

COUNCIL
26 SEPTEMBER 2019

Report of the Head of Regeneration and Policy

KIRK IRETON NEIGHBOURHOOD PLAN

SUMMARY

This report sets out draft comments in respect of the Kirk Ireton Neighbourhood Plan, and its general conformity to the District Council's strategic policies within the adopted Derbyshire Dales Local Plan. The report also outlines the next steps with regard to consultation and examination of the Kirk Ireton Neighbourhood Plan.

RECOMMENDATION

1. That the draft comments made in respect of the policies and proposals contained within the Kirk Ireton Neighbourhood Plan set out in Section 2 are noted and that they are forwarded to the examiner appointed to undertake the Examination of the Kirk Ireton Neighbourhood Plan.
2. That in the event that no substantive objections are received during the statutory publicity period undertaken in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 that they be forwarded to the examiner appointed to undertake the Examination of the Kirk Ireton Neighbourhood Plan.
3. That in the event that any substantive representations be received during the statutory publicity period that a further report be presented to Committee for consideration.
4. The Council discharge responsibility to the Community and Environment Committee and that a further report be presented to the Community and Environment Committee that sets out the Examiner's Report findings and any recommended modifications to the Kirk Ireton Neighbourhood Plan.

WARDS AFFECTED

Kirk Ireton

STRATEGIC LINK

The implementation of the Kirk Ireton Neighbourhood Plan will provide a wider planning framework for the Derbyshire Dales, focused within Kirk Ireton and form part of the development plan for the District.

1 BACKGROUND

- 1.1 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 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.
- 1.2 Since that time the Kirk Ireton Neighbourhood Plan Steering Group, along with the Kirk Ireton Parish Council, has undertaken consultation amongst the local community to determine the key issues in Kirk Ireton and prepare the draft Kirk Ireton Neighbourhood Development Plan.
- 1.3 The draft Kirk Ireton Neighbourhood Development Plan was subject to local consultation under Regulation 14 of the Neighbourhood Planning (General) Regulations (2012) between 19th November 2018 and 2nd February 2019, and was submitted to the District Council for its formal publicity stage on 3rd April 2019. Following submission of the Plan, the District Council assessed whether the Plan met the requirements of Regulation 15 of the Neighbourhood Planning (General) Regulations (2012) and could proceed to Regulation 16 whereby statutory consultation on the Plan is undertaken to publicise the Plans proposals.
- 1.4 In accordance with Regulation 16 of the Regulations public consultation on the draft Kirk Ireton Neighbourhood Plan will be undertaken for a period of six weeks, commencing on 23rd September 2019 and finishing on 4th November 2019. As part of the consultation on the draft Plan, the District Council has sent letters to all residents and businesses within the Parish of Kirk Ireton, and statutory stakeholders and local groups, advising them where the documents can be viewed and how representations can be made upon the Plan. Further to this a press release has alerted the local media.
- 1.5 The draft Kirk Ireton Neighbourhood Plan and supporting documents have been made available to view at the following locations:
 - Derbyshire Dales District Council, Town Hall, Matlock DE4 3NN
 - The Kirk Ireton Village Shop
 - The Kirk Ireton Village Hall
 - Holy Trinity Church, Kirk Ireton
- 1.6 The Draft Kirk Ireton Neighbourhood Plan and supporting documents have also been made available on the District Council's website on the following page: www.derbyshiredales.gov.uk/kirkiretonnp. To enable residents of Kirk Ireton to make any representations on the draft Kirk Ireton Neighbourhood Plan, an online form has been made available on the District Council's website at the above link and hard copies left at the deposit locations.

- 1.7 In order to progress the preparation of the Kirk Ireton Neighbourhood Plan and in agreement with Kirk Ireton Parish Council, Mr Andrew Matheson has been appointed as the Independent Examiner.

2 DERBYSHIRE DALES DISTRICT COUNCIL RESPONSE TO KIRK IRETON NEIGHBOURHOOD DEVELOPMENT PLAN

- 2.1 A detailed review of the policies and proposals contained within the Kirk Ireton Neighbourhood Development Plan was undertaken during the local consultation (Regulation 14 Stage) undertaken between November 2018 and February 2019. Whilst there was general support for the preparation of the Draft Kirk Ireton Neighbourhood Plan, a number of comments were made by the District Council in respect of the text and policy content of the Plan, including concern that a number of policies were written in a negative manner, duplicated or were contrary to policies in the adopted Derbyshire Dales Local Plan or had an unclear evidence base. Some of the comments made by the District Council were taken into account by the Kirk Ireton Neighbourhood Plan Steering Group in redrafting the Kirk Ireton Neighbourhood Plan in readiness for submission to the District Council (Regulation 15 and 16 Stage). A copy of the Draft Kirk Ireton Neighbourhood Plan is available at the following link:

<https://www.derbyshiredales.gov.uk/images/documents/K/KINP.pdf>

- 2.2 It is recommended that the following draft comments on the Regulation 16 Kirk Ireton Neighbourhood Development Plan are endorsed by Members as the District Councils formal response to the Plan and submitted during the statutory consultation period:

Section	Page	Officer Comments
General		In general terms it would appear that the Parish Council has submitted to the District Council those documents required under Regulation 15 of the Neighbourhood Planning (General) Regulations (2012)
		Having reviewed the contents of both the Basic Conditions Statement and the Consultation Statement it would appear that the Parish Council has fulfilled its statutory obligations in relation to publicity and consultation on the draft Kirk Ireton Neighbourhood Plan prior to the submission of the plan to the District Council.
		The Neighbourhood Plan should clearly state the time period over which it will have effect (2019-2033 for instance). This is stated on the front cover, but needs to ensure that it is clear from the text incorporated into the Plan.
Introduction and Acknowledgments	3	Appendix F referred to – but in fact should be KINP A – Reference to Appendix F should be deleted and KINP A moved into the Consultation Statement and X-Refer in the main document.

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. It would be better if KINP A is moved into the Consultation Statement so that the results can be seen more clearly. Then x- refer to the Consultation Statement for the detailed data.
	5	Para 6.11 –refers to all households but 7.01 confirms that it is all households within the Parish Boundary. It should be consistent to clarify whether all households in the village or in the Parish (i.e. Neighbourhood Area) were consulted.
	5	Clear referencing within the Neighbourhood Plan to each of the appendices should be added and it would assist the reader if the appendices were listed in alphabetical order. Para 6.12 refers to Appendix F – see comments above – suggest that this is included within the Consultation Statement. There is no Appendix C.
Historic Background and Amenities	6	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.
	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	Comments made at Regulation 14 Stage stated: Paragraph 4 refers to 'little attention to the local vernacular architecture of the historic core of the village'. 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/revise. This has not been amended see Para 5.02.
	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
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. Still inconsistent between Para 7.01 & Para 1.05 which refers to all households in the village. Para 6.11 refers to all the households.
	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. It is noted that some more detail has been added in the Section 7 of the Regulation 15 document; however the reference to Appendix F within the plan is outdated as this has been superseded. A much clearer explanation in the Consultation Statement of how the key issues were derived from the survey work would be beneficial.
	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 “the unpopularity of Housing Association type properties in the village meant that this type of housing was the least preferable”. 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	<p>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.</p> <p>Para 7.09 – only 28% suggested this was an issue for them – could be argued that 72% either agreed or had no view on this question. That’s not really an indication of this being an issue for the village.</p>
Kirk Ireton Community Vision	10	The third bullet point states that there ‘will have been no substantial increase in through traffic’. 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.
	10	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. No evidence from the consultation that indicates that this is an issue. Superfast Broadband is available throughout the village area.
Policies	11	Only minor changes have been made to the policies between Regulation 14 and 15 Stage. Comments previously supplied at Regulation 14 Stage continue to apply
	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 “Planning permission will be granted for development which” and then provide a set of appropriate criteria. Policy wording</p>

		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.
Policy 1 - Development	12	<p>The policy has not been modified in any form since comments provided at Regulation 14 Stage. No change to the wording or any extra work had been done to justify the policy to reflect comments made at Regulation 14 stage. No change in the Submission documents and previous comments provided still apply</p> <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 "neighbourhood plans should support the delivery of strategic policies contained within Local Plans". 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> <p>Reference is now to Page 17 not Page 14.</p>
	12	The policy refers to 'sensitive development' being supported, this is a subjective term and clarification on

		<p>what constitutes 'sensitive' is unclear. No Change following Regulation 14 comments and needs to be considered in the Consultation Statement by way of a response to previous representations.</p>
	12	<p>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 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.</p> <p>P1.21 refers to the 2012 Draft Local Plan – the inclusion of this as a policy tool is contrary to the adopted Derbyshire Dales Local Plan which continues to see the village washed over by countryside policies, and in effect limits what development can take place in and around the village – without any additional layer of control</p>
Existing Built Framework	14	<p>Approach being taken in the NP sees the built up boundary as a policy tool, which runs contrary to what the Derbyshire Dales Local Plan policies.</p> <p>As set out above it is considered that a map defining an existing built framework should be omitted.</p>
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</p>

		<p>would need to be based on local evidence and linked to an assessment of the local views the neighbourhood plan seeks to protect.</p> <p>No change to the wording or any extra work had been done to justify the policy to reflect comments made at Regulation 14 stage. No change in the Submission documents and previous comments provided still apply.</p>
	17	<p>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?</p>
Policy 3 – Conservation Area	23	<p>The second paragraph refers to ‘landmark properties’ within the village. Clarification of which buildings are landmark buildings and the criteria used to define their merit should be explained. Previous suggestion that the landmark buildings could be demarked on an accompanying map and included within the Neighbourhood Plan has been included. A localised list of notable buildings to which the policy may apply would be seen to add value to the Neighbourhood Plan.</p> <p>As submitted the policy adds little to the policies in the adopted Derbyshire Dales Local Plan (PD2).</p>
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 ‘contribute to the sustainability of the local economy without adversely affecting that area or its community’ 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 “planning policies and decisions should enable the sustainable growth and expansion of all types of</p>

		<p>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...”</p> <p>It is noted that the text from the NPPF has been added into the policy – but whilst it reiterates Government policy, however as written it doesn’t add anything by way of local criteria to the policy for use in the determination of planning applications.</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 2015-2019 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>
Basic Conditions Statement Appendix A		<p>Reference is made to the SEA Screening BCS9 – but this could be enhanced by the inclusion of the screening report from DDDC in the Basic Conditions Statement. This should also contain details of the responses received from statutory consultees to the SA/SEA Screening.</p>
		<p>The Basic Condition Statement states:</p> <p>“Kirk Ireton is listed as a Tier 4 settlement in the DDDC Local Plan and is not allocated a settlement framework</p>

	<p>boundary. Kirk Ireton had a settlement boundary from 1992 up until the adoption of the 2017 DDDC Local Plan. The consultation process revealed strong support for an 'existing built frame-work'. “</p> <p>This is factually incorrect – The only defined Built Up Area that has been included within a Local Plan was in 1988 Southern Parishes Local Plan.</p> <p>The 1998 and 2005 Local Plans did not include an settlement boundaries for Kirk Ireton.</p> <p>A draft boundary was prepared and subject to public consultation in June 2012 as part of the emerging Derbyshire Dales Local Plan at the time. However the Local Plan was withdrawn in 2014 and the draft Settlement Boundary never adopted as policy. The current adopted Derbyshire Dales Local Plan takes a different policy approach and does not have a settlement boundary for Kirk Ireton.</p> <p>Identification of a Settlement Boundary contrary to approach taken in Local Plan.</p>
<p>History and Status of the Village Field – Appendix B</p>	<p>Formerly Appendix G, now Appendix B – but the Neighbourhood Plan does not make any reference to it other than one area that they 'looked at' and in Para 4.03 – there is no policy reference to it- Suggest that KINP B is deleted.</p>
<p>Consultation Statement Appendix C</p>	<p>The Consultation Statement should provide a clear report of the consultation processes undertaken at Regulation 14 stages and the responses received. How the responses have then been taken into account for the next stage of plan preparation should be clearly documented. As submitted the statement provides a good chronology of the events that taken place during the preparation of the NP – it does not provide adequate response to all of the DCC comments – only a couple have been addressed.</p> <p>Although included in the list in Appendix W – it is not clear what the responses from the statutory consultees say or what KIPC response to them are e.g. Severn Trent/Historic England etc.</p> <p>These should be included in the consultation statement along with any response. A table of comments and response to each one would make it easier to analyse the responses, and what action has been taken in reply.</p> <p>KNIP A – included in the Main Plan should be included in the Consultation rather than the main plan.</p>

Table 1- District Council Representations on the Draft Kirk Ireton Neighbourhood Plan

3 NEXT STEPS

- 3.1 To enable the Kirk Ireton Neighbourhood Plan to come into force it must meet the following 'basic conditions' as set out in Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004:
1. Have regard to national policies and advice contained in guidance issued by the Secretary of State.
 2. The making of the neighbourhood plan contributes to the achievement of sustainable development.
 3. The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
 4. The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
 5. The making of the Neighbourhood Development Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 3.2 The next step is for the Kirk Ireton Neighbourhood Plan to be subject to an Examination by an Independent Examiner who will consider whether the statutory requirements and basic conditions have been met. In order to progress the preparation of the Kirk Ireton Neighbourhood Plan, and with the agreement of the Kirk Ireton Parish Council, Mr Andrew Matheson has been appointed as the Independent Examiner.
- 3.3 The Examiner will produce a report with his recommendations, the reasons for them and a summary of findings. The report can recommend;
- a. The draft plan is subject to a referendum,
 - b. Modifications as specified in the Report are made to ensure that the basic conditions are met and that the draft report as modified is submitted to a referendum, or
 - c. The proposal is refused.
- 4.4 Although the District Council has provided advice and support to Kirk Ireton Parish Council throughout the preparation of the Plan to ensure that the basic conditions are being met, the policies and proposals contained within the Plan are an expression of how Kirk Ireton Parish Council envisages the issues identified through their consultation should be addressed in the determination of planning applications.
- 4.5 Taking account of liaison with the Independent Examiner, the examination of the Kirk Ireton Neighbourhood Plan is anticipated to commence in November 2019. Following the examination, a further report will be presented to the Community and Environment Committee that sets out the Examiner's Report findings, any recommended modifications to the Kirk Ireton Neighbourhood Development

Plan, and, potentially, final steps towards referendum and subsequent planned adoption.

5 RISK ASSESSMENT

5.1 Legal

In compliance with Paragraph 6(2) of the Schedule, the local authority designated Kirk Ireton as a Neighbourhood Area and since this designation the Kirk Ireton Neighbourhood Plan Steering Group and Kirk Ireton Parish Council have prepared a neighbourhood plan for consideration. The Council has followed the consultation requirements set out within The Neighbourhood Planning (General) Regulations 2012 and before submitting the Neighbourhood Plan to an independent examiner the Local Authority must be satisfied that the conditions set out in Schedule 4B of the Town and Country Planning Act have been met. These conditions are set out above and have been considered in depth within the contents of this report.

The recommendation is to refer the Neighbourhood Plan for an independent examination. If the examiner is satisfied the criteria is met, the Neighbourhood Plan will then be referred for consideration at a final referendum. Therefore at this stage the legal risk is considered low.

5.2 Financial

The costs associated with the Neighbourhood Plan (mainly officer time, publicity and the independent examination and referendum, if appropriate) can be reclaimed from MHCLG. The financial risk is, therefore, assessed as low.

6 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

7 CONTACT INFORMATION

Esther Lindley, Senior Planning Policy Officer
Tel: 01629 761241 E-mail: esther.lindley@derbyshiredales.gov.uk

8 BACKGROUND PAPERS

Description	Date	File
Kirk Ireton Neighbourhood Plan (Regulation 14 stage)	September 2018	G/5/P2(v)

Kirk Ireton Neighbourhood Plan (Regulation 16 stage)	3 rd April 2019	G/5/P29(v)
Kirk Ireton Neighbourhood Plan Basic Conditions Statement (Regulation 16 stage)	3 rd April 2019	G/5/P2(v)
Kirk Ireton Neighbourhood Plan Consultation Statement (Regulation 16 stage)	3 rd April 2019	G/5/P2(v)