

ASHBOURNE NEIGHBOURHOOD PLAN 2017 - 2033

**The Report of the Independent Examiner to Derbyshire Dales District Council
on the Ashbourne Neighbourhood Plan**

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3rd March 2021**

Summary

I was appointed by Derbyshire Dales District Council, in agreement with the Ashbourne Town Council, in November 2020 to undertake the Independent Examination of the Ashbourne Neighbourhood Plan.

The Examination has been undertaken by written representations.

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

The Plan has been underpinned by extensive community support and engagement. The social, environmental and economic aspects of the issues identified have been brought together into a coherent plan which adds appropriate local detail to sit alongside the Derbyshire Dales Local Plan 2013-2033.

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

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

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Introduction

This report sets out the findings of the Independent Examination of the Ashbourne Neighbourhood Plan 2017 - 2033. The Plan was submitted to Derbyshire Dales District Council by Ashbourne Town Council in their capacity as the 'qualifying body' responsible for preparing the Neighbourhood Plan.

Neighbourhood Plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently incorporated within the National Planning Policy Framework (NPPF), originally published in 2012, and this continues to be the principal element of national planning policy. A new NPPF was published in July 2018, updated in February 2019.

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

The Role of the Independent Examiner

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

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

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

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

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

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

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004;

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

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

In undertaking this Examination I have considered the following documents:

- Ashbourne Neighbourhood Plan 2017 - 2033 as submitted
- Ashbourne Neighbourhood Plan Basic Conditions Statement (June 2018)
- Ashbourne Neighbourhood Plan Consultation Statement (undated)
- Sustainability Appraisal and Strategic Environmental Assessment Screening Report Ashbourne Neighbourhood Development Plan (September 2017)
- Content at: www.ashbournetowncouncil.gov.uk/documents/
- Content at: www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/neighbourhood-planning/ashbourne-neighbourhood-plan
- Representations made to the Regulation 16 public consultation on the Ashbourne Neighbourhood Plan
- Derbyshire Dales Local Plan 2013 - 2033 adopted in December 2017
- National Planning Policy Framework (NPPF) (2012 & 2019)
- Neighbourhood Planning Regulations (2012)
- Planning Practice Guidance (PPG) (March 2014 and subsequent updates)

It would be normal practice as part of an Examination to visit the Neighbourhood Area to see and assess the Plan details on the ground. However, in view of the Government pandemic guidelines to limit travel to that which is essential, I had to reach a view on the necessity of such a visit. The use of Google maps/Street View is rarely a satisfactory substitute for exploring the locality in person. However, I noted that the Plan does not allocate land for development and in only two instances is land designated for particular uses, and in both of these instances the designations are confirming/supporting existing, well-established uses. On balance therefore, I concluded that the benefits of concluding the Examination without further delay outweighed the benefits that might arise from a visit.

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

Ashbourne Neighbourhood Area

A map showing the boundary of the Ashbourne Neighbourhood Area has been provided within the Neighbourhood Plan. Further to an application made by Ashbourne Town Council, Derbyshire Dales District Council approved the designation of the Neighbourhood Area on 20th March 2014. This satisfied the requirement in line with the purposes of preparing a Neighbourhood Plan under section 61G(1) of the Town and Country Planning Act 1990 (as amended).

Consultation

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

The Planning Practice Guidance says:

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

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

The submitted Consultation Statement notes that “From the outset our philosophy and approach was to ensure that the Neighbourhood Plan was based on a concrete community foundation. This was the only way to ensure that future neighbourhood plan policies fully reflect the community’s aspirations and assist in promoting community based sustainable development.” A key element in the consultation programme was a series of neighbourhood plan training sessions held at the outset (2013) for Ashbourne Town Councillors and local community volunteers on the Ashbourne Neighbourhood Plan Group.

The Neighbourhood Plan consultation work commenced in late 2013 with an Open Meeting in Town Hall and Sixth Form consultation sessions at Queen Elizabeth’s Grammar School. These were followed in early 2014 by drop-in sessions over 6 days, presentations to a variety of community organisations by members of the Neighbourhood Plan Group and engagement with other interested parties. Subsequently, a leaflet was devised from the early feedback and circulated to all households in Ashbourne and also made available at the Library, Leisure Centre, online and the Ashbourne News Telegraph Office. This was later followed by four public meetings held to feedback on consultation responses and address the major issues identified by the community.

In May 2015 a major 6-week consultation was organised to invite input from local people, businesses and organisations to comment on a draft Neighbourhood Plan and was also promoted at a range of formal and informal meetings over the consultation period. This consultation was publicised through the Ashbourne Neighbourhood Plan website and a regular column in the local paper, the Ashbourne News Telegraph, as well as notices in thirty-two local / town centre shops. Hard copies of the Neighbourhood Plan were available for inspection and comment in venues around the town - Library, Leisure Centre, Town Hall, Ex Servicemen’s Club and News Telegraph Office. In addition, the four local schools had copies and response forms available for parents. To ensure that as wide a range of public awareness was achieved, there were also presentations to established groups and an “Open Drop-in event” at the Town Hall. In the final weeks public awareness was raised through street consultations on successive weekends.

Post consultations and to align with the Derbyshire Dales Local Plan (adopted December 2017) the Plan was rewritten and subjected to a Sustainability Appraisal and Strategic Environmental Assessment Screening. A further period of full 6-week consultation commenced in November 2017. Many of the comments received during this Regulation 14 public consultation reinforced issues and opportunities raised in previous public consultations, as is detailed in the Consultation Statement. Following further redrafting the Plan was formally submitted to the District Council in September 2018.

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

Date of Plan Submission

I note that the Ashbourne Neighbourhood Plan was submitted by the Qualifying Body to Derbyshire Dales District Council on 19th September 2018. The District Council records the submission date as 23rd January 2019, the difference relating to work by the local authority to satisfy itself that the submitted Plan had followed the proper legal process. For Plans submitted on or before 24th January 2019 the content of the March 2012 version of the NPPF applies for the purpose of examining plans (NPPF 2019 para 214). This was a transitional arrangement and I doubt that it was anticipated that it would still be applying to an Examination being conducted in 2021. Fortunately, in practical terms, my appraisal has not identified any issues specifically arising from the Plan having had “regard to” the NPPF 2012 whereas the present Policy environment for the determination of planning applications is the NPPF 2019 (and probably shortly to be the NPPF 2021).

However, an issue does arise from the Planning Practice Guidance expectation (paragraph 041): “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.” If the context and support for a Plan Policy relates to an out-of-date version of the NPPF then the decision-maker may be compromised in their ability to apply the Policy. Accordingly, the Qualifying Body has agreed that, as part of the Examination process, the references within the Plan should be updated and relate to current national Policy and guidance.

A further related issue is that, where the Plan document uses phrases such as “in recent years” or “at the time of this research”, it is most unclear to what date(s) such a reference is current; my later recommendations will therefore seek to ensure clarity and precision with the factual and supporting content.

Representations Received

Consultation on the submitted Plan, in accordance with Neighbourhood Planning Regulation 16, was undertaken by Derbyshire Dales District Council from 14th August - 6th November 2020 (a period extended to address the impact of Covid restrictions and to ensure input from Statutory Consultees). I have been passed the representations – 17 in total – which were generated by the consultation and which have now been included alongside the details of the Plan on the Derbyshire Dales District Council Neighbourhood Planning website. I have not mentioned every representation individually within the Report but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met. In particular, representations that request/suggest further content may be put aside because the Qualifying Body has determined, on the basis of public consultation, which range of issues the Plan should address; there is no prescribed content for Neighbourhood Plans.

The Neighbourhood Plan

Ashbourne Town Council is to be congratulated on its extensive efforts to produce a Neighbourhood Plan for their area that will guide development activity over the period to 2033. I can see that a sustained effort has been put into developing a Plan with a vision that “Ashbourne’s Neighbourhood Plan will seek to protect and enhance the identity and environment of Ashbourne, whilst providing significant opportunities for the sustainable growth of the economy and facilities.” The Plan document is well presented with a distinctive combination of text, images and Policies that are, subject to the specific points that I make below, well laid out and helpful for the reader. The Plan has been kept to a manageable length by not overextending the potential subject matter and the coverage of that.

It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher-level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community’s intent is sustained in an appropriately modified wording for the policy. It is evident that the community has made positive use of “direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area” (Planning Practice Guidance Reference ID: 41-001-20140306).

Individually I can see that the Policies address legitimate matters for a Neighbourhood Plan as identified with the community. I will later look at the Policies in turn so as to ensure that the Basic Conditions are met, which include an obligation to have regard to Local Plan strategic policies. As the NPPF requires (2012 para 16), neighbourhoods should “plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”. It is often the case that community consultation produces more clarity on what is not wanted than what *is* wanted; some care is therefore required in the analysis of responses. Having considered all the evidence and representations submitted as part of the Examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It works from a positive vision for the future of the Neighbourhood Area and promotes policies that are, subject to amendment to variable degrees, proportionate and sustainable. The Plan sets out the community’s priorities whilst seeking to identify and safeguard Ashbourne’s distinctive features and character. The plan-making had to find ways to reconcile the external challenges that are perceived as likely to affect the area with the positive vision agreed with the community. All such difficult tasks were approached with transparency, with input as required and support from Derbyshire Dales District Council.

However, in the writing up of the work into the Plan document, it is sometimes the case that the phraseology is imprecise, not helpful, or it falls short in justifying aspects of the selected policy. This is not uncommon in a community-prepared planning document and something that can readily be addressed in most instances. Accordingly, I have been obliged to recommend modifications so as to ensure both clarity and meeting of the ‘Basic Conditions’. In particular, Plan policies as submitted may not meet the obligation to “provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF 2012 para 17). I bring this particular reference to the fore because it will be evident as I examine the policies individually and consider whether they meet or can meet the ‘Basic Conditions’.

Basic Conditions

The Independent Examiner is required to consider whether a Neighbourhood Plan meets the “Basic Conditions”, as set out in law following the Localism Act 2011; in December 2018 a

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

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

The submitted Basic Conditions Statement has very helpfully set out to address the issues in relation to these requirements in the same order as above and has tabulated the relationship between the policy content of the Plan and its higher tier equivalents. I note that the Local Plan is the Derbyshire Dales District Local adopted in December 2017. As the Neighbourhood Plan does not allocate land for development, I am satisfied that the making of the Plan will not breach the Basic Condition relating to the Habitats and Species Regulations 2017.

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

The Plan in Detail

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

Front cover

A Neighbourhood Plan must specify the period during which it is to have effect. I note that there is a prominent reference to the Plan period 2017 – 2033 on the front cover. However, as the Plan was not accepted until 2019, cannot be applied retrospectively and cannot be ‘made’ until 2021 at the earliest, the beginning of the Plan period needs to be updated. Consistency with the submission date would suggest 2019. I have noted that the start date of the Housing Needs Assessment submitted alongside the Plan is 2017 but, as no Policy content derives directly from that work (eg the allocation of a housing site), it is not a factor that I need regard as relevant to the Plan period.

Contents

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

Recommendation 1:

1.1 Amend the Plan period to 2019 – 2033 both on the cover and where referenced within the Plan text.

1.2 Review the “Contents” page once the text has been amended to accommodate the recommendations from this Report.

Executive Summary

It is important that this summary is a fair but concise reflection of the Plan content. As written the summary fails consistently to distinguish between the land use content and the Section 6 content of Town Council commitments. There are also parts where it strays into wording that

would suggest that the Plan does not align with the Basic Conditions' requirements. The following recommendations therefore serve to ensure accuracy and clarity.

Recommendation 2:

Under the heading "Executive Summary":

2.1 To remove unhelpful repetition, simplify the opening paragraph to:

'The Ashbourne Neighbourhood Plan has been prepared by the Ashbourne Neighbourhood Plan Group on behalf of Ashbourne Town Council. It is based on a sound evidence base comprising district wide and local research plus the outcomes of several major engagement and consultation exercises with the local community. The Neighbourhood Plan's vision, strategic objectives and planning policies are therefore based on a solid foundation of local need and an ambition for sustainable growth.'

2.2 For accuracy replace the third paragraph with:

'Neighbourhood Plans have to be the subject of a referendum of the people living within the Neighbourhood Area. Once 'made', the Ashbourne Neighbourhood Plan will form part of the statutory development plan for the Derbyshire Dales District which deals with a range of matters concerned with the use and development of land. Decisions on planning applications must be in accordance with the development plan as a whole, unless material considerations indicate otherwise. This Neighbourhood Plan document also includes Community Actions (Annex A) which will be progressed by the Town Council.'

2.3 To remove duplication omit the fifth paragraph beginning "Meeting these requirements includes".

2.4 For accuracy omit "in Ashbourne" from the seventh paragraph.

2.5 For accuracy add to the first sentence of the eighth paragraph: '...although most of the land allocated for development lies outside the Neighbourhood Area' and at the end of the paragraph close the quotation marks.

2.6 To remove duplication omit the ninth paragraph beginning "The Ashbourne Neighbourhood Plan therefore ...".

2.7 For accuracy within this Summary, delete the last sentence of paragraph ten.

2.8 In the twelfth paragraph replace "17" with '14' and "South Derbyshire Clinical Commissioning Group" with 'Derby and Derbyshire Clinical Commissioning Group'.

Introduction and Context

No comments.

Section 1 Vision and Aims

No comments.

Section 2 Ashbourne's Neighbourhood Plan

As noted above, there is now a fifth Basic Condition and therefore, for accuracy, the reference in paragraph 2.4 needs to be updated. It is important that the text of paragraph 2.5 (incorrectly numbered as "2,5") is accurate so that the important accompanying map can be readily understood.

Recommendation 3:

Under the heading "[Section 2] The Neighbourhood Area":

3.1 Correct the numbering to '2.5'.

3.2 For clarity replace “Ashbourne Airfield site, which falls within Ashbourne’s settlement area, as shown on the map below, but not within the parish” with ‘Ashbourne Airfield site, which falls within Ashbourne’s settlement boundary (as defined within the Derbyshire Dales Local Plan 2017 and as shown on the map below) but not within the Ashbourne Parish, which is the designated Neighbourhood Area’.

3.3 Amend the final sentence of this paragraph to read: ‘See the map below that outlines the designated Neighbourhood Area’.

Section 3: Community and Stakeholder Engagement

It is helpful that much of this section presents the community engagement work summarised into a graphical presentation which adds some variety to the Plan content; there is just one correction to be addressed.

Recommendation 4:

Under the heading “Section 3: Community and Stakeholder Engagement” correct the dates in the final, coloured box on page 25 to: ‘Dec 18th 2017 - January 24th 2018’.

Section 4: Key Evidence and Data

The heading of this section is partially misleading because the opening section provides a more descriptive presentation than “evidence” and “data”. The Qualifying Body has commented that “Understanding the geographical and topographical context of Ashbourne, located in the Henmore Valley and enclosed by steep hills, is critically important for fully comprehending the way in which proposed housing allocations relate to the town centre, with respect to pedestrian and car movements”; I don’t disagree with that. However, the second section that starts to look at the “evidence” and “data” is then largely repeated as the “Rationale” introductions to each Policy in Section 5; the headings are nearly identical but their sequencing, confusingly, is not. The Qualifying Body has indicated its preference to “address the issue of repetition, we suggest merging each evidence section into a combined rationale/evidence section, removing repetition. Relevant plans and illustrations will be moved to the appropriate policy [including] a consistent structure to policies – purpose, rationale, policy, interpretation.” However, as it is important that each Policy should be seen to readily supported by “proportionate” evidence, which may be presented in the form of maps etc., I believe that the topic headed sections of a renamed Section 4 should be merged with the “Rationale” content of Section 5. There is no expectation of “evidence” and “data” for topic areas not addressed with Policies. I will recommend how the merger should be achieved below.

Recommendation 5:

For Section 4 headed “Key Evidence and Data”:

5.1 Alter the title to “Local Character and Distinctiveness” and delete paragraph 4.1 (renumbering subsequent paragraphs accordingly).

5.2 Delete paragraph 4.6 since it is not descriptive and Housing Policy is addressed in Section 5; renumber subsequent paragraphs accordingly.

5.3 Since Policy COM2 addresses green spaces, remove the map on page 21 (to be picked up again in the Policy section) and delete the last sentence of paragraph 4.8 as well as using ‘Conservation Area’ in the preceding sentence.

5.4 Reformatting of the text box adjacent to the aerial image (page 21) is required so that all the text is visible.

5.5 Delete the second sentence of paragraph 4.20 since it is not part of a descriptive context for the Plan.

5.6 Amend the sub-heading “Section 4 - Tourism” to omit the “Section 4” reference and delete the fourth sentence of paragraph 4.23 as it is content relevant to Section 5.

5.7 Delete the sub-section headed “Education” since there is no related land-use Policy content.

5.8 Delete the remaining content within Section 4 unless it is picked up, as recommended below, for use within Section 5.

Section 5 Neighbourhood Plan Policies

There is no need for this section to repeat the content already addressed in Section 2. This section can therefore start at paragraph 5.8. In relation to paragraph 5.16 I note that the local authority has commented: “Although this is the most recent localised study commissioned by the District Council it dates from 2007, and not 2009 as stated. Caution should therefore be exercised when using this source. Although not localised to Ashbourne for example the evidence base for the Derbyshire Dales Local Plan on housing and employment land requirements dates from 2016 and is therefore more up to date”; the evidence suggested is therefore too historic.

Under the sub-heading “Our Growth Strategy” the diagram from page 27 could usefully replace the less self-explanatory one at paragraph 5.17.

Recommendation 6:

Under the heading “Section 5 Neighbourhood Plan Policies”:

6.1 Delete paragraphs 5.1 to 5.7 and their sub-headings and renumber subsequent paragraphs accordingly.

6.2 Adopt a consistent approach to the use of “Section 5” within sub-headings – this would seem only necessary at the beginning of the Section.

6.3 Under the sub-heading “Growth Agenda” delete the last sentence of paragraph 5.11, viz “This will require a greater need to provide smaller and affordable properties, specifically 1-2 bedroom properties”, since that is a detail for the Housing Section; also delete paragraph 5.16 since the content is dated.

6.4 Under the sub-heading “Our Growth Strategy” replace the diagram at paragraph 5.17 with its equivalent from page 27.

Presentation of Policies

The structure of Policy presentation is helpful and, subject to comments below, it has been applied well generally. A representation has commented “policies are followed by ‘interpretation’, which should be unnecessary if the policy is drafted properly – it should not be open to, or need, further interpretation”. Whilst I accept the point (and its implications for reviewing the ‘Rationale’ section and the Policy wordings) there may be instances where some further, limited explanation can help the reader at the referendum stage.

However, a strange variety of numberings is used within Plan Policies, including bullet points and (unnecessary) paragraph numberings picked up from the text. Since it will be important for the day to day use of these Policies that they can be readily and unambiguously referenced, in whole or part, the Policies and their elements need to be numbered helpfully and consistently (eg EMP1, (i), (ii), etc). I will adopt a particular approach below but the critical issue is that the approach should be consistent.

Section 5 - Employment

The local authority has expressed a concern that Policies EMP1 and EMP2, as written, merely duplicate the related Local Plan Policies DS1, DS8 and EC3. The NPPF (2012 paragraph 16) says Plans should “serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)”. Further, it is noted that Policy EMP1 strays beyond the area of the Neighbourhood Plan through seeking a masterplan for the whole of the Airport Site; Section 38B of the 2004 Act says that a Neighbourhood Plan must not relate to more than one Neighbourhood Area. The County Council, whilst noting that the Policy as written extends itself beyond the Neighbourhood Area, comments: “General issues regarding the small [Airport] section within the Plan area could be addressed in an additional, more general, employment land policy.”

Whilst I can see that it has been a source of frustration to the Qualifying Body that significant parts of the Ashbourne Airport site are outside the Parish boundary, and therefore outside the designated Neighbourhood Area, the scope of Plan policies must be tempered accordingly. The Qualifying Body has commented: “a masterplan is an essential requirement for the comprehensive development of the whole of the Ashbourne Airfield site. We also need to point out that the local planning authority has asked for more detail on [the Neighbourhood Area] part of the site. This is referenced in the adopted Local Plan policy DS1: Land at Ashbourne Airfield (Phase 1). The Town Council is simply requesting that this Local Plan policy is implemented.” However, (subject to the outcome of the referendum) the Neighbourhood Plan will sit alongside the Local Plan as two parts of the overall Development Plan and therefore duplication, or the suggested reinforcement, serves no purpose and indeed there is a danger of confusion where details differ. The quoted Local Plan Policy DS1 – with very similar content for Phase 2 in Policy DS8 - says (*inter alia*): “Development [of Land at Ashbourne Airfield] will be subject to compliance with adopted Local Plan policies and:

- A comprehensive layout and site masterplan for the development incorporating community facilities proportionate to serve the needs of future residents of the site including a mixed use hub
- Preparation of a detailed phasing programme covering the entire site, such a programme to ensure the provision of the employment development and residential development concurrently or as otherwise agreed ...”.

I must therefore conclude that Policy EMP1, even if its geographic scope was reduced, amounts to “unnecessary duplication”. In the same vein, Policy EMP2 duplicates the purpose of Local Plan Policy EC3 which says (*inter alia*):

“Development proposals involving the redevelopment or change of use of existing business or industrial land or premises (falling within Use Classes B1, B2 or B8) for nonemployment uses will only be permitted where:

- a) the continuation of the land or premises in industrial or business use is constrained to the extent that it is no longer suitable or commercially viable for industrial or business use
- Proposals that would result in an under-supply of existing premises or a reduction in suitable employment land in relation to identified needs will not be permitted.”

I also noted to the Qualifying Body that the Use Class changes in September 2020 revoked Class B1, it being subsumed within the new Class E which includes a broader range of employment uses, including retail. Further, permitted development rights allow, subject to some limitations, for certain B1 office uses to be changed to residential. There is therefore no continuing purpose in including “Class B1” in this Policy.

I commented to the Qualifying Body that, concentrating on Ashbourne-related content, there was perhaps the potential for existing sites (to be reused in ways that are complementary to the “high value” uses strategy noted in paragraph 5.27 of the Plan. DDDC had commented: “If the Town Council wish to have a policy in the Neighbourhood Plan which compliments the

Local Plan and seeks to achieve its objective of higher quality employment development on the site within the context of a masterplan then one option is for a more generic and aspirational policy which supports that ambition.” The Qualifying Body agreed and such an approach could additionally give a more positive purpose to what is presently a rather negatively expressed Policy EMP2. Accordingly, my recommendations below provide for the rationalisation of the Employment section content and a single, reworded Policy EMP1.

Recommendation 7:

Under the heading “Section 5 – Employment”:

7.1 Delete paragraph 5.21 since the content is dated; amend subsequent paragraph numbers accordingly.

7.2 In paragraph 5.22 delete “Perhaps not unconnected,”.

7.3 Delete paragraph 5.24 since the content is dated; amend subsequent paragraph numbers accordingly.

7.4 Delete paragraphs 5.25 – 5.27 and 5.29 – 5.31, including the map on page 48, since they support the submitted Policy EMP1 now to be deleted; amend subsequent paragraph numbers accordingly.

7.5 Retitle and reword Policy EMP1 as follows (removing the paragraph number):

‘Policy EMP1: Employment retention and diversification

The use and reuse of existing employment land to diversify Ashbourne’s employment base, with a focus on high-tech manufacturing/business and complementary uses, is encouraged.’

7.6 Delete all subsequent paragraphs except paragraph 5.38 and its heading.

As retitled and reworded Policy EMP1 meets the Basic Conditions.

Section 5 - Ashbourne Town Centre

Both the local authority and the County Council in their representations have commented that the boundary illustrated for the Town Centre is not the same as that used within the Local Plan, and yet no evidence has been provided to show the need for this revision or a justification for the new boundary. As the local authority notes: “Any variation from the adopted town centre boundary should be justified on the basis of a transparent assessment against the definition in the NPPF”. The Qualifying Body has commented: “The town centre boundary shown in the Neighbourhood Plan is based on actual commercial properties along and close to the streets of the centre as well as the principal leisure, office and other strategic community services provision in Ashbourne, and has been agreed following several rounds of community consultation and endorsement by Ashbourne Town Council.”

A representation comments: “This [section] needs updating. At the time of writing this document Ashbourne did have thriving shops, however over the last 12 to 18 months that has gone. It is now dying. Too many small independent shops that haven't got the revenue or backing to succeed. We need a mix of quality chain restaurants with affordable prices for local people, rather than overpriced vanity projects. We need a mix of high street clothing as well as our excellent small clothing shops, again to stop local people shopping in Derby, Leek or Uttoxeter. How many barber shops can one town sustain? How many expensive restaurants? The town is empty of an evening as people can't afford the prices and tourists don't stay either as its (*sic*) too expensive. This plan was of a time, the town is now in deep trouble and a radical rethink is necessary.” Another comments: “The town does not feel vibrant and the Council needs to support local businesses and community services. If town councillors continue to make poor decisions then Ashbourne will not prosper.” And another adds: “The overall aim of making Ashbourne pedestrian centred is also hugely welcome and

needed. I have recently written to DDC and Sarah Dines on this matter, highlighting the need for urgent improvements on Derby Road and St John's Street in particular. A bypass may be a way off but in the near term, much can be done to force the HGVs to drive more carefully through town and so improve pedestrian safety". More broadly a representation notes: "Over the last 5 years, high streets across the UK have taken a dive, due to the increasingly popular e-commerce option, in section 5 it is highlighted that the "core retail leisure" must 'be protected and enhanced'. It will be interesting to see how this could be resurrected by 2033 as in 2020, the state of core retail, leisure both recreational and commercial is lacklustre, to say the least. With several shops standing empty, with little to no plans for these shops to be filled to create an interesting and worth-while high street which Ashbourne was once renowned for".

Parts of Policy ATC1 and its purpose have been somewhat upstaged by the Government's reformulation of Use Classes (with a further consultation in hand) which creates a new use Class E that encompasses a wider range than that suggested in the Policy. And the local authority has commented that Policy ATC1 essentially duplicates Policy EC6 in the adopted Local Plan, except they also note (as does the County Council) that there appears to be no substantive evidence presented to warrant the reduction in the retail premises threshold to 200 sq. metres. The Qualifying Body has not commented further on this aspect.

Within these constraints I would expect that Policy ATC1 ought to be aimed at encouraging the retention and further development of features that are unique to or especially valued in Ashbourne; despite what is noted in the rationale there is no specific mention of 'tourism uses' within the Policy. As the local authority notes, the Town Centre is an important Policy area and therefore it should not be potentially undermined by confusion arising from unhelpful differences in Policy wordings and boundaries.

In the absence of "proportionate" evidence and acknowledging the potential impact of both the Government's reformulation of Use Classes and the pandemic, the ambition of Policy ATC1 needs to be tempered. I note that Local Plan Policy S8 already commits to "maintaining and where possible enhancing, the vitality and viability of Ashbourne Town Centre" and "supporting improvements to the range and quality of town centre retail and services in Ashbourne town centre". The recommendations below are therefore designed to respect the intended purpose of Policy ATC1 whilst having regard to the new national policy context and removing "unnecessary duplication" or conflict with the related policies in the Local Plan.

Recommendation 8:

Under the heading "Section 5 - Ashbourne Town Centre":

8.1 Amend paragraph 5.41 to show the relevant 2019 NPPF content in place of the 2012 content as follows:

'The National Planning Policy Framework (paragraph 88) states: 'Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.'

8.2 Amend paragraphs 5.42 and 5.43 (and amend the numbering of subsequent paragraphs) to refer to the adopted Local Plan as follows:

'The Derbyshire Dales Local Plan 2013-2033 identifies that the largest settlements in the district are the Market Towns of Ashbourne, Matlock and Wirksworth. It goes on to state (para 4.63) that: 'Maintaining the vitality and viability of Ashbourne town centre is essential for the overall sustainability of the town.'

8.3 Delete paragraph 5.47 and add a new paragraph 5.49 (amending the numbering of subsequent paragraphs accordingly):

'During the periods of community consultation, a 'Central Area' was identified encompassing uses which benefit from a central location and which interact productively with the Town Centre itself. The indicative area is outlined on the map below alongside the related boundaries of the Town Centre (taken from the Local Plan) and the Conservation Area.'

8.4 Amend the map on page 52 by altering the title and key to 'Ashbourne Central Area', adding the area of the Town Centre (derived from the Local Plan Inset Map and identified in the key as such) and the boundary of the Conservation Area (derived from the Ashbourne Conservation Area Appraisal 2008 and identified in the key as such).

8.5 Retitle and reword Policy ATC1 as follows (removing the paragraph number)::

'Policy ACA1: Ashbourne Central Area

Within the indicative Ashbourne Central Area (see adjacent map titled Policy ACA1: Ashbourne Central Area) the use and reuse of sites and buildings in ways that are complementary to and supportive of the vitality and viability of Ashbourne Town Centre and the historic character of the area is encouraged.'

8.6 Under the sub-heading "Interpretation" replace paragraph 5.52 with:

'To be supportive of town centre functions retail premises should have active ground floor frontages, such as shop fronts or opening glass frontages. For mixed-use development, any residential element should be at upper levels and not the ground floor. Non-retail ground floor uses should be complementary to the retail and cultural functions of the town centre (café's restaurants, galleries, leisure facilities, walk-in community facilities and other complementary uses).

As retitled and reworded Policy ACA1 meets the Basic Conditions.

Section 5 - Housing

I note that the local authority has taken issue with the accuracy of some "rationale" points. In relation to the Policy itself the local authority has commented that, whilst it is accepted that the included Table comes from the Ashbourne NP Evidence Base, the ratios do not reflect those in the Local Plan and seek to encourage especially the provision of larger property Market Housing which is at odds with the needs of the local communities; the policy should be more positive on smaller properties in the Market sector.

Other representations comment: "The Ashbourne Housing Needs Assessment (included in the evidence document supporting the Neighbourhood Plan) indicates that, based on Census data for Ashbourne, there will be demand for housing suitable for older people into the future. It is acknowledged that 'the choice of housing for older people needs to increase in the future in line with expected demographic changes. (...) and there will also need to be opportunities for specialist and extra care housing' (Table 20, p.260). Notwithstanding this acknowledgement in the neighbourhood plan evidence base, there is no specific reference to such housing in Policy HOU1. Given the identified need, it would be appropriate for the policy to make provision for specialist and extra care housing to be brought forward on sites within or adjoining Ashbourne's settlement boundaries, where there is a proven and unmet local need. Therefore, we believe that Policy HOU1 should be amended to read: 'Housing schemes must provide a mix of housing types and tenures that meet local housing needs, including starter homes, accommodation for older people and homes for downsizing'."

The County Council has commented that "Policy HOU1 – Housing Mix, makes no reference to windfall and infill sites" – small sites would generally not be able to meet the breadth of mix expected for larger sites and the District Council has supported this concern.

In my view, data taken from a 2017 study will be questioned and perhaps successfully challenged by developers on the basis of more current or more specific evidence of housing requirements. Overall, having regard to the above input, a version of the Policy suggested by those making representations, referencing the need to meet evidenced “local needs”, may therefore be more appropriate, particularly if the Town Council sustains efforts to collate such data. In response the Qualifying Body has suggested a rewording of Policy HOU1, and that amended approach provides the basis for a more focused rationale and the recommendations below.

Recommendation 9:

Under the heading “Section 5 – Housing”:

9.1 Delete paragraphs 5.54 – 5.57 in the light of the adoption of the Local Plan (and amend the numbering of subsequent paragraphs accordingly).

9.2 Within paragraph 5.60 replace “AHNA” with ‘Ashbourne Housing Needs Assessment (AHNA)’ and provide a source reference.

9.3 Reword “Policy HOU1 – Housing Mix” as follows (removing the paragraph number): ‘Development proposals for housing should meet identified local housing needs and provide, appropriately for the site, a mix of sizes and types of dwelling, including starter homes, smaller properties for people seeking to downsize and specialist accommodation for older people.’

9.4 Add to the end of paragraph 5.62 ‘the site location and the efficient use of land’; delete paragraph 5.63 and amend the numbering of subsequent paragraphs accordingly.

As reworded Policy HOU1 meets the Basic Conditions.

Section 5 - Design

Consideration of this policy area again throws up the issue of providing a distinctive policy for Ashbourne rather than a policy duplicating standard policies that collect together the good practice which is to be applied everywhere. The County Council, Severn Trent and Natural England have all made comments about ‘missing’ content but, as the local authority representation notes, a Neighbourhood Plan is supposed to relate to issues particular to and identified within the Neighbourhood Area. The Qualifying Body has not identified specific local applications from the guidance provided but has suggested a rewording of Policy DES1 which, at its level of detail, does not require an extensive rationale. The following recommendations follow that approach.

Recommendation 10:

Under the heading “Section 5 – Design”:

10.1 Replace the “Purpose” with:

‘To promote good, sustainable design across all new development in Ashbourne, as required in both the National Planning Policy Framework and the DDDC Local Plan.’

10.2 Delete paragraph 5.66 since it is outdated and amend the numbering of subsequent paragraphs accordingly.

10.3 Add to paragraph 5.67 a reference to Local Plan Policy PD1.

10.4 Reduce paragraph 5.68 to: ‘The Stage three-community engagement results (May 2014) demonstrated that 75% of those who participated strongly agreed that “It is essential that the environment and the character of the town needs to be protected”. This policy seeks to ensure that it positively addresses this issue looking a design and the wider context to the area.’ Then add: ‘Further, in order to promote sustainable development in Ashbourne, a new

approach is required to incorporate new design standards in renewable energy and low carbon development. The policy also seeks to ensure that the existing dark skies outside of the town, and particularly the Peak Park fringe to the north, are protected and that new developments do not increase light spillage, preventing further deterioration of the night skies.'

10.5 Delete the sections headed "Renewable Energy & Low-Carbon Energy Technologies" and "Dark Skies" since these are (justifiably) not the subject of separate policies and have now been addressed above.

*10.6 Reword Policy "DES1 – Design" as follows (removing the paragraph number):
"Planning permission will be granted for new developments where they incorporate high quality and sustainable design and where they are able to satisfy the following criteria proportionately to the scale and nature of the development:*

- i) The design should be locally distinctive and locally inspired.*
- ii) The design of buildings and landscape should achieve a net gain in biodiversity.*
- iii) Proposals must respond to the existing character and history of the town, creating attractive streets and spaces, including consideration of:
 - height, scale, massing and set-back from the road;*
 - active frontages (containing windows) to create natural surveillance;*
 - reinforcing of existing pedestrian connections and allowing for ease of movement, including links to surrounding community facilities;*
 - streets and parking that encourage low vehicle speeds and streets that are not dominated by vehicles.**
- iv) Proposals should enhance local topography and landscape, including trees and hedges, ecology, and wildlife habitats.*
- v) The layout of the development should take account of local views, to help make the new scheme easy to navigate.*
- vi) Layouts should separate public and private spaces, avoiding placing rear gardens against street frontages.*
- vii) Convenient, screened storage should be provided for bins and recycling as well as secure storage for cycles.*
- viii) Designs should use high-quality, durable materials, to complement the historic palette of materials.*
- ix) Unnecessary external lighting should be avoided in the interests of energy saving and dark skies.*
- x) Proposals should incorporate appropriate Sustainable Drainage Systems (SuDS) including the use of permeable materials for hard surfaced areas.*
- xi) Innovative or creative architectural or building design will be supported, especially where it incorporates green features to improve environmental performance.'*

10.7 Delete paragraph 5.77 since it duplicates an earlier paragraph (and amend the numbering of subsequent paragraphs accordingly).

As reworded Policy DES1 meets the Basic Conditions.

Policy DES2 - Conservation Area

The local authority representation notes that this policy fails to set out what criteria will be taken into account when the local planning authority determine planning applications in the Conservation Area. Furthermore, they note that it makes reference to the potential impact upon the listed buildings and structures some of which are situated outside the Conservation Area. As such the policy appears to be confused as to its purpose. I note that this Policy lacks a “rationale”, which may help to explain the confusion on purpose.

Local Plan Policy PD2 already requires “development proposals in Conservation Areas to demonstrate how the proposal has taken account of the local distinctive character and setting of the Conservation Area including open spaces and natural features and how this has been reflected in the layout, design, form, scale, mass, use of materials and detailing, in accordance with Character Appraisals where appropriate.”

The Qualifying Body has agreed that this section should be revisited and has suggested revised Policy wording upon which the following recommendations are based:

Recommendation 11:

Under the heading “DES2 – Conservation Area”:

11.1 Amend the title to ‘Section 5 – Ashbourne Heritage’.

11.2 Add a ‘Purpose’ heading and related text as follows: ‘To ensure that the significance of Ashbourne’s extensive heritage assets is respected.’

11.3 Add a ‘Rationale’ heading and related text as follows: ‘As earlier noted, Ashbourne is one of Derbyshire’s finest market towns, combining a medieval street pattern and historic buildings with a wealth of high-quality shops. The cobbled market place, hidden alleys and yards are a delight to explore, and the wide and elegant Church Street is considered to be the finest street of Georgian buildings in Derbyshire. DDC’s Conservation Area Character Appraisal (2008) made an in-depth assessment of the special qualities of the character and appearance of Ashbourne Conservation Area, both in terms of its buildings and the relationship of its spaces alongside those buildings. Within the Neighbourhood Area there are 183 Listed Buildings (5 of these outside of the Conservation Area) and of these, 11 are Grade I or Grade II.’*

11.4 Renumber, retitle and reword Policy DES2 as follows (removing the paragraph number):

‘Policy AH1 – Ashbourne Heritage

In the Ashbourne Conservation Area and other heritage-sensitive locations, including the settings of listed buildings, development proposals should use distinctive and site-specific design to complement the historical context, including as appropriate:

- i) Complementing the townscape characteristics of streets and squares, including the pattern of rear-of-the-pavement frontages;*
- ii) Preserving or enhancing the bridging structure linking the Green Man with Victoria Square and its setting;*
- iii) Preserving or enhancing town yards/‘alleyways’ and areas of historic paving.’*

11.5 Amend paragraph 5.80 to read:

‘Development proposals within the Conservation Area should show particular regard for Chapter 11 ‘Conservation Policies’ of the DDCC document ‘Ashbourne Conservation Area

Appraisal' (2008). Impacts on the Conservation Area can arise from the development of land immediately adjacent to the boundary and also sites where the development would hinder views from within the Conservation Area.'

As renumbered, retitled and reworded Policy AH1 meets the Basic Conditions.

Section 5 – Transport

I note that the District Council is of the view that Policy HC19 and HC20 in the Derbyshire Dales Local Plan provide sufficient criteria to ensure that the traffic and transportation issues associated with new development are taken into account when the local planning authority determine a planning application. For my part, I am unclear as to the metrics used to define “critical” junctions in relation, say, to the criteria used by the highway authority to justify improvement works. The measured values will doubtless also vary across time which is why traffic modelling exists to examine changes.

It is unclear whether or how Policy TRA1 has accommodated the noted increase (which has doubtless accelerated since 2016) in the use of electric vehicles. In this regard the County Council has commented: “DCC welcomes the fact that its concerns have largely been addressed in this version. [However] The policy omits any reference to LEVI although preceded by a ‘Rationale’ on that topic which states that the ANP recognises its importance and the need for the Plan to cater for it [LEVI and electric vehicles]. This is a significant omission.”

The Qualifying Body has responded to these issues with a revised wording for Policy TRA1 which, in part at least, makes the Policy a little more Ashbourne-specific, thereby reducing the duplication of existing Local Plan policy. That revised approach provides the basis for these recommendations.

Recommendation 12:

Under the heading “Section 5 - Transport”:

12.1 Provide a source-reference for the data used in paragraph 5.83.

12.2 Edit the rationale, in particular to remove dated references, by deleting paragraphs 5.85, 5.88, 5.91 (see below) & 5.92 (as well as the related sub-heading) and from the end of paragraph 5.86 delete “(P33 above)”; renumber subsequent paragraphs accordingly.

*12.3 Reword “Policy TRA1 – Transport” as follows (removing the paragraph number):
‘In order to assist the shift to more sustainable forms of transport, development proposals should, proportionately to the scale and nature of the scheme, ensure:*

- i) convenient links to public transport services, to help reduce car dependency;*
- ii) priority for pedestrians and cyclists in the design and layout of development, including for people of all levels of mobility;*
- iii) provision of secure, covered and screened storage for cycles;*
- iv) provision of electric vehicle charging infrastructure.*

12.4 Replace paragraphs 5.94 & 5.95 with paragraph 5.91.

As reworded Policy TRA1 meets the Basic Conditions.

Section 5 - Community Facilities

The District Council considers that Policy HC15 and other policies in the Derbyshire Dales Local Plan provides sufficient criteria for the determination of applications for planning permission involving the provision or loss of community facilities and that, as such, this policy is not considered necessary. The content of the “Rationale” seems to support that view. I note that the Policy does not provide local detail such as where local facilities might be deficient nor even which local facilities are of “community value” and intended for retention/protection. Policy DES1 should be able to cater for design considerations.

A representation comments: “The bike hub is a creative idea & I hope it’s successful. With all these extra houses being built and schools being expanded, where are the plans for child-based and family-based leisure facilities [?]. So many families go to Derby for cinema or roller world or Uttoxeter for bowling or cinema or evening Matlock park to row boats and cafe in the park. We desperately need a reason for resident families and visitor families to COME to Ashbourne or stay in Ashbourne that isn’t just luxurious shopping or a quick cafe pit stop. Give people a reason to spend a whole day in town, more time in between activities to spend their money. Improve Ashbourne park even the addition of an ice cream & coffee hut would be welcomed.” And another says: “The idea of creating a cycling hub in Ashbourne is excellent, especially if infrastructure development focuses on providing cyclists safe transfer around the town centre and to the Tissington Trail. This would create jobs and increase tourism”.

A representation on behalf of the Ashbourne Methodist Church notes their community facility development that involves “the sensitive insertion of new development in underused (and less attractive) areas within the grounds of the church. This will enable physical restoration of the church, hall and cornerstone cafe (including enhancing heritage features in the church), enabling the long-term use and maintenance of these buildings for the future. Adaptations are needed in order to provide level street access and a single primary point of entry from which different parts of the buildings can be easily accessed (including via lift and safe internal stairs). This is also safer from crime, safeguarding and Covid 19 prevention perspectives. The scheme will also provide flexible spaces and seating, better toilets and kitchens, resolve heating and ventilation issues, provide a mixture of smaller and medium sized rooms and also larger spaces for a greater range of community activities to take place. This will enhance its current significant use as a valued community asset which is used by a wide range of community groups, regardless of religious (or any) belief... We think it will be the largest public venue in town and can provide a service for concerts, performances and other public or private events with a variety of flexible spaces and seating. This will support the social health and vitality of the community and support the need to provide facilities to cater for the housing growth in the town”.

The Qualifying Body responded to these comments noting the perception of repetition of Local Plan policies, the support for the Cycle Hub proposal which will support pedestrians and cycling in and around Ashbourne, and agreeing that the Ashbourne Methodist Church community initiative was of the type that the Neighbourhood Plan supports. However, no local detail was proposed to make Policy COM1 particular to Ashbourne. Since this is a topic identified through community participation, a brief Policy complementary to the Local Plan Policies would seem to be the best that can be achieved.

Recommendation 13:

Under the heading “Section 5 – Community Facilities”:

13.1 To restrict the rationale to Policy-related content, delete the first two and the last sentences of paragraph 5.97; delete all but the first sentence of paragraph 5.98.

13.2 Replace paragraphs 5.99 & 5.100 with a reference to the current (2019) NPPF as follows (and renumber subsequent paragraphs accordingly):

'The NPPF (paragraph 92) says: "To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments."

13.3 Replace paragraph 5.101 with a reference to the adopted Local Plan as follows: 'The DDDC Local Plan 2013 – 2033 Policy HC15 says: "The District Council will seek to maintain and improve the provision of local community facilities and services. This will be achieved by supporting proposals which protect, retain or enhance existing community facilities (including multi use and shared schemes) or provide new facilities."

13.4 Delete paragraphs 5.102 & 5.103.

13.5 Reword "Policy COM1 – Community Facilities" as follows (removing the paragraph number):

'Particularly where they help to serve the needs of the expanding community, development proposals for new, improved, repurposed and diversified community facilities will be supported in principle provided they are well located in relation to the community they serve and their impact on their immediate surroundings is assessed and addressed.'

13.6 Under the sub-heading "Interpretation" add an additional paragraph (and alter subsequent paragraph numbers accordingly) as follows:

'Development involving existing community facilities should maintain or enhance their community value. The impact of new housing and employment development on the capacity of local community facilities should be considered and, where there are deficiencies, development proposals should address these.'

As reworded Policy COM1 meets the Basic Conditions.

Local Green Spaces:

A number of drafting errors in the "Rationale" were noted by the local authority and the County Council, the most important of which is that the Neighbourhood Plan should recognise that only a small proportion of Bradley Wood is situated within the Neighbourhood Area. The Qualifying Body agreed that errors should be corrected.

The local authority also noted that this Policy lacks the level of supporting evidence for what it is said to be wanting to achieve. 'Local Green Space' (LGS) designation gives a high level of protection but is designed for local spaces evidenced as being of "particular" local significance, in accordance with the specific criteria set out in the NPPF. Rather than compile the supporting evidence for LGS designations to allow for assessment, the Qualifying Body chose instead to designate the identified areas as 'Public Open Space' for which descriptive evidence will suffice. Accordingly, it is on that basis that my recommendations below have been compiled.

Recommendation 14:

Under the heading "Local Green Spaces":

14.1 Reword the heading as 'Section 5 – Public Open Space'.

14.2 Within paragraph 5.108 replace "11,000 miles" with '40 miles'.

14.3 Delete paragraph 5.111 and renumber subsequent paragraphs accordingly.

14.4 Amend paragraph 5.114 to read:

‘These areas are therefore designated as Public Open Spaces which contribute to the network of spaces in Ashbourne, in accordance with the Spatial Vision in the Local Plan which states that: “New development, particularly in Ashbourne, Matlock, and Wirksworth, will seek to satisfy the identified social and economic needs of local residents which, in turn, will be supported by the protection and enhancement of areas of open and green space within and around them. Opportunities for the provision of new and improved recreation opportunities will be brought forward.” (page 23, Derbyshire Dales Local Plan 2013-2033).

14.5 Delete paragraph 5.115 and renumber subsequent paragraphs accordingly.

14.6 Amend paragraph 5.116 to read:

‘These Public Open Spaces collectively provide a variety of social, economic and environmental benefits, contributing to the sustainable development of Ashbourne, offering a range of spaces that promote well-being and are community assets within the area.’

14.7 Amend paragraph 5.117 to read:

‘The Neighbourhood Area also includes part of Bradley Wood, bordering the Airfield site, which was bequeathed to the people of Ashbourne and which is designated a Local Wildlife Site on the Derbyshire Wildlife Sites Register.’

14.8 Reword Policy COM2 as follows (removing the paragraph number):

‘Policy COM2 – Public Open Space

The Public Open Spaces identified on the adjacent map (titled Policy COM2: Public Open Spaces) will be protected for their value as green spaces and places of recreation. Development will only be supported when it relates to and complements the current use of the site and does not have an adverse impact upon the quality of the open space or its recreational value.’

14.9 Move the related map from page 20 to be adjacent to Policy COM2, retitle the map as ‘Policy COM2: Public Open Spaces’ and the key as ‘Public Open Spaces’ and delete the boundary of the Conservation Area from the map and the key. Add a schedule cross-referenced to the map which briefly outlines the current uses of each space to serve as a reference point for the Policy.

14.10 Amend paragraph 5.119 to read:

‘This policy aims to protect and enhance the identified Public Open Spaces ensuring that any new development relates to and does not compromise the open quality of the spaces.’

As amended Policy COM2 meets the Basic Conditions.

Section 6: Implementation and Community Action

The Qualifying Body agreed that it should be made immediately clear that Section 6 provides a record of Town Council commitments beyond the scope of and separate from the land use Neighbourhood Plan. The Planning Guidance says: “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, [but] actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex.” (Planning Policy Guidance Paragraph: 004 Reference ID: 41-004-20170728).

However, there were a number of points of accuracy raised by the local authority and others for which the Qualifying Body agreed corrections are required. Further, as the Neighbourhood Plan as a whole is a forward-looking Plan, the content should consistently reflect that approach. Apart from the data being outdated, the section headed: “Local Monitoring of planning applications and S106 Agreements” needs editing to keep it relevant,

an accurate reflection of the legal position with regards to the use of S106 agreements, and within the spirit of the “wider community aspirations” referenced in the Planning Guidance.

Recommendation 15:

Under the heading “Section 6: Implementation and Community Action”:

15.1 Reword the heading as ‘Annex A: Community Action’ and renumber the paragraphs accordingly.

15.2 Replace the “Purpose” section with the following in bold letters:

‘This section does not form part of the statutory neighbourhood plan and therefore it is not subject to independent examination and referendum. It includes proposed actions that fall outside of the scope of planning policy.’

15.3 Within the un-numbered paragraph headed “Rationale” replace “section of the plan” with ‘Annex’.

15.4 At the end of paragraph 6.1 delete “most notably S106 regeneration funding” and add an additional sentence: ‘The Community Infrastructure Plan would be a non-statutory document and sit outside the Local Plan and Neighbourhood Plan process.’

15.5 In paragraph 6.2 replace “Neighbourhood Plan” with ‘The Town Council’.

15.6 Add an additional paragraph after paragraph 6.2:

‘Ashbourne Town Council has recently agreed (December 2020) to prepare a non-statutory Strategic Plan for Ashbourne in conjunction with the Ashbourne Town Team to provide a corporate Vision and Action Plan for Ashbourne over the next 20 years. This will combine the Ashbourne Neighbourhood Plan with the Town Team’s Action Plan and incorporate a range of community and private sector regeneration initiatives which will in effect be part of the implementation programme of the Ashbourne Neighbourhood Plan.’

15.7 Replace the opening sentence of paragraph 6.4 with: “A Traffic Management Plan will be part of the Strategic Plan for Ashbourne.”

15.8 Replace the opening sentence of paragraph 6.5 with: “A consultation exercise by Derbyshire County Council (DCC) may result in a recommendation to DCC’s Cabinet in 2021 on the selection of a ‘preferred route’ for the By-pass. A preferred route will be further developed so that it can be submitted for planning approval and for any available grant funding.”

15.9 At the end of paragraph 6.6 replace “eedprise Partnership, D2N2” with ‘Enterprise Partnership D2N2’.

15.10 Replace the opening sentence of paragraph 6.11 with ‘The Town Council supports the requirement in the Derbyshire Dales Local Plan 2013-2033 for a masterplan to set out how the Airfield site will be developed on a comprehensive basis.’

15.11 In paragraph 6.12 replace “advocates” with ‘supports’.

15.12 Replace the opening sentence of paragraph 6.12 with: ‘The Neighbourhood Plan will be implemented through the determination of planning applications for new developments by the District Council and the obligations that attach to these but also through the development and implementation of specific projects through investment by the relevant statutory agency and key community providers using other state and private finance.’ Also, later in that paragraph delete “through S106 agreements”, replace “2017” with ‘2013-2033’, replace

“there is a need for further significant” with “there may be need for further”, and delete the last two sentences of this paragraph (since these are not now “recent”).

15.13 Under the heading “Local Monitoring of planning applications and S106 Agreements”:

15.13.1 Delete paragraphs 6.18 – 6.21.

15.13.2 In paragraph 6.22 replace “will be a key outcome of this Neighbourhood Plan” with ‘will be a key action in support of the Neighbourhood Plan’; delete the second and third sentences of this paragraph.

15.13.3 In paragraph 6.23 replace “South Derbyshire Clinical Commissioning Group” with ‘Derby and Derbyshire Clinical Commissioning Group’.

15.13.4 Delete paragraphs 6.24 and 6.25.

15.13.5 In paragraph 6.26 delete the second reference to Neighbourhood Plan.

15.13.6 Delete paragraphs 6.27 – 6.29 since these are not entirely accurate, are in part dated and are said to be the subject of a separate consultation.

Glossary of Terms

No comment.

List of Evidence and Research Resources

The local authority noted some drafting errors which the Qualifying Body agreed should be corrected.

Recommendation 16:

Under the heading “List of Evidence and Research Resources”:

16.1 Entry 2 should read: ‘The Derbyshire Dales Local Plan 2013-2033 Adopted December 2017’.

16.2 Entry 7 should be deleted as the Local Plan from 2005 is no longer in use.

16.3 Entry 8 should be deleted as the Saved Policies have been superseded by the adopted policies from the 2017 version of Derbyshire Dales Local Plan.

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

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

There is no legal requirement for a Neighbourhood Plan to have a sustainability appraisal. The Sustainability Appraisal and Strategic Environmental Assessment Screening Report carried out by Derbyshire Dales District Council for the Ashbourne Neighbourhood Plan (September 2017) considered whether or not the content of the Plan required a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plan and Programmes Regulations 2004. In accordance with Regulation 9 of the SEA Regulations 2004, Derbyshire Dales District Council determined: “it is unlikely there will be any significant environmental effects arising from the Ashbourne Neighbourhood Plan as submitted and assessed as part of this screening exercise (ANP – Submission Version March 2017), that have not been covered in the Sustainability Appraisal and Habitats Regulations Assessment of the Derbyshire Dales Local Plan Pre Submission Draft (August 2016) and the modifications emerging from the hearing sessions of the Examination in Public. As such it is concluded that the ANP does not require a full SEA to be undertaken.” In making this determination, the District Council had regard to Schedule 1 of the Regulations and carried out consultation with the relevant public body who concurred with the screening opinion. Particularly in the absence of any adverse comments from the statutory body or the Local Planning Authority (either at the Screening or the Regulation 16 Consultation) I can confirm that the Screening undertaken was appropriate and proportionate, and that the Plan has sustainability at its heart.

The Basic Conditions Statement submitted alongside the Ashbourne Neighbourhood Plan includes, as regards the European Convention on Human Rights, an Equality Impact Assessment which concludes: “Whilst not explicitly addressing the needs of racial or religious groups, or transgender, gay or lesbian groups, or women, the Neighbourhood Plan does make equal provision for housing and seeks to provide community facilities which will benefit these groups equally. It also seeks to provide a safer environment, particularly a safer public realm.”

I therefore confirm that the Ashbourne Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998. No evidence has been put forward to demonstrate that this is not the case.

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

Conclusions

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

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

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

On that basis I *recommend* to the Derbyshire Dales District Council that, subject to the incorporation of modifications set out as recommendations in this report, it is appropriate for the Ashbourne Neighbourhood Plan to proceed to referendum.

Referendum Area

As noted earlier, part of my Examiner role is to consider whether the referendum area should be extended beyond the Plan area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case. I therefore ***recommend*** that the Plan should proceed to referendum based on the Neighbourhood Area as approved by the Derbyshire Dales District Council on 20th March 2014.

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

Rec	Text	Reason
1	<p>1.1 Amend the Plan period to 2019 – 2033 both on the cover and where referenced within the Plan text.</p> <p>1.2 Review the “Contents” page once the text has been amended to accommodate the recommendations from this Report.</p>	For clarity and accuracy
2	<p>Under the heading “Executive Summary”:</p> <p>2.1 To remove unhelpful repetition, simplify the opening paragraph to: ‘The Ashbourne Neighbourhood Plan has been prepared by the Ashbourne Neighbourhood Plan Group on behalf of Ashbourne Town Council. It is based on a sound evidence base comprising district wide and local research plus the outcomes of several major engagement and consultation exercises with the local community. The Neighbourhood Plan’s vision, strategic objectives and planning policies are therefore based on a solid foundation of local need and an ambition for sustainable growth.’</p> <p>2.2 For accuracy replace the third paragraph with: ‘Neighbourhood Plans have to be the subject of a referendum of the people living within the Neighbourhood Area. Once ‘made’, the Ashbourne Neighbourhood Plan will form part of the statutory development plan for the Derbyshire Dales District which deals with a range of matters concerned with the use and development of land. Decisions on planning applications must be in accordance with the development plan as a whole, unless material considerations indicate otherwise. This Neighbourhood Plan document also includes Community Actions (Annex A) which will be progressed by the Town Council.’</p> <p>2.3 To remove duplication omit the fifth paragraph beginning “Meeting these requirements includes”.</p> <p>2.4 For accuracy omit “in Ashbourne” from the seventh paragraph.</p> <p>2.5 For accuracy add to the first sentence of the eighth paragraph: ‘...’...although most of the land allocated for development lies outside the Neighbourhood Area” and at the end of the paragraph close the quotation marks.</p> <p>2.6 To remove duplication omit the ninth paragraph beginning “The Ashbourne Neighbourhood Plan therefore ...”.</p> <p>2.7 For accuracy within this Summary, delete the last sentence of paragraph ten.</p> <p>2.8 In the twelfth paragraph replace “17” with ‘14’ and “South Derbyshire Clinical Commissioning Group” with ‘Derby and Derbyshire Clinical Commissioning Group’.</p>	For clarity and accuracy

3	<p>Under the heading “[Section 2] The Neighbourhood Area”:</p> <p>3.1 Correct the numbering to ‘2.5’.</p> <p>3.2 For clarity replace “Ashbourne Airfield site, which falls within Ashbourne’s settlement area, as shown on the map below, but not within the parish” with ‘Ashbourne Airfield site, which falls within Ashbourne’s settlement boundary (as defined within the Derbyshire Dales Local Plan 2017 and as shown on the map below) but not within the Ashbourne Parish, which is the designated Neighbourhood Area’.</p> <p>3.3 Amend the final sentence of this paragraph to read: ‘See the map below that outlines the designated Neighbourhood Area’.</p>	For clarity and accuracy
4	<p>Under the heading “Section 3: Community and Stakeholder Engagement” correct the dates in the final, coloured box on page 25 to: ‘Dec 18th 2017 - January 24th 2018’.</p>	For clarity and accuracy
5	<p>For Section 4 headed “Key Evidence and Data”:</p> <p>5.1 Alter the title to “Local Character and Distinctiveness” and delete paragraph 4.1 (renumbering subsequent paragraphs accordingly).</p> <p>5.2 Delete paragraph 4.6 since it is not descriptive and Housing Policy is addressed in Section 5; renumber subsequent paragraphs accordingly.</p> <p>5.3 Since Policy COM2 addresses green spaces, remove the map on page 21 (to be picked up again in the Policy section) and delete the last sentence of paragraph 4.8 as well as using ‘Conservation Area’ in the preceding sentence.</p> <p>5.4 Reformatting of the text box adjacent to the aerial image (page 21) is required so that all the text is visible.</p> <p>5.5 Delete the second sentence of paragraph 4.20 since it is not part of a descriptive context for the Plan.</p> <p>5.6 Amend the sub-heading “Section 4 - Tourism” to omit the “Section 4” reference and delete the fourth sentence of paragraph 4.23 as it is content relevant to Section 5.</p> <p>5.7 Delete the sub-section headed “Education” since there is no related land-use Policy content.</p> <p>5.8 Delete the remaining content within Section 4 unless it is picked up, as recommended below, for use within Section 5.</p>	For clarity and accuracy
6	<p>Under the heading “Section 5 Neighbourhood Plan Policies”:</p> <p>6.1 Delete paragraphs 5.1 to 5.7 and their sub-headings and renumber subsequent paragraphs accordingly.</p> <p>6.2 Adopt a consistent approach to the use of “Section 5” within sub-headings – this would seem only necessary at the beginning of the Section.</p>	For clarity and accuracy

	<p>6.3 Under the sub-heading “Growth Agenda” delete the last sentence of paragraph 5.11, viz “This will require a greater need to provide smaller and affordable properties, specifically 1-2 bedroom properties”, since that is a detail for the Housing Section; also delete paragraph 5.16 since the content is dated.</p> <p>6.4 Under the sub-heading “Our Growth Strategy” replace the diagram at paragraph 5.17 with its equivalent from page 27.</p>	
7	<p>Under the heading “Section 5 – Employment”:</p> <p>7.1 Delete paragraph 5.21 since the content is dated; amend subsequent paragraph numbers accordingly.</p> <p>7.2 In paragraph 5.22 delete “Perhaps not unconnected,”.</p> <p>7.3 Delete paragraph 5.24 since the content is dated; amend subsequent paragraph numbers accordingly.</p> <p>7.4 Delete paragraphs 5.25 – 5.27 and 5.29 – 5.31, including the map on page 48, since they support the submitted Policy EMP1 now to be deleted; amend subsequent paragraph numbers accordingly.</p> <p>7.5 Retitle and reword Policy EMP1 as follows (removing the paragraph number): ‘Policy EMP1: Employment retention and diversification The use and reuse of existing employment land to diversify Ashbourne’s employment base, with a focus on high-tech manufacturing/business and complementary uses, is encouraged.’</p> <p>7.6 Delete all subsequent paragraphs except paragraph 5.38 and its heading.</p>	For clarity and accuracy and to meet Basic Conditions 1 and 3
8	<p>Under the heading “Section 5 - Ashbourne Town Centre”:</p> <p>8.1 Amend paragraph 5.41 to show the relevant 2019 NPPF content in place of the 2012 content as follows: ‘The National Planning Policy Framework (paragraph 88) states: ‘Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.’</p> <p>8.2 Amend paragraphs 5.42.and 5.43 (and amend the numbering of subsequent paragraphs) to refer to the adopted Local Plan as follows: ‘The Derbyshire Dales Local Plan 2013-2033 identifies that the largest settlements in the district are the Market Towns of Ashbourne, Matlock and Wirksworth. It goes on to state (para 4.63) that: ‘Maintaining the vitality and viability of Ashbourne town centre is essential for the overall sustainability of the town.’</p> <p>8.3 Delete paragraph 5.47 and add a new paragraph 5.49 (amending the numbering of subsequent paragraphs accordingly): ‘During the periods of community consultation, a ‘Central Area’ was identified encompassing uses which benefit from a central location and which interact productively with the Town Centre itself. The indicative area is outlined on the map below alongside the related boundaries of</p>	For clarity and accuracy and to meet Basic Conditions 1 and 3

	<p>the Town Centre (taken from the Local Plan) and the Conservation Area.’</p> <p>8.4 Amend the map on page 52 by altering the title and key to ‘Ashbourne Central Area’, adding the area of the Town Centre (derived from the Local Plan Inset Map and identified in the key as such) and the boundary of the Conservation Area (derived from the Ashbourne Conservation Area Appraisal 2008 and identified in the key as such).</p> <p>8.5 Retitle and reword Policy ATC1 as follows (removing the paragraph number): ‘Policy ACA1: Ashbourne Central Area Within the indicative Ashbourne Central Area (see adjacent map titled Policy ACA1: Ashbourne Central Area) the use and reuse of sites and buildings in ways that are complementary to and supportive of the vitality and viability of Ashbourne Town Centre and the historic character of the area is encouraged.’</p> <p>8.6 Under the sub-heading “Interpretation” replace paragraph 5.52 with: ‘To be supportive of town centre functions retail premises should have active ground floor frontages, such as shop fronts or opening glass frontages. For mixed-use development, any residential element should be at upper levels and not the ground floor. Non-retail ground floor uses should be complementary to the retail and cultural functions of the town centre (café’s restaurants, galleries, leisure facilities, walk-in community facilities and other complementary uses).</p>	
9	<p>Under the heading “Section 5 – Housing”:</p> <p>9.1 Delete paragraphs 5.54 – 5.57 in the light of the adoption of the Local Plan (and amend the numbering of subsequent paragraphs accordingly).</p> <p>9.2 Within paragraph 5.60 replace “AHNA” with ‘Ashbourne Housing Needs Assessment (AHNA)’ and provide a source reference.</p> <p>9.3 Reword “Policy HOU1 – Housing Mix” as follows (removing the paragraph number): ‘Development proposals for housing should meet identified local housing needs and provide, appropriately for the site, a mix of sizes and types of dwelling, including starter homes, smaller properties for people seeking to downsize and specialist accommodation for older people.’</p> <p>9.4 Add to the end of paragraph 5.62 ‘the site location and the efficient use of land’; delete paragraph 5.63 and amend the numbering of subsequent paragraphs accordingly.</p>	For clarity and accuracy and to meet Basic Conditions 1 and 3
10	<p>Under the heading “Section 5 – Design”:</p> <p>10.1 Replace the “Purpose” with: ‘To promote good, sustainable design across all new development in Ashbourne, as required in both the National Planning Policy Framework and the DDDC Local Plan.’</p>	For clarity and to meet Basic Condition 1

	<p>10.2 Delete paragraph 5.66 since it is outdated and amend the numbering of subsequent paragraphs accordingly.</p> <p>10.3 Add to paragraph 5.67 a reference to Local Plan Policy PD1.</p> <p>10.4 Reduce paragraph 5.68 to: ‘The Stage three-community engagement results (May 2014) demonstrated that 75% of those who participated strongly agreed that “It is essential that the environment and the character of the town needs to be protected”. This policy seeks to ensure that it positively addresses this issue looking a design and the wider context to the area.’ Then add: ‘Further, in order to promote sustainable development in Ashbourne, a new approach is required to incorporate new design standards in renewable energy and low carbon development. The policy also seeks to ensure that the existing dark skies outside of the town, and particularly the Peak Park fringe to the north, are protected and that new developments do not increase light spillage, preventing further deterioration of the night skies.’</p> <p>10.5 Delete the sections headed “Renewable Energy & Low-Carbon Energy Technologies” and “Dark Skies” since these are (justifiably) not the subject of separate policies and have now been addressed above.</p> <p>10.6 Reword Policy “DES1 – Design” as follows (removing the paragraph number): “Planning permission will be granted for new developments where they incorporate high quality and sustainable design and where they are able to satisfy the following criteria proportionately to the scale and nature of the development:</p> <p>i) The design should be locally distinctive and locally inspired.</p> <p>ii) The design of buildings and landscape should achieve a net gain in biodiversity.</p> <p>iii) Proposals must respond to the existing character and history of the town, creating attractive streets and spaces, including consideration of:</p> <ul style="list-style-type: none"> • height, scale, massing and set-back from the road; • active frontages (containing windows) to create natural surveillance; • reinforcing of existing pedestrian connections and allowing for ease of movement, including links to surrounding community facilities; • streets and parking that encourage low vehicle speeds and streets that are not dominated by vehicles. <p>iv) Proposals should enhance local topography and landscape, including trees and hedges, ecology, and wildlife habitats.</p> <p>v) The layout of the development should take account of local views, to help make the new scheme easy to navigate.</p> <p>vi) Layouts should separate public and private spaces, avoiding placing rear gardens against street frontages.</p>	
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	<p>vii) Convenient, screened storage should be provided for bins and recycling as well as secure storage for cycles.</p> <p>viii) Designs should use high-quality, durable materials, to complement the historic palette of materials.</p> <p>ix) Unnecessary external lighting should be avoided in the interests of energy saving and dark skies.</p> <p>x) Proposals should incorporate appropriate Sustainable Drainage Systems (SuDS) including the use of permeable materials for hard surfaced areas.</p> <p>xi) Innovative or creative architectural or building design will be supported, especially where it incorporates green features to improve environmental performance.'</p> <p>10.7 Delete paragraph 5.77 since it duplicates an earlier paragraph (and amend the numbering of subsequent paragraphs accordingly).</p>	
11	<p>Under the heading "DES2 – Conservation Area":</p> <p>11.1 Amend the title to 'Section 5 – Ashbourne Heritage'.</p> <p>11.2 Add a 'Purpose' heading and related text as follows: 'To ensure that the significance of Ashbourne's extensive heritage assets is respected.'</p> <p>11.3 Add a 'Rationale' heading and related text as follows: 'As earlier noted, Ashbourne is one of Derbyshire's finest market towns, combining a medieval street pattern and historic buildings with a wealth of high-quality shops. The cobbled market place, hidden alleys and yards are a delight to explore, and the wide and elegant Church Street is considered to be the finest street of Georgian buildings in Derbyshire. DDDC's Conservation Area Character Appraisal (2008) made an in-depth assessment of the special qualities of the character and appearance of Ashbourne Conservation Area, both in terms of its buildings and the relationship of its spaces alongside those buildings. Within the Neighbourhood Area there are 183 Listed Buildings (5 of these outside of the Conservation Area) and of these, 11 are Grade I or Grade II*'.</p> <p>11.4 Renumber, retitle and reword Policy DES2 as follows (removing the paragraph number): 'Policy AH1 – Ashbourne Heritage In the Ashbourne Conservation Area and other heritage-sensitive locations, including the settings of listed buildings, development proposals should use distinctive and site-specific design to complement the historical context, including as appropriate:</p> <p>i) Complementing the townscape characteristics of streets and squares, including the pattern of rear-of-the-pavement frontages;</p> <p>ii) Preserving or enhancing the bridging structure linking the Green Man with Victoria Square and its setting;</p>	For clarity and to meet Basic Conditions 1 and 3

	<p>iii) Preserving or enhancing town yards/‘alleyways’ and areas of historic paving.’</p> <p>11.5 Amend paragraph 5.80 to read: ‘Development proposals within the Conservation Area should show particular regard for Chapter 11 ‘Conservation Policies’ of the DDCC document ‘Ashbourne Conservation Area Appraisal’ (2008). Impacts on the Conservation Area can arise from the development of land immediately adjacent to the boundary and also sites where the development would hinder views from within the Conservation Area.’</p>	
12	<p>Under the heading “Section 5 - Transport”:</p> <p>12.1 Provide a source-reference for the data used in paragraph 5.83.</p> <p>12.2 Edit the rationale, in particular to remove dated references, by deleting paragraphs 5.85, 5.88. 5.91 (see below) & 5.92 (as well as the related sub-heading) and from the end of paragraph 5.86 delete “(P33 above)”; renumber subsequent paragraphs accordingly.</p> <p>12.3 Reword “Policy TRA1 – Transport” as follows (removing the paragraph number): ‘In order to assist the shift to more sustainable forms of transport, development proposals should, proportionately to the scale and nature of the scheme, ensure:</p> <ul style="list-style-type: none"> i) convenient links to public transport services, to help reduce car dependency; ii) priority for pedestrians and cyclists in the design and layout of development, including for people of all levels of mobility; iii) provision of secure, covered and screened storage for cycles; iv) provision of electric vehicle charging infrastructure. <p>12.4 Replace paragraphs 5.94 & 5.95 with paragraph 5.91.</p>	For clarity and to meet Basic Conditions 1 and 3
13	<p>Under the heading “Section 5 – Community Facilities”:</p> <p>13.1 To restrict the rationale to Policy-related content, delete the first two and the last sentences of paragraph 5.97; delete all but the first sentence of paragraph 5.98.</p> <p>13.2 Replace paragraphs 5.99 & 5.100 with a reference to the current (2019) NPPF as follows (and renumber subsequent paragraphs accordingly): ‘The NPPF (paragraph 92) says: “To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.”’</p> <p>13.3 Replace paragraph 5.101 with a reference to the adopted Local Plan as follows:</p>	For clarity and accuracy and to meet Basic Conditions 1 & 3

	<p>'The DDDC Local Plan 2013 – 2033 Policy HC15 says: "The District Council will seek to maintain and improve the provision of local community facilities and services. This will be achieved by supporting proposals which protect, retain or enhance existing community facilities (including multi use and shared schemes) or provide new facilities."</p> <p>13.4 Delete paragraphs 5.102 & 5.103.</p> <p>13.5 Reword "Policy COM1 – Community Facilities" as follows (removing the paragraph number): 'Particularly where they help to serve the needs of the expanding community, development proposals for new, improved, repurposed and diversified community facilities will be supported in principle provided they are well located in relation to the community they serve and their impact on their immediate surroundings is assessed and addressed.'</p> <p>13.6 Under the sub-heading "Interpretation" add an additional paragraph (and alter subsequent paragraph numbers accordingly) as follows: 'Development involving existing community facilities should maintain or enhance their community value. The impact of new housing and employment development on the capacity of local community facilities should be considered and, where there are deficiencies, development proposals should address these.'</p>	
14	<p>Under the heading "Local Green Spaces":</p> <p>14.1 Reword the heading as 'Section 5 – Public Open Space'.</p> <p>14.2 Within paragraph 5.108 replace "11,000 miles" with '40 miles'.</p> <p>14.3 Delete paragraph 5.111 and renumber subsequent paragraphs accordingly.</p> <p>14.4 Amend paragraph 5.114 to read: 'These areas are therefore designated as Public Open Spaces which contribute to the network of spaces in Ashbourne, in accordance with the Spatial Vision in the Local Plan which states that: "New development, particularly in Ashbourne, Matlock, and Wirksworth, will seek to satisfy the identified social and economic needs of local residents which, in turn, will be supported by the protection and enhancement of areas of open and green space within and around them. Opportunities for the provision of new and improved recreation opportunities will be brought forward." (page 23, Derbyshire Dales Local Plan 2013-2033).</p> <p>14.5 Delete paragraph 5.115 and renumber subsequent paragraphs accordingly.</p> <p>14.6 Amend paragraph 5.116 to read: 'These Public Open Spaces collectively provide a variety of social, economic and environmental benefits, contributing to the sustainable development of Ashbourne, offering a range of spaces that promote well-being and are community assets within the area.'</p>	For clarity and accuracy and to meet Basic Condition 1

	<p>14.7 Amend paragraph 5.117 to read: ‘The Neighbourhood Area also includes part of Bradley Wood, bordering the Airfield site, which was bequeathed to the people of Ashbourne and which is designated a Local Wildlife Site on the Derbyshire Wildlife Sites Register.’</p> <p>14.8 Reword Policy COM2 as follows (removing the paragraph number): ‘Policy COM2 – Public Open Space The Public Open Spaces identified on the adjacent map (titled Policy COM2: Public Open Spaces) will be protected for their value as green spaces and places of recreation. Development will only be supported when it relates to and complements the current use of the site and does not have an adverse impact upon the quality of the open space or its recreational value.’</p> <p>14.9 Move the related map from page 20 to be adjacent to Policy COM2, retitle the map as ‘Policy COM2: Public Open Spaces’ and the key as ‘Public Open Spaces’ and delete the boundary of the Conservation Area from the map and the key. Add a schedule cross-referenced to the map which briefly outlines the current uses of each space to serve as a reference point for the Policy.</p> <p>14.10 Amend paragraph 5.119 to read: ‘This policy aims to protect and enhance the identified Public Open Spaces ensuring that any new development relates to and does not compromise the open quality of the spaces.’</p>	
15	<p>Under the heading “Section 6: Implementation and Community Action”:</p> <p>15.1 Reword the heading as ‘Annex A: Community Action’ and renumber the paragraphs accordingly.</p> <p>15.2 Replace the “Purpose” section with the following in bold letters: ‘This section does not form part of the statutory neighbourhood plan and therefore it is not subject to independent examination and referendum. It includes proposed actions that fall outside of the scope of planning policy.’</p> <p>15.3 Within the un-numbered paragraph headed “Rationale” replace “section of the plan” with ‘Annex’.</p> <p>15.4 At the end of paragraph 6.1 delete “most notably S106 regeneration funding” and add an additional sentence: ‘The Community Infrastructure Plan would be a non-statutory document and sit outside the Local Plan and Neighbourhood Plan process.’</p> <p>15.5 In paragraph 6.2 replace “Neighbourhood Plan” with ‘The Town Council’.</p> <p>15.6 Add an additional paragraph after paragraph 6.2: ‘Ashbourne Town Council has recently agreed (December 2020) to prepare a non-statutory Strategic Plan for Ashbourne in conjunction with the Ashbourne Town Team to provide a corporate Vision and</p>	For clarity and accuracy and to meet Basic Condition 1

	<p>Action Plan for Ashbourne over the next 20 years. This will combine the Ashbourne Neighbourhood Plan with the Town Team’s Action Plan and incorporate a range of community and private sector regeneration initiatives which will in effect be part of the implementation programme of the Ashbourne Neighbourhood Plan.’</p> <p>15.7 Replace the opening sentence of paragraph 6.4 with: “A Traffic Management Plan will be part of the Strategic Plan for Ashbourne.’</p> <p>15.8 Replace the opening sentence of paragraph 6.5 with: “A consultation exercise by Derbyshire County Council (DCC) may result in a recommendation to DCC’s Cabinet in 2021 on the selection of a ‘preferred route’ for the By-pass. A preferred route will be further developed so that it can be submitted for planning approval and for any available grant funding.”</p> <p>15.9 At the end of paragraph 6.6 replace “eedprise Partnership, D2N2” with ‘Enterprise Partnership D2N2’.</p> <p>15.10 Replace the opening sentence of paragraph 6.11 with ‘The Town Council supports the requirement in the Derbyshire Dales Local Plan 2013-2033 for a masterplan to set out how the Airfield site will be developed on a comprehensive basis.’</p> <p>15.11 In paragraph 6.12 replace “advocates” with ‘supports’.</p> <p>15.12 Replace the opening sentence of paragraph 6.12 with: ‘The Neighbourhood Plan will be implemented through the determination of planning applications for new developments by the District Council and the obligations that attach to these but also through the development and implementation of specific projects through investment by the relevant statutory agency and key community providers using other state and private finance.’ Also, later in that paragraph delete “through S106 agreements”, replace “2017” with ‘2013-2033’, replace “there is a need for further significant” with ‘there may be need for further’, and delete the last two sentences of this paragraph (since these are not now “recent”).</p> <p>15.13 Under the heading “Local Monitoring of planning applications and S106 Agreements”:</p> <p>15.13.1 Delete paragraphs 6.18 – 6.21.</p> <p>15.13.2 In paragraph 6.22 replace “will be a key outcome of this Neighbourhood Plan” with ‘will be a key action in support of the Neighbourhood Plan’; delete the second and third sentences of this paragraph.</p> <p>15.13.3 In paragraph 6.23 replace “South Derbyshire Clinical Commissioning Group” with ‘Derby and Derbyshire Clinical Commissioning Group’.</p> <p>15.13.4 Delete paragraphs 6.24 and 6.25.</p> <p>15.13.5 In paragraph 6.26 delete the second reference to Neighbourhood Plan.</p>	
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	15.13.6 Delete paragraphs 6.27 – 6.29 since these are not entirely accurate, are in part dated and are said to be the subject of a separate consultation.	
16	<p>Under the heading “List of Evidence and Research Resources”:</p> <p>16.1 Entry 2 should read: ‘The Derbyshire Dales Local Plan 2013-2033 Adopted December 2017’.</p> <p>16.2 Entry 7 should be deleted as the Local Plan from 2005 is no longer in use.</p> <p>16.3 Entry 8 should be deleted as the Saved Policies have been superseded by the adopted policies from the 2017 version of Derbyshire Dales Local Plan.</p>	For accuracy