

Ashover Neighbourhood Plan Review January 2020 Proposed Modification to the Made Ashover Neighbourhood Plan (26 February 2018)

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1. Introduction and Planning process

The Ashover Parish Neighbourhood Plan passed Referendum with a 93% vote in favour on a turnout of 34% on Thursday 8 February 2018.

Ashover Parish Council, in consultation with the community, has reviewed the Plan to ensure that it is up to date and generally fit for purpose. This has resulted in one proposed modification to the Approved Plan:

An amendment to a designated Local Green Space – site Number 9 ‘two small area of Land off Alton Hill, Alton’ (Policy AP14 Local Green Spaces).

The proposed modification is outlined in more detail in the following section.

All the other provisions (including the supporting text) within the Neighbourhood Plan remain as they were in the version which passed referendum in 2018. We have sought to change only those policies that require updating in line with changed circumstances. No new policies are proposed to be introduced and none to be deleted.

2. Proposed Neighbourhood Plan Policy Amendments to Made Plan detailed Proposals

Policy AP14 Local Green Spaces

It is proposed to amend the boundary of one of the approved Local Green Spaces. Namely, site Number 9 ‘two small area of Land off Alton Hill, Alton’. The proposal is to remove the area on the East side of Quarry Lane, the other small triangular area on the West side is to remain.

In his report, the examiner that undertook the review of the Ashover Neighbourhood Plan in 2017 described the two sites as, *“One of these areas is a delightful well-maintained area of grass enclosed by dry stone wall which has been dedicated to the community of Alton. Adjoining it is another open area of grass. Again, it is evident that these spaces are special to the community of Alton”*.

The proposal is to remove the Local Green Space designation from what the examiner described as the “Other area of grass”. That is the one to the right (east) of Quarry Lane.

This comprises a small area of grassland that it is not functionally or physically linked to the maintained area of grass dedicated to the community of Alton. It is in private ownership, and there is no public access to it. While attractive, it is not considered to be “demonstrably special” to the local community based on the criteria set out in paragraphs 99 and 100 of the National Planning Policy Framework (2019)¹ and, therefore, not appropriate for continued Local Green Space designation.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

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3. Note on the nature of the changes

Discussions took place with the Parish Council about the proposed modification following the review and whether it represents Material or Non-Material changes to the Made Neighbourhood Plan.

Planning Practice Guidance², reviewed in May 2019, states that there are 3 types of modifications which can be made to a neighbourhood plan or order:

1. Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.
2. Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.
3. Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

The Parish Council takes the view that the modification constitutes a Material modification which does not change the nature of the Plan. Only one modification is proposed to the twenty-one policies contained in the Plan. This comprises a small amendment to the boundary of one of the approved Local Green Spaces. This amendment would not affect the Policy nor the supporting text, just the designation as shown on the associated Proposals Map. It is considered it goes beyond the type of modification such as correcting errors to be considered minor (non-material) amendments; however, it is of sufficient scale (individually and cumulatively) to be considered as changing the nature of the Plan. It does not involve allocating significant new sites for development. Further, it only affects one of the twenty one policies in the Approved Plan.

Initial discussions have taken place with North East Derbyshire District Council who also consider that it constitutes a Material modification which does not change the nature of the plan.

It should be noted that whether the modification changes the nature of a Neighbourhood Plan is a decision for the independent examiner who will be appointed to evaluate the modifications once they have been consulted on.

4. How are these changes regarded by the Qualifying Body?

The Qualifying Body 'Ashover Parish Council' is fully supportive of the proposed modification to the Made Neighbourhood Plan as described above.

The modifications and supporting evidence were formally approved by the Parish Council at its meeting on 19 November 2019.

² <https://www.gov.uk/guidance/neighbourhood-planning--2#updating-neighbourhood-plan>

5. Supporting Evidence

This Statement is accompanied by:

- a photograph showing the Local Green Space affected by the proposed modification to the Local Green Space (This is shown below as Appendix A).
- a map showing the Local Green Space which it is proposed will be retained and, therefore, not be affected by the proposed modification to the designated Local Green Space - site Number 9 'two small area of Land off Alton Hill, Alton' (Policy AP 14 Local Green Spaces). The land proposed to be removed from the Local Green Space designation is to its right (east) of Quarry Lane. (This is attached as Figure 1).
- A link to the Made Ashover Neighbourhood Neighbourhood Plan (February 2018) - <https://www.ne-derbyshire.gov.uk/images/Repository/A/Ashover-Neighbourhood-Plan-Made-Version-Feb-2018.pdf>.

Further information

Further information can be found on Ashover Parish Council website at <https://www.ashover-pc.gov.uk/neighbourhood-plan.html/> or by contacting the Parish Council offices by email at parishclerk@ashover-pc.gov.uk or by phone on 01246 863018.

Appendix 1 – Proposed modification to the Local Green Space – Illustrative photograph of the site

