



DERBYSHIRE DALES DISTRICT COUNCIL
The Neighbourhood Planning (General) Regulations 2012 Regulation 18

DECISION STATEMENT

KIRK IRETON NEIGHBOURHOOD DEVELOPMENT PLAN

1. Summary

- 1.1 Following an independent Examination, Derbyshire Dales District Council is satisfied that the draft Kirk Ireton Neighbourhood Development Plan meets the basic conditions and the provision made by or under sections 38A and 38B of the 2004 Act.
- 1.2 Derbyshire Dales District Council confirms that the draft Kirk Ireton Neighbourhood Development Plan will proceed to a Neighbourhood Planning Referendum on the 6th May 2021.

2. Background

- 2.1 The Parish of Kirk Ireton was designated as a Neighbourhood Area in accordance with Section 61G of the Town and Country Planning Act (as amended by the Localism Act 2011) on the 5th September 2014. The designation of a Neighbourhood Area is one of the statutory requirements needed to be in place to enable a Neighbourhood Plan to be adopted, and formally become a part of the Development Plan, and be used in the determination of planning applications by the District Council.
- 2.2 The draft Kirk Ireton Neighbourhood Development Plan was subject to local consultation, under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012, from 19th November 2018 to 2nd February 2019 and was submitted to the District Council for its formal publicity stage on 3rd April 2019. The formal statutory publicity period on the Kirk Ireton Neighbourhood Plan commenced on 23rd September 2019 and finished on the 4th November 2019.
- 2.3 The District Council appointed an independent Examiner, Andrew Matheson MSc MPA DipTP MRTPI FCIH, to review whether the Plan met the basic conditions as set out in Schedule 4B to the Town and Country Planning Act 1990 and whether the Kirk Ireton Neighbourhood Development Plan should proceed to referendum.
- 2.4 The Examiner's report concluded that subject to a number of recommended modifications that the draft Kirk Ireton Neighbourhood Development Plan is able to

comply with the 'basic conditions' and other relevant statutory provisions, and that the draft plan as modified could be submitted for a referendum.

- 2.5 Having considered each of the recommendations included in the Examiner's Report, and the reasons for them, the District Council has resolved that the modifications are required in order for the draft Kirk Ireton Neighbourhood Development Plan to meet the "basic conditions" set out in the in Schedule 4B to the Town and Country Planning Act 1990. The recommended modifications are set out in Appendix 1 to this statement.

3. Decision and Reasons

- 3.1 The District Council, at the Governance and Resources Committee on 12th March 2020¹ resolved that the recommendations as proposed by the Examiner are necessary to ensure that the draft plan meets the basic conditions, to meet the relevant legal requirements and to enhance the clarity of the plan. The Kirk Ireton Neighbourhood Development Plan has therefore been modified for the referendum to reflect the Examiner's recommendations.
- 3.2 The Examiner considered whether the referendum area should extend beyond the Neighbourhood Area and recommended that the Plan should proceed to referendum based on the Neighbourhood Area as approved by the District Council on the 5th September 2014. The District Council has considered whether to extend the area in which the referendum is to take place and can see no reason to extend the Neighbourhood Development Plan area for the purpose of holding the referendum, concurring with the recommendation of the Examiner.
- 3.4 The examiner has concluded that with the minor modifications made the Plan meets the basic conditions and other relevant legal requirements. The Council concurs with this view and is satisfied that the draft Kirk Ireton Neighbourhood Plan (Referendum Version March 2020) meets the basic conditions and complies with the provision made by or under sections 38A and 38B of the 2004 Act.
- 3.5 The District Council resolved, at the Governance and Resources Committee on 12th March 2020, that to meet the requirements of the Localism Act 2011 a referendum which poses the question '**Do you want Derbyshire Dales District Council to use the Neighbourhood Plan for Kirk Ireton to help it decide planning applications in the neighbourhood area?**' be held in the Parish of Kirk Ireton.
- 3.5 The date on which the referendum will take has now been set – 6th May 2021.

¹ Derbyshire Dales District Council – Governance and Resources Committee Meeting 12th March 2020
https://www.derbyshiredales.gov.uk/images/Final_Agenda_Governance_and_Resources_-_12_March_20_1.pdf

Appendix One: Examiner’s Recommendation and Derbyshire Dales District Council response.

Recommendation	Text	Reason	Derbyshire Dales District Council Response
1	Review the “Contents” page once the text has been amended to accommodate the recommendations from this Report; add footnote source references for the “Basic Conditions Statement” and the “Community Engagement and Statutory Consultation Statement”.	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.
2	<p>Under the heading “1 Introduction and Acknowledgements”:</p> <p>2.1 Delete “and Acknowledgements” from the title.</p> <p>2.2 In paragraph 1.03 replace “adopted” with ‘made’.</p> <p>2.3 In paragraph 1.05 delete “Appraisal*” and its footnote, replace “the village” with ‘the Neighbourhood Area’ and delete reference to “Appendix F”.</p> <p>2.4 Move any relevant part(s) of paragraph 1.07 to Section 9.</p> <p>2.5 Add in place of the content of paragraph 1.07: ‘The Parish Council will monitor the implementation of the Neighbourhood Plan to ensure that its objectives are being delivered. At least every 5 years the Plan will be reviewed to see whether a new or modified Plan is required.’</p>	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.
3	<p>Under the heading “2 Neighbourhood Plan Area Map”:</p> <p>3.1 In the title and last sentence delete “Plan”.</p> <p>3.2 Review the need for this section to be italicised.</p>	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.
4	Under the heading “4 Groups, Activities & Amenities” add a footnote source reference for the content of “Appendix	For clarity	Derbyshire Dales District Council accepts the Examiners

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	G” and delete “Appendix G” (and omit Appendix G/KINP B from the Plan document).		recommendation. No action required.
5	<p>For Section 5 headed “Planning History”:</p> <p>5.1 Alter the title to “Planning Context”.</p> <p>5.2 Delete the sub-headings “The Past” and “The Present” as well as paragraphs 5.1 to 5.03; renumber subsequent paragraphs accordingly.</p> <p>5.3 In the last sentence of paragraph 5.04 delete “very”.</p> <p>5.4 Add to paragraph 5.05 between the second and third sentences: ‘This Neighbourhood Plan is required to have regard to national planning policy and guidance and be in general conformity with the Derbyshire Dales Local Plan.’</p> <p>5.5 In paragraph 5.06 replace “An adopted” with ‘A ‘made’.</p> <p>5.6 Footnotes: Move the footnote source reference for the Conservation Area Appraisal to the Policies section. Provide the source reference for the Derbyshire Dales Local Plan that has been omitted at the foot of the page.</p>	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.
6	<p>Under the heading “6 Community Engagement”:</p> <p>6.1 Delete paragraph 6.02 (and renumber subsequent paragraphs accordingly), the second and third sentences of paragraph 6.03, and the third sentence of paragraph 6.12.</p> <p>6.2 Amend the reference to “all households” in the first sentence of paragraph 6.11 to ‘all households in the Neighbourhood Area’.</p>	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.

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	<p>6.3 Insert a new paragraph between paragraphs 6.12 and 6.13 as follows: ‘The draft copy of the Neighbourhood Plan was presented in a two day ‘Open Weekend’ in the Village Hall on the 4th & 5th Nov 2017. More than 70 villagers attended the meeting over the two days. After further consultations with interested parties, in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012, the Neighbourhood Plan was published for pre-submission consultation between 19th November 2018 and 2nd February 2019.’</p> <p>6.4 In place of the reference to an Appendix C in paragraph 6.13 provide a source reference to the on-line copy of the Consultation Statement.</p>		
7	Delete section 7 and renumber subsequent sections accordingly.	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.
8	<p>Under the heading “8 [amended to 7 as above] The Kirk Ireton Community Vision”:</p> <p>8.1 Replace the “and” before “a village hall” with a comma and after “modern village” insert: “and the issue of adequate off-street parking will have been addressed”.</p> <p>8.2 Delete the second sentence of paragraph 8.02 and paragraph 8.03.</p>	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.
9	Reword the text under “Policies” on page 11 as follows: ‘All policies should be read in conjunction with the Derbyshire Dales District Council’s adopted policies. No Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.’	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.
10	10.1 Reword “Policy P1: Development” as follows	For clarity and	Derbyshire Dales District Council

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	<p>‘Development proposals for the village of Kirk Ireton must be appropriate for a rural location and demonstrate particular attention to two important documents that address the character of the settlement and its setting: The Conservation Area Appraisal 2014 [provide a footnote source reference] and the Landscape Sensitivity Study 2015 [provide a footnote source reference] and successor documents’.</p> <p>10.2 Replace the reference to “Appendix F” in paragraph P1.01 with a source reference for the questionnaire results.</p> <p>10.3 Delete paragraph P1.18 and renumber subsequent paragraphs.</p> <p>10.4 Delete the first two sentences of paragraph P1.21.</p> <p>10.5 Delete the map on page 17.</p> <p>10.6 Provide a source reference for the map on page 18 (and amend any page reference to it within the text).</p>	to meet Basic Conditions 1 & 3	accepts the Examiners recommendation. No action required.
11	<p>11.1 Reword “Policy P2 – Protecting Views” as follows: ‘Development proposals should not be detrimental to views of the village, views from the village or the heritage value of the landscape. The potential impact on views should be assessed and addressed by taking into account the sensitivity of land to development as identified in the Landscape Sensitivity Study and also the principles within and views highlighted by the Conservation Area Character Appraisal.’</p> <p>11.2 Replace the reference to “Appendix F” in paragraph P2.03 with a source reference for the questionnaire</p>	For clarity and to meet Basic Condition 1	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.

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	<p>results.</p> <p>11.3 Delete paragraphs 2.05 and 2.06 as well as the content of pages 20 – 24 (although a selection of titled photographs may be used within the document to liven the presentation and illustrate the Parish).</p>		
12	<p>12.1 Reword “Policy P3 – Conservation Area’ as follows; ‘Development proposals within the Conservation Area should promote, reinforce and enhance the area’s local distinctiveness and be sensitive to the heritage context in terms of design, materials, scale, massing, density, light pollution and access. The guidelines within the Kirk Ireton Conservation Area Character Appraisal must be addressed. Particular attention should be paid to any impacts on principal landmarks as identified on the adjacent map and its key.’</p> <p>12.2 Delete the italicised wording beginning “Adapted from...” beneath the P3 Policy.</p> <p>12.3 Replace the reference to “Appendix F” in paragraph P3.07 with a source reference for the questionnaire results.</p> <p>12.4 Amend the map on page 27 to extend the list of landmark properties and locate them all on the map: as listed by the Qualifying Body these are: Holy Trinity Church and churchyard gates, Barley Mow public house, Stable Shop, Primary School, Village Hall and Old Post Office, Manor House and Northfield Farm, Church Farm, Green Farm, Lukes Cottage, Pebble Cottage, Old Rectory, Yew Tree Cottage, 1 Broadway, Vesta Lynn, Old Methodist Chapel.</p>	For clarity and to meet Basic Condition 1	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.

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	12.5 Provide a source reference for the map on page 28.		
13	<p>13.1 Reword “Policy P4: Business Development as follows: ‘Business and tourism developments that demonstrate appropriate regard for the rural character and rural infrastructure of the Neighbourhood Area will be supported’.</p> <p>13.2 Move the paragraph in the Policy box commencing “The NPPF...” to form a new paragraph between P4.03 and P4.04; renumber the subsequent paragraphs accordingly.</p> <p>13.3 Replace the reference to “Appendix F” in paragraph P4.02 with a source reference for the questionnaire results.</p>	For clarity and to meet Basic Conditions 1 & 3	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.
14	<p>14.1 Within Policy P5; 14.1.1 Delete the opening words “Protection of Car Parking -”.</p> <p>14.1.2 Replace “the defined existing built framework” with ‘the village’.</p> <p>14.1.3 Replace “on a site will only be permitted where” with ‘will be required to make’ and delete “is made”.</p> <p>14.1.4 Move the last sentence of element a) to replace the present element b).</p> <p>14.1.5 Delete element c).</p> <p>14.2 Provide a footnote source reference for the “Rural Space Profile” referenced in paragraph P5.04.</p> <p>14.3 Delete the map on page 31.</p>	For clarity and to meet Basic Condition 1	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.
15	Under the heading “Acknowledgements”:	For clarity	Derbyshire Dales District Council

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	<p>15.1 Bring the titling on page 32 and within the Contents page into line (Section 9 or not?).</p> <p>15.2 Add back here any part of paragraph 1.07 that is to be retained.</p>		accepts the Examiners recommendation. No action required.
16	Delete Appendices KINP A & KINP B, suitable references to the on-line location of their content having been provided with the body of the Plan document.	For clarity	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.
17	Review and update Section 5 of the Equality Impact Assessment and ensure that the on-line copy includes the amended content.	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No action required.