

Ashbourne Neighbourhood Plan (Submission Plan)

As you are aware, I have been appointed to conduct the Examination of the Ashbourne Neighbourhood Development Plan. I can see that considerable community effort has gone into developing the Plan; in order that I may progress the Examination I would be grateful for the Qualifying Body's response to the initial enquiries below; the local authority may also have comments. The responses will all contribute to the progressing of the Examination.

I still have considerable work to undertake in fully assessing the submitted Plan but my purpose here is to better understand the authors' intentions behind some of the policy content. I note that the local authority has suggested a number of amendments and I will aim to pick up below the most significant of these so that you may provide comments where you feel the need. In order to ensure transparency with the conduct of the Examination a copy of these queries is being sent to the Local Planning Authority in order that the exchange of emails can be published on the webpage relating to the Neighbourhood Plan alongside the representations received during the Regulation 16 public consultation.

Plan Period

I note that the Plan that I am to Examine was submitted to the local authority in 2020 (and cannot go to referendum before 2021). However, the Plan period on the cover is 2017 – 2033. It would not seem to me that there are critical data on which the Plan document relies that would justify a start date of 2017, and the application of the Plan cannot be backdated. I note that the start date of the Housing Needs Assessment is 2017 but, as far as I can see, the Assessment is not evidence that underpins significant elements in the Plan, such as a housing allocation. Perhaps to sustain the notion of a 2017 start date, the Plan content does not appear to have been updated – or at least not updated consistently – since 2017? Even within the Consultation section, whilst there is a heading 2017/18 the related content does not seem to extend beyond 2017? **I note the references to the National Planning Policy Framework (NPPF) are to the original 2012 version, whereas the current version, against which my Examination must be conducted, is dated 2019.** The Basic Conditions, the basis for the Examination, also have been updated since 2017. Similarly, there are a number of references to an outdated Local Plan which has now been superseded by a new, adopted Local Plan. A further resultant 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 whether such a reference is current or significantly out-of-date ie referencing a period before 2017.

A representation comments: “I believe that the overall plan is majorly outdated and certain pieces of information published within the plan are contradictory; with preliminary research dating back to 2014, the overall lifetime of this plan is 19 years. I understand that a plan like this, as stated in the Introduction & Context section, is required to illustrate the direction in which the council wishes to take the town, however 16 years of predictions, hopes and beliefs is borderline unproductive. What would be considerably more beneficial to the community and local businesses, in particular, would be a plan which has objectives which are then confined to time frames, which could then be re-examined, refined and re-thought when necessary and continuously.”

The effectiveness of a Plan will be undermined if it cannot be shown to relate to an awareness of and attentiveness to the current planning context. I am therefore concerned about the significant potential for confusion over dates and time periods in the Ashbourne Neighbourhood Plan. I would therefore like to be given some insight into the Qualifying Body's thinking here.

A representation comments: "It is considered that in order for the Plan to be made sound, it should be based on the most up-to-date information especially with regards to housing needs for the town and that the local community are made fully aware of the alternatives that are available to achieve their objectives". The representation is accompanied by a detailed set of proposals. The writers of the representation do not appear fully to understand the basis on which a Neighbourhood Plan is prepared and Examined. There is no expectation that a Neighbourhood Plan need cover the same range of topics as is required of Local Plans. Having said that, the representation details proposals which evidently were not known to the Qualifying Body at the time that the Neighbourhood Plan was prepared. Therefore, the Qualifying Body may wish to consider whether they would like to review the Plan in the light of these proposals, albeit any rescoping of the Plan would be likely to require another round of public consultations (and consequently a pause with the Examination).

Your comments are invited.

Repetition of Content

As noted by the local authority, there would appear to be a significant amount of repeat content that has escaped the editing process. The consistent format used for presenting Policies - Purpose, Rationale, Policy, Interpretation – is helpful and, generally speaking, well executed. However, the County Council has commented: "Some topics have policy clearly set out in bold, whilst others only have a 'purpose' and 'rationale', with the issues being omitted from the policy or set out in other policies. Furthermore, 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".

I note that much of the 'Rationale' content – and the "Policy Context" - seems to have been taken directly from earlier sections. It is particularly unhelpful to have maps and other illustrations, that are a significant part of understanding Policies, separated from those Policies. Since the Policies are selected to address "key" issues, and the evidence presented is required to substantiate these, I am doubtful that there is any value in most of Section 4, apart perhaps from "History and Heritage" which provides a context. The local authority has also expressed a concern as to the validity and/or accuracy of numerous paragraphs in Section 4. And the County Council has noted: "[Re] Paragraphs 4.24 – 4.30 Any plans for works at the schools should reflect the needs created by additional housing in the area. To that end, this section may require revision in light of any changes proposed by the Education Authority." And they have also noted: "[Re] Paragraph 4.56 The document referred to (the Department for Transport's draft Cycling and Walking Plan (2015) is almost out of date. The government's latest cycling and walking plan for England, 'Gear Change: A bold vision for cycling and walking' (published 27 July 2020) would be a more pertinent reference, and its

implications should be included in the Plan.” I would add that the rather unstructured approach of some sections often diverges from the policy messages developed later.

Your comments are invited on these lines of thought.

Policy Numbering

A strange variety of numberings is used within Policies, including bullet points and 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, the Policies and their elements need to be numbered helpfully and consistently eg EMP1, (i), (ii), etc.

Executive Summary

Whilst the Plan content generally makes a reasonable distinction between land use matters and other community concerns – which are the subject of Section 6 – the Executive Summary does not (and neither does Section 4 consistently). Of particular concern are the references to “the extension of the Ashbourne settlement framework boundary to include both phases of the proposed development of the Ashbourne Airfield site”. Whilst I can see that it has been a source of frustration that significant parts of Ashbourne are outside the Parish boundary, and therefore outside the designated Neighbourhood Area, it is a legal requirement that the Neighbourhood Plan does not stray outside of that Neighbourhood Area. Section 38B of the 2004 Act says that a Neighbourhood Plan must not relate to more than one Neighbourhood Area. Whilst the Community Action section might note the interest of the Town Council in the prospects for the settlement as a whole, the Policy content (as I will note further below) cannot extend or seek to extend beyond the boundary of the Neighbourhood Area.

The County Council has commented: “It is welcomed and supported that the last paragraph of the Executive Summary makes reference to the fact that the Plan provides a framework for a positive partnership with Derbyshire County Council (as well as Derbyshire Dales District Council (DDDC), the South Derbyshire Clinical Commissioning Group (which should now be the Derby and Derbyshire Clinical Commissioning Group) and local employers and developers).”

I will need to make recommendations to amend the Executive Summary but your comments are invited.

Policy EMP1 - Ashbourne Airfield

As noted above, it is a legal requirement that the Neighbourhood Plan does not stray outside of that Neighbourhood Area; as is graphically illustrated by the related map, virtually all the Airfield site is outside of that area and therefore Policy EMP1 is not appropriate. I note that the sentiment of paragraph 5.29 is repeated in Section 6, where it may be appropriate as a Town Council commitment (but see later comments about the provisions of the adopted Local Plan). The County Council, whilst noting that the Policy as written extends itself beyond the Neighbourhood Area, comments: “General issues regarding the small section within the Plan area could be addressed in an additional, more general, employment land policy.” However, I cannot see a means to reformulate Policy EMP1 so that it has a purpose and can meet the Basic Conditions – proposals for a small

area that you want to be part of the comprehensive masterplan would be contradictory - but your comments are invited.

Policy EMP2 - Existing Employment Land and Premises

Policy EMP2 is more obviously related to the Neighbourhood Area but for some reason it has no separate "Rationale". That Rationale might for instance note the extent of existing employment space and the potential for existing sites to be reused in ways that are complementary to the "high value" uses strategy. Such an approach could perhaps give a more positive purpose to what is presently a rather negatively expressed Policy? It might also avoid the issue of merely duplicating, in slightly different words, the Local Plan Policy EC3 to which the local authority has drawn attention.

With the Use Class changes in September 2020 Class B1 was effectively revoked, being subsumed within the new Class E which includes a broader range of employment uses, including retail. Permitted development rights allow, subject to some limitations, for certain B1 office uses to be changed to residential. There is therefore probably no continuing value in including Class B1 in this Policy.

Your comments are invited.

Policy ATC1 - Ashbourne Town Centre

From the comments of the local authority and the County Council, I understand 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" to which now might be added the revised Use Classes noted below.

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 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 perhaps been somewhat upstaged by the Government’s reformulation of Use Classes 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. Within these constraints Policy ATC1 perhaps 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, this is an important Policy area and therefore it should not be potentially undermined by confusion arising from unhelpful differences in Policy wordings. The County Council comments: “This policy [ATC1] seeks to restrict out of town centre retail, which supports businesses and the viability/vibrancy of the town centre. The second part of the policy (paragraph 5.50) adds some caveats to allow smaller shops, but the reasoning for this should be made clear in the supporting text. Allowing shops, but limiting their floor space in the outlying areas, may reduce short car journeys into the town centre, with associated parking issues.”

Your comments are invited.

Policy HOU1 - Housing Mix

The local authority has taken issue with some “rationale” points:

- (i) Shared Ownership falls within the definition of affordable housing as set out in the NPPF and whilst the number of shared ownership properties has risen this will more than likely reflect an increase in supply (facilitated by the District Council) rather than a lack of affordable housing.
- (ii) There does not seem to be any substantive evidence to justify the comments in paragraph 5.56. The response on the Consultation Statement to Reg 14 comments was - clarify. There has not been any change in the text justifying this.
- (iii) Final Sentence paragraph 5.56 - there is no evidence provided to substantiate this comment and as it is unlikely to be something taken forward within the context of the NP as such, they consider it should be deleted.

In relation to the Policy itself the local authority has commented that, whilst this 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.

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'.

"We consider that this change is necessary to ensure that the Neighbourhood Plan meets the Basic Conditions tests, specifically: - Basic condition d (achievement of sustainable development): addressing identified local housing needs contribute to the achievement of sustainable development - and Basic condition e (conformity with the strategic policies contained in the development plan): meeting the housing needs of all sectors of the community by providing a range and choice of housing is strategic objective of the Council."

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.

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. 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 Parish Council sustains efforts to collate such data.

Your comments are invited on these issues.

Policy DC1 – Design and Place-Making

I had not read this as a Plan Policy but the County Council has commented: "It is not clear how this is a policy, and appears to be more of a discussion point". A clarification is therefore needed.

Policy DES1 - Design

In relation to the "rationale" the local authority has commented:

- (i) Contrary to the suggestion in paragraph 5.68, nothing in the adopted Local Plan preamble suggests that Policy PD1 has been influenced by the BFL 12 standard.
- (ii) Whilst it is acknowledged that Renewable Energy/Low Carbon and Dark Skies have been requested for inclusion by Derbyshire County Council it is not clear where these two topic areas have any basis in the evidence base or the previous rounds of public consultation.

Whilst the local authority welcomes Policy DES1, it is considered that the Policy wording could be improved and made appropriate to use in the determination of planning applications by being revised along the lines of “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:....” Consideration should also be given to demonstrating just what is meant by local 'high quality' in the introduction to the Policy.

The County Council has commented: “DCC is pleased to see a clear purpose and rationale for renewable energy and low-carbon technologies, although there is no reference to climate change and the need to reduce greenhouse gas emissions. The purpose and rationale are also not translated into policy as ‘Policy DES1 – Design’ has no reference to the reduction of greenhouse gas emissions through the inclusion of renewable energy and energy efficiency measures in new developments. These should be explicitly included. In addition, DCC would also like to see a reference to the provision of electric vehicle charging points in all new developments.” And also: “The Dark Skies ‘Purpose’ refers to ‘sensitive lighting design... specifically in the town centre’. This should apply to all locations and arguably is more important in areas away from town centres – to preserve areas of relative darkness. This view is supported in the final bullet point of the ‘Rationale’.”

Severn Trent has commented: “We recognise that Ashbourne is one of the key Market Towns within Derbyshire Dales and as such the Local Plan 2017 proposes some sizable development aspirations within the settlement, most notably around the airfield, Leys Farm, Hillside Farm and Derby Road.

“In response to the proposed high level of development we have initiated a feasibility study to review the sewerage system capacity and ensure any adverse impact from new development is mitigated.

“Providing capacity for foul water is far less challenging for us than making provision for unsustainable surface water discharges. We strongly encourage all development to not only just use Sustainable Urban Drainage Systems to manage and balance surface water, but also to ensure the sites final surface water discharge aligns to the drainage hierarchy.

1. To ground
2. To watercourse
3. To surface water sewer system
4. To combined sewer system.

“Discharges to the combined sewerage system are strongly discouraged and may increase the risk of sewer flooding or localised pollution to the environment, unless mitigated by sewer capacity upgrades or improvement works. Such improvement works may themselves be disruptive to local communities or may lead to Grampian style conditions being requested.

“We would encourage your policy “Policy DES1 – Design” go further and reference the surface water drainage hierarchy to reinforce its importance.

“Planning applications for major development should be accompanied by a site-specific drainage strategy or statement that demonstrates that the drainage scheme proposed is in compliance with the NPPF and Non-statutory technical standards.”

Natural England has commented: “Natural England suggest that additional measures are included as some of the 10 characteristics of a well designed place as set out by the MHCLG Design Guide are not covered in sufficient detail. For example the requirement to follow the energy hierarchy is not included so all 10 characteristics should be given appropriate consideration”.

Whilst there is no value in repetition of design guidance, if the above comments and the new Design Guide prompt additional consideration of features for Ashbourne then local policy detail could be **used**.

Within the “Interpretation” section paragraphs 5.75 and 5.77 appear to say roughly the same thing?

Your comments on these lines of thought are invited.

Policy DES2 - Conservation Area

The local authority 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 many of which are situated outside the Ashbourne Conservation Area. As such the policy appears to be confused as to its 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.”

I note that this Policy lacks a “rationale”, which may help to explain the confusion on purpose. I imagine that the rationale would need to reference the Conservation Area Character Appraisal to explain why particular attention needs to be paid to particular areas. But perhaps the Character Appraisal document is sufficient to guide development if reference to it is assured?

Your comments are invited on these issues.

Policy TRA1 - Transport

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. All junctions inevitably provide an interruption to traffic flow and to varying degrees at different times of the day?

It is unclear whether or how Policy TRA1 has accommodated the noted increase (which has doubled 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."

Elements 3 and 4 of the Policy appear to cover the same matter?

Your comments on these lines of thought are invited.

Policy COM1 - 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 "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 – with amendment if necessary – 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". Is this perhaps illustrative of one of the type of enhancements that the Policy is seeking?

Your comments on these lines of thought are invited.

Policy COM2 – Local Green Space

A number of drafting errors in the "Rationale" are noted by the local authority, 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. Bradley Wood has been designated a Local Wildlife Site on the Derbyshire Wildlife Sites Register - it does not have any designation by Natural England. The County Council has noted: "[Re] Paragraph 5.108 Whilst one tree probably does remove at least 11Kg of carbon dioxide from the atmosphere annually, this is only the equivalent of driving around 40 miles, not the 11,000 miles stated in the Neighbourhood Plan! The link provided no longer works. This, therefore, needs amendment."

As the local authority notes, this Policy lacks the level of supporting evidence for what it is said to be wanting to achieve. 'Local Green Space' designation gives a high level of protection but is designed for local spaces evidenced as being of "particular" significance. There are therefore two options, both of which will require mapping detail sufficient to identify the boundary of each site without ambiguity:

- i) Designate the spaces identified as 'Public Open Space' for which descriptive evidence would usually suffice; or
- ii) Tabulate Local Green Space evidence against the NPPF criteria (NPPF paras 99 – 100) including (as per the Planning Guidance) consideration as to whether the designation will provide additional protection beyond what already exists and whether the designation can endure beyond the Plan period (the latter may involve consultation with the landowner where that is not the Town Council); I would need to see this tabulation before the Examination could conclude.

Clarification of the intention for the Plan and the preferred approach to addressing the issue identified is invited.

Section 6: Implementation and Community Action

I note that this section might be considered to be a record of Town Council commitments beyond the scope of and separate from the land use Neighbourhood Plan. However, there are a few points raised by the local authority and others for which further clarification/accuracy is sought:

- (i) In principle the District Council considers that a Community Infrastructure Plan (CIP) would provide the basis for supporting the growth of Ashbourne. However, the Council feels there are too many uncertainties to allow it to come forward as a detailed plan because of the extent to which there are numerous different agencies involved in infrastructure provision in the town. The CIP preparation could be led by the Town Council but this would be a non-statutory document

- and sit outside the Local Plan and Neighbourhood Plan process – as such, this would need to be made clear within the Neighbourhood Plan
- (ii) As the local authority has indicated, S106 funding can only be secured where it satisfies the statutory tests set out in Reg 123 of the CIL Regulations - it cannot be used to secure general funding for infrastructure which is the purpose of the Community Infrastructure Levy (CIL).
 - (iii) Is it being suggested that a Traffic Management Plan is going to be prepared or is currently being prepared?
 - (iv) The Cycle Hub section has the feel of a project that is capable of being implemented in the next few years. If this is the case, and it is capable of being evidenced, then the Neighbourhood Plan could help to safeguard land to meet this facility by allocating it, and having a policy which safeguards the site and which sets out the criteria by which planning permission would be granted, rather than being part of the non-statutory section of the Plan. If this is only aspirational the Plan could include suggestions about how the Town Council envisage it being brought to fruition. A representation comments “On behalf of Ashbourne Cycling Club, we welcome the proposals within the Neighbourhood Plan for a Town Centre Cycling Hub, and the aim to provide safe cycling links between the Tissington Trail and the High Peak Trail to the east and the Staffordshire cycle network to the west.”
 - (v) In relation to the Airfield Masterplan the local authority notes that the Derbyshire Dales Local Plan includes a strategic policy which seeks to act as a framework for guiding new development of the whole Airfield site for mixed-use development, and includes a requirement for a masterplan to set out how the site will be developed on a comprehensive basis - as such it may be considered that there is no necessity for this within the Plan.
 - (vi) A review is underway of the healthcare facilities by the CCG. which will consider the condition, space and utilisation as well as opportunities for extension taking account of future populations. Once this work has been completed an Estates Strategy will be prepared with a view to determining what facilities are required, and where. It may therefore be a bit premature at this stage to say that there a significant need for investment in healthcare facilities at this time.
 - (vii) The District Council is working on making improvements to the Bandstand and Pavilion with the local community groups.
 - (viii) The planning application for the site of the Dove Service Station is still under consideration and as such there is no s106 agreement. Regulation 122 of the Community Infrastructure Levy Regulation 2010 sets out that:

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

They are not solely for agreeing financial contributions for off-site payments as often they relate to on-site provisions as well. The related sentence needs to be reviewed and re-written accordingly.

Furthermore, the view of the District Council is that at the present time there is very little requirement for affordable housing in Ashbourne, but is likely to require some affordable housing in the medium-long term. As such it is considered that this should be reflected in the approach set out in the Plan.

- (ix) Derbyshire County Council have advised the local authority that Ashbourne bypass is not currently included in their list of either Major Road Network (MRN) schemes (because the A515 is not on the MRN) or their Large Local Major schemes (because the minimum scheme size is £50m). This reinforces the point that has been made that, because there is no secured funding for the route, that there is no guarantee that it will be brought forward over the life of the Plan. As such it is considered that any reference to It should only be to indicate support but not to seek to have it 'allocated' within the Plan. Reinforcing this approach, the County Council itself has commented: “The current position on proposals for a bypass is that it is proposed that a renewed assessment of options will be the subject of a consultation exercise by DCC in the very near future (during 2020) and that this may result in a recommendation to DCC’s Cabinet in 2021 on the selection of a ‘preferred route’. A preferred route will be further developed so that it can be submitted for planning approval and for any available grant funding. Whilst any route selected will still be the subject of detailed consideration against design standards, it will at this point become possible to identify the specific areas of land over which it will pass.”

On the matter of a by-pass a representation comments: “The word 'Bypass' is glorified throughout the plan of the saviour within the town, it is heavily suggested that if the Bypass is funded then the majority of problems within Ashbourne will be solved, unfortunately this is far from the case. Continuous traffic management is necessary in order to create a smooth traffic flow within the town and surrounding areas, whilst if the construction of the Bypass is permitted the town itself will have to try even harder to make the stop worthwhile. The construction of the bypass would, of course, have to be built without infiltrating any 'green zones' in order for the objectives of the plan to be met accordingly”.

- (x) There is now only one CCG which is known as the Derby and Derbyshire CCG.
- (xi) The use of agreements under s106 and S278 have to be reasonably related to the development and necessary to make the development happen. Whilst, as the Neighbourhood Plan indicates, Town and Parish Councils can comment on s106 agreements it is not the District Council’s practice to discuss the contents of s106 and s278 negotiations with third party stakeholders. If such a practice were to be introduced it is likely to result in a breakdown of negotiations, and add considerable delay to the issuing of decisions. The District Council has committed that any financial contributions secured through s106 agreements will be reported on in the annual Authority Monitoring Report on a Parish by Parish area. The related references in the Plan therefore need re-writing to reflect the legal position with regards to the use of S106 agreements.

Your comments on these points are invited.

List of Evidence and Research Resources

The local authority has noted these drafting errors:

Point 2 should read: 2013-2033 Adopted December 2017.

Point 7 should be deleted – Local Plan from 2005 no longer in use.

Point 8 should be deleted – Saved policies superseded by adopted policies from the 2017 version of Derbyshire Dales Local Plan.

Your comments are invited.

Omissions

The County Council has noted these two points (but I should repeat the point that a Neighbourhood Plan is not required to be comprehensive in its coverage, whilst individual policies should be aimed at contributing to sustainability)

“Biodiversity - There is no policy reference to biodiversity in either the ‘Housing’ or ‘Local Green Space’ policies, nor is there a plan of key natural assets as is frequently found in other plans. These are significant omissions and may weaken, or at least fail to strengthen, the protection of some of the town’s most important natural assets.

Tourism - Having stated in the ‘Introduction and Context’, ‘Vision and Aims’, that tourism is important and that ideally, tourists should be encouraged to stay longer in the town to increase footfall rather than passing through en-route to the Peaks, yet there is no policy that seeks to support tourism development. This should be rectified.”

Your comments on these points are invited.