

AMBER VALLEY BOROUGH COUNCIL

NEIGHBOURHOOD PLAN FOR BELPER CIVIL PARISH DECISION STATEMENT

1. Summary

- 1.1 Following an independent examination, Amber Valley Borough Council now confirms that the Neighbourhood Plan for Belper Civil Parish will proceed to a Neighbourhood Planning referendum.

2. Background

- 2.1 On 12 February 2015, Amber Valley Borough Council designated Belper Parish as a Neighbourhood Area, for the purpose of preparing a Neighbourhood Plan in accordance with the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.
- 2.2 Following the submission of the Neighbourhood Plan for Belper Civil Parish to the Borough Council by Belper Town Council the Plan was publicised, and representations were invited. The 6-week publicity period ended on 7 May 2020.
- 2.3 Following consultation with the Town Council, the Borough Council appointed an independent Examiner, Mr John Mattocks, to review whether the Plan should proceed to referendum.
- 2.4 The Examiner's report concluded that subject to a number of recommended modifications, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum and that the area should not be extended.
- 2.5 The Leader of the Cabinet agreed on 18 December 2020 that the Neighbourhood Plan for Belper Civil Parish should proceed through referendum.
- 2.6 Having considered each of the recommendations made by the Examiner and the reasons for them, the Borough Council decided to make the modifications to the Plan as set out in Table 1 below, to ensure that the Plan meets the basic conditions set out in the legislation.

3. Decision and Reasons

- 3.1 The Borough Council has made the modifications proposed by the Examiner, to ensure that the Plan meets the basic conditions, for the reasons as are set out in Table 1 below.

Table 1

Neighbourhood Plan Belper for the Civil Parish of Belper - Modifications Table

Part of the Plan	Examiner's Recommendation	Reason for Recommendation	Recommended Action
End date of the Plan	Recommendation 1. Replace all references to the plan end date of 2035 to a revised end date of 2028, including in the full title of the plan; also update the figures in paragraph 94 to a 2019 base.	To ensure the Plan adequately reflects Government guidance.	Modify as recommended
Paragraph 99	Recommendation 2 Delete the final sentence in paragraph 99 of the plan text and replace it by revised wording along the following lines:- <i>It is possible that additional sites will be allocated in the emerging replacement Amber Valley Local Plan to meet identified housing needs. Upon adoption of the replacement local plan the strategic policies within it will supersede those of the neighbourhood plan. If allocations for housing are made in the local plan outside the Built Framework Boundary as shown on Map 2 the boundary will be amended at a subsequent review of the NP4B to encompass the local plan land allocation(s).</i>	To ensure the Neighbourhood Plan is procedurally correct and to ensure clarity.	Modify as recommended
Map 2	Recommendation 3 Replace Map 2 by a revised map showing the boundaries more clearly.	To ensure clarity.	Modify as recommended
Policy NPP 1 Sustainable Development and the Built Framework	Recommendation 4 In criterion 1(h) of Policy NPP1, delete the bracketed wording, and in criterion 2(b) delete the semi-colon and insert 'with high or medium landscape sensitivity as shown on Map 4'.	To provide clarity.	Modify as recommended

<p>Policy NPP 1 Sustainable Development and the Built Framework</p>	<p>Recommendation 5 Delete the third line of the introductory text to part 1 of Policy NPP1 and replace it by the words ‘currently identified development needs and by ensuring that:’ Delete criterion 1(b) of Policy NPP1 and replace it by:- <i>‘it protects and conserves the World Heritage Site; preserves or enhances the Conservation Area; and’</i> Delete criterion 1(c) of Policy NPP1 and replace it by:-‘any harm to Outstanding Universal Value of the DVMWHS is less than substantial and that harm is weighed against any public benefits of the proposal; and’ Delete the words ‘without compensatory provision being made elsewhere’ in the third line of criterion 1(d) of Policy NPP1 Remove part 3 from the policy box for Policy NPP1 and place it in the supporting text. Delete part 4 of Policy NPP1. Place the reference to the submission of a Health Impact Assessment in the supporting text and move the remaining policy to become one of the criteria in part 1, amended to read as follows:- <i>‘any residential development of 100 dwellings or more does not have a significant effect on population health.’</i> Insert an additional map (2A) in the plan to show the identified open spaces referenced in criterion 2(c).</p>	<p>To ensure clarity for the purpose of decision-making on planning applications having regard to national planning policy and guidance, taking a positive approach to the achievement of sustainable development</p>	<p>Modify as recommended</p>
<p>Policy NPP2 Protecting the Natural</p>	<p>Recommendation 6 Modify Policy NPP2 as follows:- delete the second sentence in part 1;</p>	<p>To ensure clarity for the purpose of decision-making on planning applications having regard to national planning policy and guidance, taking a</p>	<p>Modify as recommended</p>

<p>Environment and Enhancing Biodiversity</p>	<p>delete the first sentence in part 2 and replace by <i>‘Development (excepting householder development) should, when appropriate, achieve a net biodiversity gain.</i> Amend the third sentence to read <i>‘These measures should have regard to the local conservation priorities of the Lowland Derbyshire Biodiversity Action Plan as set out in Appendix (X) to this plan’;</i> delete part 3 and expand on paragraph 112 in the plan text; delete part 4 from policy and include it in the plan text; provide a footnote to part 6 to state that <i>‘the Town Centre’ is defined on the Proposals Map to the AVLP, Inset Q and delete ‘the’ before ‘Town Centre’ in the last line;</i> delete parts 7 and 8. Insert the relevant extracts from the Derbyshire Biodiversity Action Plan as an Appendix to the plan.</p>	<p>positive approach to the achievement of sustainable development.</p>	
<p>Policy NPP 3 Protecting the Landscape Character of Belper Parish</p>	<p>Recommendation 7 Insert the word <i>‘unacceptably’</i> before ‘harmful’ in the first line of criterion 1a) in Policy NPP3 and place a full stop after <i>‘... landscape setting’;</i> delete the second and third lines and replace by the following:- <i>Within the Derwent Valley Mills World Heritage Site or in its buffer zone, particular regard has been paid to the Statement of Outstanding Universal Value and the effect any development may have on those landscape characteristics which are of significance to the status of the area as a World Heritage Site.</i></p> <p>Delete part 2 of Policy NPP3 and replace it by the following:- <i>Development on the edge of the Built Framework should present a soft boundary to the open</i></p>		<p>Modify as recommended</p>

	<p><i>countryside (native hedges, low fences and native trees) to minimise the impact of development on the open countryside and to retain views out to the surrounding countryside.</i></p> <p>In the first line of criterion 8 replace the word 'maintained' by 'conserved'.</p>		
<p>Policy NPP5 Protecting the Landscape Character of Belper Town Centre (LCA 02)</p>	<p>Recommendation 8. Amend the title of Policy NPP5 to 'Protecting the Landscape Character of Belper Town Centre, Mills and Riverside' and in criterion 1(a) replace the words 'Borough policies' by 'the Local Plan'</p>		Modify as recommended.
<p>Policy NPP9</p>	<p>Recommendation 9 In part 1 of Policy NPP9, first line, replace the word 'maintain' by 'conserve'.</p>	To ensure clarity for the purpose of decision-making on planning applications having regard to national planning policy and guidance, taking a positive approach to the achievement of sustainable development	Modify as recommended
<p>Policy NPP10 Reducing the Risk of Flooding</p>	<p>Recommendation 10 Correct the following errors in the wording of Policy NPP10:- In the first line following criterion 1(c) delete the word 'they' after 'three' and in the first line of criterion 1(e) insert the word 'or' between 'rate' and 'reduce'.</p>	To correct minor errors.	Modify as recommended
<p>Text in Chapter 15, including Table 6</p>	<p>Recommendation 11 Amend the first sentence in paragraph 147 to read:- <i>The current extent of DVMWHS and the buffer zone is shown on Map 7</i></p>	To correct an error.	Modify as recommended
<p>Paragraph 158</p>	<p>Recommendation 12 Delete paragraph 158 and replace it by the following text:- <i>Within the Town Centre there are buildings that erode the historic character of the town centre. The NP4B supports the sensitive renovation of buildings</i></p>	To correct an error.	Modify as recommended

	<i>and shop fronts to enhance the historic character of the town and will seek grant funding where possible to assist in sensitive renovation.</i>		
Policy NPP11 Protecting Heritage Assets	<p>Recommendation 13 Delete the third line in criteria 2 of Policy NPP11 and replace it by:- <i>having regard to the scale of any harm or loss and the significance of the heritage asset.</i> Delete criterion 4 in Policy NPP11. Delete criterion 5 in Policy NPP11 and replace it by the following:- <i>Proposals which would harm the Outstanding Universal Value of the World Heritage Site or the character or appearance of the Belper Conservation Area should be considered in the terms of national policy for development in such areas as currently set out in paragraphs 193 to 195 in the National Planning Policy Framework.</i></p>	To ensure clarity for the purpose of decision-making on planning applications having regard to national planning policy and guidance.	Modify as recommended
Policy NPP12 Energy Efficiency and High-Quality Design	<p>Recommendation 14 Modify Policy NPP12 by:- the deletion of part 3; the insertion of the words ‘involving development’ after the words ‘properties/assets’ in the first line of part 6; the deletion of part 7 from the policy box. Expand paragraphs 175 to 177 in the plan text making clear that the use of BfL12 is encouraged rather than required.</p>	To ensure clarity for the purpose of decision-making on planning applications having regard to national planning policy and guidance.	Modify as recommended
NPP13 Housing Types	<p>Recommendation 15 In the first line of the first criterion in Policy NPP13 delete the words ‘is required to’ and substitute the word ‘should’; in the second line replace the word ‘recent’ by ‘up-to-date’ and delete the third line.</p>	To ensure clarity for the purpose of decision-making on planning applications having regard to national planning policy and guidance, taking a positive approach to the achievement of sustainable development.	Modify as recommended

	<p>Delete the third and fourth criteria in Policy NPP13.</p> <p>Modify the fifth criterion in Policy NPP13 by deleting all after ‘heritage assets,’ and inserting ‘proposals for the residential development of sites within a 5 minute walk of the town centre should include provision for some of the dwellings to include level access accommodation (which may include bungalows).</p>		
<p>NPP14 Designation of Local Green Spaces</p>	<p>Recommendation 16</p> <p>Replace map 9 by maps 9a. to 9d. Showing each of the four Local Green Space areas at a larger scale.</p> <p>Delete Policy NPP14 and replace it by the following policy:-</p> <p><i>The following areas, shown on maps 9a. to 9d. are designated as Local Green Space:- A. The Butts, Belper B. Beechwood Close, Belper C. Belper Meadows D. Foundry Lane, Milford. Within these areas development which would have an adverse effect on their openness or special character would be inappropriate and will not be permitted except in very special circumstances. Development which would enhance the beauty, recreational value, tranquillity and/or richness of wildlife would not be inappropriate.</i></p> <p>Move the reference to encouraging public access from part 3 of the policy to the supporting text.</p>	<p>To ensure clarity for the purpose of decision-making on planning applications having regard to national planning policy and guidance.</p>	<p>Modify as recommended</p>
<p>NPP 15 Increasing the Use of Renewable Energy</p>	<p>Recommendation 17</p> <p>Delete part 1 and the introductory paragraph and criterion a) in part 2 of Policy NPP15 and replace by the following:- <i>Development of individual and community scale proposals that use renewable and low carbon energy resources will be supported where the scheme:- a) has demonstrated compliance with national policy in weighing the benefit in reducing</i></p>	<p>To ensure clarity for the purpose of decision-making on planning applications having regard to national planning policy and guidance.</p>	<p>Modify as recommended</p>

	<p><i>carbon emissions against the impact on heritage assets; and</i></p> <p>Delete the first first line of part 3 to Policy NPP15 and the second line to ‘... ancillary buildings’ and move to supporting text.</p> <p>Reword policy to commence: ‘<i>Transmission lines ...open countryside. Measures should be included...</i>’</p> <p>In part 4, last two lines, after ‘significant refurbishment’ amend to read ‘of an existing building requiring planning permission.’</p>		
<p>Policy NPP16 Increasing Cycling and Walking</p>	<p>Recommendation 18</p> <p>Insert the words ‘Where feasible,’ before ‘development’ in the first line of Policy NPP16 and at the start of parts 3 and 4 of the policy;</p> <p>Delete Part 2 of Policy NPP16 and replace it by the following revised policy:-</p> <p><i>The layout of development should minimise the loss of cycleway and footpaths and, where possible, include provision to extend footpaths and cycleway.</i></p> <p>Delete Part 5 of Policy NPP16.</p>	<p>To ensure clarity for the purpose of decision-making on planning applications having regard to national planning policy and guidance.</p>	<p>Modify as recommended</p>
<p>Policy NPP17 Increasing the Use of Electrical Vehicles</p>	<p>Recommendation 19</p> <p>Delete parts 1 to 3 of Policy NPP17 and replace by the following policy:-</p> <p><i>New development for housing, employment, retail or community uses should include sufficient electrical infrastructure to meet anticipated future needs including either off-road charging points or publicly accessible charging facilities for ultra-low emission vehicles and e-bikes.</i></p> <p>Delete part 4 and move to supporting text.</p>	<p>To ensure clarity for the purpose of decision-making on planning applications having regard to national planning policy and guidance.</p>	<p>Modify as recommended</p>
<p>Policy NPP18 Increasing Tourism</p>	<p>Recommendation 20</p> <p>Modify Policy NPP18 by deletion of the comma after ‘new build’ and insertion of the words ‘or the’ before ‘change of use’; deletion of the words ‘or conversion’ and insertion of ‘of existing buildings for a tourism related use’; delete ‘encouraged’ and substitute ‘supported’.</p>	<p>To ensure clarity for the purpose of decision-making on planning applications having regard to national planning policy and guidance.</p>	<p>Modify as recommended</p>

Paragraph 256	Recommendation 21 Move paragraph 256 to follow paragraph 245 in the plan text.	To correct an error.	Modify as recommended
NPP19 Protecting existing car parks	Recommendation 22 Amend Map 10 by the deletion of the areas of land used for car parking only on a temporary basis.	To ensure clarity for the purpose of decision-making on planning applications having regard to national planning policy and guidance, taking a positive approach to the achievement of sustainable development.	Modify as recommended
Paragraph 268	Recommendation 23 Add Milford Mills to the list of sites allocated in the AVLP, Policy ER1(d).	To correct an error	Modify as recommended
Paragraph 279	Recommendation 24 At the end of paragraph 279 replace the words 'AVBC Policy' by 'adopted local plan policy ER1(d)' and add 'To that end Policy NPP20 allows for residential use of the Mills in whole or in part.'	To ensure clarity for the purpose of decision-making on planning applications having regard to national planning policy and guidance.	Substitute 'AVBC Policy' for ER1(c) rather than ER1(d) and modify the rest of the policy as recommended
Policy NPP20 Redevelopment of the North and East Mills (E and F)	Recommendation 25 Delete criterion 1(f) in Policy NPP20 and include it as an aspiration in the supporting text; In part 2 of Policy NPP20, after '... solely residential use' insert ' <i>and for the conversion of the North Mill for commercial, residential and/or leisure uses</i> ' before 'will be supported'; Delete part 3 of Policy NPP20 and substitute 'The use of part of the North Mill building as a museum should be retained if possible.'	To ensure clarity for the purpose of decision-making on planning applications having regard to national planning policy and guidance, taking a positive approach to the achievement of sustainable development.	Modify as recommended.

<p>Policy NPP20, part 6; Policy NPP21, part 8; Policy NPP22, part 6; Policy NPP23, part 5; Policy NPP24, part 11; Policy NPP25, part 7; Policy NPP26, part 7; Policy NPP27, part 3.</p>	<p>Recommendation 26 Delete the following parts of the relevant policies:- Policy NPP20, part 6; Policy NPP21, part 8; Policy NPP22, part 6; Policy NPP23, part 5; Policy NPP24, part 11; Policy NPP25, part 7; Policy NPP26, part 7; Policy NPP27, part 3. and include the advisory references in the supporting text.</p>	<p>To ensure clarity for the purpose of decision-making on planning applications having regard to national planning policy and guidance.</p>	<p>Modify as recommended.</p>
<p>Policy NPP21 Redevelopment of North Derwent Street</p>	<p>Recommendation 27 Amend footnote 97, page 88, to read ‘Para 6.9 Belper NP Viability Study’ In part 1 of Policy NPP21, amend criterion 1(b) by the addition, after ‘50 dph, the words ‘<i>plus ancillary ground floor commercial units</i>’; Delete part 4 of Policy NPP21 and replace it by the following:- <i>any harm caused by the proposed development to the setting of the World Heritage Site would be less than substantial and would be outweighed by a wider public benefit.</i> In part 7 of Policy NPP21 delete the words ‘<i>via amendments to the A6 junction</i>’; Delete part 9 of Policy NPP21.</p>	<p>To ensure clarity for the purpose of decision-making on planning applications having regard to national planning policy and guidance, taking a positive approach to the achievement of sustainable development.</p>	<p>Modify as recommended.</p>

<p>Policy NPP22 Redevelopment of Milford Mill</p>	<p>Recommendation 28 Delete parts 2 and 7 of Policy NPP22.</p>	<p>To correct an error and to ensure clarity for the purpose of decision-making on planning applications having regard to national planning policy and guidance.</p>	<p>Modify as recommended.</p>
<p>Policy NPP23 Redevelopment of the Dalton Fuchs and Stable Block Site</p>	<p>Recommendation 29 Delete criterion 1(b) in Policy NPP23 and replace it by the following:- <i>any harm caused by the proposed development to the setting of the World Heritage Site would be less than substantial and would be outweighed by a wider public benefit; and</i></p>	<p>To ensure clarity for the purpose of decision-making on planning applications having regard to national planning policy and guidance.</p>	<p>Modify as recommended.</p>
<p>Policy NPP24 Redevelopment of West Mill</p>	<p>Recommendation 30 Delete part 2 of Policy NPP24 and replace it by the following:- <i>Any inappropriate development on that part of the car park which lies within the Green Belt will not be supported unless very special circumstances are shown to exist.</i> Delete criterion a) in part 3 of Policy NPP24 and replace it by the following:- <i>are of a scale, form and design that they safeguard heritage assets and their setting; and</i></p>	<p>To ensure clarity for the purpose of decision-making on planning applications having regard to national planning policy and guidance</p>	<p>Modify as recommended</p>
<p>Policy NPP25 Redevelopment of Babington Hospital Site</p>	<p>Recommendation 31 Modify criterion 2b) in Policy NPP24 to read as for modified criterion 1b) in Policy NPP20.</p>	<p>To ensure clarity for the purpose of decision-making on planning applications having regard to national planning policy and guidance</p>	<p>Modify criterion 2b) in Policy NPP25 as recommended.</p>

<p>Policy NPP26 Redevelopment of the Library Site</p>	<p>Recommendation 32 Modify criterion 1b) in Policy NPP26 to end as for modified criterion 1b) in Policy NPP20. Replace criterion 1e) in Policy NPP26 by the following:- <i>a pedestrian route through the site to the Meadows Edge is provided;</i></p>	<p>To ensure clarity for the purpose of decision-making on planning applications having regard to national planning policy and guidance</p>	<p>Modify as recommended.</p>
<p>NPP27 Redevelopment of Ada Belfield Site</p>	<p>Recommendation 33 Modify the wording of criterion 1b) to read in the same way as the same criterion in Policy NPP20.</p>	<p>To ensure clarity for the purpose of decision-making on planning applications having regard to national planning policy and guidance</p>	<p>Modify as recommended.</p>
<p>Paragraph 351 and Policy NPP28 Increasing Local Employment</p>	<p>Recommendation 34 In paragraph 351 amend the terminology from ‘start-up’ to ‘starter’ and link to the term in Policy NPP28, parts 1 and 2, annotated ‘1’ (10-25 sq.m); annotate ‘mid-size’ units as ‘2’ (100-150 sq.m.) and ‘grow-on’ units, annotated ‘3’, (up to 1000 sq.m.). Include the numbered annotations against the relevant terms in both parts of the policy. Delete the word ‘local’ qualifying ‘businesses’. Modify the wording of criterion 1(d) to read in the same way as criterion 1(b) in Policy NPP20.</p>	<p>To ensure clarity for the purpose of decision-making on planning applications having regard to national planning policy and guidance, taking a positive approach to the achievement of sustainable development.</p>	<p>Modify as recommended.</p>