

APPENDIX 5a

RESPONSE TO STATUTORY CONSULTATION ON NEIGHBOURHOOD PLAN

Amber Valley Borough Council – Received 9 June 2015



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Our Ref :
Your Ref :
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Dear Mrs Leighton
Swanwick Draft Neighbourhood Plan

Thank you for consulting the Borough Council on the draft version of the Swanwick Neighbourhood Plan.

We are keen to assist the Parish Council in the formulation of effective policies and have the following comments to make:

General Comment

In order to ensure the policies are clear and unambiguous we consider that it would be helpful for you to provide a glossary of terms.

For example in Community Aim it is not clear what is meant by 'environmental assets'

Policy 1: Sustainable Development Principles

We do not consider that the title of this policy reflects its content and as such it lacks clarity. It is also felt that the policy covers several areas and we would suggest it may be clearer to split the policy accordingly.

The policy refers to the objectively assessed local housing need for the parish. The Parish Council will need to ensure that the evidence required to support this policy is available.

- 1.1 (c) refers to infrastructure associate with leisure and recreational pursuits
- 1.2 Again we consider that there should be a definition of the assets listed in (c) for clarity.
- 1.3 Refers to development that adversely affects the character and setting of important views will not be permitted. Again these need to be identified on a plan.

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Policy 3

In the interests of clarity we recommend that the location of the community park be referenced in the policy. The community park could also possibly help to protect the setting of the listed Tag Farm and may warrant inclusion in the policy.

Policy 6

We consider that 6.1(d) should be worded so it clearly sets out what is required from development.

Policy 7

We consider that the Neighbourhood Plan could include information about consultation but as an aspiration as it is not a land use policy.

Policy 8

We welcome the identification of locally important heritage assets, however we would suggest that the reasons for choosing the particular assets are recorded and that consideration is given to the way in which other assets that are not identified but could be covered by the policy after the Plan is made.

Policy 9

This policy refers to parking requirements however it is not clear which requirements the developers will be required to meet.

Policy 10

The policy will require evidence to support it and provide clarity for developers.

Affordable housing

The plan states on P34 that developers are only required to provide affordable housing on schemes of 10 or more. The adopted Amber Valley Borough Local Plan 2006 currently requires this for 15 or more rather than 10 and we would suggest this is corrected.

Policy 11

It is considered that the proposed policy is very prescriptive, would be difficult to enforce and monitor and we are concerned that this may go beyond the scope of a land use plan. It could also be viewed as over discriminatory to certain groups of households.

If it is decided to include reference to this in the Plan we would suggest that a 'local connection' could be used and defined.

The housing team have indicated that Amber Valley is part of the Home Options partnership which deals with housing allocations. Each local authority area has a local connection criteria and a similar policy could be adapted for neighbourhood plan areas.

For your information the Home Options local connection policy states:

'PART 4: LOCAL CONNECTION

When properties are let, priority is usually given to applicants who have a local connection.

Local connection is defined in s.199, Housing Act 1996. For the purposes of registration and priority award it means applicants who are:

- Currently resident in a Home-Options area (either Derbyshire Dales District, the High Peak Borough, Amber Valley Borough or Erewash Borough) and have been for a continuous period of 6 months; Or
- Not currently resident in a Home-Options area (either Derbyshire Dales District, the High Peak Borough, Amber Valley Borough or Erewash Borough) but have previously been living in a Home-Options area for at least 3 years out of the last 5 years; or

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- A person currently resident outside of the Home-Options area who supports or requires support from a family member or carer who has been resident in a Home- Options area for 5 years (Derbyshire Dales District, the High Peak Borough, Amber Valley Borough or Erewash Borough); or
- Have been in permanent employment in the Home-Options area for the last 6 months.
- Given a local connection status to either Derbyshire Dales District Council, Erewash Borough Council, Futures Homescape Ltd or High Peak Borough Council by virtue of their homelessness acceptance with that Home-Options partner.
- For rough sleepers, a local connection will be verified by emergency hostel, support agency, assessment by Housing Options Service, registration with the DWP, day centre or non-mobile soup kitchen or any other relevant agency.
- Applicants who meet the criteria for current residence in the Home-Options area but who are staying away from their home because of domestic violence, racial harassment, etc. will retain their local connection. This also applies to applicants who would normally be resident in the Home-Options area but who, because of circumstances, are not currently able to, e.g. students, people living away to receive specialist medical treatment, prisoners who lived in the Home-Options area before they were sent to prison, those in the armed service who lived in the Home-Options area before joining. For these purposes, the definition of normally resident is having lived in the Home-Options area for at least three out of the last five years, prior to their service or imprisonment.'

Policy 12

We consider that this policy could be separated as the policy refers to business and also housing but is titled supporting local business.

The Neighbourhood Planning guidance is clear that all sectors of the neighbourhood plan area are involved in the process. The Borough Council has received a letter in response to another Neighbourhood Plan outlining the possibility of a judicial review on the grounds that interested party had not been consulted during the preparation of the plan. The Parish Council are therefore advised to ensure that the consultation process does follow the guidance found in the NPPG:

'A qualifying body must consult any of the consultation bodies whose interest it considers may be affected by the draft neighbourhood plan or Order proposal. The consultation bodies are set out in Schedule 1 to the Neighbourhood Planning (General) Regulations 20120 (as amended). Other public bodies, landowners and the development industry should be involved in preparing a draft neighbourhood plan or Order. By doing this qualifying bodies will be better placed to produce plans that provide for sustainable development which benefits the local community whilst avoiding placing unrealistic pressures on the cost and deliverability of that development.'

As discussed if the Parish Council would find it useful to arrange a meeting to discuss the contents of this letter please contact me to arrange a mutually convenient time.

Yours sincerely

Rachael Coates
Principal Community Planning Officer