

# Hilton Parish Council

Hilton Village Hall, Peacroft Lane, Hilton.DE65 5GH

Tel Office: 01283 730969 Email: [clerk@hiltonparishcouncil.org.uk](mailto:clerk@hiltonparishcouncil.org.uk)

Dear Sir,

## **Re: Examination of the Hilton, Marston and Hoon Neighbourhood Plan**

Thank you for your letter of 10 February 2021.

Please find below the **Qualifying Body's** response to the questions raised. For ease of reading the questions are reproduced in full with the answer below in red text.

### **Question 1: Policy N1 (Noise Mitigation) (Page 15)**

This Policy refers to a 200 metre wide exclusion zone along the length of the A50 as it passes through the Designated Area.

Can the **Qualifying Body** please provide me with a Note setting out the evidence sources for this proposed exclusion zone? I am presently assuming that the 200 metre distance is a measurement of 100 metres each side of the road (or from the centre line of the road) and is a 'blanket' proposal regardless of other developments/policy notations that may exist along the length of the road, but I seek clarification on those points.

Should I find the Policy to be appropriately justified, the Plan will need to include a Policy map (at a suitable scale) to define the exclusion zone, and I invite the Qualifying Body to provide a suitable map showing the notation. I am more specifically concerned with the impact of the proposed exclusion zone upon the Lucas Lane housing allocation site (Policy H1B), and if necessary an inset map at a larger scale should be provided for that specific length of the A50.

The background to this policy starts with the observation that the A50 runs on an embankment around most of Hilton without any noise shielding in place. Since the opening of the A50 in about 1995 the level of traffic has grown considerably (between 2000 and 2019 traffic increased 52%. Source [dft\\_traffic\\_counts\\_aadf.csv](#)). For those residents living on the North and Eastern sides of Hilton, the traffic noise is very noticeable and very intrusive in certain weather conditions, particularly rain and wind. There have not been any new houses built within approximately 200 metres of the A50 since it opened. See Fig 1. The exclusion zone shown is approximately 200m from the centre of the A50 carriageway.



(The **Qualifying Body** were advised that submission of the site plan was not necessary. Note that after the sketch was produced a subsequent meeting of the **NPSG** revised the number of houses down to 8 from 11.)

To support this position, an independent noise survey was commissioned that assessed the noise levels in two locations. See Fig 3.



Fig 3

The results are shown in Fig 4 and Table 1.

Figure B2: Daytime Noise Contour @ 1.5m



Fig 4

**Table 1: Summary of Unattended Survey**

Monitoring Position	Date	Measured Free-Field Sound Pressure Level, dB re. $2 \times 10^{-5}$ Pa.					
		Day Time (07:00 - 23:00)			Night-time (23:00 - 07:00)		
		$L_{Amax,F}$	$L_{Aeq,T}$	$L_{A90,T}$	$L_{Amax,F}$	$L_{Aeq,T}$	$L_{A90,T}$
P1	08/05/2019	90.6	65.2	60.0	78.7	60.2	50.9
	09/05/2019	80.4	65.8	61.3	79.1	59.5	50.1
	10/05/2019	90.6	64.6	59.7	81.0	59.0	49.9
	11/05/2019	87.0	63.2	58.2	84.0	57.3	47.9
	12/05/2019	81.6	61.4	56.4	78.5	59.5	49.6
	13/05/2019	79.6	63.6	59.0	-	-	-

The results of the survey from location P2 are shown in Table 2.

**Table 2 Noise Measurements at P2**

Period	Maximum Noise Level, $L_{Amax,F}$	Sound Pressure Level, dB re. $2 \times 10^{-5}$ Pa.			BS 8233 Assessment of $L_{Aeq,T}$				WHO Assessment of $L_{Amax,F}$ (Windows Partially Open/Windows Closed)
		External	Internal (Windows Partially Open)	Internal (Windows Closed)	Outdoor Amenity (daytime)	Internal (Windows Partially Open/Windows Closed)			
						Living Rooms & Bedrooms (daytime)	Dining Areas	Bedrooms (night time)	
Day	91.3	58.6	43.6	25.6	N	N/Y	N/Y	-	-
Night	73.5	55.9	40.9	22.9	-	-	-	N/Y	N/Y

Consequently, the development at Derby Road decided that a noise survey was required and noise mitigation features have been introduced.

The implications for the Lucas Lane proposal as passed by SDDC planning is that the houses closest to the A50 will have an unacceptable level of noise and whilst the house can be made a 'sound proof' box, it will not be comfortable to have windows open or to enjoy the amenity of the gardens. It is noted that the outline proposal is to make the worst affected houses social housing, presumably on the basis that it is unlikely that a private purchaser would buy in that location.

The requested additional picture showing the impact of policy N1 on the Lucas Lane site is also included. See Fig 5.

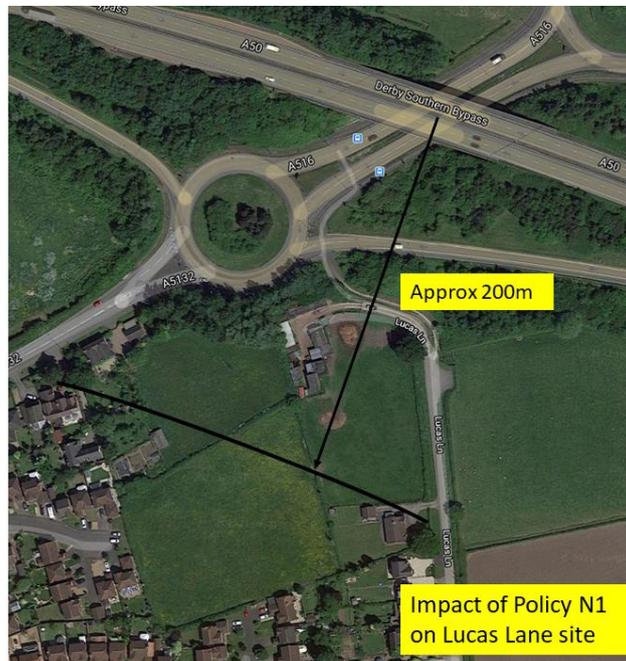


Fig 5

The Examiner is encouraged to walk the length of Lucas Lane and preferably to experience the noise level in the site area on a wet day, when road noise is higher.

### Question 2: Policy A1 (Air Quality) (Page 15)

It is not possible through land use planning policies to designate ‘no idling zones’ for parked cars in the vicinity of public buildings etc. Where appropriate, this would be a matter of Road Traffic law, and as drafted would seem to only apply to cars rather than other vehicles, such as commercial vehicles.

As drafted, the Policy is therefore flawed. I invite the **Qualifying Body** to consider redrafting the Policy to seek, in broader terms, to implement measures that will improve air quality within the Plan area, which may well extend beyond the issue of vehicle emissions.

It is the **Qualifying Body’s** understanding that SDDC would have to make a bye-law in order to implement a no idling zone. If it is inappropriate to incorporate this within a planning policy, then perhaps the Examiner could advise if it would be appropriate to include this as a community policy?

The incorporation of an Air Quality policy was encouraged by Derbyshire County Council in their Regulation 14 response. Consequently, the **Qualifying Body** has revised the policy as follows:

“In addition to the noise exclusion zone and the planting of green infrastructure to help absorb air pollution, no development within the designated area shall be permitted unless it has been demonstrated by assessment and modelling that the proposed development will not lead to a measurable deterioration of the existing measured air quality of the surrounding area of the proposed development site.”

### Question 3: Re. Housing Delivery and Policies H1/H1A/H1B (The Mease and Lucas Lane) (Pages 16-19)

As drafted, parts of the section on Housing Delivery and the second paragraph of Policy H1 are potentially not consistent with national planning policies. This issue is raised clearly in the Regulation 16 response by South Derbyshire District Council.

The Plan will need to express support for new residential development during the Plan period up to 2035, subject of course to satisfying all other relevant Policies in the Plan, for example development within the Hilton settlement boundary.

I invite the **Qualifying Body** to provide me with a Note setting out potential revised text for the second paragraph of Policy H1 which addresses the above points, and revised text for the supporting justification under the heading of “Housing Delivery” on page 16. (Phraseology such as “*no more housing built in this timescale*” and “*a moratorium on house building*” will need to be removed from such justification if the Plan is to have sufficient regard to national policy to meet the Basic Conditions).

The **Qualifying Body** believes that the Neighbourhood Development Plan is consistent with National Planning Policies, as the developments are sustainable and based on the *needs of the area* (**Qualifying Body** emphasis) as stated in paragraph 11 of the NPPF.

The **Qualifying Body** proposes to rewrite the second paragraph of Policy H1 thus:

“Residential development already allocated within the Local Plan and any additional brownfield sites within the settlement boundary as currently defined will be supported.”

The phraseologies the Examiner highlights are taken from the residents’ survey and as the text of the Neighbourhood Plan states, basing housing policies on these statements would indeed not be in keeping with National Planning Policies. However, deleting these phrases feels like a form of censorship and risks portraying the residents’ views in an incorrect manner.

The **Qualifying Body** suggests that the offending sentences are re-written thus:

“The response highlighted the priority to address the shortfall in services and amenities before they are subjected to more load”.

Housing Policies were developed that supported the National Planning Policies and SDDC Local Plans, whilst also addressing the specific needs of the Designated Area. The **Qualifying Body** is disappointed to see the response of SDDC to the Regulation 16 consultation. The **Qualifying Body** is fully compliant with paragraph 13 of the NPPF and the **Qualifying Body** has requested that it works with SDDC in the formulation of the follow on to the Local Plan as it applies to the Designated Area.

#### **Question 4: Re. Policy H2 (Housing Mix) (Page 20)**

I note that the proposed Housing Mix set out in this Policy for developments of five or more dwellings is at variance with the outcomes of the Hilton Housing Needs Assessment (HNA) (June 2019) (AECOM), for example in the percentage requirement for 4 or 5 bedroom dwellings.

Can the **Qualifying Body** please provide me with a Note setting out the specific justification for the proposed housing mix, rather than incorporating the suggested housing mix indicated by South Derbyshire District Council in their previous Regulation 14 consultation response?

The SDDC housing mix recommendation in their Regulation 14 response is that of AECOM. This is a rough average of the Neighbourhood Plan survey results and AECOM’s own conclusion. The housing mix was discussed with SDDC after their Regulation 14 response. This resulted in the mix that now appears in the Neighbourhood Plan. The **Qualifying Body** believes it has incorporated their suggestion.

As an observation, there is no doubt the survey results did contain an ‘aspirational’ element when it came to the 4/5 bedroom results. However, anecdotally, this appears to be supported by the number of extensions that have been carried out. A specific exercise to calculate the number over a period of time may prove instructive.

### **Question 5: Re. Policy H6 (Housing Design) (Page 24)**

Within this Policy, the requirement for every home to be within half a mile of a postbox is not a land use planning policy regarding Housing Design, but a matter for other agencies, primarily Royal Mail Group Ltd. Therefore, as drafted, the Policy is presently flawed.

However, in considering this Policy, I invite the **Qualifying Body** to consider whether new residential developments should be located within suitable walking distance (which is often stated to be 800 metres) of facilities such as local shops, parks and recreational facilities, etc., which I consider to be a more appropriate planning requirement. I would be grateful to receive a Note on this matter.

The **Qualifying Body** will remove the post box requirement from the policy and replace with:

“All new development must be located within 800 metre walking distance of shops, parks, recreational facilities and services including medical services.”

### **Question 6 - Policy T3 (Cycle Paths and Cycle Parking) (Page 31)**

As drafted, this Policy partially duplicates other Policies, notably elements of Policies H6 and T1. In my assessment, the content of Policy T3 could be incorporated within an amended and extended Policy T1 (Active Travel) to promote and support Cycling and the provision of Cycle Paths etc., and I invite the **Qualifying Body** to consider this matter and advise me of their view.

The **Qualifying Body** accepts the Examiner’s assessment. The final bullet of Policy H6 will be deleted. Policy T1 is rewritten as:

“All new development must include proposals which make walking, cycling and public transport more attractive including safe pedestrian access to link up with existing paths, cycling routes and public transport.

Development proposals must contribute to the creation and improvement of a safe, direct and convenient cycle route network, between homes and local destinations and to the wider cycle network.

Safe and secure storage/parking must be provided at destinations e.g. Village Hall, Wellbrook Medical Centre, shops, schools etc.”

The Qualifying Body trusts that the answers fully satisfy the requirements.

The Qualifying Body confirms that the Examiner’s letter has been posted on the Hilton Parish Council Website.