

BRAILSFORD NEIGHBOURHOOD PLAN 2013 - 2033

**The Report of the Independent Examiner to Derbyshire Dales District Council
on the Brailsford Neighbourhood Plan**

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13th March 2021**

Summary

I was appointed by Derbyshire Dales District Council, in agreement with the Brailsford and Ednaston Parish Council, in November 2020 to undertake the Independent Examination of the Brailsford Neighbourhood Plan.

The Examination has been undertaken by written representations. I visited the Neighbourhood Area on 28th February 2021.

The Neighbourhood Plan proposes a local range of policies and seeks to bring forward positive and sustainable development in the Brailsford Neighbourhood Area. There is an evident focus on safeguarding the very distinctive, local character of the area whilst accommodating future change and growth.

The Plan has been underpinned by extensive community support and engagement. The social, environmental and economic aspects of the issues identified have been brought together into a coherent plan which adds appropriate local detail to sit alongside the Derbyshire Dales Local Plan.

Subject to a series of recommended modifications set out in this Report I have concluded that the Brailsford Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.

I recommend that the referendum should be held within the Neighbourhood Area.

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Introduction

This report sets out the findings of the Independent Examination of the Brailsford Neighbourhood Plan 2013 - 2033. The Plan was submitted to Derbyshire Dales District Council by Brailsford and Ednaston Parish Council in their capacity as the 'qualifying body' responsible for preparing the Neighbourhood Plan.

Neighbourhood Plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently incorporated within the National Planning Policy Framework (NPPF) in 2012 and this continues to be the principal element of national planning policy. A new NPPF was published in July 2018, updated in February 2019, and it is against the content of this NPPF that the Plan will be examined.

This report assesses whether the Brailsford Neighbourhood Plan is legally compliant and meets the 'basic conditions' that such plans are required to meet. It also considers the content of the Plan and, where necessary, recommends modifications to its policies and supporting text. This report also provides a recommendation as to whether the Brailsford Neighbourhood Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Brailsford Neighbourhood Plan would then be used in the process of determining planning applications within the Plan boundary as an integral part of the wider Plan.

The Role of the Independent Examiner

The Examiner's role is to ensure that any submitted Neighbourhood Plan meets the legislative and procedural requirements. I was appointed by Derbyshire Dales District Council, in agreement with Brailsford and Ednaston Parish Council, to conduct the Examination of the Brailsford Neighbourhood Plan and to report my findings. I am independent of both Derbyshire Dales District Council and Brailsford and Ednaston Parish Council. I do not have any interest in any land that may be affected by the Plan.

I possess the appropriate qualifications and experience to undertake this role. I have over 40 years' experience in various local authorities and third sector body as well as with the professional body for planners in the United Kingdom. I am a Chartered Town Planner and a panel member for the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). I am a Member of the Royal Town Planning Institute.

In my role as Independent Examiner I am required to recommend one of the following outcomes of the Examination:

- the Brailsford Neighbourhood Plan is submitted to a referendum; or
- the Brailsford Neighbourhood Plan should proceed to referendum as modified (based on my recommendations); or
- the Brailsford Neighbourhood Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. If recommending that the Neighbourhood Plan should go forward to referendum, I must then consider whether or not the referendum area should extend beyond the Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004;

- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 Act (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

These are helpfully covered in the submitted Basic Conditions Statement and, subject to the contents of this Report, I can confirm that I am satisfied that each of the above points has been properly addressed and met.

In undertaking this Examination I have considered the following documents:

- Brailsford Neighbourhood Plan 2013 - 2033 as submitted
- Brailsford Neighbourhood Plan Basic Conditions Statement (undated)
- Brailsford Neighbourhood Plan Consultation Statement (November 2019)
- Sustainability Appraisal and Strategic Environmental Assessment Screening Report Brailsford Neighbourhood Development Plan (February 2018)
- Content at: www.brailsfordandednastonpc.org.uk/neighbourhood-plan1.html
- Content at: www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/neighbourhood-planning/brailsford-neighbourhood-plan
- Representations made to the Regulation 16 public consultation on the Brailsford Neighbourhood Plan
- Derbyshire Dales Local Plan 2013 - 2033 adopted in December 2017
- National Planning Policy Framework (NPPF) (2019)
- Neighbourhood Planning Regulations (2012)
- Planning Practice Guidance (PPG) (March 2014 and subsequent updates)

I carried out an unaccompanied visit to the Neighbourhood Area on 28th February 2021. I looked at Brailsford and Ednaston, its Conservation Area and the adjacent countryside including all the various settlements, sites and locations identified in the Plan document.

The legislation establishes that, as a general rule, Neighbourhood Plan examinations should be held without a public hearing, by written representations only. Having considered all the information before me, including the representations made to the submitted plan which I felt made their points with clarity, I was satisfied that the Brailsford Neighbourhood Plan could be examined without the need for a public hearing. The Qualifying Body and the Local Planning Authority have helpfully responded to my enquiries so that I may have a thorough understanding of the facts and thinking behind the Plan, and the correspondence has been shown on the Derbyshire Dales District Council Neighbourhood Planning website for the Brailsford Neighbourhood Plan.

Brailsford Neighbourhood Area

A map showing the boundary of the Brailsford Neighbourhood Area has been provided within the Neighbourhood Plan. Further to an application made by Brailsford and Ednaston Parish Council, Derbyshire Dales District Council approved the designation of the Neighbourhood Area on 7th April 2015. This satisfied the requirement in line with the purposes of preparing a Neighbourhood Plan under section 61G(1) of the Town and Country Planning Act 1990 (as amended).

Consultation

In accordance with the Neighbourhood Planning (General) Regulations 2012, the Qualifying Body has prepared a Consultation Statement to accompany the Plan.

The Planning Practice Guidance says:

“A qualifying body should be inclusive and open in the preparation of its Neighbourhood Plan [or Order] and ensure that the wider community:

- is kept fully informed of what is being proposed
- is able to make their views known throughout the process
- has opportunities to be actively involved in shaping the emerging Neighbourhood Plan [or Order]
- is made aware of how their views have informed the draft Neighbourhood Plan [or Order].” (Reference ID: 41-047-20140306)

The submitted Consultation Statement notes that in late 2014 the Brailsford Parish Neighbourhood Plan Development Group (NPDG) was established by the Brailsford & Ednaston Parish Council to oversee the development of and consultation on the Neighbourhood Plan. A questionnaire was delivered door-to-door in April 2015 using the electoral register for the Parish. The questionnaire was issued with an SAE to enable the completed documentation to be sent to the Parish Council Clerk. An impressive response rate of c55% was achieved. The responses were analysed by members of the Steering Group and a report of findings was produced and published through the website, an all-house leaflet drop and a public meeting which c80 residents attended. A second public consultation meeting to disseminate the results and agree priority areas was held in July 2015 and the main topics to be included in the Neighbourhood Plan were confirmed. During the development of the Plan two further surveys were held to identify housing need.

The community and stakeholders were kept informed on the progress of the Plan and encouraged to get involved through the Parish Council Website, with a web page dedicated to the Neighbourhood Plan, Parish Notice Boards, Meetings including Parish Council meetings, leaflet drops at significant stages and via social media (supported by the independent Action Team Brailsford group). During the development of the Plan the NPDG had direct discussions or formal exchanges of correspondence with a wide range of public bodies as well as local landowners.

In November 2016 there was a preliminary, pre-submission consultation on a draft Plan as suggested by Rural Action Derbyshire. Copies of the draft Plan were placed at key locations around the village, on the Parish Council website, and were sent to key stakeholders. Feedback and comments were incorporated into a revised document which was then the subject of the Regulation 14 consultation. That formal consultation period commenced on 10th March 2017 and ended on 21st April 2017. Seven written responses were received and these were considered by an independent, external consultant and the Plan amended accordingly (with details recorded in the Consultation Statement). After further redrafts and updating the Plan was formally submitted to the District Council in February 2020.

Accordingly, overall I am satisfied that the consultation process accords with the requirements of the Regulations and the Practice Guidance and that, in having regard to national policy and guidance, the Basic Conditions have been met. In reaching my own conclusions about the specifics of the content of the Plan I will later note points of agreement or disagreement with Regulation 16 representations, just as the Qualifying Body has already done for earlier consultations. That does not imply or suggest that the consultation has been inadequate, merely that a test against the Basic Conditions is being applied.

Representations Received

Consultation on the submitted Plan, in accordance with Neighbourhood Planning Regulation 16, was undertaken by Derbyshire Dales District Council from 9th November to the 21st December 2020. I have been passed the representations – 14 in total – which were generated by the consultation and which have now been detailed alongside the submitted Plan on the Derbyshire Dales District Council Neighbourhood Planning website. I have not

mentioned every representation individually within the Report but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met.

In their comments to me the Qualifying Body has asked me to explain “the importance of or weighting given by an independent Examiner to the potentially subjective views of a developer (and in the case of our Plan one developer)”. I therefore need to explain that in my Examiner role I am obliged to consider all the representations received and to address them to the extent that they raise issues pertinent to the Examination. In inviting the Qualifying Body to comment on the issues raised in representations, alongside my own queries, I was seeking to ensure that I had a thorough understanding of the Plan, its intentions and its proposals; I did not and had no reason to support or endorse the input of others. But. Through the Neighbourhood Plan regulations, others have been given the right to comment and, in practice, the input in representations, not least those from the local authority, has often be relevant and helpful to my task of assessing the Plan and ensuring through recommendations that the Basic Conditions are met.

The Qualifying Body has also commented to me that “it was the belief of the Development Group that the purpose of a Neighbourhood Plan and the objective of the Localism Act was to ensure that local concerns and needs were reflected and represented in major decisions impacting a locality”. But this does not exactly accord with the framework within which Neighbourhood Plans are made. Strategic planning decisions are the responsibility of the local planning authority and they are given effect through Local Plans. Neighbourhood Plans must be in “general conformity” with the strategic policies of the Local Plan; the NPPF (paragraph 13) explains: “Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.” Neighbourhood Plans are therefore able to develop non-strategic policies that “can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan (NPPF paragraph 29). The way that “influence” is achieved is through Plan policies that are operationalised when decisions on planning applications are made. Therefore, it is key that Neighbourhood Plan policies “provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17). If the policies do not meet that test, for instance because they lack clarity or because of the legal requirements for a S106 Agreement, then that Policy is ineffective. And the Basic Conditions which form the basis for this Examination will not be met if “regard” is not had to the NPPF requirements. However, it is generally possible, within the Examination process, to arrive at well-worded policies that will give effect to most if not all of the community’s land use expectations. That is the approach adopted in this Report.

The Neighbourhood Plan

Brailsford and Ednaston Parish Council is to be congratulated on its extensive efforts to produce a Neighbourhood Plan for their area that will guide development activity over the period to 2033. I can see that a sustained effort has been put into developing a Plan around a vision for Brailsford which has been set out as follows:

“The achievement of sustainable development in Brailsford Parish means a community which:

- Conserves the integrity of the village environment and the cohesion of its communities by setting a level of development (and its form) within the Parish consistent with the rural environment in which the Parish is located
- Minimises encroachment onto surrounding green fields and supports the retention of the agricultural economy wherever possible
- Protects and enhances the landscape and associated biodiversity

- Recognises the potential challenge and impact of climate change on the built and natural environment, including CO₂ emissions and flooding, and provides built-in resilience through appropriate design and use of natural infrastructure where possible
- Supports local employment opportunity consistent with maintaining and enhancing the rural environment
- Promotes sustainable transport by promoting public transport, community transport schemes and assisting with the development of sustainable travel plans
- Protects and enhances local amenity and services.”

The Plan document is well presented with a combination of text, images and Policies that are, subject to the specific points that I make below, well laid out and helpful for the reader. The Plan has been kept to a manageable length by not overextending the potential subject matter and the coverage of that.

It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher-level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community’s intent is sustained in an appropriately modified wording for the policy. It is evident that the community has made positive use of “direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area” (Planning Practice Guidance Reference ID: 41-001-20140306).

I can see that the Plan Policies generally address legitimate matters for a Neighbourhood Plan as identified with the community. I will later look at the Policies in turn so as to ensure that the Basic Conditions are met, which include an obligation to have regard to Local Plan strategic policies. Having considered all the evidence and representations submitted as part of the Examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It works from a positive vision for the future of the Neighbourhood Area and promotes policies that are, subject to amendment to variable degrees, proportionate and sustainable. The Plan sets out the community’s priorities whilst seeking to identify and safeguard Brailsford’s distinctive features and character. The plan-making had to find ways to reconcile the external challenges that are perceived as likely to affect the area with the positive vision agreed with the community. All such difficult tasks were approached with transparency, with input as required and support from Derbyshire Dales District Council.

However, in the writing up of the work into the Plan document, it is sometimes the case that the phraseology is imprecise, not helpful, or it falls short in justifying aspects of the selected policy. This is not uncommon in a community-prepared planning document and something that can readily be addressed in most instances. Accordingly, I have been obliged to recommend modifications so as to ensure both clarity and meeting of the ‘Basic Conditions’. In particular, Plan policies as submitted may not meet the obligation to “provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17). I bring this particular reference to the fore again because it will be evident as I examine the policies individually and consider whether they meet or can meet the ‘Basic Conditions’.

Basic Conditions

The Independent Examiner is required to consider whether a Neighbourhood Plan meets the “Basic Conditions”, as set out in law following the Localism Act 2011; in December 2018 a

fifth Basic Condition was added relating to the Conservation of Habitats and Species Regulations 2017. In order to meet the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the Plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

The submitted Basic Conditions Statement has very helpfully set out to address the issues in relation to these requirements in the same order as above and has tabulated the relationship between the policy content of the Plan and its higher tier equivalents. I note that the Local Plan is the Derbyshire Dales District Local adopted in December 2017. As the Plan does not allocate land for development and is supportive of Brailsford’s rural features, I am satisfied that the making of the Plan will not breach the Basic Condition relating to the Habitats and Species Regulations 2017.

I have examined and will below consider the Neighbourhood Plan against all of the Basic Conditions above, utilising the supporting material provided in the Basic Conditions Statement and other available evidence as appropriate.

The Plan in Detail

I will address the aspects of the Neighbourhood Plan content that are relevant to the Examination in the same sequence as the Plan. Recommendations are identified with a bold heading and italics, and I have brought them together as a list at the end of the Report.

Front cover

A Neighbourhood Plan must specify the period during which it is to have effect. I note that there is a prominent reference to the Plan period 2013 – 2033 on the front cover. Whilst I appreciate that the Plan preparation may have commenced as early as 2013, since the implementation of the Plan policies cannot be backdated, none of these depend on data dated 2013, the Plan was not formally submitted until 2020, and the post-lockdown Regulation 16 Consultation commenced in late 2020 (and the referendum cannot be held until May 2021 at the earliest), a more appropriate Plan period would be 2020 – 2033. 2020 would then become the date referred to within the Plan as “now”, resolving a potential source of confusion. The Qualifying Body agreed that such an amendment would be appropriate.

Contents

The Contents list will need to be reviewed once the text has been amended to accommodate the recommendations from this Report.

Recommendation 1:

1.1 Amend the plan period on the front cover and as necessary throughout the Plan to ‘2020-2033’; remove the sub-title “Submission Version”.

1.2 Review the “Contents” page once the text has been amended to accommodate the recommendations from this Report.

Plans 1 – 4

As noted by the local authority, the clarity of maps is important to the prospective reader. Whilst Plan 1 is helpful in locating the Neighbourhood Area in relation to nearby towns, the map source reference and key appear to be off the page and this will need to be corrected. Plan 2 confuses because it uses an unexplained boundary. Plan 3 meets a requirement for a Neighbourhood Plan (although it is referenced in the text as “Plan 1”) but its purpose is to define the Neighbourhood Area and therefore that is how it should be titled. In relation to Plan 4 I agree with the local authority comment that this would be better located adjacent to the related text about the Conservation Area, and the Map needs to be free of distortion.

Recommendation 2:

2.1 Amend Plan 1 (page 5) to incorporate its key and source reference.

2.2 Delete Plan 2 and amend subsequent Plan numbers accordingly.

2.3 Amend Plan 3 (page 7) to replace the title “Brailsford Parish Boundary” with ‘Brailsford Neighbourhood Area’.

2.4 Amend Plan 4 (page 8) to ensure that is free from distortion and, renumbered as Plan 3, move it to page 13 (where it will immediately follow the Conservation Area text reference).

Introduction

There are a few drafting errors here that I will pick up in the recommendations.

About Brailsford Parish

Footnote 5 on page 10 refers to “Natural England: National Character Assessment Profiles 2014” whereas the document title uses ‘Area’ not “Assessment”. On page 14 it is said that “In total this represents a c80% increase in village size; all at its western end” but it is unclear from the text from what base date that 80% is calculated. The Qualifying Body has explained that the percentage is calculated from a base of 1980, when the last major development took place, to 2019/20 when three large development sites were underway/completed. It would therefore be appropriate to clarify this in the text (as well as correct a drafting error in the previous paragraph).

The quotation from the Derbyshire Dales Local Plan (also on page 14) ought to be in quotation marks indicating the words derived from the Local Plan and the source should be noted – Policy S2. Also, a footnote reference for the Local Plan document is required.

As noted by the local authority, Plan 5 is titled ‘Proposed Settlement Development Boundary – Brailsford 2017’ whereas this is the Settlement Boundary from the adopted Derbyshire Dales Local Plan 2017. Therefore, the title should be amended accordingly to read “Brailsford Settlement Development Boundary – Derbyshire Dales Local Plan 2017 Policies Map.”

As also noted by the local authority, any potential for confusion between the census area boundary and the Neighbourhood Area could be addressed by restating the hectareage of the latter, allowing for the density calculation (quoted on page 18) to be understood.

Whilst the presentation of data is generally admirably clear there are a few points for clarification picked up in the recommendations.

Recommendation 3:

3.1 Under the heading “Introduction”:

3.1.1 In the second sentence replace “Plan area” with ‘Area’.

3.1.2 In the third sentence replace “Plan 1” with ‘Plan 2’ (as now renumbered).

3.1.3 In the last sentence of paragraph 2 replace “adopted” with ‘made’ and “Plan area” with ‘Area’.

3.1.4 On page 10 amend footnote 5 to read: “Natural England: National Character Area Profiles 2014’.

3.2 Under the sub-heading “Village Growth” (page 14):

3.2.1 In the last sentence of the third paragraph replace “Approval have” with ‘Approval has’.

3.2.2 In the fourth paragraph add ‘since 1980’ after “village size”.

3.2.3 In the fifth paragraph add a footnote reference for the Local Plan, place quotation marks around the words quoted from the Local Plan and add in brackets after the quotation ‘(Policy S2)’.

3.2.4 In the sixth paragraph replace the reference to “Plan 5” with ‘Plan 4’.

3.3 On Plan 5 (now renumbered as Plan 4) replace the title with ‘Brailsford Settlement Development Boundary – Derbyshire Dales Local Plan 2017 Policies Map’.

3.4 Under the sub-heading “Parish Statistics” (page 17):

3.4.1 In the second paragraph replace “Plan area (see Plan.1)” with ‘Area (see Plan 2)’.

3.4.2 In the first paragraph on page 15 add ‘(1,765 hectares)’ after “0.5 person per hectare”.

3.4.3 Add to the titles of Figures 1 – 3 & 5 ‘- 2011 Census Data’.

3.4.4 Correct Figure 6 (page 21) to show only a single title to accord with the Parish Survey question.

3.4.5 Add to the titles of Figures 8 & 9 ‘- 2011 Census Data’.

3.5 Under the sub-heading “Heritage” (page 23) enlarge Plan 6 (renumbered as Plan 5) to ensure that the Legend and source reference are readable.

3.6 Under the sub-heading “Environment” (page 23):

3.6.1 In the fifth paragraph on page 24 delete “(Plan 9)” since the topic is picked up as a Policy later.

3.6.2 Provide a scale for Figure 10.

Policy Context

National Considerations

It is not accurate to say that “The Government’s intention was to give local people the opportunity to decide what goes on in their neighbourhood”. A more accurate description is provided by the Planning Guidance which explains that communities are given “direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area” (Planning Practice Guidance Reference ID: 41-001-20140306). Further, since the NPPF 2019 replaced the 2012 version, only reference to the 2019 version is required.

District Considerations

The local authority has commented: “It is considered that the wording of the sixth paragraph [page 25] should be amended to accurately reflect the wording of Policy S2 – Settlement Hierarchy of the Local Plan which states in respect of Brailsford that it is a ‘Third Tier Settlement - Accessible Settlement with Some Facilities; these villages possess some facilities and services, that together with local employment provide the best opportunities outside the first and second tier settlements for greater self – containment. They will provide for reduced levels of development in comparison to higher order settlements in order to safeguard, and where possible, improve their role consistent with maintaining or enhancing key environmental attributes”’. I note that most of this quotation has already been included earlier under “About Brailsford Parish” but the Qualifying Body has agreed that the quotation should be included in full and I accept that this provides an important context for the Neighbourhood Plan policy making.

The Qualifying Body has commented: “We should like you to consider these [amendments] in relation to self-containment. If this is to imply that every effort should be made to protect the village from becoming entirely a ‘dormer’ [I believe this should be read as ‘dormitory’] settlement, then the impact of current growth and the potential for further development (as is seen to be proposed by some respondents to the Plan) have to be balanced. There are indeed limited facilities and limitations on their growth.” I note the concern but, since my role is to consider whether the Plan has appropriate regard (as set down in the Basic Conditions) for the higher-level planning context, it is not for me in my Examiner role to challenge the Local Plan settlement hierarchy.

In relation to the noting of the District Council’s decision in May 2019 to declare a Climate Change Emergency, the Council has added that there is now an approved Climate Change Strategy and Action Plan (September 2020) designed to ensure the authority meets its target of being carbon neutral by 2030. However, as the Qualifying Body notes, this document is focussed on the Council’s own activities and therefore provides only a very broad background to Neighbourhood Plan policy making.

There are a few drafting points picked up in the Recommendations below.

Recommendation 4:

4.1 Under the heading “Policy Context” replace “statement has been prepared” with ‘Statement has been submitted alongside this Plan’.

4.2 Under the sub-heading “National Considerations” in the first paragraph replace “decide what goes on in their neighbourhood” with ‘shape the development and growth of their local area’ and in the last but one sentence delete “2012 and revised”.

4.3 Under the sub-heading “District Considerations”:

4.3.1 In the second sentence of the first paragraph replace “approved” with ‘adopted’ and “EIP” with ‘Examination’.

4.3.2 In the second paragraph replace the last two sentences with: ‘Within the Local Plan Settlement Hierarchy¹⁶ Brailsford is a ‘Third Tier Settlement - Accessible Settlement with Some Facilities; these villages possess some facilities and services, that together with local employment provide the best opportunities outside the first and second tier settlements for greater self – containment. They will provide for reduced levels of development in comparison to higher order settlements in order to safeguard, and where possible, improve their role consistent with maintaining or enhancing key environmental attributes’ (Policy S2). The hamlet of Ednaston is classified as a Tier 5 settlement (Policy S3).’

4.3.3 In the third paragraph replace “Climate Change: Roadmap in September 2019” with Climate Change Strategy and Action Plan (September 2020); add a footnote reference.

4.3.4 Replace footnote 15 with ‘A Green Future: Our 25 Year Plan to Improve the Environment, 2018’.

4.3.5 Combine footnotes 16 & 17 to show: ‘Derbyshire Dales District Council: Derbyshire Dales Local Plan 2013-2033’.

4.4 Under the sub-heading “Parish Considerations” in the final paragraph replace “approved” with ‘adopted’ and “applications for additional housing These approvals generally allow for” with ‘applications for additional housing. The latter generally prioritise’.

The Neighbourhood Plan

How this Plan was Made

The local authority has noted that the list of key actions needs to be updated to include submission of the Neighbourhood Plan and supporting documents to the Local Planning Authority in February 2020.

The local authority has queried the content of the Vision Statement and the Objectives because ““The Neighbourhood Plan does not set any level of development within the Designated Area nor does it propose the allocation of any development sites. The parameters for the development strategy of the Area, both scale and location are established within the Adopted Derbyshire Dales Local Plan.” I see this as a factual statement but the Qualifying Body has responded that “The Local Authority comment lies at the heart of the concern of the Parish Council and the Working Group throughout. A level of development was originally proposed for our Neighbourhood Plan but was at odds with the requirement of the Local Plan as it was re-versioned and was therefore required to be removed.” and “The failure to determine an ‘optimum’ development number in relation to the baseline and the amenity/employment opportunity has been seen as a weakness throughout but the requirement for this target which can be debated and substantiated is essential, especially should the proposals set out in the recent White Paper be brought into force.” It therefore seems that the tension evident here may relate more to the extended period of the preparation of the Plan than to the current reality, which is a Plan that seeks to have “regard” to national policy and guidance and to be “in general conformity with the strategic policies of the Plan for the area”. At a national level there is an expectation of “sustainable development” (NPPF section 2) and at a local level there are the “Settlement Hierarchy” “Settlement Boundary” which seek to direct development to sustainable locations. However, the NPPF recognises that the planning process is dynamic, since the evidence base and other factors will change over time: “Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary”. Therefore, the merits of various Local Plan policies are likely to change over time and an “optimum” today may well be viewed differently as circumstances change.

Having said that, I regard the Vision and Objectives as a largely historic record of the ambitions derived from early consultation, but the wording does need to be tempered so as not to mislead about what a Neighbourhood Plan can achieve.

I note that in February 2020 the Council published a Supplementary Planning Document (SPD) on Development Contributions which clarifies the legal framework within which contributions can be sought and it further notes (page 9) “In considering development proposals, in accordance with National Planning Practice Guidance, the Council will ensure

that when seeking planning obligations, the combined total impact will not threaten the overall deliverability and viability of the sites and scale of development identified in the Derbyshire Dales Local Plan.” This is the context for a Neighbourhood Plan and policies must operate with that. Unlike the arrangements for the Community Infrastructure Levy, there is no sharing arrangement through which funds will be transferred to the area in which development is taking place. However, I do note a commitment in the SPD (page 22): “Where development relates to and involves the potential enhancement of open spaces within Parish Council management the District Council will seek to secure a proportionate financial contribution to be determined on a case by case basis.”

Planning Guidance says: “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, [but] actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex.” (Planning Policy Guidance Paragraph: 004 Reference ID: 41-004-20170728). I don’t believe that the separating out of non land use or community matters has been sufficiently clear in the Plan document, and I believe that has been a source of confusion about what even an aspirational Neighbourhood Plan can achieve. The Qualifying Body is resistant to the idea that a “companion document or annex” would be appropriate and I accept that there are benefits to the ‘by topic’ structure of the Plan. Whilst this is largely a matter for the Policies section that follows, the final paragraphs of “The Neighbourhood Plan” section do address the distinction between “planning and land use policy” and “community objectives” and so that would be an appropriate place to flag up a visual distinction between those two elements. In common with many other Neighbourhood Plans, I recommend that the land use policies are identified within a text box and are emphasised in bold whilst the community matters are left outside the box with their own sub-heading, are not emboldened and are not numbered consecutively to the land use policies. I believe that this will proportionately achieve the Guidance expectation that “non land use matters should be clearly identifiable”.

Recommendation 5:

Under the heading “How the Plan was Made”:

5.1 Under the sub-heading “General Information” in the final sentence insert ‘first’ between “Plan was” and “submitted”.

5.2 Under the sub-heading “Detailed Information” insert at the foot of the list: ‘February 2020 Formal Plan submission’.

5.3 Under the sub-heading “Vision and Parish Objectives Statement”:

5.3.1 In the first bullet point replace “by setting” with ‘with’.

5.3.2 In the fourth bullet point replace “provides” with ‘encourages’.

5.3.3 In the sixth bullet point replace “promoting” with ‘encouraging’.

5.4 Under the sub-heading “Objectives”:

5.4.1 In “Priority 1” delete “by carefully designing and managing any further expansion”.

5.4.2 in “Priority 5” replace “Providing high design standards in” with ‘Setting high design standards for’ and replace “the design criteria included in the Design Policies Statement (see Annex)” with ‘local design criteria’.

5.4.3 In “Priority 6” replace “such as effective and detailed travel planning, implementing rigorous traffic management and road safety standards, including speed control mechanisms across the Parish; and” with ‘and appropriately mitigating its impact’.

5.4.4 In “Priority 7” replace “amenity such as that which could have been offered by Section 106 Agreement,” with ‘infrastructure’.

5.4.5 Prior to the last-but-one paragraph (beginning “The Parish Council”) introduce a new sub-heading of “Community Objectives” and add an additional paragraph under this sub-heading to read as follows: ‘In order appropriately to distinguish the land use policies that are at the heart of this Plan, these are shown in bold and highlighted within a box. Community objectives are separately identified under their own sub-heading.’ Effect the format change throughout the Policies section of the Plan.

Policy Area 1: Housing

Context

The footnote reference to the Natural England NCA should be 5 not 3. The footnote 19 reference to a Historic England publication should be correctly titled as: ‘English Heritage, Knowing Your Place - Heritage and Community-Led Planning in the Countryside, 2011’.

I note the statement in the second paragraph that “Brailsford village has expanded by some 50% in the past three years”. Because of the issue over the stated Plan period, it is not clear to which three years this sentence is referring and therefore how the calculation has been made. The Qualifying Body has clarified that the 50% increase relates to the period since 2017; therefore that is what the Plan needs to say for clarity.

Housing: Our Policies

Reasons for these Policies

I commented to the Qualifying Body that the image on page 33 would to many people show a ‘small cluster of houses’, with a mixture of detached and terraced properties, constructed of ‘red brick and plain clay tiles’, ie it does not seem to offend the housing characteristics at the level of detail being sought through the Plan policies. It is therefore a potentially wasted image. Positively presenting what is being sought would involve an image of a cluster of houses within the Parish that reflects the local character; from my visit to the Parish I can see that is possible. Therefore, I recommend that an image illustrative of what is being sought should replace that showing what is said to be not sought.

I note that the Neighbourhood Plan effectively limits its ambitions for additional housing to infill within the current settlement boundary for Brailsford. A representation comments: “Policy S4 of the adopted Local Plan is clear that: “Planning permission will be granted for development where... (i) Development on non-allocated sites on the edge of defined settlement boundaries of first, second and third tier settlements (Policy S2) in circumstances where there is no 5 year supply subject to consideration against other policies in the Local Plan and the provisions of the NPPF” In this regard, Gladman submit that sustainable development proposals adjacent to the settlement boundary that are proportionate in size to Brailsford’s role as a settlement within the District should be supported and wording should be included in the policy to reflect this.” And another representation notes: “Since the making of [the Local Plan], 75 dwellings have been erected at land north of the A52 under 18/00397/REM. Secondly the Neighbourhood Plan should consider extending the development boundary to allow further development to take place. The Government requires each Local Planning Authority to take a share of the 300,000 new homes to be built in England. The government announced that more housing will be built in the Midlands and the North as part of the levelling up agenda and this will mean high housing targets for the Derbyshire Dales. As a tier 3 village Brailsford will have to take more housing and early allocations through the neighbourhood plan will avoid pain later.” And yet another representation says: “Allocating sites for housing, by following a reasoned selection process such as a call for sites, will help Brailsford to resist planning applications on other sites that are not allocated for housing in the Neighbourhood Plan, because they can easily be shown

to not be in the preferred location, in accordance with the NPPF. I therefore consider this a most useful process in assisting the Parish in preparing and securing the Neighbourhood Plan. It should be noted that the parish survey found 32% of people wanting more housing against 17% who did not want to see any more housing. The village on balance is prepared to see more housing built and the neighbourhood plan should reflect this.”

Neighbourhood Plans are not obliged to include policies addressing housing supply (Paragraph: 040 Reference ID: 41-040-20160211). It is the choice of the Qualifying Body that the Brailsford Neighbourhood Plan does not allocate additional sites for housing. The issue over whether a 5-year supply of housing exists across the District as a whole is not something that the Neighbourhood Plan can resolve. Accordingly, the approach to housing policy in the Neighbourhoods Plan can meet the Basic Conditions.

However, the local authority has commented: “The policies in this section of the Plan should be merged into one policy with an overarching introduction that ‘Planning permission will be granted for new development where;’ and then criteria to encompass the local matters set out in policy H1 – H6 not already covered within the Local Plan and drawn from local evidence.” The Qualifying Body responded: “Our concerns and priorities have been stressed in all discussions with officials but have generally been ignored. While the Local Plan contains many policies which are good (and consistent with our aims) their specific application to Place has we believe been weak and inconsistent (particularly design and form, landscaping and climate change mitigations such as renewable energy). We have therefore considered it right to re-emphasise and set out our requirements in a way we believe to be relevant to our needs and the objectives therefore of ‘localism’.”

I need to have regard to the NPPF (para 16) that says that Plans should:

“d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;”

And “f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”

Further, whilst Neighbourhood Plan policies must show “general conformity” with Local Plan strategic policies, there is the expectation that the Plan “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” (Planning Guidance Paragraph: 041 Reference ID: 41-041-20140306). Simple repetition of Local Plan policy content does not make a policy “distinct”.

Examining the housing policies in turn:

Policy H1 is about the nature of new developments, puzzlingly limited to those “proposed by the Derbyshire Dales Local Plan”; perhaps a proxy for major development, and whilst it is focussed on evidence gathered relatively recently it fails to acknowledge that housing requirements will change over the period to 2033. A representation comments that “The policy should instead be flexibly worded to allow for the most appropriate layout of housing types and sizes to respond to local needs and the characteristics of individual sites”. Further, the representation also questions “why developments should be designed as small scale clusters and the Plan should not be seeking to limit the amount and scale of housing that could be provided. This is particularly important given the fact that the Parish Council wishes to improve local infrastructure and services available to residents which will not be achieved without sufficient funding from larger scale developments which can provide larger financial contributions through S106 agreements. Furthermore, ‘small scale clusters’ is not defined in the policy wording or the supporting text and is therefore inconsistent with paragraph 16(d) of the [NPPF] Framework which requires development proposals to be clearly worded and unambiguous so it clear how a decision maker should react to a development proposal.” Confusion also arises from the fact that the same “small cluster” expectation is repeated in Policy H2.

Policy H2 is also about the nature of new developments but here the target is infill development and conversions within the existing settlement boundary; again puzzlingly, these developments are required to “apply appropriate travel planning and traffic management measures to reduce the impact of additional traffic movements” whereas this was not an expectation of Policy H1 (although the topic is addressed by later policies).

A representation comments: “Policy H2 is not appropriate as it takes a more restrictive approach to development than that required by the [NPPF] Framework and the adopted Development Plan. In this regard, whilst the policy allows for development within the settlement boundary in accordance with the adopted Local Plan it is silent on matters beyond this revised boundary.” But I note that the Local Plan is not silent.

The local authority has commented: “Evidence to support how the local character has been defined, established or will be assessed in the determination of planning applications is lacking.” It would seem that Policy H6 is relevant here and I will address that below

Policy H3 is about the design approach, which is also the subject of Policy H6. The Qualifying Body advises that “this [Policy] has been included to reflect and meet local needs with the relevant caveats” but that is equally the expectation of Policy H6.

Policy H4 is about a particular source of housing supply. From my reading I believe it is probably the opportunity for self-build or custom-build that is being encouraged here rather than “small sites” per se. Self-build or custom-build could be incorporated, not least for variety, within larger sites. The local authority suggests that “compliance with and duplication of policy HC3 ‘Self Build Housing Provision’ of the Local Plan should be assessed”. The Qualifying Body has responded: “Again this has been included to demonstrate local priority. While we accept that it should be adequately covered by HC3 it is our experience that any deviation from the estate blueprint and numbers is not given adequate consideration and weighting by the Planning Authority and is over ruled by the pressure of meeting developer profitability.” But, even if such an issue exists, no evidence has been provided as to how a repeat policy will address apparent developer preferences. Subject to appropriate evidence, the Neighbourhood Plan could have allocated a site specifically for self-build or custom build.

Policy H5 seeks to ensure proper regard for the Brailsford Conservation Area – therefore it relates to a specific location. The local authority comments “The intentions of the policy are supported however the wording of H5 duplicates existing Local Plan policies on the design of development and Conservation Areas”. I note that the Policy is also worded negatively rather than the positive approach expected by the NPPF. A representation comments: “Whilst Gladman recognises the Parish Council’s desire to protect its heritage assets, this policy does not have regard to national policy which states: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.” I note that this representation presumes “less than substantial harm”.

The Qualifying Body has responded: “This Policy is a priority and key consideration of our Neighbourhood Plan and our objective to ‘protect and enhance’ Place. Brailsford and Ednaston are possibly unusual (in the locality) in having retained so much local historic asset. We particularly note the comments made by Gladman and their interpretation of the national policy. Their intentions are clear. The sites concerned have already been ruled out by the evidence given in preparing the current DDC Local Plan but we expect this to be reviewed. Therefore, this policy is a key piece in our aspirations to ensure that new development retains the integrity of the village environment, its rural location and its history.” I note that, in this instance, the policy only relates to housing development and other types of

development will be assessed against Local Plan policies. However, the clarification provided by the Qualifying Body (“in our aspirations to ensure that new development retains the integrity of the village environment, its rural location and its history”) does perhaps provide the key to a “distinct” Neighbourhood Plan policy.

Policy H6 is about design principles. The NPPF and subsequent Government initiatives specifically encourage good design: “Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development” (NPPF paragraph 125). Unfortunately, it is very difficult to see how Policy H6 and the related “Design Principles Statement” are expected to operate together in achieving the NPPF expectations. There is no direct read-across between what appears to be a listing/summary that is set out in the Policy and the “Statement”. In turn, the “Statement” also incorporates “Policies”, but these are not part of the Plan itself. The Statement is also clearly dated, in that it seems to have been written before the current Local Plan was adopted. The Qualifying Body has agreed “The Design Statement could be reviewed in the light of your comments with the aim of removing it and re-presenting this Policy”.

A representation comments: “Whilst Gladman recognise the importance of high-quality design, in accordance with the requirements of the Framework design policies should not aim to be overly prescriptive. Policies require some flexibility in order for schemes to respond to site specifics and the character of the local area. In essence, there will not be a ‘one size fits all’ solution in relation to design and sites should be considered on a site by site basis with consideration given to various design principles. Indeed, the Design Principles Statement prepared by Urban Vision on behalf of the Parish Council sets out a more suitable approach to design considerations at Policy D1. Gladman believe that the Plan would be better served if Policy D1 was used in place of Policy H6.” The representation goes on to consider some of the “overly prescriptive” aspects in some detail. Their concerns have some basis in the NPPF (paragraph 126): “[the] level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified.”

The above appraisal suggests that there is overlap across the collection of housing-related policies, and also gaps between. Certainly, when the planning decision maker – the local authority – is indicating concerns that the policies collectively may not make it “evident how a decision maker should react to development proposals” some further review is required. As I see it there are two elements being addressed by the “H” Policies: the type of housing provision and its layout/design, both being rooted in an understanding of local requirements. I believe that a distinctive, single Policy can successfully address this expectation as shown in my Recommendation below.

Recommendation 6:

Under the heading “Policy Area 1: Housing”:

6.1 Under the sub-heading “Context”:

6.1.1 Amend the footnote reference for the Natural England NCA from 3 to 5.

6.1.2 Amend the footnote 19 reference to a Historic England publication which should be correctly titled as: ‘English Heritage, Knowing Your Place - Heritage and Community-Led Planning in the Countryside, 2011’.

6.1.3 Within the second paragraph replace “50% in the past three years” with ‘50% since 2017’.

6.2 At the sub-heading “Reasons for these Policies:

6.2.1 Replace the sub-heading with ‘Reasons for this Policy’.

6.2.2 At the end of the first paragraph delete “such as those shown below” and either delete the photograph that follows or replace it with an image of an existing housing setting that should inspire the design of new housing.

6.2.3 In the fourth paragraph insert ‘currently’ between “local need as” and “identified” and delete “It will do this through.”.

6.2.4 After the fourth paragraph add in the paragraph from the “Design Principles Statement” which commences “New development should be designed to enhance the existing character and to create quality of place”.

6.2.5 After that new paragraph add a new sub-heading: ‘Policy H1: Housing’.

6.3 Under the new sub-heading ‘Policy 1: Housing’ replace the existing Policies H1 – H6 as follows:

‘Development proposals for housing will be supported where:

1. *They are located within the Settlement Boundary for Brailsford; small-scale infill development which relates well to neighbouring properties and is appropriate for the rural setting is encouraged.*
2. *Local housing requirements, identified from current data sources, are met; surveys undertaken for this Plan indicate demand for affordable homes, two and three bedroom dwellings, and bungalows to meet the needs of the elderly and people with disabilities.*
3. *Proportionately to the size of the site, the development provides a range of house types and, on larger sites, a mixture of types grouped to reflect the smaller scale and grain of a rural village and to avoid the monotony of undifferentiated ‘estates’. The use of sites for self-build or custom-build housing, which might be provided by local builders and craftspeople, is encouraged.*
4. *The design demonstrates an understanding of and attention to the village environment, its rural location and its history, and addresses:*
 - i) *The relationship of the new to the existing built village form in terms of enclosure and definition of streets and spaces, including degree of set-back;*
 - ii) *The height, scale, density and use of materials with the new to ensure that it complements existing character with particular attention to these factors within or adjacent to the Conservation Area; red brick and plain clay tiles predominate in the houses of Brailsford and Ednaston;*
 - iii) *Integration with the surroundings by linking to existing paths and cycleways including safe access to surrounding community facilities predominately located on the south side of the A52;*
 - iv) *Based on analysis of the site, its orientation and context, including attention to the Conservation Area were appropriate, ensuring buildings, landscaping and planting create a place with a locally inspired or distinctive character, using views and landmarks visible from within and from outside the site in order to organize the layout of the development and make it legible for visitors; on the edge of the countryside, taking account of the transition between built area and open landscape, particularly in the built form, landscaping and boundary treatments;*
 - v) *Providing streets that encourage low vehicle speeds and which can function as safe, social spaces;*

- vi) Integrating sufficient car parking and garaging which can accommodate a mix of vehicle sizes, acknowledging that larger houses in a rural location will have multiple-car families, within landscaping so that cars do not dominate the street;
- vii) Ensuring high quality boundary treatments to reflect the rural character;
- viii) Ensuring outside lighting sources, where required, have minimum impact on the environment, wildlife and minimise light pollution, to preserve dark skies;
- ix) Mitigation of flooding as an integral part of design and layout;
- x) Efficiency of buildings in use: improved energy and water efficiency is encouraged.

5. Development proposals must retain existing hedgerows and trees or, if removal is unavoidable, a replacement of equivalent hedgerow and trees will be provided, either as part of the development or elsewhere within the Parish. Any replacement hedgerows and trees will be of same native species and type, unless otherwise agreed.'

6.4 Delete the "Design Principles Statement" annexed to the Plan and amend the Contents page accordingly.

As reworded Policy H1 meets the Basic Conditions.

Policy Area 2: Traffic Management and Accessibility

I noted to the Qualifying Body that, whilst I can see that this topic area has given rise to local concerns, it is a tricky subject to address separately and appropriately in a land use plan. As noted by the local authority, traffic generation and related mitigation are already material considerations in the determination of planning applications but such factors must be assessed consistently across all applications. Further, the local authority has noted: "Local Plan policies HC18, HC19 and HC20 address the management of travel demand and accessibility, with the proposed policies in this section of the Neighbourhood Plan duplicating considerations made through the Local Plan, particularly TMA1 and TMA2. Further revision of the policies is required to ensure that they relate to issues that can be addressed through the determination of planning applications." A representation adds: "Policy TMA1 when read as a whole would require any development within the settlement boundary to provide measures to meet traffic management and road safety regardless of the type of development being built."

The Qualifying Body responded: "We believe that we have addressed the issue of land based policies by separating out the 'Community Objectives' on the advice of an external consultant. Professional advice is constantly changing and it is very difficult for the lay person to assimilate and assess." And further: "TMA2 follows guidance set out by a number of professional and campaign organisations in relation to climate change mitigation, health and wellbeing." But the Neighbourhood Plan is not a campaigning document and where local policies are being set "Proportionate, robust evidence should support the choices made and the approach taken" (Planning Guidance Paragraph: 040 Reference ID: 41-040-20160211).

It is helpful that the Plan has taken steps to produce evidence rather than rely on unsubstantiated 'perceptions' of residents. However, the policy statements seem only loosely to be related to the evidence and directed at a wide variety of audiences, whereas the Neighbourhood Plan is intended to provide the basis on which developers should bring forward their development proposals and decision-makers should make their decision. On that basis, only three aspects of Policies TMA 1 & 2 might be capable of being covered by land use policies, the remainder falling to be addressed through "Community Objectives".

Recommendation 7:

Under the heading "Policy Area 2: Traffic Management and Accessibility" and the sub-heading "Our Policies and Community Objectives":

7.1 Replace the sub-heading "Reasons for these Policies" with 'Reason for this Policy'.

7.2 Under the new sub-heading ‘Reason for this Policy’ replace the ungrammatical third bullet point that does not relate to the actual content that follows with:
‘Reduce current parking concerns and introduce car parking to ensure that new development does not add to the current levels of congestion caused by on-street parking.’

7.3 Replace Policies TMA1 & TMA2 with a new sub-heading and Policy as follows:
‘Policy TMA1: Traffic Management and Accessibility

1. Where development proposals are delivering additional growth within the village, they are encouraged to provide for:

i) In conjunction with the design expectation for safe access to surrounding community facilities predominately located on the south side of the A52 (Policy H1), an additional pelican crossing at the statutory distance from the Luke Lane junction to improve pedestrian safety for those crossing the road from new developments to access the bus stops, the school, the village shops and services, and the GP surgery, and a new pedestrian crossing on Luke Lane to provide safer access to the school.

ii) Where a Travel Plan is required by Local Plan Policy HC19, funding for additional public transport services within the Parish, including accessible transport for those with mobility issues and demand responsive services to connect to the main A52 bus route.

2. Development proposals that provide for additional communal car parking to improve access to services and amenities in the village, including the GP surgery and in the vicinity of the new school, and which include electrical charging points will be supported in principle.’

7.4 Under the sub-heading “Community Objectives”:

7.4.1 Replace the opening sentence with: “The Parish Council will also seek support via a variety of routes for the following:”,

7.4.2 Alter the numbering so that the Community Objectives are distinctly separated from the preceding Policy.

7.4.3 Incorporate within the “Community Objectives” the aspirations for “Ongoing funding for footpath and pavement maintenance” and “New maintained cycle ways and footpaths” and add to the latter “with linkages to established green infrastructure where possible, together with an ongoing management and finance plan for their maintenance” as derived from Policy GSL3.

As reworded Policy TMA1 meets the Basic Conditions.

Policy Area 3: Green and Open Spaces

Whilst it is helpful that the Plan document identifies and locates the valued public open spaces within the Neighbourhood Area, the local authority has commented: “this section of the Plan duplicates considerable elements of the adopted Local Plan, particularly policy PD1, PD3 and PD4. The policies need to be written in a manner in which they may be used and applied in the determination of planning applications.”

A matter for correction has been noted: there are no longer any village allotments.

Policy GSL1 makes specific reference to certain spaces – which is helpful to make the Policy particular to the Neighbourhood Area – but these are not consistently identified by name or extent on the accompanying maps; a developer could not therefore readily identify what is being protected. Some locations identified on the Plans are not mentioned in the Policy. Policy GSL2 hints at some local content but the wording makes it hard to identify. A Recommendation above has addressed Policy GSL3.

Recommendation 8:

Under the heading “Policy Area 3: Green and Open Spaces”:

8.1 In the second paragraph and from Map 7 remove reference to the “Allotment Gardens”.

8.2 On Plan 8 (page 45) add the names for the 3 areas identified (in like manner to Map 7).

8.3 Replace the sub-heading “Reasons for these Policies” with ‘Reasons for this Policy’.

8.4 Replace the sub-heading “Development and Investment Policies” with ‘Policy GSL1: Green and Open Spaces’.

8.5 Replace Policies GSL1 & GSL2 as follows:

‘1. The openness and special character of the following places (identified on Plans 7 & 8) are protected to afford open space, sports and recreation facilities to meet the current and future needs of the Parish:

[take in a list of the places using exactly the same names, with a location, as used on the Plans]

2. Residential developments that incorporate new open spaces should provide for variety with such spaces, sensitive to the local landscape, which might include managed grassed space, wildflower habitats, community gardens, children’s play areas, and incorporate features designed to encourage nature conservation and biodiversity, and new rights of way or accessible links to the wider footpath network.’

8.6 Delete Policy GSL3 as it has been incorporated within Policy TMA1.

As reworded Policy GSL1 meets the Basic Conditions.

Policy Area 4: Local Landscape & Wildlife

Whilst the effort to produce and present supporting information here is potentially helpful to the reader, the mapping is of a very variable quality and, particularly where it is referenced within the Policy itself, it needs to be readable without ambiguity. The value of Plan 11 in this respect is particularly doubtful. In general, maps that don’t identify the Neighbourhood Area are particularly challenging to ‘read’ as to their significance. At its scale, Plan 13 is also very difficult to read. The Qualifying Body agreed that Plan 11 should be removed.

From my accessing of the original DCC document (AMES: Area of Multiple Environmental Sensitivity) it would appear that there is no “Priority” designation but instead a “Primary” designation of landscape sensitivity. Also, it would appear that the Primary area is concentrated around Ednaston. Further, the Policy wording for LW1 is inappropriate in suggesting that it can “maintain” the Primary designation by ‘directing’ development away from “areas of high landscape sensitivity”. It is however reasonable for a Policy to draw attention to particular features or designations to which applicants should have regard, but at the whole Neighbourhood Area scale this may often be more relevant to the policy-maker (ie when allocating new sites) than the prospective developer since the Local Plan does not encourage additional, new greenfield development beyond that allocated for the purpose.

The local authority has drawn attention to the Landscape Sensitivity Study evidence prepared as part of the evidence base for the adopted Local Plan. The Qualifying Body has acknowledged that this document was only in development when the Neighbourhood Plan was first in preparation but they have welcomed the additional emphasis it places on landscape elements when considering development. This should therefore be source referenced in the Plan.

The local authority has also noted that “These two policies [LW2 & LW3] have a degree of overlap with existing Local Plan policies (PD3, PD5, PD6) and provide guidance rather than set out a specific policy requirement for use in the determination of a planning application. Reference to the use of SUDs and Maintenance agreements are noted and further information on such matters is available within the adopted Supplementary Planning Document on Development Contributions.” Policy LW3 has now, more appropriately, been incorporated within Policy GSL1. Whilst I note the Qualifying Body’s concern for the protection of dark skies, Policy LW4 has now, more appropriately, been addressed in Policy H1 since the issue of streetlighting will only come into the planning ambit with new development.

Once again there is the need to devise a Policy which is particular to the Neighbourhood Area and which is capable of being used within the determination of planning applications.

Recommendation 9:

Under the heading “Policy Area 4: Local Landscape & Wildlife”

9.1 Under the sub-heading “NPPF” there is a typographical error in the last sentence of the first paragraph.

9.2 Under the sub-heading “National Character Areas (NCA)” there is a typographical error at the end of the second paragraph where the quotation mark is missing.

9.3 Under the sub-heading “Landscape Character Descriptions”, in the first paragraph on page 50, replace “lies within” with ‘includes’ and delete “and shown in Plan 10 below” [sic] as well as Map 11.

9.4 Under the sub-heading “The CPRE Map of Tranquillity”, on page 52, in the opening part sentence add the closing full stop; at the end of the second full paragraph delete “This is illustrated in Plan 12 below.” and delete Plan 12.

9.5 Under the sub-heading “Statutory Designations” enlarge Map 13 so that both the Map and the key text are readable, probably by moving the key to below the Map.

9.6 Under the sub-heading “The Villages” provide a source reference for the “The Landscape Sensitivity Assessment undertaken by Wardell Armstrong”.

9.7 Replace the sub-heading “Reasons for these Policies” with ‘Reasons for this Policy’.

9.8 Under the sub-heading ‘Reasons for this Policy’ delete the sentence “Brailsford Parish lies within an area of Priority Sensitivity under the Derbyshire County Council Areas of Multiple Environmental Sensitivity process.” and replace “Our policies are” with ‘Our Policy is’.

9.9 Replace Policies LW1 & LW2 as follows:

‘Policy LW1: Landscape and Wildlife

Development proposals shall, proportionately to their scale:

1. Demonstrate appropriate regard for the landscape sensitivities and designations that are significant features of and constrain development within this rural Parish including, where appropriate, the landscape within which the Conservation Area is set. Intervisibility between the proposed site and the open countryside will need to be assessed and addressed.

2. Ensure appropriate integration within the landscape by affording priority to the retention of existing features, particularly tree belts, copses and hedgerows and, where required, new or replacement planting shall follow the character of the setting, particularly in the use of predominant native and disease resistant species.’

9.10 Delete Policies LW3 & LW4 since their content has been incorporated, as appropriate, within earlier Policies.

As reworded Policy LW1 meets the Basic Conditions.

Policy Area 5: Community Wellbeing – Provision of Local Facilities and Amenities

The heading of this section refers to “Facilities” and “Amenities” but no consistency is then applied to the use of these two terms. I note that the Plan Introduction used “Amenities” whereas the sub-heading here says “Facilities”. Policy HC15 in the Local Plan uses “facilities” and therefore, to avoid confusion within the Development Plan as a whole, that is the term that should be used here. Policy HC15 in the Local Plan defines a community facility as “land in community use, community/village halls, village shops and post offices, public houses, schools, nurseries, places of worship, health services, convenience stores, libraries, and other community services/facilities including Assets of Community Value”. Excluded from this definition would therefore be general retail shops and a garage, primarily because in planning terms it would be impossible, within the land use classifications, to require that an ironmonger (say) be retained or replaced as an ironmonger. Therefore, for planning purposes, the list of “community facilities” included in the Plan needs to be slightly edited. Since ‘permitted development’ between the use class is reviewed from time to time, the Policy wording needs to acknowledge that some proposed changes may not require a consent.

A representation on behalf of the Brailsford C of E Primary School expresses a view that the school should be included on the list of valued amenities “as a key local amenity”; the Qualifying Body agreed that this was an omission. Further, the representation notes that “although the building is relatively new, the school buildings do not have sufficient capacity to accommodate potential increases in pupil numbers that would arise from further development, in fact over the past 2 years, we have had to turn pupils away as we have not had the capacity to accommodate them”. A similar point is made by the Brailsford & Hulland Medical Practice; “the Practice has taken steps to increase our capacity to serve additional patients (in line with housing growth) but the location and physical limitations of our site severely constrains [sic] any steps to improve vehicular access and parking” “We would be willing to consider suitable proposals for relocation to a new build, multipurpose medical centre with better allocated internal space and well planned pedestrian and public transport access, whilst maintaining a village location.” It therefore would seem that Policy CW1 should not be limited to protection but also look to expansion/improvement. Whilst the Qualifying Body has evident concerns for the scale of any expansion for the School and the GP Surgery, this could be accommodated within a revised Policy.

In relation to Policy CW2 a representation comments: “This policy is inappropriate and cannot form part of a neighbourhood plan. The policy does not meet the requirements of a neighbourhood plan for the following reasons:

- ‘Over subscription’ is not a planning term and has not been defined. Increase in the number of patients using the medical centre is not related specifically to the construction of new homes.....
- Severn Trent Water are a private company with a legal obligation to maintain and improve the sewer network, sewage treatment and the provision of mains water. Developers and home owners have the right to connect to the sewage system.....”.

The local authority has commented: “Policy CW2 will require input from stakeholders such as the Derby and Derbyshire Clinical Commissioning Group and Severn Trent to determine infrastructure capacity. As consultees to planning applications such bodies would be invited to make representations on proposals which may affect the capacity of existing services and facilities. Policy S10 of the Local Plan seeks to ensure that development is supported by appropriate infrastructure at the right time.” It would therefore seem that Policy CW2 would

not add any additional local clarity to, indeed it is likely to cause unhelpful confusion with, an existing Local Plan Policy.

In relation to Policy CW3 a representation comments: “In principle, whilst Gladman support the Parish Council’s ambition to improve services and facilities available to the local community and note that the policy only seeks to encourage contribution to services, the proposed approach is not consistent with the requirements of national policy as not all development (e.g. a house extension) would be liable to contribute financially towards the criteria listed. In this regard, Gladman reiterate and remind the Parish Council that developer contributions should only be required where they are necessary to address the unacceptable planning impacts of a development and so directly related to the impacts of the proposal that it should not be permitted without them. Contributions must be based on up-to-date robust evidence of needs and cannot be used to make up the funding gap for desirable infrastructure, or to support the provision of unrelated items. Notwithstanding this, it is suggested that the criteria listed is included as an appendix to the Plan as opposed to the policy wording so that this can be kept up-to-date over the plan period.” The representation makes some valid points; however, I believe that there is a less convoluted resolution to the “contributions” issue through the use of the Policy and “Community Objectives” in combination and that is the basis of my Recommendations.

Policy CW4 can be slightly reworded for clarity in order that the Basic Conditions can be met. It has support from Policy EC1 in the Local Plan but, since it does not relate to “Local Facilities” a relevant new Policy heading (and topic heading) is required.

Policy CW5 is not supported by evidence to suggest that there is a particular broadband land-use-related issue in Brailsford, in particular one that would not be adequately covered by national and Local Plan planning policy. The Qualifying Body has acknowledged that there have been developments since the original consultations took place under the championship of Digital Derbyshire although “there remain parts of the Plan area where broadband access (approaching the national policy speeds) is low or non-existent”. However, that is not a matter that can be resolved through the planning process and the Policy CW5 issue is more appropriately one for the “Community Objectives”.

Recommendation 10:

10.1 Retitle Policy Area 5 as “Community Wellbeing – Local Facilities and Enterprise”.

10.2 Replace the sub-heading “Current Facilities” with ‘Community Facilities’.

10.3 Under the sub-heading ‘Community Facilities’ replace “amenities” with ‘facilities’ (in the third sentence), add to the list ‘a Primary School’, and remove reference to “Garage”, “two cafes”, “a range of specialist shops which attract visitors to the Parish” and “an extensive public footpath network”.

10.4 Under the sub-heading “Village Institute” remove the final paragraph which references an “Appendix 3” (now to be removed).

10.5 Before the sub-heading “Public Transport” add in brief pen-pictures (ideally with a photograph) for each of the Primary School, the Parish Church, the Methodist Chapel, the Cricket Club and ground, the Golf Course, and the public Fishing Lakes.

10.6 Under the sub-heading “Reasons for our Policies”, in the last sentence of the second paragraph, replace “amenities” with ‘facilities’.

*10.7 Reword Policies CW1 – CW3 as follows:
‘Policy CW1: Community Facilities*

The following are recognised as valued ‘Community Facilities’: The Post Office and Village Shop, The GP Surgery and Pharmacy, the Primary School, the Village Institute (Community Centre), the Parish Church, the Methodist Chapel, two Public Houses, the Cricket Club and ground, the Golf Course, the public Fishing Lakes; development proposals that:

i) Retain, improve or enhance the viability of these facilities are supported in principle, subject to the scale being appropriate to the community’s needs and the impact on adjoining properties being assessed and addressed.

ii) Would result in the loss of all or part of a community facility should show, to the extent that planning regulation applies, how that amenity is being replaced with an equivalent or better, conveniently located replacement, or provide evidence demonstrating non-viability, or that the existing use is no longer needed to serve the needs of the community.

iii) Extend the range of community facilities in the Parish, in particular providing additional community parking, especially to support the GP Surgery, PO and Shop, or additional outdoor sports and recreation facilities are supported in principle.’

10.8 Reword Policy CW4 as follows:

‘Policy CW2: Community Enterprise

The conversion of redundant buildings or new, small-scale development within the settlement boundary to provide new retail outlets or small business units, including the provision of live-work space to create local employment, are supported in principle.’

10.9 Under the sub-heading “Community Objectives”:

10.9.1 Alter the numbering so that the Community Objectives are distinctly separated from the preceding Policy.

10.9.2 Add in an Objective as follows:

‘The means or funding to improve local facilities as identified by local people such as: Refurbishment of the Village institute, including improved and extended space to enable a wider range of activities to take place, including sports such as badminton, table tennis and judo, Adult Education, yoga/Pilates and peripatetic community services;

Extended outdoor sports provision – e.g. land for a tennis court and/or outdoor bowls; Upgraded children’s playground and amenity area;

Sustained maintenance of public footpaths and more accessible cycle ways.

10.9.3 Add in an Objective as follows:

‘Promotion, under the championship of Digital Derbyshire, of the need for the delivery, throughout the Parish, of consistent broadband access (approaching the national policy speeds).’

As reworded Policies CW1 & CW2 meet the Basic Conditions.

Annex: Brailsford Parish - Design Principles Statement

As recommended earlier, this “Statement” has now been replaced by a revised and extended Policy.

Appendices

I don’t believe that the two Appendices are essential to the understanding of the Plan and therefore they should be held for reference on the Parish Council website. In contrast, two of the Appendices accompanying the Consultation Statement have been left blank, but they should be providing detail that may be essential to understanding how the Plan has evolved.

Recommendation 11:

11.1 Remove the two Appendices “Report by PTB Traffic Management Services” and “The Brailsford & Ednaston Institute”.

11.2 Within the Consultation Statement that accompanies the Plan, ensure that Appendices 1 & 2 are supplied to DDDC for inclusion within the on-line copy or alternatively ensure that there is a web-address reference under the respective headings in the on-line copy.

European Union (EU) and European Convention on Human Rights (ECHR) Obligations

A further Basic Condition, which the Brailsford Neighbourhood Plan must meet, is compatibility with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

There is no legal requirement for a Neighbourhood Plan to have a sustainability appraisal. The Sustainability Appraisal and Strategic Environmental Assessment Screening Report carried out by Derbyshire Dales District Council for the Brailsford Neighbourhood Plan (February 2018) considered whether or not the content of the Plan required a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plan and Programmes Regulations 2004. In accordance with Regulation 9 of the SEA Regulations 2004, Derbyshire Dales District Council determined: “it is unlikely there will be any significant environmental effects arising from the Brailsford Neighbourhood Plan as submitted and assessed as part of this screening exercise (BNP – Submission Version January 2018), that have not been covered in the Sustainability Appraisal and Habitats Regulations Assessment of the Derbyshire Dales Local Plan Pre Submission Draft (August 2016) and the modifications emerging from the hearing sessions of the Examination in Public. The assessment shows, that in the view of the District Council, the impacts of the BNP will not result in significant environmental effects and therefore there is no need for a Strategic Environmental Assessment (SEA) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 and European Directive 2001/42/EC.” In making this determination, the District Council had regard to Schedule 1 of the Regulations and carried out consultation with the relevant public body who concurred with the screening opinion. I am satisfied that the Plan submitted in 2020 is not materially different, and certainly not extended in its coverage, since the 2018 Screening was completed. Particularly in the absence of any adverse comments from the statutory body or the Local Planning Authority (either at the Screening or the Regulation 16 Consultation) I can confirm that the Screening undertaken was appropriate and proportionate, and that the Plan has sustainability at its heart.

The Basic Conditions Statement submitted alongside the Brailsford Neighbourhood Plan includes: “The Neighbourhood Plan has been considered in relation to the Conservation of Habitats and Species Regulations 2017 which embodies the requirements of the EU Directive. It has been considered that the areas cover by the Neighbourhood Plan are not in sufficiently close proximity to any European designated nature sites (Natura 2000) to necessitate a Habitat Regulations Assessment (HRA).”

In regard to the European Convention on Human Rights, an Equalities Impact Assessment has been undertaken which concludes: “The Neighbourhood Plan provides a strategy for the development and enhancement of all communities within the Parish. The Development Group therefore believes, from the consultations which have been undertaken and the policies proposed to meet local need, that the requirement to ensure consistency with the fundamental rights and freedoms guaranteed under the relevant Equality legislation and an awareness of the needs of those residents within the Protected Characteristics definition have been met. Therefore the Plan:

- Does not exclude any groups are excluded from the plans proposed
- Does not result in any direct or indirect discrimination.
- Has no adverse (negative) impact on any particular group and has positive impact across the community
- Act as a method to improve services, facilities and amenities
- Aims to promote good relations between people of different equality groups as represented in the Parish.”

I therefore confirm that the Brailsford Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998. No evidence has been put forward to demonstrate that this is not the case.

Taking all of the above into account, I am satisfied that the Brailsford Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with, the ECHR.

Conclusions

This Independent Examiner's Report recommends a range of modifications to the Policies, as well as some of the supporting content, in the Plan. Modifications have been recommended to effect corrections, to ensure clarity and in order to ensure that the Basic Conditions are met. Whilst I have proposed a significant number of modifications, the Plan itself remains fundamentally unchanged in the role and direction set for it by the Qualifying Body.

I therefore conclude that, subject to the modifications recommended, the Brailsford Neighbourhood Plan:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the Plan for the area;
- is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

On that basis I *recommend* to the Derbyshire Dales District Council that, subject to the incorporation of modifications set out as recommendations in this report, it is appropriate for the Brailsford Neighbourhood Plan to proceed to referendum.

Referendum Area

As noted earlier, part of my Examiner role is to consider whether the referendum area should be extended beyond the Plan area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case. I therefore ***recommend*** that the Plan should proceed to referendum based on the Neighbourhood Area as approved by the Derbyshire Dales District Council on 7th April 2015.

Recommendations: (this is a listing of the recommendations exactly as they are included in the Report)

Rec	Text	Reason
1	<p>1.1 Amend the plan period on the front cover and as necessary throughout the Plan to '2020-2033'; remove the sub-title "Submission Version".</p> <p>1.2 Review the "Contents" page once the text has been amended to accommodate the recommendations from this Report.</p>	For clarity and accuracy
2	<p>2.1 Amend Plan 1 (page 5) to incorporate its key and source reference.</p> <p>2.2 Delete Plan 2 and amend subsequent Plan numbers accordingly.</p> <p>2.3 Amend Plan 3 (page 7) to replace the title "Brailsford Parish Boundary" with 'Brailsford Neighbourhood Area'.</p> <p>2.4 Amend Plan 4 (page 8) to ensure that is free from distortion and, renumbered as Plan 3, move it to page 13 (where it will immediately follow the Conservation Area text reference).</p>	For clarity and accuracy
3	<p>3.1 Under the heading "Introduction":</p> <p>3.1.1 In the second sentence replace "Plan area" with 'Area'.</p> <p>3.1.2 In the third sentence replace "Plan 1" with 'Plan 2' (as now renumbered).</p> <p>3.1.3 In the last sentence of paragraph 2 replace "adopted" with 'made' and "Plan area" with 'Area'.</p> <p>3.1.4 On page 10 amend footnote 5 to read: "Natural England: National Character Area Profiles 2014".</p> <p>3.2 Under the sub-heading "Village Growth" (page 14):</p> <p>3.2.1 In the last sentence of the third paragraph replace "Approval have" with 'Approval has'.</p> <p>3.2.2 In the fourth paragraph add 'since 1980' after "village size".</p> <p>3.2.3 In the fifth paragraph add a footnote reference for the Local Plan, place quotation marks around the words quoted from the Local Plan and add in brackets after the quotation '(Policy S2)'.</p> <p>3.2.4 In the sixth paragraph replace the reference to "Plan 5" with 'Plan 4'.</p> <p>3.3 On Plan 5 (now renumbered as Plan 4) replace the title with 'Brailsford Settlement Development Boundary – Derbyshire Dales Local Plan 2017 Policies Map'.</p>	For clarity and accuracy

	<p>3.4 Under the sub-heading “Parish Statistics” (page 17):</p> <p>3.4.1 In the second paragraph replace “Plan area (see Plan.1)” with ‘Area (see Plan 2).</p> <p>3.4.2 In the first paragraph on page 15 add ‘(1,765 hectares)’ after “0.5 person per hectare”.</p> <p>3.4.3 Add to the titles of Figures 1 – 3 & 5 ‘- 2011 Census Data’.</p> <p>3.4.4 Correct Figure 6 (page 21) to show only a single title to accord with the Parish Survey question.</p> <p>3.4.5 Add to the titles of Figures 8 & 9 ‘- 2011 Census Data’.</p> <p>3.5. Under the sub-heading “Heritage” (page 23) enlarge Plan 6 (renumbered as Plan 5) to ensure that the Legend and source reference are readable.</p> <p>3.6 Under the sub-heading “Environment” (page 23):</p> <p>3.6.1 In the fifth paragraph on page 24 delete “(Plan 9)” since the topic is picked up as a Policy later.</p> <p>3.6.2 Provide a scale for Figure 10.</p>	
4	<p>4.1 Under the heading “Policy Context” replace “statement has been prepared” with ‘Statement has been submitted alongside this Plan’.</p> <p>4.2 Under the sub-heading “National Considerations” in the first paragraph replace “decide what goes on in their neighbourhood” with ‘shape the development and growth of their local area’ and in the last but one sentence delete “2012 and revised”.</p> <p>4.3 Under the sub-heading “District Considerations”:</p> <p>4.3.1 In the second sentence of the first paragraph replace “approved” with ‘adopted’ and “EIP” with ‘Examination’.</p> <p>4.3.2 In the second paragraph replace the last two sentences with: ‘Within the Local Plan Settlement Hierarchy¹⁶ Brailsford is a ‘Third Tier Settlement - Accessible Settlement with Some Facilities; these villages possess some facilities and services, that together with local employment provide the best opportunities outside the first and second tier settlements for greater self – containment. They will provide for reduced levels of development in comparison to higher order settlements in order to safeguard, and where possible, improve their role consistent with maintaining or enhancing key environmental attributes’ (Policy S2). The hamlet of Ednaston is classified as a Tier 5 settlement (Policy S3).’</p> <p>4.3.3 In the third paragraph replace “Climate Change: Roadmap in September 2019” with Climate Change Strategy and Action Plan (September 2020); add a footnote reference.</p>	For clarity and accuracy

	<p>4.3.4 Replace footnote 15 with ‘A Green Future: Our 25 Year Plan to Improve the Environment, 2018’.</p> <p>4.3.5 Combine footnotes 16 & 17 to show: ‘Derbyshire Dales District Council: Derbyshire Dales Local Plan 2013-2033’.</p> <p>4.4 Under the sub-heading “Parish Considerations” in the final paragraph replace “approved” with ‘adopted’ and “applications for additional housing These approvals generally allow for” with ‘applications for additional housing. The latter generally prioritise’.</p>	
5	<p>Under the heading “How the Plan was Made”:</p> <p>5.1 Under the sub-heading “General Information” in the final sentence insert ‘first’ between “Plan was” and “submitted”.</p> <p>5.2 Under the sub-heading “Detailed Information” insert at the foot of the list: ‘February 2020 Formal Plan submission’.</p> <p>5.3 Under the sub-heading “Vision and Parish Objectives Statement”:</p> <p>5.3.1 In the first bullet point replace “by setting” with ‘with’.</p> <p>5.3.2 In the fourth bullet point replace “provides” with ‘encourages’.</p> <p>5.3.3 In the sixth bullet point replace “promoting” with ‘encouraging’.</p> <p>5.4 Under the sub-heading “Objectives”:</p> <p>5.4.1 In “Priority 1” delete “by carefully designing and managing any further expansion”.</p> <p>5.4.2 in “Priority 5” replace “Providing high design standards in” with ‘Setting high design standards for’ and replace “the design criteria included in the Design Policies Statement (see Annex)” with ‘local design criteria’.</p> <p>5.4.3 In “Priority 6” replace “such as effective and detailed travel planning, implementing rigorous traffic management and road safety standards, including speed control mechanisms across the Parish; and” with ‘and appropriately mitigating its impact’.</p> <p>5.4.4 In “Priority 7” replace “amenity such as that which could have been offered by Section 106 Agreement,” with ‘infrastructure’.</p> <p>5.4.5 Prior to the last-but-one paragraph (beginning “The Parish Council”) introduce a new sub-heading of “Community Objectives” and add an additional paragraph under this sub-heading to read as follows: ‘In order appropriately to distinguish the land use policies that are at the heart of this Plan, these are shown in bold and highlighted within a box. Community objectives are separately identified under their own</p>	For clarity and accuracy

	sub-heading.’ Effect the format change throughout the Policies section of the Plan.	
6	<p>Under the heading “Policy Area 1: Housing”:</p> <p>6.1 Under the sub-heading “Context”:</p> <p>6.1.1 Amend the footnote reference for the Natural England NCA from 3 to 5.</p> <p>6.1.2 Amend the footnote 19 reference to a Historic England publication which should be correctly titled as: ‘English Heritage, Knowing Your Place - Heritage and Community-Led Planning in the Countryside, 2011’.</p> <p>6.1.3 Within the second paragraph replace “50% in the past three years” with ‘50% since 2017’.</p> <p>6.2 At the sub-heading “Reasons for these Policies”:</p> <p>6.2.1 Replace the sub-heading with ‘Reasons for this Policy’.</p> <p>6.2.2 At the end of the first paragraph delete “such as those shown below” and either delete the photograph that follows or replace it with an image of an existing housing setting that should inspire the design of new housing.</p> <p>6.2.3 In the fourth paragraph insert ‘currently’ between “local need as” and “identified” and delete “It will do this through:”.</p> <p>6.2.4 After the fourth paragraph add in the paragraph from the “Design Principles Statement” which commences “New development should be designed to enhance the existing character and to create quality of place”.</p> <p>6.2.5 After that new paragraph add a new sub-heading: ‘Policy H1: Housing’.</p> <p>6.3 Under the new sub-heading ‘Policy 1: Housing’ replace the existing Policies H1 – H6 as follows: ‘Development proposals for housing will be supported where: 1. They are located within the Settlement Boundary for Brailsford; small-scale infill development which relates well to neighbouring properties and is appropriate for the rural setting is encouraged.</p> <p>2. Local housing requirements, identified from current data sources, are met; surveys undertaken for this Plan indicate demand for affordable homes, two and three bedroom dwellings, and bungalows to meet the needs of the elderly and people with disabilities.</p> <p>3. Proportionately to the size of the site, the development provides a range of house types and, on larger sites, a mixture of types grouped to reflect the smaller scale and grain of a rural village and to avoid the monotony of undifferentiated ‘estates’. The use of sites for self-build or custom-build housing, which might be provided by local builders and craftspeople, is encouraged.</p>	For clarity and to meet Basic Conditions 1 & 3

	<p>4. The design demonstrates an understanding of and attention to the village environment, its rural location and its history, and addresses:</p> <ul style="list-style-type: none"> i) The relationship of the new to the existing built village form in terms of enclosure and definition of streets and spaces, including degree of set-back; ii) The height, scale, density and use of materials with the new to ensure that it complements existing character with particular attention to these factors within or adjacent to the Conservation Area; red brick and plain clay tiles predominate in the houses of Brailsford and Ednaston; iii) Integration with the surroundings by linking to existing paths and cycleways including safe access to surrounding community facilities predominately located on the south side of the A52; iv) Based on analysis of the site, its orientation and context, including attention to the Conservation Area were appropriate, ensuring buildings, landscaping and planting create a place with a locally inspired or distinctive character, using views and landmarks visible from within and from outside the site in order to organize the layout of the development and make it legible for visitors; on the edge of the countryside, taking account of the transition between built area and open landscape, particularly in the built form, landscaping and boundary treatments; v) Providing streets that encourage low vehicle speeds and which can function as safe, social spaces; vi) Integrating sufficient car parking and garaging which can accommodate a mix of vehicle sizes, acknowledging that larger houses in a rural location will have multiple-car families, within landscaping so that cars do not dominate the street; vii) Ensuring high quality boundary treatments to reflect the rural character; viii) Ensuring outside lighting sources, where required, have minimum impact on the environment, wildlife and minimise light pollution, to preserve dark skies; ix) Mitigation of flooding as an integral part of design and layout; x) Efficiency of buildings in use: improved energy and water efficiency is encouraged. <p>5. Development proposals must retain existing hedgerows and trees or, if removal is unavoidable, a replacement of equivalent hedgerow and trees will be provided, either as part of the development or elsewhere within the Parish. Any replacement hedgerows and trees will be of same native species and type, unless otherwise agreed.'</p> <p>6.4 Delete the "Design Principles Statement" annexed to the Plan and amend the Contents page accordingly.</p>	
7	<p>Under the heading "Policy Area 2: Traffic Management and Accessibility" and the sub-heading "Our Policies and Community Objectives":</p> <p>7.1 Replace the sub-heading "Reasons for these Policies" with 'Reason for this Policy'.</p>	For clarity and to meet Basic Conditions 1 & 3

	<p>7.2 Under the new sub-heading 'Reason for this Policy' replace the ungrammatical third bullet point that does not relate to the actual content that follows with: 'Reduce current parking concerns and introduce car parking to ensure that new development does not add to the current levels of congestion caused by on-street parking.'</p> <p>7.3 Replace Policies TMA1 & TMA2 with a new sub-heading and Policy as follows: 'Policy TMA1: Traffic Management and Accessibility 1. Where development proposals are delivering additional growth within the village, they are encouraged to provide for: i) In conjunction with the design expectation for safe access to surrounding community facilities predominately located on the south side of the A52 (Policy H1), an additional pelican crossing at the statutory distance from the Luke Lane junction to improve pedestrian safety for those crossing the road from new developments to access the bus stops, the school, the village shops and services, and the GP surgery, and a new pedestrian crossing on Luke Lane to provide safer access to the school. ii) Where a Travel Plan is required by Local Plan Policy HC19, funding for additional public transport services within the Parish, including accessible transport for those with mobility issues and demand responsive services to connect to the main A52 bus route.</p> <p>2. Development proposals that provide for additional communal car parking to improve access to services and amenities in the village, including the GP surgery and in the vicinity of the new school, and which include electrical charging points will be supported in principle.'</p> <p>7.4 Under the sub-heading "Community Objectives": 7.4.1 Replace the opening sentence with: "The Parish Council will also seek support via a variety of routes for the following:" 7.4.2 Alter the numbering so that the Community Objectives are distinctly separated from the preceding Policy. 7.4.3 Incorporate within the "Community Objectives" the aspirations for "Ongoing funding for footpath and pavement maintenance" and "New maintained cycle ways and footpaths" and add to the latter "with linkages to established green infrastructure where possible, together with an ongoing management and finance plan for their maintenance" as derived from Policy GSL3.</p>	
8	<p>Under the heading "Policy Area 3: Green and Open Spaces": 8.1 In the second paragraph and from Map 7 remove reference to the "Allotment Gardens". 8.2 On Plan 8 (page 45) add the names for the 3 areas identified (in like manner to Map 7).</p>	For clarity and accuracy

	<p>8.3 Replace the sub-heading “Reasons for these Policies” with ‘Reasons for this Policy’.</p> <p>8.4 Replace the sub-heading “Development and Investment Policies” with ‘Policy GSL1: Green and Open Spaces’.</p> <p>8.5 Replace Policies GSL1 & GSL2 as follows: ‘1. The openness and special character of the following places (identified on Plans 7 & 8) are protected to afford open space, sports and recreation facilities to meet the current and future needs of the Parish: [take in a list of the places using exactly the same names, with a location, as used on the Plans]</p> <p>2. Residential developments that incorporate new open spaces should provide for variety with such spaces, sensitive to the local landscape, which might include managed grassed space, wildflower habitats, community gardens, children’s play areas, and incorporate features designed to encourage nature conservation and biodiversity, and new rights of way or accessible links to the wider footpath network.’</p> <p>8.6 Delete Policy GSL3 as it has been incorporated within Policy TMA1.</p>	
9	<p>Under the heading “Policy Area 4: Local Landscape & Wildlife”</p> <p>9.1 Under the sub-heading “NPPF” there is a typographical error in the last sentence of the first paragraph.</p> <p>9.2 Under the sub-heading “National Character Areas (NCA)” there is a typographical error at the end of the second paragraph where the quotation mark is missing.</p> <p>9.3 Under the sub-heading “Landscape Character Descriptions”, in the first paragraph on page 50, replace “lies within” with ‘includes’ and delete “and shown in Plan 10 below” [sic] as well as Map 11.</p> <p>9.4 Under the sub-heading “The CPRE Map of Tranquillity”, on page 52, in the opening part sentence add the closing full stop; at the end of the second full paragraph delete “This is illustrated in Plan 12 below.” and delete Plan 12.</p> <p>9.5 Under the sub-heading “Statutory Designations” enlarge Map 13 so that both the Map and the key text are readable, probably by moving the key to below the Map.</p> <p>9.6 Under the sub-heading “The Villages” provide a source reference for the “The Landscape Sensitivity Assessment undertaken by Wardell Armstrong”.</p> <p>9.7 Replace the sub-heading “Reasons for these Policies” with ‘Reasons for this Policy’.</p> <p>9.8 Under the sub-heading ‘Reasons for this Policy’ delete the sentence “Brailsford Parish lies within an area of Priority Sensitivity</p>	For clarity and to meet Basic Conditions 1 & 3

	<p>under the Derbyshire County Council Areas of Multiple Environmental Sensitivity process.” and replace “Our policies are” with ‘Our Policy is’.</p> <p>9.9 Replace Policies LW1 & LW2 as follows: ‘Policy LW1: Landscape and Wildlife Development proposals shall, proportionately to their scale: 1. Demonstrate appropriate regard for the landscape sensitivities and designations that are significant features of and constrain development within this rural Parish including, where appropriate, the landscape within which the Conservation Area is set. Intervisibility between the proposed site and the open countryside will need to be assessed and addressed.</p> <p>2. Ensure appropriate integration within the landscape by affording priority to the retention of existing features, particularly tree belts, copses and hedgerows and, where required, new or replacement planting shall follow the character of the setting, particularly in the use of predominant native and disease resistant species.’</p> <p>9.10 Delete Policies LW3 & LW4 since their content has been incorporated, as appropriate, within earlier Policies.</p>	
10	<p>10.1 Retitle Policy Area 5 as “Community Wellbeing – Local Facilities and Enterprise”.</p> <p>10.2 Replace the sub-heading “Current Facilities” with ‘Community Facilities’.</p> <p>10.3 Under the sub-heading ‘Community Facilities’ replace “amenities” with ‘facilities’ (in the third sentence), add to the list ‘a Primary School’, and remove reference to “Garage”, “two cafes”, “a range of specialist shops which attract visitors to the Parish” and “an extensive public footpath network”.</p> <p>10.4 Under the sub-heading “Village Institute” remove the final paragraph which references an “Appendix 3” (now to be removed).</p> <p>10.5 Before the sub-heading “Public Transport” add in brief pen-pictures (ideally with a photograph) for each of the Primary School, the Parish Church, the Methodist Chapel, the Cricket Club and ground, the Golf Course, and the public Fishing Lakes.</p> <p>10.6 Under the sub-heading “Reasons for our Policies”, in the last sentence of the second paragraph, replace “amenities” with ‘facilities’.</p> <p>10.7 Reword Policies CW1 – CW3 as follows: ‘Policy CW1: Community Facilities The following are recognised as valued ‘Community Facilities’: The Post Office and Village Shop, The GP Surgery and Pharmacy, the Primary School, the Village Institute (Community Centre), the Parish Church, the Methodist Chapel, two Public Houses, the Cricket Club and ground, the Golf Course, the public Fishing Lakes; development proposals that: i) Retain, improve or enhance the viability of these facilities are supported in principle, subject to the scale being appropriate to</p>	For clarity and to meet Basic Conditions 1 & 3

	<p>the community's needs and the impact on adjoining properties being assessed and addressed.</p> <p>ii) Would result in the loss of all or part of a community facility should show, to the extent that planning regulation applies, how that amenity is being replaced with an equivalent or better, conveniently located replacement, or provide evidence demonstrating non-viability, or that the existing use is no longer needed to serve the needs of the community.</p> <p>iii) Extend the range of community facilities in the Parish, in particular providing additional community parking, especially to support the GP Surgery, PO and Shop, or additional outdoor sports and recreation facilities are supported in principle.'</p> <p>10.8 Reword Policy CW4 as follows: 'Policy CW2: Community Enterprise The conversion of redundant buildings or new, small-scale development within the settlement boundary to provide new retail outlets or small business units, including the provision of live-work space to create local employment, are supported in principle.'</p> <p>10.9 Under the sub-heading "Community Objectives": 10.9.1 Alter the numbering so that the Community Objectives are distinctly separated from the preceding Policy.</p> <p>10.9.2 Add in an Objective as follows: 'The means or funding to improve local facilities as identified by local people such as: Refurbishment of the Village institute, including improved and extended space to enable a wider range of activities to take place, including sports such as badminton, table tennis and judo, Adult Education, yoga/Pilates and peripatetic community services; Extended outdoor sports provision – e.g. land for a tennis court and/or outdoor bowls; Upgraded children's playground and amenity area; Sustained maintenance of public footpaths and more accessible cycle ways.</p> <p>10.9.3 Add in an Objective as follows: 'Promotion, under the championship of Digital Derbyshire, of the need for the delivery, throughout the Parish, of consistent broadband access (approaching the national policy speeds).'</p>	
11	<p>11.1 Remove the two Appendices "Report by PTB Traffic Management Services" and "The Brailsford & Ednaston Institute".</p> <p>11.2 Within the Consultation Statement that accompanies the Plan, ensure that Appendices 1 & 2 are supplied to DDDC for inclusion within the on-line copy or alternatively ensure that there is a web-address reference under the respective headings in the on-line copy.</p>	For clarity and to meet Basic Condition 1