

Kirk Ireton Neighbourhood Plan – Regulation 14

19th November 2018 – 2nd February 2019

Derbyshire Dales District Council Comments

SECTION	PAGE	COMMENTS
General		All references to the 'Local Plan' should read the 'Derbyshire Dales Local Plan' throughout the document.
General		Page layout and structure could be improved by the use of paragraph numbering and sub headings.
General		The Neighbourhood Plan should clearly state the time period over which it will have effect (2019-2033 for instance). This might be well placed either on the front cover or in the supporting text.
General		It is recommended that the content order of the document is revised to aid transparency and clarity for the reader. The initial sections of the Plan appear to jump from community involvement to village history and context and then back to data analysis and gathering. A more logical approach may be as follows: <ul style="list-style-type: none"> • Introduction and acknowledgements • Neighbourhood Plan Area • Historic Background • Groups and Activities • Planning History • Community Engagement • Data Gathering and Analysis
Contents	2	The contents section refers to a section on <i>Historic Background and Amenities</i> – however upon reading this section on page 6 there is no reference to existing amenities within the village. Previous iterations of the Plan included a list of current amenities which was in fact a list of services and facilities present within Kirk Ireton such as the shop, hall, play area, public house etc. It would add to the contextual information contained within the Plan if an outline of existing services and facilities are included.
Introduction and Acknowledgements	3	This section needs to succinctly set out the purpose and scope of the Neighbourhood Plan, stating that the Neighbourhood Plan will provide a framework for guiding future development within the area and will form part of the statutory development plan alongside the adopted Derbyshire Dales Local Plan, and be used in the decision making process for the determination of planning applications.
	3	In addition to the Localism Act 2011, reference should be made to The Neighbourhood Planning (General) Regulations 2012.
	3	The date upon which the Parish of Kirk Ireton was designated a Neighbourhood Area should be included

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		(5 th September 2014) in the second paragraph.
	3	A reference/footnote to the village questionnaire in Appendix F should be added to the fourth paragraph, alongside details of the date upon which the survey was undertaken (2016).
	3	Text to reference the Conservation Area Character Appraisal as work undertaken by Derbyshire Dales District Council and a link to the Appraisal as a footnote should be added. The Conservation Area Appraisal can be viewed here: http://www.derbyshiredales.gov.uk/planning-a-building-control/conservation/conservation-areas/kirk-ireton
Neighbourhood Plan Area Map	4	Providing some supporting text to the map on page 4 would assist with clarity. The introduction section does not currently explain the process of designating the Neighbourhood Area. Wording along the following lines to support the map on page 4 could be used: <i>Work on the preparation of a Neighbourhood Plan may only commence once the Neighbourhood Area has been formerly designated by the Local Authority. The Neighbourhood Area is the area that is covered by the Neighbourhood Plan and is the same area as defined by the Kirk Ireton Parish boundary. The Kirk Ireton Neighbourhood Area was designated by Derbyshire Dales District Council on 5th September 2014. Although the Neighbourhood Plan Area includes the whole Parish of Kirk Ireton, because the majority of the population reside within the village of Kirk Ireton, the Neighbourhood Plan focuses on the main village settlement. The Neighbourhood Plan Area is detailed on the following map.</i>
	4	The map illustrating the Neighbourhood Area should include a north point and an appropriate Ordnance Survey/Crown Copyright reference. The Steering Group may want to explore whether the clarity of the map can be improved. The image appears slightly blurred when printed.
Community Engagement	5	This section and the following section on 'Data Gathering and Analysis' tend to repeat similar points. It may be worthwhile to have one section on community engagement that then encompasses a number of sub sections detailing how community engagement has been carried out; what it sought to achieve; how the results of data collection have been analysed; what were the key outcomes and issues raised; and how this has informed the objectives for the Neighbourhood Plan and resultant policies.
	5	Paragraph 10 refers to the distribution of questionnaires to 'all the households'. This should clarify whether all households in the village or in the Parish (i.e. Neighbourhood Area) were consulted.
	5	Paragraph 11 refers to 'Appendix F'. It would assist the reader if the appendices were listed in

		<p>alphabetical order, for example the first reference to an appendix should be Appendix A, then Appendix B etc.</p> <p>Clear referencing within the Neighbourhood Plan to each of the appendices should be added. The Neighbourhood Plan currently only references Appendix F throughout the document. Clear links to all appendices should be included. For instance reference to the appendix detailing the Consultation Statement should be made in the section of the Plan on Community Engagement.</p>
Historic Background and Amenities	6	See comments above about inclusion of details regarding village services and facilities.
	6	This section provides an interesting commentary of the village of Kirk Ireton. The inclusion of sub headings by topic may aid clarity for the reader, for instance; history, employment, local services.
Planning History	8	Paragraph 4 refers to ' <i>little attention to the local vernacular architecture of the historic core of the village</i> '. This is a subjective comment and should be revised. The design and appearance of development would be considered against the planning policies and guidance at the time, and would have been deemed appropriate development in terms of scale, layout, design and use of materials. Development throughout the village has varied over the course of time and reflects the design and planning ethos at the time each application was determined. To state that 'little attention' was paid to local vernacular is incorrect and should be omitted/revisted.
	8	Paragraph 5 refers to the Conservation Area Character Appraisal. A footnote/link to the document should be provided. http://www.derbyshiredales.gov.uk/planning-a-building-control/conservation/conservation-areas/kirk-ireton
	8	Paragraph 6 refers to the 2005 Adopted Derbyshire Dales Local Plan and the presence of a ' <i>designated Settlement Development Framework Boundary</i> '. This is factually incorrect and should be removed; the 2005 Local Plan did not define a settlement boundary for Kirk Ireton.
	8	Paragraph 7 describes the current planning policy context and the adoption of the recent Derbyshire Dales Local Plan in 2017. A link to this document as a footnote should be added. http://www.derbyshiredales.gov.uk/planning-a-building-control/local-plan-2015-16
	8	Paragraph 8 strives to set out the Neighbourhood Plan process; reference to The Neighbourhood Planning (General) Regulations 2012 should be

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		added.
	8	Rewording of paragraph 8 may aid clarity for the reader to clearly set out that once adopted the Neighbourhood Plan will form part of the statutory development plan alongside the Derbyshire Dales Local Plan and be used for the determination of planning applications within the Parish.
Data Gathering and Analysis	9	The first paragraph refers to the distribution of a questionnaire to all addresses within the parish boundary, whereas the text on page 5 states the questionnaire was issued to all households – the description of the community involvement undertaken needs to be consistent.
	9	This section succinctly identifies the key issues raised by public consultation; however the presentation of data is not consistent. In some instances percentages of responses raising a certain issue are provided where as for other issues no numerical analysis is given (see paragraph 2 versus paragraph 6 for comparison). It is noted that the full data is presented in appendix F however it may help highlight the extent to which these issues were raised and the weight of views within the village if percentages were provided. For instance was an issue raised by a significant number of residents or a few? This information would help with the evidence base for the resultant policies within the Neighbourhood Plan.
	9	Paragraph 6 discusses local views towards housing within the village and states that residents recognise that a development of an appropriate scale and type can help to support local facilities and services. This is however followed by the statement that “ <i>the unpopularity of Housing Association type properties in the village meant that this type of housing was the least preferable</i> ”. This is negatively worded and unclear. ‘Unpopular’ and ‘preferable’ to what needs to be explained. The development of both market and affordable housing in reality is required to meet the future needs of the village and support services and facilities.
	9	The last paragraph refers to a preference for development to reflect traditional styles within the village. Does this infer that any contemporary development within the village would not be supported? Development should be appropriate for its location within the village and adopted Local Plan policies seek to ensure this.
Kirk Ireton Community Vision	10	The second bullet point states “ <i>there will have been minimal development in the existing framework of the village which has been constructed or renovated appropriately for its location</i> ”. This element of the vision is negatively worded. Neighbourhood planning gives communities the power to develop a shared vision for their neighbourhood and shape the

		<p>development and growth of their local area. The adopted Derbyshire Dales Local Plan – policy S2 recognises that there is limited scope for development within the settlement of Kirk Ireton, and that development should be commensurate with the scale and function of the settlement and be accommodated through infill and consolidation.</p> <p>It is recommended that this element of the vision is redrafted to focus on the communities aspirations for development to be constructed and developed in a design, scale and type appropriate for its location and character of the surrounding area.</p>
	10	<p>The third bullet point states that there <i>‘will have been no substantial increase in through traffic’</i>. Comments questioning the feasibility of this aspiration have been supplied previously. It is queried how realistic this is given the location of the village, provision of public transport and the recognised need for a degree of through traffic to support the local shop, pub, school etc.</p>
	10	<p>The evidence that mobile communication is an issue for the community and raised in consultation is lacking from the community engagement/data gathering and analysis section and should be added. In essence the evidence identifying this as an issue is lacking from the Neighbourhood Plan.</p>
Policies	11	<p>Overall there is concern that the policies within the Neighbourhood Plan tend to repeat rather than add value to the policies within the adopted Derbyshire Dales Local Plan. Furthermore the policies should be written in a manner that enables clear decision making when determining planning applications. The policies in the Neighbourhood Plan need to provide criteria which are then capable of being used to assess the extent to which planning applications should be considered favourably.</p> <p>Accordingly, it is recommended that the policies are phrased in the following manner <i>“Planning permission will be granted for development which”</i> and then provide a set of appropriate criteria. Policy wording needs to be clear about how the Plan will deal with the form and nature of new development. The policies should provide a clear indication of how a decision maker should react to a development proposal.</p>
	12 - 27	<p>It is suggested that the layout of the policy section is revised to provide firstly the objectives and supporting evidence for each policy and then provide the policy text itself. The supporting text to each policy should clearly explain the intention behind the policy. Please see the layout of the Doveridge Neighbourhood Plan as an example: http://www.derbyshiredales.gov.uk/planning-a-</p>

		building-control/planning-policy/neighbourhood-planning/doveridge-neighbourhood-plan
Policy 1- Development	12	<p>It is considered that elements of this policy are not in general conformity with the Adopted Derbyshire Dales Local Plan and do not therefore meet the Basic Conditions. As outlined in previous correspondence it is recommended that reference to the existing built framework illustrated on the map on page 14 should be removed from Policy 1. The designation of a built framework to the settlement of Kirk Ireton is contrary to the provisions of the Adopted Derbyshire Dales Local Plan (2017).</p> <p>Kirk Ireton is classified as an ‘Accessible Settlement with Minimal Facilities - Fourth Tier’ within the settlement hierarchy of the Derbyshire Dales Local Plan (Policy S2). The adopted Derbyshire Dales Local Plan seeks to encourage new development in such villages as Kirk Ireton by way of infill and consolidation of the existing built framework of the settlement, or through development well related to the existing built framework that would not result in a prominent intrusion into the countryside; or constitutes an exception site for the provision of affordable housing (see policies S2, S4 and HC5 Derbyshire Dales Local Plan).</p> <p>Advice in the NPPF (paragraph 13) states “<i>neighbourhood plans should support the delivery of strategic policies contained within Local Plans</i>”. As currently drafted Neighbourhood Plan Policy 1 restricts development to within a framework boundary, and infers that only ‘sensitive development’ within it will be supported and that all development outside it would be rejected, this is more restrictive than the Adopted Derbyshire Dales Local Plan and raises a principle issue of non - conformity.</p>
	12	The policy refers to ‘sensitive development’ being supported, this is a subjective term and clarification on what constitutes ‘sensitive’ is unclear.
	12	The objective for Policy 1 is ‘ <i>to meet local housing need within the existing built framework</i> ’, however the Neighbourhood Plan vision refers to having ‘ <i>minimal development</i> ’ within the built framework. The two intentions could be seen as contrary, if local needs cannot be met through infill and consolidation then development needs may need to be accommodated outside the built framework through the Adopted Local Plan exception site policy S2 and HC5.
	12	Early Local Plans – this states that the 2005 Local Plan identified all land outside the village settlement framework boundary as ‘countryside’ and unsuitable for residential building, this is incorrect and should be

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		amended. The 2005 Local Plan did not identify a settlement framework boundary for Kirk Ireton and the settlement was in effect washed over by country side policy, whereby development in the countryside would only be permitted where it was required to serve the essential requirements of agriculture, forestry and outdoor sport and recreation; growth of tourism; farm based diversification, re-use or adaptation or extension of an existing rural building, or provides for other needs which can only be met in a rural area or constitutes an exception site for affordable housing.
Existing Built Framework	14	As set out above it is considered that a map defining an existing built framework should be omitted. In previous correspondence the Neighbourhood Plan Group have been advised; “At our meeting what I suggested could be employed in the Neighbourhood Plan is an illustrative boundary to the village, which might define the extent of the “existing built framework”, but acknowledging that it is for illustrative purposes only, and doesn’t infer any policy differentiation i.e. the policy remains in place that the village is washed by countryside.” (M. Hase email to Nick Delves 11 th May 2018)
Landscape Sensitivity Map	15	The map should have a north point and an appropriate Ordnance Survey/Crown Copyright reference. The Source of the mapping data should be referenced (Wardell Armstrong).
Policy 2 – Protecting Views	16	<p>Policies within the Neighbourhood Planning should not only support and be in conformity with, but also add to those within the Adopted Derbyshire Dales Local Plan, through locally derived policies which reflect the issues and aspirations of the local community. As currently drafted Policy 2 –Protecting Views adds little over and above the policy approach contained within policies S1, PD2 and PD5 of the Local Plan. The existing policy framework conserves the historic environment and seeks to protect, restore and enhance the landscape character of the plan area.</p> <p>In order to add value to the existing Local Plan a revised Neighbourhood Plan Policy could be included, this would need to be a criteria based policy which encompasses the desire to protect views and conserve the built, historic and natural environment. The policy would need to be based on local evidence and linked to an assessment of the local views the neighbourhood plan seeks to protect.</p>
	17	It is noted that the Plan denotes valued views to and from Kirk Ireton. Further supporting evidence and justification is required for this policy. For instance is there evidence to suggest that the views identified have a specific value such that they should be protected by the Neighbourhood Plan? What criteria

		have been applied to determine which views are sensitive/valued and warrant retention?
Policy 3 – Conservation Area	23	The second paragraph refers to ' <i>landmark properties</i> ' within the village. Clarification of which buildings are landmark buildings and the criteria used to define their merit should be explained. The landmark buildings could be demarked on an accompanying map and included within the Neighbourhood Plan. A localised list of notable buildings to which the policy may apply would be seen to add value to the Neighbourhood Plan.
	24	The map should have a north point and an appropriate Ordnance Survey/Crown Copyright reference. The Source of the mapping data should be referenced (Kirk Ireton Conservation Area Appraisal – Derbyshire Dales District Council).
Policy 4 – Business Development	25	<p>This policy should be re-drafted to provide a clear set of criteria upon which future planning applications for economic development may be determined. The policy needs to clarify how a proposal would '<i>contribute to the sustainability of the local economy without adversely affecting that area or its community</i>' would be measured and determined.</p> <p>Establishing locally derived criteria may thus ensure that the policy adds value to the existing policy within the Adopted Derbyshire Dales Local Plan (policies S9, EC1, EC8).</p> <p>In redrafting the policy consideration of the National Planning Policy Framework (NPPF) should be given, which actively seeks to support new development in the countryside which may bring economic benefits to rural areas. The NPPF states in paragraph 83 "<i>planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; the development and diversification of agricultural and other land based rural businesses; and sustainable rural tourism and leisure developments which respect the character of the countryside and the retention and development of accessible local services and community facilities...</i>"</p>
Policy 5 - Parking	26	<p>Para 5.2 of the policy states that existing car parking areas (as identified on the accompanying map) will be protected.</p> <p>It is noted that the existing area of informal parking at Peats Close, Kirk Ireton is identified for long term protection.</p>

		<p>The District Councils Corporate Plan 2015-2019¹ sets out the Councils Priorities, one of which is the identification and delivery of new affordable housing across the District. The land at Peats Close was retained by the District Council during the time of housing stock transfer and as the Parish Council may be aware is in the ownership of Derbyshire Dales District Council.</p> <p>The Neighbourhood Plan policy seeking to retain Peats Close for village car parking in perpetuity may prejudice the ability of the District Council to utilise this area of land in the future to deliver the corporate aspirations for affordable housing across the District. Accordingly, it is recommended that the site at Peats Close is removed as an area of protected village parking within the Neighbourhood Plan and accompanying map.</p>
	26	<p>The reference to '<i>local standards</i>' needs to be elaborated and a link provided to the Local Standards provided in Appendix 2 of the Adopted Derbyshire Dales Local Plan. As currently written the policy wording is ambiguous. The adopted parking standards in policy HC21 of the Local Plan are not mandatory and should be considered alongside other material considerations in the determination of planning applications. Rather than the wording 'should be in accordance' wording to the effect of 'have regard to' may be more suitable.</p>
	26	<p>The supporting text, paragraph 3 refers to the 'village car park is often full...' which car park does this relate to?</p>
Other		<p>It is recognised good practice that planning policy documents should be monitored and reviewed. The Neighbourhood Plan Steering Group may want to consider inserting some text to indicate that the Neighbourhood Plan will be regularly monitored to review the impact of the Plan and identify the actions to be taken should the Plan become outdated.</p>
Basic Conditions Statement Appendix A		<p>Reference to the SA/SEA Screening that has been undertaken should be detailed and appended to the Basic Conditions Statement and should contain details of the responses received from statutory consultees to the SA/SEA Screening once received.</p>
		<p>The Parish council has a public sector equality duty under Equality Act 2010. These aims are to eliminate discrimination, to advance equality and to foster good relations. The Parish Council needs to ensure that this duty has been discharged during the preparation</p>

¹http://www.derbyshiredales.gov.uk/images/documents/C/Corp_Plan_2015_-_Council_Corporate_Plan.pdf

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		of the Neighbourhood Plan. Accordingly it is considered that the Neighbourhood Plan should be subject to an Equalities Impact Assessment (EIA), details of which should be included within the Basic Conditions Statement.
		The Basic Conditions Statement states that the Neighbourhood Plan once 'made' will take effect until 2033, however the Neighbourhood Plan Vision on page 10 refers to 2030. The timescales that the Plan seeks to cover should be consistent.
Consultation Statement Appendix C		<p>This will need to be updated to reflect processes undertaken at Regulation 14 stage and the consultation responses received. How the responses have then been taken into account for the next stage of plan preparation will need to be documented.</p> <p>The Consultation Statement may benefit from including paragraph numbering to aid referencing and sub headings for each key stage of plan development undertaken.</p>
Supporting Information for Policies – Appendix E		The appendix may benefit from including paragraph numbering to aid referencing and sub headings for each topic and evidence area covered.
History and Status of the Village Field – Appendix G		It is unclear why this information is included there is no reference to Appendix G within the Neighbourhood Plan.