweighed by the public benefits of the development.

(This comment has referenced the Holymoorside and Walton examination report paras 87-89 & recommendations -

<http://www.ne-derbyshire.gov.uk/images/Repository/H/Holymoorside-and-Walton-examination-report.pdf>).

If assets are listed in the policy this wording is suggested: “...upon The following buildings (see also Appendix D and Map 9) are to be protected as local heritage assets in this Plan: The effect of a development(then wording as appropriate) ”

Policy NPP6 Enhancing the provision of community facilities

In para 2 it is not clear to what “published evidence of community need” refers. The need to meet a local need is not necessary for an otherwise satisfactory

proposal. (Please note the Ashover Neighbourhood Plan examiner’s report (AP4 & AP5)).

Policy NPP7 Designation of Local Green Spaces

The Wingerworth Examiner indicated (para. 6.193) that LGS designation might be unnecessary where certain Local Plan protection was already afforded to the land (e.g. formal recreation). This followed from Planning Practice Guidance¹ which suggests that where land is already protected by another designation consideration should be given as to whether any additional local benefit would be gained by designation. Thus the sites proposed should be considered in this light.

Considering the Emerging Local Plan designations on Map 10: the areas are designated as in the table below, A & C are Common Land. The District Council simply notes these points at this stage, the case is made in the WNP for each to have the additional protection that LGS status would give it. There is no conformity issue raised here with the emerging Local Plan, the Plan has no policy relating to Local Green Spaces *per se*, and the Council does not oppose their designation here. However, in sub-para 2 “special” should replace “exceptional”.

<i>Site</i>	<i>Recreations Study 2017</i>	<i>Local Plan 2014 - 2034</i>	<i>Adopted Local Plan 2005</i>
<i>A</i>	<i>WESS05, School field in dual use – informal recreational field</i>	<i>ID9 – Recreation Sites (Map 1)</i>	<i>Formal Recreation facilities R2 (Map 6)</i>
<i>B</i>	<i>WESS01A, Provision for Children; WESS01B, Housing Green Space</i>	<i>ID9 – Recreation Sites (only children’s play area designated but not housing green space)</i>	<i>Formal Recreation facilities R2 (Map 6)</i>
<i>C</i>	<i>Not assessed</i>	<i>SDC4 – Derbyshire Wildlife Sites</i>	<i>Wildlife Sites NE5</i>
<i>D</i>	<i>WESS03, Amenity Green Space and Commons</i>	<i>ID9 – Urban Greenspace</i>	<i>Not designated</i>
<i>E</i>	<i>WESS06, Amenity Green Space and Commons</i>	<i>ID9 – Urban Greenspace</i>	<i>Urban Greenspace R3</i>
<i>F</i>	<i>WESS06, Amenity Green Space and Commons</i>	<i>ID9 – Urban Greenspace</i>	<i>Urban Greenspace R3</i>

¹ Planning Practice Guidance para 011 Ref ID: 37-011-20140306

NPP8 Maintaining Local Employment

Support for 'a café and/or shop' is too specific for a policy. The original wording of the draft Plan is preferred: "expands the range of tourist facilities, the retail offer and/or B1, B2 and B8". It is important to note that the Emerging Local Plan is not proposing an employment protection policy would apply to the "Proctors site" shown in map 14 of the WNP. This site would remain outside the settlement and countryside and tourism policies would apply (WC6, WC7 & SS9). The WNP policy NNP8 is clear in how it applies within/outside the settlement, however, sub-para (d) is unnecessary and duplicates the Local Plan policy. Sub-paras b) & c) can then be merged for clarity.

Aspirational Policy 1: Highway Safety

This is acknowledged to not be a planning policy, so it should have similar status to NPP1 (when revised). It is therefore not appropriate to use the phrase "Development proposals are required to demonstrate ..., that any traffic generation and parking impact created does not...". Better phrasing would be similar to part 1; "... to ensure that any traffic generation and parking impact created by development proposals does not..."