

APPENDIX C – EXAMINER’S QUESTIONS FOR CLARIFICATION. 21.07.20

EXAMINATION OF THE NEIGHBOURHOOD PLAN FOR BELPER

Submission Draft - January 2020

Examiner’s questions for clarification

I have completed my initial appraisal of the submitted Neighbourhood Plan for Belper (‘the NP4B’) and supporting documents. I have also read the written representations made in response to the Regulation 16 consultation.

This note sets out a number of questions which arise from this appraisal in relation to the basic conditions. The questions are intended primarily to clarify the position of the Belper Town Council (‘the BTC’) on aspects of policy implementation and, where necessary, to obtain additional information relevant to those issues which arise. In some instances it may also be appropriate for the Amber Valley Borough Council (AVBC) as Local Planning Authority to amplify certain aspects of the development plan context and evidence base.

I set out the background considerations leading to my questions by the use of *italic script*. This may give an indication of my initial thoughts on an issue which may result in a recommendation that the plan be modified in order that it fully satisfies the basic conditions. The BTC, or the AVBC if appropriate, may respond as they see fit. I consider it important that any recommendation I make should not come as a surprise to either the BTC or the AVBC.

The responses received to these questions will assist me in reaching my conclusions and recommendations to be set out in the formal report to the BTC to be delivered at the end of the examination. It is important that the examination is undertaken in an open and fair manner. To that end, any important documents, including this note and copies of any relevant email correspondence, should be made available on the web page for this neighbourhood plan.

The legislation provides that, as a general rule, the examination is to take the form of the consideration of written representations but an examiner must cause a hearing to be held should it be considered necessary to ensure adequate examination of an issue. I am reserving my position on this matter pending receipt of responses to the questions I pose in this paper.

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Examiner

21 July 2020

Section 12 Sustainable Development and the Built Framework

It is clearly explained in the plan that the promotion of brownfield sites is seen as the most sustainable option to meet the needs of Belper. In paragraph 94 reference is made to the Housing Needs Assessment (HNA) undertaken by AECOM with an extract (in italics) linked to footnote 41. However, that is a quote from a separate AECOM document, a site assessment report (Introduction, paragraph 1.2) not the HNA itself. The identified need 2011-28 was 1360 dwellings; the figure of 667 dwellings for 'unmet need' was, as explained, the position in 2017. The figure given in paragraphs 163 and 164 of the HNA is 2016 based and is 957, not allowing for commitments at that date.

It is good practice that plans should be as up-to-date as possible. It is already midway through 2020 although the 'base date' of the NP4B is 2019. Statistics on housing supply and land availability are likely now to be available for March 2019. Indeed, it is notable that AECOM wrote to the plan steering group on 13 September 2019 following a request to re-assess the conclusions of the 2016-17 studies. Footnote 40 on page 23 of the plan is a quote from the third paragraph of the AECOM letter. However, as drawn to my attention by representations, the basis for updating the figures in paragraph 94 of the plan is given by AECOM in the sixth paragraph under the heading 'Considerations as to the potential to update the HNA with regard to the quantity of homes needed'. AECOM recommend that the plan be updated to reference a need for 1280 dwellings 2019-2035, that is to cover the revised plan period. This leads to the following questions:-

1. What were the factors which led the BTC to roll forward the plan period by 7 years extending it to 2035?
2. Is it considered that there is sufficiently robust evidence, especially on housing need and supply, to justify a plan end date of 2035 rather than 2028?
3. Would the BTC, or the AVBC if appropriate, please confirm that a request was not made, in accordance with PPG paragraph 41-009, for an 'indicative figure' for housing provision over the plan period, in the absence of a strategic (local plan) figure?
4. Given that the plan base date is 2019 and the plan period extends to 2035 is it possible to provide statistics for the 'unmet need' for housing at that base date allowing for both housing completions and commitments and for the whole plan period?

It is acknowledged that additional (greenfield) allocations for housing may need to be made through the forthcoming Local Plan process. Table 12 in the AECOM

viability assessment gives an estimate of the housing capacity of each of the brownfield sites allocated in the plan.

5. Is the overall estimate for the housing capacity of the sites allocated in the plan, as given in Table 12 of the AECOM viability assessment report, that is 849 units in total, regarded as a robust figure? Since publication of the report, in April 2018, have there been any changes in circumstances which would warrant adjustment to the figures given, including those given in the plan itself?

The Built framework and Map 2

For policy NPP1 to be effectively implemented and properly interpreted for the purpose of decision-making the boundary of the 'built framework' needs to be clearly shown on a plan. Map 2 is drawn at a very small scale and the boundary is shown in a light green colour making it difficult to see. Although it becomes much clearer in electronic versions of the plan when 'zoomed in' as suggested in footnote 43 it cannot be assumed that all plan-users will have access to such a facility. The boundary is much more clearly seen on map 9.

6. In the interests of clarity, would it be possible to produce a plan at larger scale than in map 2, perhaps on two sheets, showing the built framework boundary in a darker colour?

In paragraph 99 (underlined) it is stated that the Built framework Boundary 'will be taken to extend around any site allocated via Borough policies', whereas the wording in policy NPP1(h) suggests a formal amendment to the boundary.

7. What is meant by 'Borough policies'? Does it mean policies to be included in a future statutory local plan for the Borough? If so, what is the intended mechanism for making an amendment to the boundary? Would it be through the local plan itself or through a review of the neighbourhood plan?

Once 'made' the Neighbourhood Plan becomes part of the statutory development plan. As such, the geographical extent of any policies would need to be shown on the single 'adopted policies map'¹ for the Borough. An allocation of land for development in a subsequent local plan would require an amendment to the Borough policies map which would supersede that shown on NP4B Map 2.

8. In the light of the above is it considered that the underlined text in plan paragraph 99 and the wording in Policy NPP1(h) properly reflect the process which would need to be followed to amend the Built Framework Boundary?

¹ The term 'adopted policies map' is defined in the Local Plans Regulations

Many of the questions which follow are raised against the background of basic condition (a): 'having regard to national policies and advice contained in guidance issued by the Secretary State...'. Of particular relevance in that regard is the guidance in paragraph 41-041 of the Planning Practice Guidance, which states:

A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

Policy NPP1

Part 1.

9. In the first paragraph of part 1 of policy NPP1 there is a reference to 'Borough requirements'. What is meant by that phrase? Where would such 'requirements' be set?

The inclusion of the words 'so long as;' at the end of the first part does not seem right. It could be interpreted to be saying that development will only need to be located so as to make a positive contribution to sustainability IF the policy provisions which follow are applicable. I am sure that is not what is intended.

10. For clarity, would the following suggested amendment to the wording of the first part of Policy NPP1 be appropriate?
Delete the third line and replace it by the following: **currently identified development needs and by ensuring that:**

Criteria 1b) and 1c)

Gladmans have made representation that criterion 1b) does not accord with national policy for the consideration of development proposals affecting heritage assets as set out in paragraph 196 of the NPPF. Indeed, the whole of section 16 in the NPPF should taken as a whole. The term 'safeguarding' might suggest a blanket approach to protection of the area irrespective of the nature of the contribution (if any) a particular element makes to the significance of the heritage asset². I note that criterion 1c) has been added to the plan after the consideration of Regulation 14 representations.

11. Is criterion 1b) necessary in view of the inclusion of criterion 1c)?

² NPPF paragraph 201.

12. Does criterion 1c) have proper regard to national policy for the consideration of proposals which would result in substantial harm to the WHS, where to allow such development should be 'wholly exceptional'³? For the Conservation Area, is criterion 1c) intended to apply if the harm is substantial?
13. Would similar wording to that used in policies NPP20, 22 and 24, which refer to any harm being 'less than substantial', be more appropriate for criterion 1c)? Is the degree of duplication necessary given the green highlighted text on every page that no policy is to be applied in isolation?

Criterion 1d)

The inclusion of the words 'without compensatory provision being made elsewhere' does not appear to sit well with either policy NPP2 (Biodiversity) or NPP14 (Local Green Space).

14. In what circumstances would it be considered appropriate that either a Local Green Space or a Local Nature Reserve might be replaced by provision elsewhere?

Criterion 1h)

See comment and question 8 above.

Part 2.

Criterion 2b)

15. How does this relate to the areas shown on Map 4 taken from the Wardell Armstrong Landscape Sensitivity Study?

Criterion 2c)

16. What are the 'identified open spaces' referenced in this criterion?

Criteria 3 and 4.

As currently worded these are more in the nature of informatives than policy statements.

17. What would be the justification for requiring an 'Health Impact Assessment'? What would it involve?

³ NPPF paragraph 194b)

Policy NPP2

Criteria 1 and 2

The DCC draw attention to a degree of inconsistency between these criteria.

18. How is it intended that the term 'will not usually be accepted' should be interpreted for the purpose of development management decisions? Does it mean a net loss even taking account of any mitigation or compensatory measures? Is it necessary given the wording of the second criterion?
19. Is the second criterion intended to apply to all development, even small (householder) developments? If so, should a net biodiversity gain be required even if the proposal would have no effect on biodiversity?
20. Would a plan-user know what the local conservation priorities in the Lowland Derbyshire Biodiversity Action Plan are? What is the status of that document? Has it been subject to consultation or independent scrutiny? Is it possible to re-state in the NP what the relevant priorities are?

Criterion 3

21. How is it intended that this criterion be implemented? Does it apply only to development adjacent to the existing weir and would the tests for planning obligations⁴ be met?

Criterion 4

This is not expressed as a planning policy and does not directly relate to the development and use of land.

Criterion 6

22. What are 'the Town Centre sites'. Is it possible to more explicit?

Criteria 7 and 8

These provisions appear to be covered in more detail by policy NPP10.

23. Is it accepted that criteria 7 and 8 are covered by policy NPP10 and might be deleted in the interests of clarity and to avoid duplication and any inconsistency?

⁴ NPPF, paragraph 56.

Policy NPP3

Criterion 1(a)

From the Consultation Statement it appears that the Planning and Design Group (PDG) made representation in the first Regulation 14 draft against the words 'are required to' in policies NPP3-9 as being too rigid. The response was to change it to 'should demonstrate that'. PDG repeated the point in the second consultation.

24. The wording in criterion a) of the first part of policy NPP1 remains that development 'is required to demonstrate that ...' but 'should demonstrate' is used in the other policies; is that intentional? If so, what is the justification for such an approach given the point raised by Gladman's on the need for a positive approach to sustainable development?
25. Would the BTC please address the point raised in the representation by Gladman's that to require it be demonstrated that development would not represent a harmful intrusion into the landscape setting of the DVMWHS does not have regard to national policy in that it does not provide for the balancing of the degree of any harm with any public benefit arising from the development.

Criterion 2.

26. Would the BTC please clarify the meaning of this criterion. Does it mean 'adjoining the Built Framework Boundary' in the sense of applying to the outer edge of any development to take place within the built framework area? Does the word 'adjoining' suggest the policy applies only to developments adjoining, but outside the Built Framework Boundary? Would it be clearer to say 'on the edge of ...' or 'abutting...'? *The wording used in criterion 3 of Policy NPP12 is clearer in this regard.*

Policy NPP5

Criterion 1a)

27. How is it envisaged that development would 'enhance the retail and community core'?
28. What is the 'Town Centre boundary'? Where is it defined?

Policy NPP9

29. Would the BTC please respond specifically to the points raised in paragraphs 4.2.14 to 17 of the representation by Gladman's, in particular that the evidence does not support the identification of an area as 'valued landscape' and that to maintain the historic field pattern would amount to a blanket restriction on development?. Would it possible subject to detailed layout considerations, for a development in this area to make a 'positive contribution to the OUV of the DVMWHS' even if it did not maintain the historic field pattern?

Policy NPP10

There are two minor errors in the text of part 1. In the sentence between criteria c) and d) after '... zone three' the word 'they' should be deleted and in criterion e) on the first line, the word 'or' should be inserted between 'rate' and 'reduce'.

Part 1

30. This summarises national policy and reads as a development management policy. However, as advised in *paragraphs 160 and 161 in the NPPF the sequential and exception tests should be undertaken in assessing sites for allocation in plans.* What is the position on that? Has an exception test been applied, especially for the Babington Hospital and Belper Library sites? Would it be possible to provide copies of correspondence with the Environment Agency received during earlier consultation stages of plan preparation?

Criterion 6

31. *This criterion is stated to apply for 'All developments' but then it is stated 'where appropriate' which makes the policy somewhat vague.* Would it be more realistic to expect these provisions only for larger developments, perhaps 'major development' as defined in the NPPF?

Section 15 Heritage Assets

Paragraph 147

32. 'AVBC policy EN29'. Should this be 'saved policy EN29 in the 2006 Local Plan'? *In general it would make the plan clearer if all references to Borough (or AVBC) policies could be made more specific as to which policy, and in what document it is to be found. Plans should be self-contained and not require the plan user to refer to understand the implications of policies. That is especially the case for policies contained in non-statutory or non-planning documents.*

Paragraph 157 and Table 6.

33. What is the 'Derwentside study' and what was the nature of the public consultation mentioned in paragraph 157? When did it take place? *The AVBC have made representation that the text of paragraph 157 be moved to an Appendix with Table 6.*
34. *The AVBC make representation that non-designated heritage assets 'can only be established by the Borough Council as Local Planning Authority.'* What is the basis for that statement? *See PPG Reference ID: 18a-040-20190723.* Is the evidence available sufficiently 'proportionate and robust' to support identification of the list in Table 6 as non-designated assets?
35. *In the Consultation Statement, page 30, it appears that a similar representation was made by the AVBC to the first Regulation 14 draft plan (the Policy NPP12) amended text was put forward which does not appear in the submitted plan.* Would the BTC now wish to put forward wording to clarify the position?
36. *Should the position be that the list in Table 6 is being put forward by the BTC for formal consideration by the AVBC, the list would be in the nature of an aspiration.* Is that accepted by the BTC that Table 6 should be moved to an Appendix?

Table 6.5. Whitehouse Farm Amber Hills

37. *PDG maintain objection to the inclusion of Whitehouse Farm in Table 6.* Would the BTC please elaborate on their reasons for inclusion of this building.

Paragraph 158.

38. Where are the 9 buildings referred to. Can they be identified?

Section 16 Energy Efficiency and High-Quality Design

Policy NPP11

This policy has been re-worded and re-structured compared to NPP9 in the second Regulation 14 draft. However, this gives rise to new points.

Criterion 2

39. *The wording used in the criterion 2 is not fully consistent with paragraph 197 of the NPPF in that the national policy refers to weighing the significance of the asset with the harm, with no mention of public benefit.* In view of the clear national policy what is the purpose of including this criterion? *In any event it would be to no effect until non-designated heritage assets have been formally recognised.*

Criterion 3

40. *The Historic England Buildings at Risk Register is cross-referenced in footnote 68 on the previous page. Is there a 'Local List'? In what way is it considered that this criterion can properly applied to buildings on such a 'local list', which are 'non-designated' especially where they have no statutory protection?*

Criterion 4

41. *To state that 'proposals will be encouraged' is not, in itself, a planning policy. This policy duplicates the second criterion in Policy NPP5. What does criterion 4 add to the plan?*

Criterion 5

42. *This criterion applies to development within the DVMWHS, the Conservation Area and setting. Is the term 'setting' intended to cover the DVMWHS Buffer Zone? Whereas the buffer zone is defined on a map, the setting of the Conservation Area is not and is a matter for interpretation on the ground. Any harm may not always be to the WHS/Buffer Zone but may be to the Conservation Area and/or its setting. To have regard to national policy should not this criterion distinguish between the Conservation Area and the WHS, bearing in mind that 'substantial harm' to the WHS would be 'wholly exceptional'. Should the policy of balancing harm with public benefit apply only if the harm is 'less than substantial'?*

Policy NPP12

Criterion 3

See point 26 above on the wording of Policy NPP3(2) and overlap/duplication.

Criterion 6

43. *Is this approach intended to apply for listed buildings?*

Criterion 7

44. *This is not expressed as a land-use policy but as an advisory, correctly so because BfL12 is a tool for use at the design stage as stated in paragraph 129 of the NPPF. However, developers cannot be 'required' to use it as suggested in paragraph 175 of the NP4B. Permission could not be refused on the basis that BfL12 had not been used only on the merits of the design and layout itself. Is it agreed that the text of criterion 7 should be relegated from the policy box to the supporting text, perhaps in combination with paragraph 175-177?*

Section 17 Housing Types

Table 7 and Policy NPP13

As stated in paragraph 197 the figures in Table 7 are taken from the 2016 Housing Needs Assessment (HNA) by AECOM with an extract in Appendix B of the NP4B. AECOM comment on the continued validity of these figures in their letter of 13 September 2019 in which they say that the SHMA Update (SHMAU) remains the most recent. However, that appears not to be the case. There is a further update by GL Hearn, specifically for Amber Valley, dated January 2017 which, amongst other things, takes account of legislation on starter homes. Also the definition of 'affordable housing' in the NPPF has been broadened.

45. In view of the above, is it considered that the 2016 HNA provides sufficiently robust or up-to-date evidence on the current mix of housing types required in the plan area? Is it appropriate to cross-reference Table 7 in criterion 1 of Policy NPP13?
46. *PDG make representation against the approach in criterion 1 on the basis that it takes no account of the strategic role of Belper in accommodating wider housing needs within the Borough which make require a different mix. Would the BTC wish to elaborate further on their first consultation response that the figures are 'in general conformity with the SHMA'?*

Criterion 3

47. *To give encouragement to something is not a clear statement as to how a decision-maker should determine an application for planning permission. Also, as recognised in paragraph 192 of the plan document M in the Building Regulations have largely the same effect. In the circumstances what regard has been given to national policy in the inclusion of criterion 3 in policy?*

Criterion 4

48. *The Written Ministerial Statement of March 2015, referenced in the PPG⁵, makes clear that higher standards on accessibility than set in Part M of the Building Regulations should not be set in neighbourhoods plans. Furthermore, there appears no have been no assessment of the effect of the introduction of a requirement for lift access to upper floors on the viability of development schemes, which would be a requirement for the inclusion of any such standards in a local plan. AVBC make representation quoting the PPG. In the circumstances is it accepted that criterion 4 should be deleted from the policy, perhaps relegated to the text as an aspiration?*

⁵ Ref ID 56-001-20150327

Criterion 5

49. As in question 22 above, what is the 'town centre'? Is it a specific point or is it an area? If the latter, are all places within a 5 minute walk considered suitable for level access accommodation? Where is the evidence to support such a policy requirement?

Section 18 Local Green Spaces

50. *In paragraph 204 of the plan it is stated that the proposed Local Green Spaces have been assessed against the criteria in paragraph 100 of the NPPF. Is the only analysis as set out in the plan itself or is there another document in which each site is assessed on a scoring matrix or similar against each criterion, also taking account of the more detailed guidance in the PPG?*
51. Map 9 is at a relatively small scale. Is it considered to be adequate to clearly identify the small areas 1 and 2 for the benefit of the plan-user?

Policy NPP14

52. Part 1 is not policy but an introductory statement. Should it be dealt with differently, perhaps not numbered?
53. *The wording of criterion 2 is somewhat ambiguous. Firstly, the words 'will not be supported' might be taken to be the stance taken by the BTC rather than by the local planning authority. Would 'will not be permitted' be a clearer development management policy? Secondly, national policy for green belts is that inappropriate development which affects openness should only be permitted in 'very special circumstances' (not 'exceptional'). Should the wording be amended accordingly? Thirdly, the use of the word 'or' introduces ambiguity of meaning. Would it be better to put a full stop after '... circumstances' and re-word to 'Development which clearly enhances ... designated will be permitted.'*
54. *The third criterion in Policy NPP14 is another example of an 'encouragement' statement which is not clearly related to any form of development. Should this be treated as an aspiration or re-worded to more clearly relate to development. It should be recognised that the only way that planning policy can 'encourage' development to take place is to give a clear indication of the circumstances under which planning permission is likely to be granted.*

Section 19 Renewable Energy

Policy NPP15

The AVBC have drawn attention to the fact that this policy is unclear as currently worded.

Part 1

55. *Consultation is an administrative process. Also to say that such schemes 'will be supported' following such consultation appears to pre-judge the results of the consultation process. Would the BTC re-consider the wording of this statement and suggest a more clearly worded policy specifically related to development?*

Part 2

The introductory sentence to this part of the policy, in so far as it relates to 'substantial harm' to the OUV of the DVMWHS appears not to have had regard to the national policy as stated in paragraph 194 of the NPPF that this should be 'wholly exceptional'. Support for development in those circumstances would be directly contrary to the national policy. Why is this 'policy' needed given that the national policy is clear? (The same could be said to apply to all of the references to balancing harm with public benefit because that is national policy).

The policy requires an introductory section which clearly states the types of development to which the criteria in Part 2 are intended to apply.

Criterion 2(a).

56. Should this read '*which* is outweighed by the public benefits ...'

Part 3

57. *The first sentence in this part of the policy does not amount to a land-use policy but is more in the nature of an advisory that such details should be submitted. Is it accepted that the first sentence be moved to the supporting text? Also, the last sentence does not read correctly, should it be '... measures should be included for...'*

Part 4

58. What does 'converging' mean in this sentence? *Refurbishment often does not require planning permission. Would the last part of Part 4 provide a clearer basis for decision-making if it read 'significant refurbishment of an existing building requiring planning permission'?*

Section 20 Sustainable Transport

Policy NPP16

Part 1

59. *As currently worded this policy applies to all development, not just on the sites allocated in the plan.* Is this policy intended to apply to all forms of development or just for housing?
60. Will it always be reasonable or practicable to provide the walking and cycling links envisaged, especially where such routes are off-site? Should the policy be qualified by 'where feasible' or similar?

Part 2

61. Does this mean that a development proposal which would result in the loss of existing footpaths and cycleways will not be permitted? *The closure of a public rights of way is not, in itself, a planning matter.* How is the last part of this policy related to development, is it not entirely a matter for the Highways Authority?

Parts 3 to 5 inc.

62. *A similar comment applies to that in point 60 above.* How are these aspects of policy intended to be implemented? In particular, would part 5 be achieved through development? Is this an aspirational statement?

Policy NPP17

63. *Many of the provisions of this policy either do not relate to 'development' (e.g. 'electrical infrastructure') as defined in the Planning Acts or to things which are 'permitted development' under the General Permitted Development Order (e.g.. charging points). As a result, it does not provide a basis for decisions on planning applications. There is also duplication between criteria 1 and 3b) and 2 and 3c).* In view of this, and the representation on the policy by the AVBC, would the BTC clarify the means to implement its provisions.

Part 4

64. *This appears to be stand alone policy which has nothing to do with the use of electric vehicles. It also appears to be largely aspirational with most of the stated enhancements on the station itself not likely to require planning permission.* How is it envisaged that such provisions will be implemented? *Point 60 above applies to part 5.*

Section 21 Tourism

Policy NPP18

65. *As currently worded the policy could be read to 'encourage' any new build tourism development if the facilities mentioned in b) are provided. Is that intended? A decision-maker is likely to interpret the policy as a signal that permission is expected to be granted when the criteria are met.*

Section 22 Parking Provision in the Town Centre

Paragraph 251

66. *It is stated that the North Derwent street site is marked with a red arrow. There is no arrow on Map 10. Is that an error?*

Paragraph 256 appears to be related to policy NPP17 rather than NPP19

Policy NPP19

67. How is this policy intended to be used by a decision-maker in responding to a development proposal for the redevelopment of car parks which have been provided on a temporary basis, presumably pending re-development? Does the term 'will only be supported' mean that planning permission should be refused unless alternative car parking spaces can be provided? Does that not impose an undue constraint on otherwise desirable development, especially if the applicant does not have a suitable site within their ownership or control?

Section 23 Development of Brownfield Sites and Section 24 Additional Brownfield Sites

Paragraph 268

68. *Although this paragraph relates to the sites shown on Map 11, the Local Plan also allocates Milford Mills as a mixed use site under Policy ER1(d). For factual correctness should there not be mention of Milford Mills in paragraph 268?*

Paragraph 279

69. What is the 'AVBC policy' to which reference is made in this paragraph?

Affordable Housing Requirements

70. *Local Plan policy H10 sets a Borough wide affordable housing requirement of between 20 and 30%. For some sites there appears to be no requirement for affordable housing, 15% for some and 30% for others. Are those requirements derived entirely from the AECOM viability assessments?*

Transport Assessment

71. *All of the policies in sections 23 and 24 (Policies NPP20 to 27) include a requirement for a development proposal to be accompanied by a Transport Assessment or Transport Statement 'demonstrating a safe and satisfactory means of access to the site'. In addition, policies 21, 22, 23 and 25 make reference to the need for a Design and Access Statement. The submission of a Design and Access Statement is a statutory requirement and so need not be mentioned in policy. Would not such a statement, in all cases, provide the necessary information to enable a planning judgment to be made on the safety of the proposed access? Is not the land use policy only that a safe and satisfactory means of access be provided? Would the purpose of a more detailed transport assessment be to ensure that the traffic generated by the proposed development might be satisfactorily accommodated on the wider highway network? Is that justified in each and every case?*

NPP20 North and East Mills

72. The viability assessment indicates that the development of this site as envisaged is not viable, as recognised in paragraph 275 and 278 of the plan. What is the likelihood of grant aid being forthcoming to ensure that the site is deliverable within a reasonable timescale?

73. In criterion 1f) there is mention of a link to the River Gardens. Can that be achieved other than through the site of the West Mill? Are the sites in the same ownership and/or control?

74. What is the justification for the requirement that a museum should be retained?

NPP21 North Derwent Street

75. Is it not the case that the AECOM Viability Assessment for this site suggests (paragraph 6.9, not 6.8 as stated in footnote 97) that a residential scheme in excess of 150 units would also include ground floor commercial uses? Should that not be mentioned in criterion 1b)?

Part 4

76. Why is this worded differently from criterion 1b) in Policy NPP20, which clearly has regard to national policy?

Part 5

77. It appears that the Meadows abut the site to the west but the Town Centre is accessed only along the eastern part of Derwent Street which is well outside the allocated site. Is there not already a pedestrian link to Bridge Street?

Part 7

78. How feasible is it that improvements be made to the junction with the A6, Bridge Street? Are there not major constraints in so doing meaning that this policy requirement could effectively prevent development of the site. How reasonable is such a requirement given existing and past uses of the site?

Part 8

79. *This overlaps with part 7. Might the two parts be combined for clarity? See point 71 above.*

Part 9

80. *West Mill is some way from Derwent Street across the Meadows. Is this not a community aspiration rather than a measure which could reasonably be required through the operation of the development management process?*

NPP22 Milford Mill

Part 2

81. *The background to this provision is explained in paragraph 297. However, the way the policy is worded suggests a requirement for part of the site to be reserved for future school expansion. That 'contribution' of land cannot be required by planning policy in this way especially as it appears there is no clearly established need. What is the current position of the Education Authority on this? It is possible for land to be allocated for educational use in the plan but only if clearly supported by evidence. Even if a need can be established it appears that the reduction in the site size may undermine the viability of the whole scheme. Comments by the BTC and, if possible, the Derbyshire County Council as Education Authority are invited.*

Part 7

82. *Muddled wording.* Would the BTC please suggest re-wording. Are there proposals for a cycle way beyond the site into the 'wider Derwent Valley'? Despite the landowner's willingness to provide this, as stated in paragraph 298, is this a feasible proposition?

NPP23 Dalton Fuchs

83. Should criterion 1b) be worded as in policies NPP20 and 22? *See point 76 above.*

NPP24 West Mill

Part 2

84. What is the planning status of the existing car park? Is it ancillary to the mill meaning that use as a public car park would constitute a change of use?

85. How does part 2 of the policy relate to part 6? If the site is developed as envisaged in part 1 of the policy what would be the parking requirements related to those use alone?

86. As the existing car park is within the green belt should the reference in part 2 of the policy be to 'any development which is not appropriate within the green belt'? *It should be noted that unless the area is 'previously developed land' by reason of being within the curtilage of existing buildings, NPPF paragraph 146 c. or e. might well apply.*

Part 3

87. *Criterion a) is not clearly worded and includes three references to 'setting'.* How is it to be interpreted in conjunction with criterion b)?

NPP25 Babington Hospital

Part 2

88. *Criterion b. As currently worded this policy does not have regard to paragraph 194(b) of the NPPF in so far as any substantial harm to the WHS should be 'wholly exceptional'.* Should this refer to the harm as being 'less than substantial'? *See also point 83.*

89. *Criterion c.* What is the justification for requiring an affordable housing provision of only 15% on this site?

Parts 3 and 4

90. See point 30 above. Does the allocation meet the 'exception test' for flood risk?

NPP26 Belper Library

Part 1

91. Criterion b. As for point 88 above.

92. Criterion e. *Paragraph 344 is noted but a permissive route, by its very nature, could be closed at any time.* What are the alternatives for access to the Meadows Edge? To what extent would this requirement reduce the development potential of the site and/or affect its viability?

93. Criterion f. As for point 89 above.

Parts 3 and 4

94. As for point 90 above.

NPP27 Ada Belfield

Part 1

95. Criterion b. As for point 88 above.

Section 25 Local Employment

NPP28 Increasing local employment

96. Would the scope of the policy be clearer if the floor areas stated in paragraph 351 were incorporated within the policy to define what is meant by 'starter' (or 'start-up'), mid and 'grow-on' units? *The same applies to the wording of Part 2*

97. Although the survey may identify the growth needs of existing local businesses is the qualification 'local' of relevance in policy? *Presumably permission would not be refused if a business was not 'local'.*

98. *The policy restricts the new units to Use Classes B1 and B2 but the equivalent policies (NPP23, 24 and 20) allow a wider range of uses.* What is the justification for restricting uses to classes B1 and B2?

99. What is the planning status of the land at Derwent Street South? Is the site identified on any map?

100. Criterion d). As for point 88 above.