

# Buxton with Lamas Neighbourhood Plan

## Response to 08 July 2024 Examiner's Clarification Note

### Part one: responses to the examiner questions

#### Policy BUX 1

**Examiner question (Q1)** Could the two parts of the policy be combined with the second sentence of the first part of the policy being separated to provide a free-standing element?

**Parish Council response:** Is this question actually directed to BUX 2? If this is the intention, then our understanding of this suggestion is for the policy to be worded as set out below. If this is the case then, yes the Parish Council agrees, and is set out below as we understand the Examiner intends.

1. The land shown on Map 10 is safeguarded as a site providing affordable housing for households with a connection to the parish. In the event that a redevelopment scheme comes forward during the plan period, the following will be sought:
  - a) The delivery of a net increase in the number of affordable homes available for households with a parish connection.
  - b) The overall number, size, mix and tenure of affordable homes to be confined to, and appropriate, to meeting identified housing needs in the parish.
  - c) The affordable homes to be secured in perpetuity for occupation by those in housing need and with a connection to the parish.
  - d) A scheme which is supported by the community, demonstrated through the submission of a community engagement statement detailing pre-application engagement activity, which must involve the occupants of the existing buildings, and community input.
  - e) A design-led approach, complying with Policy BUX 4, and which contributes positively to the village centre street-scene and retains a spacious, attractive, green and open area on the Crown Road frontage.
2. Development proposals which lead to a loss of affordable homes for local people will not be supported.

#### Policy BUX 5

**Examiner question (Q2)** Is the second part of the policy necessary given that it is the reverse of the first part?

**Parish Council response:** Yes. It avoids there being ambiguity as to what will be supported at the planning application stage. The preference is for the clause to remain, subject to the policy as a whole meeting the basic conditions. The policy follows the model of the South Norfolk Development Management Policies

Document 3.13 & 3.14 (a different local authority area), as suggested by Broadland District Council at Regulation 14 consultation stage.<sup>1</sup>

### Policy BUX 7

**Examiner question:** I am minded to recommend that the policy is recast so that it has a positive approach and sets out the requirements for developments in gardens (criteria a-d).

**(Q3)** Does the Parish Council have any comments on this proposition?

**Parish Council response:** As set out in paragraph 5.7.3 in the BwL NP, the intention of this policy is to protect residential gardens in the parish from inappropriate development.

The Parish Council wishes to clarify that the intention of this policy is not to specifically encourage residential garden development and that any rephrasing should still result in a clear and unambiguous policy that:

- does not inadvertently and, in practice, encourage inappropriate garden development and therefore undermine the initial intention of the policy, and
- does not fail to articulate what would **not** be supported.

### Policy BUX 9

**Examiner questions:** I looked carefully at the two proposed Areas of Separation during the visit.

**(Q4)** Are the proposed Areas the minimum size to achieve the objectives of the policy?

**Parish Council response to Q4:** The land covered in the extents of the proposed Areas of Separation correlates with the topography and the visual experience within them, including from the network of public rights of way and the parish roads i.e. Hautbois Road, Little Hautbois Road and Scottow Road.

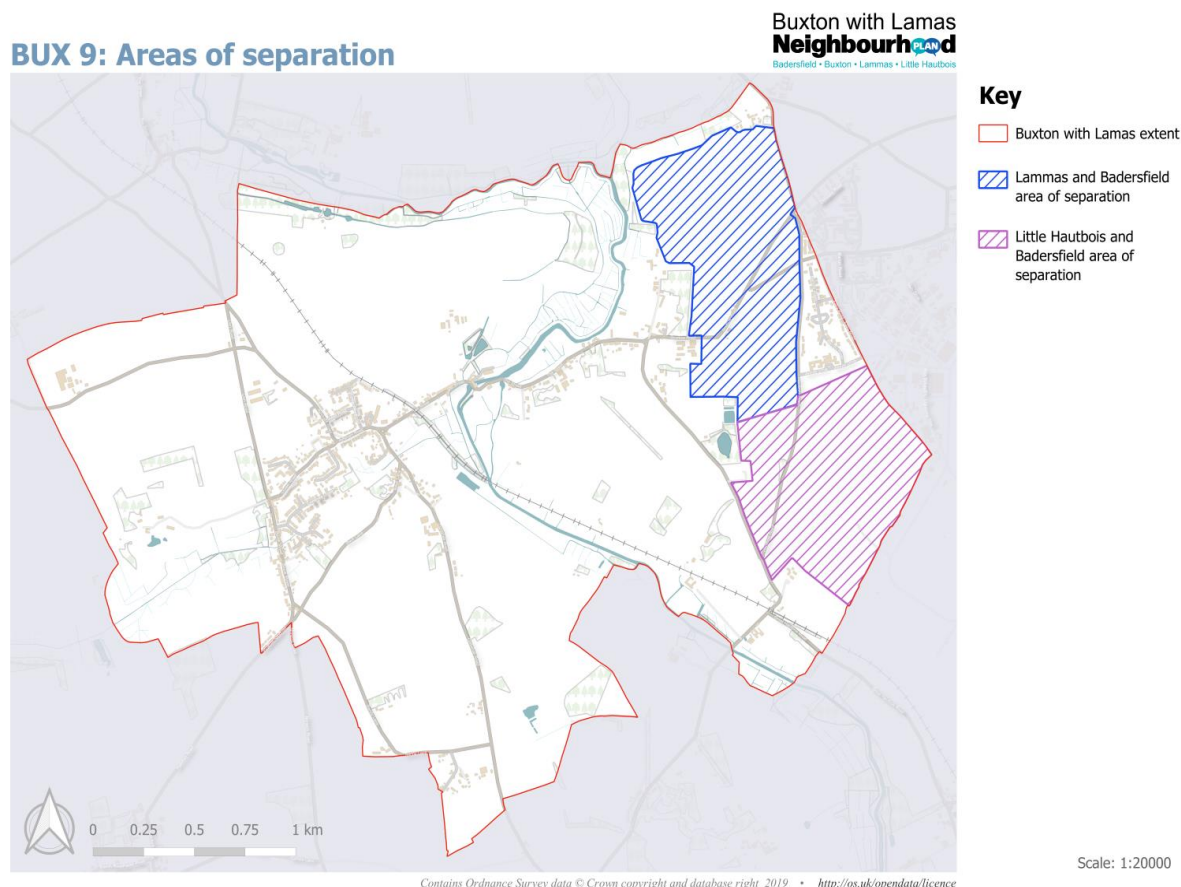
The size of the areas reflects the continuum of the landscape, and it is not felt possible to treat one area in a different way to another.

The Parish Council also wishes to highlight that support for this policy has been received (as part of the publication consultation) from the County Council's Natural Environment Team.

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<sup>1</sup> <https://www.southnorfolkandbroadland.gov.uk/downloads/file/245/development-management-policies-document>

In response to the question we have reviewed very carefully the areas and should the Examiner consider that the areas might be adjusted, we have provided a possible solution in the map, below, which removes an element of the Lammas/Badersfield AoS and makes the areas more consistent with our approach.



**(Q5)** Does the Parish Council have any comments on the District Council's suggested changes to the wording of the policy?

**Parish Council response to Q5:**

We would be concerned that the District Council's proposed wording could imply development is expected or encouraged.

One way of ensuring clarity is to retain the key sentences in Clauses 1 and 3 of Policy BUX 9: *"This means the existing open and undeveloped character must be retained."*

#### Policy BUX10

**Examiner question (Q6)** Is the second part of the policy supporting text (explaining the level of detail required for planning applications) rather than a land use policy?

**Parish Council response:** The inclusion of the clause in the policy means that in practice the policy is clearer and more meaningful with respect to implementation. In our view, the basic conditions do not require this clause to be relocated to the supporting text.

#### Policy BUX13

**Examiner question (Q7)** Is the first sentence of the first part of the policy necessary given that key elements of the Environment Act are now in place?

**Parish Council response:** It is agreed the first sentence of the policy is no longer necessary although the remaining content of the clause is. An appropriate update to the clause could be worded as follows:

*"Appropriate measures for delivering biodiversity enhancements and Biodiversity Net Gain (in line with the Environment Act and successor legislation) in the parish could include...:"*

Please note the Parish Council would also accept further amendment to this clause in response to the comments received from the Norfolk Wildlife Trust. See our response in Part 2.

#### Policy BUX14

**Examiner questions:** The third part of the policy repeats national policy.

**(Q8)** As such is it necessary?

**Parish Council response to Q8:** Clause 3 is not necessary, and it could be removed given this is covered in national policy.

**(Q9)** Should the fourth part of the policy be supporting text (explaining the level of detail required for planning applications) rather than a land use policy?

**Parish Council response to Q9:** With regards to Clause 4, the Parish Council considers this should be retained to ensure developers and planners take full account of parish specific data on flood risk. On this particular point, we note the text in brackets in Clause 5 that currently includes a link to [www.gov.uk/check-long-term-](http://www.gov.uk/check-long-term-)

[flood-risk](#) should also signpost to the Buxton with Lamas 2024 Flood Risk report.

We suggest and request an amendment to amend the text as follows:

For major development proposals or other development proposals that introduce a more vulnerable use or intensify vulnerable use in those areas of the parish at risk from surface water flooding, groundwater flooding, and from the river (see <https://www.gov.uk/check-long-term-flood-risk> [and the Buxton with Lamas 2024 Flood Risk report](#)), proposals must:

## Policy BUX17

### Examiner questions

**(Q10)** Should the second and third parts of the policy be supporting text (explaining the level of detail required for planning applications) rather than land use policies?

**Parish Council response to Q10:** The inclusion of these clauses in the policy means that in practice the policy is clearer and more meaningful with respect to implementation. In our view it would not be requirement of the basic conditions to relocate these clauses to the supporting text.

**(Q11)** In addition, should the second part be worded so that it can be applied proportionately?

**Parish Council response to Q11:** Yes, it should be applied proportionately. Clause 2 should be amended to read

All proposals, [that involve new buildings, residential conversions or structural alterations to existing buildings](#), will be expected to be accompanied by a Sustainability Statement that outlines how a scheme:...

To note: the above change is in line with an agreed change to this policy, reported on page 65 in the submission document ‘**BwL NP – Responses to the Regulation 14 Consultation and actions taken as a result<sup>2</sup>**’ in response to a previous comment made by the District Council. This document supports the BwL NP Consultation Statement.

It should also be noted that paragraphs 5.17. 12 to 5.17.14 provides further clarity on the level of detail to be provided in the sustainability statement, confirming also that this will be proportionate to the scale and nature of the proposal.

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<sup>2</sup> <https://www.southnorfolkandbroadland.gov.uk/downloads/download/1201/buxton-with-lamas-neighbourhood-plan>

## Policy BUX21

**Examiner question:** The first part of the policy makes general comments. **(Q12)** Is it necessary in the Plan and could it be better expressed in the supporting text?

**Parish Council response:** The PC does not consider it necessary for Clause 1 to be removed and does not consider the Basic Conditions require it to be removed. The clause sets the context for the rest of the policy. If clause 1 is removed from the policy, the Parish Council wishes for the text in clause 2 to be specifically clear with respect to what is meant by all users. The following wording would, in this instance, be suggested:

Where proposals will have an unacceptable impact on road safety (for all users, especially non-motorised users such as pedestrians, users of mobility scooters, cyclists and horse riders), or are likely to have a significant impact on residential amenity, they will be expected to be assessed and to address and mitigate their impact by providing or contributing to road safety or street scene enhancement measures. Such measures must directly address the adverse impacts.

## Policy BUX23

**Examiner questions:** I looked at the Bure Valley Business Centre carefully during the visit.

**(Q13)** In the second part of the policy is it appropriate for a neighbourhood plan to seek to remove nationally-applied permitted development rights?

**Parish Council response to Q13:** The Parish Council strongly believes Clause 2 is necessary.

As reflected in the supporting text to the policy and comments provided as part of the Consultation Statement that is submitted alongside the BwL NP, there is strength of feeling in the community regarding the Bure Valley Business Centre. The site has a difficult history. The policy seeks to address a shared deep upset and concern and it is seeking to mitigate the situation the community is now in. Policy BUX23 seeks to protect the village and the sensitive environs as much as possible and prevent both unplanned and unregulated activity on this site.

Clause 2 can be tightened up as follows

Where necessary, to ensure this site is primarily retained as an employment site, any new employment uses will be conditioned to remove permitted development rights that could allow change of use to residential without needing to apply for planning permission.

**(Q14)** The approach taken in the fifth part of the policy is very appropriate. However, should it be addressed in the Plan as supporting text rather than as a land use policy?

**Parish Council response to Q14:** Pre application community engagement is a key part of bringing forward an appropriate scheme. The inclusion of the clause in the policy gives it greater weight and reflects the importance attached to it by the Parish Council and by parishioners. It is not considered the basic conditions would require the clause to be relocated to the supporting text.

## Part 2: Parish Council responses to the representations

The Parish Council wishes to comment on representations made to the BwL NP by the following consultees:

- Norfolk Constabulary
- Norfolk Wildlife Trust
- Norfolk County Council
- The Environment Agency
- Broadland District Council (comments not already covered in Part 1).

### Norfolk Constabulary

**Parish Council response:** we note the request from Norfolk Constabulary for the BwL NP to include additional amendments, including to the plan objectives and policy content. The Parish Council did make amendments to the plan following comments from this consultee at Regulation 14 stage. This included the insertion of paragraphs 1.1.9, 1.1.10 and 2.13.1 to provide more context on security and crime. It is also relevant to note that Secured by Design principles are recognised in the Design Guide that supports the BwL NP, specifically Policy BUX 4. Furthermore, Policy BUX 20 was amended following Regulation 14 consultation to increase compatibility with Secured by Design principles more. This is reported on page 29 in the submission document '**BwL NP – Responses to the Regulation 14 Consultation and actions taken as a result**<sup>3</sup>'.

With regards to crime statistics for the area (reported at [www.crimesinmyarea.co.uk](http://www.crimesinmyarea.co.uk)), in 2023 Broadland enjoyed a low crime rating, ranking it 24th among 25 nearby boroughs/local administrative districts for crime prevalence. The area reported 5828 crimes in 2023 amidst a population of 131721, resulting in a crime rate of 44.25 per 1000 residents, showing an 11.45% decrease from the previous year. Buxton is ranked with the 6th highest rate in Broadland, 25 of these incidents were violence and sexual offences, 5 anti-social behaviour and 15 public order offences, with 2 criminal damage.

The Parish Council considers the approach to dealing with these matters in the BwL NP is appropriate, in light of the BwL NP being a land use document and in light of the level and nature of prevalent crime in the area.

### Norfolk Wildlife Trust (NWT)

**Policy BUX 10:** The NWT has suggested the following additional wording to be included in our dark skies policy.

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<sup>3</sup> <https://www.southnorfolkandbroadland.gov.uk/downloads/download/1201/buxton-with-lamas-neighbourhood-plan>



*‘Development proposals should demonstrate compliance with best practice guidance for avoiding artificial lighting impacts on bats:*

*<https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>*

*Where lighting cannot be avoided altogether in proposals then it must be designed to avoid light spill onto wildlife roosts, foraging habitat, and commuting routes for bats, birds, and other species.’*

The Parish Council would be happy to accept this wording and notes there is a close relationship here with Policy BUX 12: Protecting sites of existing biodiversity value, in particular Clauses 2 and 3. Were the wording to be included as part of Policy BUX 10, it would be appropriate to cross refer to that content.

**Policy BUX 12:** The NWT comments that the policy wording doesn’t offer sufficient protection for County Wildlife Sites or Priority Habitats. This is not accepted; indeed we have gone to great lengths to obtain accurate information, and the policy, together with its supporting text and maps identifies sites of biodiversity value. However, here we recognise the following:

- The sites listed in Clause 1 a) to m) are not readily easily to location on Maps 16 and 17. This is a drafting error and we wish to correct this by providing improved mapping.
- The wording in a) to m) can be amended to clarify their status with respect to status such as type of priority habitat (e.g. “deciduous woodland)

### **Policy BUX 13:**

The NWT comments that Clauses 1 and 2 can be amalgamated and points out that biodiversity enhancements don’t just relate to BNG but any opportunities can be sought to deliver biodiversity enhancements, for example, through community projects. The NWT has also recommended the following additional policy wording

*‘Opportunities should be sought to restore and enhance key habitat features of existing green and blue infrastructure, including County Wildlife Sites, Priority Habitats, Local Green Spaces, water meadows, wetlands etc. to provide a haven where wildlife can thrive. Corridors that support the movement of wildlife between areas of high biodiversity should be strengthened, to enhance the overall network of wildlife habitats.’*

The Parish Council considers the additional opportunities listed in the NWT response are reflected in the existing text in items in a), b) and c) to existing Clause 1.

However, the Parish Council considers the policy could helpfully be amended to address the point made by the NWT as follows:

**Biodiversity Enhancement including Biodiversity Net Gain**

1. ~~Development proposals will be required to demonstrate a minimum of 10% net gain for biodiversity, or more in line with the Environment Act or successor legislation.~~ Appropriate measures for delivering biodiversity enhancements and Biodiversity Net Gain (in line with the Environment Act and successor legislation) in the parish could include:
  - a) The creation of new wildlife corridors or habitats which link up with existing habitats.
  - b) The planting of additional trees and hedgerows, particularly where these will link up with existing species on nearby sites.
  - c) The restoration of existing habitats such as the water meadows and wetlands and the creation of new meadows (where this would bring positive benefits to the existing network of meadows and parish-wide flood management strategies).

**Biodiversity Enhancements- Smaller scale biodiversity enhancements**

2. All development proposals should take opportunities to integrate biodiversity measures within a building and site through the provision of integrated bird (1 bird box per building) and bat (integrated self-cleaning bat boxes) or insect boxes and ponds to be targeted at increasing local biodiversity, ie locally valued species, declining and protected species and vulnerable and threatened species. For current species status, refer to:
  - Norfolk Biodiversity Partnership Habitat and Species Action Plans available at <https://www.norfolkbiodiversity.org/>; and
  - Natural England <https://publications.naturalengland.org.uk/category/10002>.Integrated living, brown or green roofs are considered particularly suitable on brownfield sites to accommodate invertebrates that are displaced through the development.

**BUX 14:** The NWT has recommended for the following wording below to be included in the policy. The Parish Council would welcome this addition.

*‘Proposals involving storage of slurry, agricultural fuel oil, fertilisers and other potential pollutants must demonstrate compliance with all design and safety procedures necessary to prevent risk of discharge into the water environment’*

**BUX 15:** The NWT has recommended '*there is specific policy wording stating that the water meadow landscape will be protected and enhanced*'

The Parish Council agrees and proposes a small change to Policy BUX 15 to address this:

The water meadows, shown and listed on Map 18, are recognised as valued landscape features and  
as essential flood management assets. The areas will be protected and kept free from development, other than:

#### Norfolk County Council (NCC)

**Policy BUX 11, paragraphs 5.11.1 to 5.11.5:** The Historic Environment Team has commented that little mention is made of buried archaeological remains, nor the role of the NCC team in safeguarding buried remains and mitigating the effects of new development on those buried remains.

**Parish Council response:** These comments do not seem valid. The list of NDHAs in Policy BUX 11 include below ground assets and NHER is specifically referenced in Appendix 2

**Surface water flooding maps:** The Lead Local Flood Authority (LLFA) has recommended the inclusion of surface water flooding maps.

**Parish Council response:** This comment does not seem valid given that the BwL NP includes Maps 6 and 7 and is supported by its own parish-level flood risk report.

**Policy BUX 13:** The Natural Environment Team has recommended reference is made to the developing Local Nature Recovery Strategies as these are expected to identify areas of priority for the delivery of off-site BNG.

**Parish Council response:** The Parish Council is happy for such a reference to be included provided that opportunities for enhancing biodiversity at the parish and local level (as set out in Clause 1, a - c) are prioritised and certainly not overlooked in this process.

**Policy BUX 21:** The County Council Minerals and Waste team issued a late comment in response to the Regulation 16 consultation. It has requested for the following text to be added to the end of Paragraph 5.21.1

*However planning for minerals and waste development proposals are outside the scope of the NP, and subject to the existing policies in the adopted Core Strategy and Minerals and Waste Development Management Policies Development Plan*

*Document 2010-2026 (adopted September 2011) and the emerging replacement Norfolk Minerals and Waste Local Plan, which is anticipated to be adopted in 2025.*

The Parish Council is aware the BwL NP may not include provision about development that is “excluded development” (s.38B(1) of PCPA 2004, s.61K of the TCPA 1990 as applied by s.38B(6) of PCPA 2004).

The Neighbourhood Plan supporting text provides background information on the current traffic movements in the area and the impact on the rural roads and its users. This includes the impact of HGV movements associated with Mayton Wood Quarry. However, the policy seeks to manage and mitigate the harmful impacts of increased traffic across the parish for future development. **The qualification suggested by the County Council repeats and rehearses existing statutory legislation, and as such is unnecessary and does not need to be included in the Neighbourhood Plan.**

#### Environment Agency

The Environment Agency (East Anglia team) has commented that:

*‘Being in one of the driest areas of the country, our environment has come under significant pressure from potable water demand. New developments should make a significant contribution towards reducing water demand and mitigate against the risk of deterioration to our rivers, groundwater and habitats from groundwater abstraction. We recommend you check the capacity of available water supplies with the water company, in line with their 2024 Water Resources Management Plan. The Local Planning Authority’s Water Cycle Study and Local Plan may indicate constraints in water supply and provide recommendations for phasing of development to tie in with new alternative strategic supplies.*

*New development should as a minimum meet the highest levels of water efficiency standards, as per the policies in the adopted Local Plan. In most cases development will be expected to achieve 110 litres per person per day as set out in the Building Regulations &c. (Amendment) Regulations 2015. However, a higher standard of water efficiency (e.g. 85 l/p/d) should be considered, looking at all options including rainwater harvesting and greywater systems. Using the water efficiency calculator in Part G of the Building Regulations enables you to calculate the devices and fittings required to ensure a*

*home is built to the right specifications to meet the 110 l/p/d requirement. We recommend all new non-residential development of 1000sqm gross floor area or more should meet the BREEAM 'excellent' standards for water consumption.'*

The Parish Council has considered the above and would like to suggest that additional supporting text to Policy BUX 17 is added, as per below, after existing paragraph 5.17.11 under a new sub-heading "Water resources"

5.17.11 A further toolkit that could be helpful to applicants is the Climate Emergency Retrofit Guide, prepared by the Low Energy Transformation Initiative (LETI). <https://www.leti.uk/> Its approach aligns with the approach in the Net Zero Carbon Toolkit referenced above.

### **Water Resources**

Being in one of the driest areas of the country, our environment has come under significant pressure from potable water demand. New developments should make a significant contribution towards reducing water demand and mitigate against the risk of deterioration to our rivers, groundwater and habitats from groundwater abstraction.

New development should as a minimum meet the highest levels of water efficiency standards, as per the policies in the adopted Local Plan. In most cases development will be expected to achieve 110 litres per person per day as set out in the Building Regulations &c. (Amendment) Regulations 2015. However, a higher standard of water efficiency (e.g. 85 l/p/d) should be considered, looking at all options including rainwater harvesting and greywater systems.

The water efficiency calculator in Part G of the Building Regulations enables users to calculate the devices and fittings required to ensure a home is built to the right specifications to meet the 110 l/p/d requirement.

All new non-residential development of 1000sqm gross floor area or more should meet the BREEAM 'excellent' standards for water consumption.

The Parish Council also requests the following amendment to be made to paragraph 5.17.13 in response to the comment made by the Environment Agency.

5.17.13 The sustainability statement should, as a minimum, explain:

- ▶ how the energy hierarchy, explained in the policy, has been applied in the approach to minimising the overall energy demand of a proposed building,
- ▶ the calculated space heating demand expressed through kWh/m<sup>2</sup>/yr,
- ▶ the calculated energy use intensity expressed through kWh/m<sup>2</sup>/yr,
- ▶ where renewables are being installed, the electricity generation intensity in terms of kWh/m<sup>2</sup>fp/yr, and

- the estimated water consumption set at no more than 110 litres per person per day (as required through the Greater Norwich Local Plan), and ideally below 85 litres per person per day .

#### Broadland District Council

**BwL NP paragraphs 1.2.1 to 1.2.4:** The Parish Council agrees these statements need to be updated now that the Greater Norwich Local Plan has been adopted.

**BwL NP paragraph 2.2.2:** The Parish Council would be happy for the word “rented” to be removed.

**BwL NP objective 1:** The District Council has asked for the wording of Objective 1 to be amended. However, the Parish Council asserts that the wording of our Objective 1 is in general conformity with the Adopted Local Plan. We are concerned that the proposed re-wording by the District Council would imply that unsustainable development is permitted outside of Buxton village, and we propose it is not accepted.

**Policy BUX 1:** The District Council has asked for the policy title to be amended. The Parish Council does not consider the policy title needs to be amended in order for the BwL NP to meet the basic conditions. The Parish Council would however accept the District Council's comment that it would be appropriate to add a note in relation to 2b) to allow for any subsequent revisions to the cited use classes, in order to preserve the longevity of the Plan. This would help ensure the policy can be implemented as intended.

**Policy BUX 4:** The Parish Council accepts the suggestion made by the District Council to change the reference in 2g) from wrought iron to traditional or well-designed contemporary iron railings or fencing (including estate railings).

**BwL NP paragraph 5.6.5:** The Parish Council notes that the term "decayed" is an accepted historical description, however we are happy to accept the District Council's comment.

**Policy BUX 9:** The Parish Council comments are reflected in our response to the Examiner questions (see Part 1 above).

**Policy BUX 11 and NDHA f) The centre of the street, Lammas:** The District Council has commented that it feels there is a lack of clarity as regards this non-designated heritage asset (NDHA). The 'centre of Lammas' for the purposes of this policy is a street landscape from The Old Friends Meeting House to Lammas Churchyard. The Parish Council proposes to provide a new map that defines this more clearly.

The Parish Council also notes the area has been well defined by reference to the buildings within the 'centre of The Street'. However to add further clarity for planners, the Parish Council offers the following wording to be added to the end of the description provided for item f) in Appendix 2 to the BwL NP.

*In summary, the key features are: Frontages that have not been infilled, traditional building materials of red brick, flint, thatch and pantiles, rubble walls, generally older buildings whose features and setting should be preserved and where modern dwellings have been erected, they are of a traditional cottage-feel. Together they create a heritage asset for the village of Lamas and the wider parish.*

**Policy BUX 12:** The District Council has commented that there appears to be limited evidence or assessment that underpins the identification of the additional sites of biodiversity value. The Parish Council rejects this assertion. As stated above, the Parish Council has gone to great lengths to obtain accurate information and the policy, together with its supporting text and maps identifies sites of biodiversity value. However, here we recognise the following:

- The sites listed in Clause 1 a) to m) are not readily easily to location on Maps 16 and 17. This is a drafting error and we wish to correct this. We are creating improved maps.
- The wording in a) to m) can be amended to clarify their status with respect to habitat classification such as type of priority habitat (e.g. "deciduous woodland)
- There is a drafting error at paragraph 5.12.5 that omits to refer to the fact that Map 17 combines both data layers obtained from the Norfolk Biodiversity Information Service (NBIS) and parish level knowledge. Paragraph 5.12.5 could therefore be amended as follows:

Data obtained from the Norfolk Biodiversity Information Service (NBIS), together with parish level knowledge has resulted in the sites shown on Map 17 being identified as also having importance for biodiversity. This includes all local areas of woodland, the Bure Valley Railway, a narrow gauge providing an important ecological corridor connecting to adjacent parishes and the water meadows, a distinctive ecological feature in the parish.

- We are open to any further changes required in order to reflect that the data provided as part of the policy is based on authoritative data from third parties i.e. Natural England, NBIS, Norfolk Biodiversity Partnership.
- Further guidance could be provided to assist with interpreting Map 17. In this regard we propose to include as part of Appendix 4, two separate maps; one



showing only the NBIS data and the other showing the other locally known sites.

- The District Council is correct in noting the current title for Appendix 4 is misleading, given its content. A better title would be “Notable trees and important hedgerows”, or if the changes set out in the bullet above are incorporated, it could be given the title “Additional sites with existing biodiversity value”.

**Policy BUX 12, Clause 4:** The District Council has suggested a slight amendment to the policy wording. The Parish Council is happy to accept the suggestion to insert the word “ideally”

**Policy BUX 14, Clause 6:** The Parish Council considers development that requires planning permission and involves new build development should be covered by this policy.

**Policy BUX 17:** The Parish Council comments are reflected in our response to the Examiner questions (see Part 1).

**Policy BUX 19:** The District Council has commented as follows:

*‘Based on the information provided, and having regard to paragraph 115 of the NPPF, the Council is unconvinced that it would be reasonable to require development proposals that impact on the specified parts of the rural road network to prioritise access for non-motorised users, or that necessarily this would be fairly and reasonably related to all development.*

*The Council would recommend that point 2 of the policy is reworded to state that:*

*2. Development proposals which impact on these rural lanes should maintain or enhance:*

- *their rural character and biodiversity value, and;*
- *the conditions for non-motorised users.*

*This would help ensure existing conditions for non-motorised users were maintained and would remain consistent with the quiet lanes project of the Neighbourhood Plan.’*

The Parish Council would have no objection to this wording recommendation.

**Policy BUX 21:** The District Council has commented that the words “and through the settlements” should be removed from the policy. Here the Parish Council comments



that County Council signs are in place in the parish that ban HGVs above 5 tonnes through the Buxton with Lammas.

**Policy BUX 23:** The Parish Council comments are reflected in our response to the Examiner questions (see Part 1).

**Appendix 4:** The District Council has commented: *"Important Hedgerows"*

*'Important Hedgerows' There are set criteria for defining 'important' hedgerows and the Council would caution against using the term so definitively here. It may be that the marked hedgerows meet one or more of the criteria, but it might also be the case that other nearby hedgerows meet criteria, as well. The map implies that this is definitive information when this is not the case. It is understood that the local planning authority can only record a hedgerow as being important as part of processes set out in Regulations. This is different to, for example, a Tree Preservation Order, where the protection can be applied outside of an 'application/notification' process.*

*The Council considers that wording such as 'locally notable' or 'locally valued', would be better in this instance. There could also be a reference to the fact that the Hedgerows Regulations apply.*

*However, it is important not to make conclusions prematurely.*

*Chapter 3 – a point of clarification: TPOs can be on individual trees, groups of trees, woodlands, or areas.*

*Conservation Area – a point of clarification: most trees will be legally protected, and the protection is similar to that for TPOs, in many ways.'*

**Parish Council response:**

We have proposed a change to the title of Appendix 4.

We accept hedgerows can be referred to as "locally valued hedgerows"

We propose to repeat map 17 in Appendix 4, to show MBIS hedgerows and field margins, alongside locally valued hedges/trees