

From: ANDREW MATHESON [REDACTED]

Sent: 01 January 2018 13:38

To: jackiedrew [REDACTED]

Cc: Hase, Mike

Subject: Fwd: **Doveridge Neighbourhood Development Plan**

Dear Ms Drew

As you are aware I have been appointed to conduct the Examination of the Doveridge Neighbourhood Plan. I can see that considerable community effort has gone into progressing their 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. My purpose is to better understand the intention behind the policy content and not to invite new content or policies that will not have been subjected to the public consultation process. In order to ensure transparency with the conduct of the Examination I am copying in the Local Planning Authority with a request that this exchange of emails be published on the webpage relating to the Neighbourhood Plan alongside the representations received during the Regulation 16 public consultation.

I note that the Derbyshire Dales Local Plan 2013 - 2033 was adopted by the local authority on 7th December, prior to the Regulation 16 consultation ending. Therefore, in accordance with the Basic Conditions' requirements of the Examination, I will be assessing the Neighbourhood Plan's "general conformity" with the strategic policies of the new Local Plan rather than its predecessor. I note that in preparing your Plan you had regard to the then emerging Local Plan and therefore there should not be anything problematic in this approach, but a number of the recommendations in my Report will necessarily relate to text amendments which reflect the change of 'current' Local Plan.

Turning to the Plan policies I have the following queries arising from my own reading or representations received:

- Policy R1 appears to be problematic in that it limits development within the Settlement Boundary (now defined in Policy S2 of the new Local Plan) to "small infill sites of 2 residential units or less". Within the text you note that strategic sites have been identified and included within the Settlement Boundary through the Local Plan 2013-2033 but the Neighbourhood Plan Policy appears not to acknowledge the strategic sites and to severely restrict the size of and therefore scope for new permissions. As a representation has pointed out, you do not provide evidence, compelling or otherwise, which would justify the local restriction now proposed. Infill development is addressed in Local Plan Policy S3 and inter alia this reassures that every proposed development must be "of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located"; those constraints would apply equally to strategic sites and ones of 2 residential units or less. The Neighbourhood Plan text suggests that "[a]voiding the appearance of over development means that development is likely to comprise two residential units or less" but this is conjecture not evidence; in fact if a plot in line with neighbouring densities could accommodate 4 dwellings then restricting it to 2 would seem to countermand the encouragement of small dwellings

that you indicate are needed. It would appear that Local Plan Policy S3, particularly when combined with the Neighbourhood Plan Policy D1, provides a clear basis for addressing "over development" without any arbitrary distinctions based on numbers of units. Do you have any comments on my line of thinking here?

- Policy D1: The NPPF says that policies should "provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency" (NPPF para 17) With this in mind the use in bullet point 5 of the phrase "other measures to reduce car dependency" is unclear as to its expectation (is that perhaps the purpose of Policy T1?); also in bullet point 7 I wonder whether requiring "a locally inspired or distinctive character" (my emphasis added in italics) may not confuse if you are looking for developments that "integrate well"? Similarly, NPPF para 60 adds (with my emphasis added in italics): "Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles"; it is unclear in bullet point 11 how "avoiding placing fenced off rear gardens adjacent to public highways" might serve the basic design expectation to "clearly distinguish between public and private spaces" (but I do note that more insight into the line of thinking may be included alongside Policy NE1). Your comments are invited on my line of thinking here.
- Policy H1: The text - and a representation - acknowledges that a significant part of the content of this Policy has now been overtaken, but not contradicted, by the adoption of the Local Plan. In fact it would appear that Policy H1 adds no local detail beyond Local Plan Policy HC11 but local emphases are explained and substantiated in the text.
- Policy BE1: The Local Plan context for this Policy is provided by Policies EC1 and S4. The Local Plan policies positively detail what will be acceptable (without ignoring the constraints) whereas Policy BE1 is very generalised in its encouragement but very specific about obstacles (which are not peculiar to Doveridge) - "noise, disturbance, air pollution, traffic movement, visual impacts, dust, vibrations and other impacts". No specific development opportunities - locations or types - are identified for the Neighbourhood Area. It is important that the Neighbourhood Plan and Local Plan policies should dovetail with clarity if prospective entrepreneurs are to be attracted and not confused. Your comments are invited on the coverage of this topic in the Local Plan and the Neighbourhood Plan when considered together.
- Policy BE2: As written this Policy is about the delivery of a national broadband policy with no specific land use content; developers would have reason to argue that they are in the hands of the telecoms providers to deliver the connectivity requirements. You include as Appendix B the input from Digital Derbyshire and I would suggest that there is a community project to monitor and sustain pressure on the providers rather than appear through Policy BE2 to use prospective developers as an intermediary in the process. I note that Local Plan Policies S10 and EC1 address this issue in a more measured way. Your comments are invited on my line of thinking here.

- Policy BE3: It is difficult to conceive of a home-working proposal that would be significant enough to require a planning consent and yet will have "no adverse impact on residential amenities"; that is not a realistic benchmark. In such circumstances the planning considerations seek to weigh the benefits and the adverse factors together to see whether a favourable balance can be achieved. The wording of Policy BE3 would therefore need to reflect such an approach. Do you have any comments on my line of thinking here?
- Policy CF1: The wording here is confused with an unnecessary repetition of "planning permission" in the first sentence and an "exception" referred to in the third sentence without clarity on to what the exception applies; further the Policy refers to the protection of "community assets" but not even in the supporting text are these identified as such (on p25 the map illustrates "Local Services" and on p54 it is noted that applications for designation where relevant have yet to be made). If Policy CF1 is to add local detail to the related Local Plan provision then there needs to be clarity within the Policy as to what facilities are being included. Accordingly I would appreciate a specific list of community facilities that can be justified as being the subject of Policy CF1. I note that the Local Plan only affords a protection "until all possible options have been explored" and any policy must acknowledge that financial viability is a consideration.
- Policy T1: As is acknowledged within the text, this Policy will need to operate alongside Local Plan Policies HC18 - 21. As noted above, policies should "provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency" (NPPF para 17). Policy T1 uses the terms "mixed approach to parking", "some choice and variety [for different household requirements]" and "green travel plan", but none of these is used or defined in the Local Plan and there is therefore an implication that differences of approach are being sought for Doveridge. I doubt this is in fact the intention since 'sustainability' is at their core, but certainly no evidence has been provided for any additional requirements and clarity is lacking. Your comments are invited on the coverage of this topic in the Local Plan and the Neighbourhood Plan when considered together.
- Policy NE1: There appears to be some unnecessary overlap with Policy D1; the heading here is "Natural Environment" and so that is solely what the policy content should address. The phrase "Development ...will be approved where it does not have any significant adverse impacts on the natural environment" fails to acknowledge that many other considerations will apply. The more straightforward approach is to give a positive steer that "Development proposals must consider, assess and address, with mitigation where appropriate, their impact on: .....". A representation suggests that the reference to "same species" might helpfully be replaced by "appropriate indigenous species". It is perhaps surprising that neither the text nor Policy cross-refer to the map produced especially for the Parish Council by the Derbyshire Wildlife Trust (although the referencing system used on the map is unexplained). Do you have any comments on the lines of thinking here?
- Appendices: I am doubtful that the inclusion of selected consultation responses within the Plan document is warranted since you have considered all responses together in arriving at your submission document and some may be superseded within the Regulation 16 consultation. Since the Plan will commonly be accessed via the internet the referencing of evidence ought to include, wherever possible, the website address of the relevant documents. Do you have any comments on my lines of thinking here?

I appreciate that it may take a while for your responses to be compiled but if you anticipate significant delay perhaps you could indicate a timescale so that I can suitably programme the remaining work on the Examination. Many thanks in anticipation.

Kind regards

Andrew Matheson  
Independent Examiner