

# **BRADWELL NEIGHBOURHOOD PLAN**

Bradwell Neighbourhood Plan Examination,  
A Report to the Peak District National Park Authority

by Independent Examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI

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## 1. Introduction

### The Neighbourhood Plan

This Report provides the findings of the examination into the Bradwell Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”*  
(Paragraph 183, National Planning Policy Framework)

Bradwell Parish Council is the *qualifying body*<sup>1</sup> responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by the Peak District National Park Authority. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Bradwell Neighbourhood Area.

### Role of the Independent Examiner

I was appointed by the Peak District National Park Authority, with the consent of Bradwell Parish Council, to conduct an examination and provide this Report. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience. I am a chartered town planner and am an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;

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<sup>1</sup>The qualifying body is responsible for the production of the Plan.

- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

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 Bradwell 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 (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (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.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

#### Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The title page of the Neighbourhood Plan states that it covers the period 2015-2030. The title page of the Basic Conditions Statement also identifies the plan period. I consider that it would be helpful if the Neighbourhood Plan provided a reference to the Plan Period in the Introduction. I recommend:

- **Introduction (page 7), add to end of second paragraph *“The Neighbourhood Plan covers the period from 2015 to 2030.”***

Taking the above into account, I confirm that the Neighbourhood Plan satisfies the relevant requirement in this regard.

## Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of the written representations submitted, I confirmed to the Peak District National Park Authority that I was satisfied that the Bradwell Neighbourhood Plan could be examined without the need for a Public Hearing.

## 2. Basic Conditions and Development Plan Status

### Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*<sup>2</sup> following the Localism Act 2011. 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 development plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the Neighbourhood Plan against all of the basic conditions above.

The Basic Conditions are summarised on Page 14 of the Neighbourhood Plan. It is important that the Basic Conditions are not paraphrased, as this can change their meaning. For accuracy, I recommend:

- **First sentence, add “...general conformity with *strategic* local policies.”**

### European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

### European Union (EU) Obligations

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal<sup>3</sup>. However, it is good practice to assess neighbourhood plan proposals to determine whether or not the plan is likely to have significant environmental effects. This process is referred to as a “screening assessment.” If the screening assessment identifies likely significant effects, then an environmental report must be prepared.

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<sup>2</sup> Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

<sup>3</sup> Paragraph 026, Planning Practice Guidance 2014.

The allocation of development land is recognised as one of the limited circumstances where a neighbourhood plan *could* have significant effects. According to Planning Practice Guidance (11-027) the Neighbourhood Plan “*may* fall within the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 and so require a strategic environmental assessment.”

In line with Planning Practice Guidance, the Peak District National Park Authority undertook a Strategic Environmental Assessment (SEA) Screening Report and a Habitat Regulations Assessment (HRA) Screening Report.

Whilst the Neighbourhood Plan does not allocate land, Policy H2 does support the mixed use redevelopment of the brownfield Newburgh site. In addition, Bradwell is located within the sensitive environment of the Peak District National Park. Given these two particular factors, I consider it especially important that the Neighbourhood Plan has been screened.

The SEA Screening Report concluded that the Neighbourhood Plan “will not result in significant environmental effects” and that a full strategic environmental assessment is not necessary. The HRA Screening Report concluded that “there is likely to be no significant effect of the Neighbourhood Plan on the European sites” and that an Appropriate Assessment is not required.

The Screening Reports were sent to English Heritage, Natural England and the Environment Agency for consultation at the beginning of 2015.

Subject to a comment aimed at providing further clarity with regards the Newburgh site, Natural England agreed with the conclusions of both the SEA and HRA Screening Statements. Historic England agreed with the conclusion of the SEA Screening Report and confirmed that, in its view “SEA isn’t required” and raised no concerns with regards the conclusion of the HRA Screening. Further to consideration of the Scoping Reports, the Environment Agency stated that the Neighbourhood Plan “raises no environmental concerns.”

In addition to the above, I note that national guidance states that

*“the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.”* (Planning Practice Guidance 11-031)

In this regard, the Peak District National Park Authority is content that the Neighbourhood Plan meets the basic conditions.<sup>4</sup> Taking this and all of the above into account, and in the absence of substantive evidence to the contrary, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

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<sup>4</sup> Minutes, Meeting of Planning Committee 16 January 2015

### **3. Background Documents and Bradwell Neighbourhood Area**

#### Background Documents

In undertaking this examination, I have considered various information in addition to the Bradwell Neighbourhood Plan. This has included:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- Peak District National Park Local Plan (2001) (Saved Policies)
- Peak District National Park Local Development Framework Core Strategy Development Plan Document (2011)
- Basic Conditions Statement
- Consultation Statement

Also:

- Representations received during the publicity period

In addition, I spent an unaccompanied day visiting the Bradwell Neighbourhood Area.

#### Bradwell Neighbourhood Area

Chapter 3 of the Neighbourhood Plan states that its geographical area “is the same as that defined by the boundary of Bradwell Parish.” A Plan showing the boundary is provided in Figure 1 on page 9 of the Neighbourhood Plan.

Further to an application made by the Parish Council, the Peak District National Park Authority approved the designation of Bradwell as a Neighbourhood Area on 8 March 2013. This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).



## 4. Public Consultation

### Introduction

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a successful 'Yes' vote at Referendum.

### Bradwell Neighbourhood Plan Consultation

Bradwell Parish Council submitted a Consultation Statement to the Peak District National Park Authority. This sets out who was consulted and how, together with the outcome of the consultation. In this regard, the Consultation Statement meets the requirements of the neighbourhood planning *regulations*<sup>5</sup>.

Taking into account the evidence provided, I am satisfied that the production of the Neighbourhood Plan was supported by robust public consultation. It is clear that the views of the wider community were actively sought and taken into account. It is also clear that Bradwell Parish Council undertook public consultation above and beyond that required by legislation.

Public consultation is fundamental to neighbourhood planning and I consider how Bradwell Parish Council undertook it in more detail below.

Following the decision to produce a Neighbourhood Plan, declared by Bradwell Parish Council in April 2013, a Neighbourhood Plan Committee was formed and four Working Groups established. A widely advertised Survey of residents was conducted between September 2013 and January 2014, building data on housing, parking, renewable energy, traffic and other matters. An additional Survey of over 100 local businesses was also carried out.

Committee and Working Group meetings, together with meetings with village organisations and businesses were held between January and June 2014. Once feedback from all of the above had been gathered and considered, a consultation draft plan was produced. Notably, in line with good practice, draft plan production involved close collaborative working with officers from the Peak District National Park Authority.

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<sup>5</sup>Neighbourhood Planning (General) Regulations 2012.

Further to a public meeting and amendments, the draft plan underwent public consultation during November and December 2014. A total of 104 organisations were contacted and asked for their views. A two day Exhibition was held in November 2014, where Working Group members were present to answer questions and feedback forms were provided. The comments received were duly considered and amendments were made to the plan.

The consultation process was widely publicised via regular updates and provision of information on the Parish Council's website, and by advertisements in the Bradwell News monthly paper and on Parish Notice Boards. I also note that there is a tradition in Bradwell for events to be communicated by notices on lamp posts and that this distinctive form of communication was utilised during consultation.

The Parish Council also organised a series of informal lectures and information sharing events, which included the engagement of specialists, to help people understand relevant issues. Forms and information were made available on line, as well as in village shops, Bradwell Post Office and local pubs.

In all, I find that the Consultation Statement presents an audit trail to demonstrate that consultation was wide-ranging, comprehensive and transparent. Events and information were appropriately publicised and comments were duly considered. There is evidence to demonstrate that the Neighbourhood Plan reflects the views of local people.

Taking all of the above into account, I am satisfied that the consultation process was significant and robust.

## 5. The Neighbourhood Plan – Introductory Section

**Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics.**

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner's Report. I have also considered the Introductory Section of the Neighbourhood Plan and make recommendations below - these are aimed at making it a clear and user-friendly document.

One of the first things noticeable about the Neighbourhood Plan is that it is a document of considerable size. Whilst a neighbourhood plan can be any size, large or small, it is relevant to note that it is a plan's policies that will ultimately help shape development and growth and as such, should form its focus.

Half of the submission version of the Neighbourhood Plan comprises Appendices. Whilst these provide useful information at the draft stage, it is important to note that the Appendices do not form part of the Neighbourhood Plan itself. I recommend the following:

- **Remove the Appendices from the Neighbourhood Plan. I provide a recommendation later in this Report with regards to the referencing of supporting material.**

The first five pages of the Neighbourhood Plan are devoted to Amendments and Contents. This is unnecessary and unbalances the Neighbourhood Plan. However, it can be easily remedied. I recommend:

- **Delete Amendments page**

There is no need to list each individual Policy. There is a helpful summary section, which refers to all of the Neighbourhood Plan's Policies, at the beginning of the Policy section. I recommend:

- **Delete all individual Policy references in Contents and just show Section Headings instead.**
- **Delete all references to Appendices**

The above changes should result in an appropriate, easy to navigate, single Contents page.

The “What is this Document...” section is unnecessary and has been overtaken by events.

- **Delete “What is this Document...” heading, text and Contents reference**

The Introduction is generally helpful. However, the reference to the withdrawal of a planning application is unnecessary, confusing and will become out-dated quickly. It adds little to the Neighbourhood Plan. I recommend:

- **Delete fourth paragraph of Introduction**

Section 2 is also helpful. However, I have recommended the removal of the Appendices, as they do not form part of the Neighbourhood Plan. I recommend:

- **Section 2 first paragraph, last line, change to “...are *captured in a Community Plan.*”**

The background documents to the Neighbourhood Plan are wide-ranging. There is no need to single out a reference to heritage assets in Appendix 5. This simply appears as an odd, out of place inclusion in Section 2. I recommend:

- **Delete second paragraph of Section 2**

Section 3 provides clear and helpful information regarding the Neighbourhood Area.

Section 4 of the Neighbourhood Plan comprises a “Timeline.” This provided useful information at the draft stage, but is no longer relevant. I recommend:

- **Delete Section 4 heading, text and Contents reference**

Section 5 comprises an insightful and distinctive summary of Bradwell Parish.

- **Delete incorrect reference to “(Kelly, 1912)” at end of second paragraph on page 12.**

Section 6 is comprises an extremely clear vision. It provides a clear connection between the aims and aspirations of the community and the Policies of the Neighbourhood Plan. I recommend:

- **Section 6, first line, include comma after “...consultations,”**

Section 7 begins with a helpful reference to national and local planning policy. However, the second and third paragraphs are confusing. I note in particular that there is no need to set out what the Neighbourhood Plan does not do. I recommend:

- **Delete second and third paragraphs of Section 7**

The final paragraph of Section 7 begins with partial repetition – and misinterpretation - of one of the basic conditions already referred to. Furthermore, there is no need to repeat the reference. I recommend:

- **Section 7, final paragraph, first line, delete “...are in general conformity with national and local policies...”**

Section 8 provides an opportunity to reference the Neighbourhood Plan’s evidence base, including the Appendices. I recommend deletion of the current paragraph (all of the evidence base is relevant to the Neighbourhood Plan) and re-writing it as follows:

- ***“The Neighbourhood Plan has emerged from significant background work. As part of the evidence base for the Neighbourhood Plan, a series of Appendices were produced and in line with the legislative requirements, a Consultation Statement and a Basic Conditions Statement were submitted for examination alongside the Neighbourhood Plan.***

***All of this and other relevant information is available and can be viewed on the Parish Council website at [http://bradda.org/N\\_Plan.htm](http://bradda.org/N_Plan.htm)”***

Section 9 is set out as a Consultation Report. The Consultation Report was submitted separately and there is no need to repeat its content in the Neighbourhood Plan. I refer to the Consultation Statement in the recommendation above. I recommend:

- **Delete Section 9**

Taken together, all of the above recommendations are aimed at providing a crisper, concise, easier to read and relevant introductory section to the Neighbourhood Plan.

## 6. The Neighbourhood Plan – Neighbourhood Plan Policies

### Summary of Policies

The introductory table provides a very useful and helpful summary at the beginning of the Policy Section.

As a result of consideration of each of the Policies of the Neighbourhood Plan, below, I recommend a small number of changes to the content of the table. These are:

- **Change Objective for Policy H3 to “*Encourage housing needs to be met in the built area*”**
- **Change Policy Index for Policy H3 to “*Establish Bradwell built area*”**
- **Change Objective for Policy H4 to “*Provide broad mix of housing types.*” (delete the two lines that follow)**
- **Delete second paragraph of Objective for Policy T4, which is unnecessary**
- **Change Objective for Policy HEW2 to “*Designate Local Green Spaces*”**
- **Change Policy Index for Policy HEW2 to “HEW 2: Local Green Spaces”**
- **Delete Policy Index and Objective for Policy HEW 3**
- **Delete Policy Index and Objective for Policies T3 and T4**

## Housing

Each of the Policy topic sections includes a repeat of part of the introductory table referred to above. This comprises unnecessary repetition that detracts from a focus on the Policies of the Neighbourhood Plan. I recommend:

- **Delete all of the Objective/Policy Index tables in each Policy topic section**

### **Policy H1: Provision of Affordable Housing**

This is a positive land use planning policy. It encourages the provision of local needs affordable housing and contributes to the achievement of sustainable development. The Policy has regard to the Framework, which supports the creation of inclusive, mixed communities and meets the basic conditions.

### **Policy H2: Housing Development on the Newburgh Site**

For clarity, I recommend the following changes to the background text:

- **First para, third line, re-word “...which are now *underutilised*. An overwhelming...”**
- **Second para, delete final sentence, from “This would prevent...”**
- **Fourth para , second line, add “*Park*” after “National”**

Policy H2 is a positive policy that supports the redevelopment of the Newburgh site. Strong support for the redevelopment of the site, to include some open market housing, has emerged through consultation.

The Peak District National Park Local Development Framework Core Strategy (Core Strategy) does not make provision for housing solely to meet open market demand (as set out in Core Strategy Policy HC1). However, the Core Strategy is explicit in acknowledging the important “impetus” that open market values can bring to development that may include, for example, “the treatment of a despoiled site” (Core Strategy 12.18). In this way, the Core Strategy recognises and accepts the occasional need for open market housing.

In taking the above into account, I also note that the Core Strategy goes on to state that “wherever possible and financially viable, such developments should add to the stock of affordable housing” (Core Strategy 12.18). This is reflected in the approach Policy H2 adopts with regards affordable housing.

The Framework considers the effective use of land, by reusing land that has been previously developed, and the promotion of mixed use developments, as comprising

core planning principles. Taking this and all of the above into account, I am satisfied that the general approach set out within Policy H2 – supporting the mixed use redevelopment of a brownfield site, to include open market and affordable housing - meets the basic conditions.

I am concerned, however, with some of the detail within Policy H2.

Whilst the Policy clearly intends the Newburgh site to be developed for mixed use, the wording of part 4 is vague and there is no indication, for example, of what would happen if housing proposals were not “considered in the context” of a mixed use plan. Consequently, Policy H2 does not provide a clear indication of how a decision maker should react to a development proposal, as required by national policy (National Planning Policy Framework Para 154). I also note that Policy LE2 supports employment development at the Newburgh site. I propose wording to address these matters in my recommendation below.

The Policy states that the affordable dwellings will be delivered by a Community Land Trust. Whilst I am satisfied that a Community Land Trust can be established in Bradwell and that one is likely to be established by the time this Neighbourhood Plan might be made, I am concerned that, as worded, Policy H2 provides for no flexibility in case a Community Land Trust cannot, for whatever reason, deliver affordable dwellings.

Further to the above, the Policy refers to a commuted sum payment that equates “to the full build cost of the provision of affordable housing.” This is an unrealistic expectation. Whilst it may be normal for developers to subsidise the difference between the value of market and affordable housing units, it could well be the case that the provision of the “full build cost” would render a development proposal unviable. The Framework is clear in stating that sites “*should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened*” (National Planning Policy Framework Para 173). No evidence has been presented to demonstrate that payment of “the full cost of the provision of affordable housing” is realistic or viable.

Policy H2 is also very confusing in its treatment of land for affordable housing. It states that a Community Land Trust will deliver affordable housing and that it is necessary for land within the Newburgh site to be provided for affordable housing, but then goes on to state that affordable housing will be provided “either on or off site” and that “affordable housing may be provided on the site or appropriate alternative sites within the built area.” Not only is this contradictory and unclear, but no alternative sites are referenced or allocated in the Neighbourhood Plan and there is no evidence to demonstrate that any such sites are readily available.

Taking all of the above into account, I consider that, with regards the Newburgh site, the detailed treatment of affordable housing is confusing and inappropriate. Whilst I acknowledge that the establishment of Bradwell Community Land Trust is a key local aspiration that seeks to contribute to the achievement of sustainable development,



for the reasons set out above, the details within Policy H2, as worded, which relate to the provision of affordable housing, do not meet the basic conditions.

I recommend:

**Policy H2, re-word to read: “This Plan supports the development of the Newburgh site for the provision of open market homes as part of a mixed use development to enhance the character of Bradwell, subject to the number of open market dwellings not exceeding 40; and the provision of local needs affordable housing at a level in accordance with a financial viability assessment and an up to date housing needs survey. Where possible, the affordable dwellings will be delivered by Bradwell Community Land Trust. The development of the site for housing alone is not acceptable but must form part of a mixed use development.”**

Subject to the above, I am satisfied that Policy H2 meets the basic conditions.

### **Policy H3: Develop ‘in-fill’ sites in favour of ‘green-field’ development**

Policy H3 is confusing. It is not clear that the Policy relates to housing, as it refers to “development.” The Policy states that priority will be given to sites within Bradwell, but does not identify or allocate any sites. In addition, by stating that greenfield development will not be allowed when certain criteria apply, it implies that greenfield development would be acceptable otherwise, albeit as a lesser priority than in-fill development or stone conversions in farmyards. This approach fails to have regard to the Framework, which affords great weight to conserving landscape and scenic beauty in National Parks. It is also unclear how the Policy is in general conformity with Core Strategy Policy GSP1, which requires all development to be consistent with the Peak District National Park’s purpose.

I am also mindful that whilst in-fill development is defined in the Glossary, the definition is vague and provides no detail about what in-fill development actually comprises. As worded, for example, the Policy could be read as prioritising the development of all land within the built area of Bradwell.

No substantive evidence has been submitted to demonstrate why the conversion of existing stone buildings within farmyards to housing should be prioritised. Consequently, it is not clear whether there are stone buildings within farmyards that would readily convert into appropriate housing, nor how such development will contribute to the achievement of sustainable development. Also, and fundamentally, no indication is provided as to what the conversion of stone buildings in farmyards should be prioritised above. This part of Policy H3 does not provide a clear indication of how a decision maker should react to a development proposal.

I note that the establishment of the Bradwell built area has emerged through the neighbourhood planning process with community support. Whilst Policy H3, in its

current form, fails to set out the built area (but relies on a reference to an Appendix), this can be remedied by simple modifications.

Representations have been received with regards the detailed position of the settlement boundary, with specific reference to it excluding garden areas. However, there is no suggestion that the Neighbourhood Plan supports residential development in gardens and there is nothing before me to demonstrate that it fails to meet the basic conditions in this regard.

I recommend:

- **Change the title of Policy H3 to “Bradwell Built Area”**
- **Delete final sentence of the second paragraph of the supporting text to Policy H3, on page 21**
- **Change Policy H3 to read: “*The Plan encourages development to meet Bradwell’s housing needs to be located within the built area of Bradwell, as shown in Figure 2.*”**
- **Create a new Figure 2, using the Bradwell Built Area plan from Appendix 1 (and remove the unnecessary date reference)**

Whilst I am aware that the above results in a rather general Policy, I find that the only alternative, given the existing wording, would be to delete Policy H3 in its entirety. Subject to the above and my recommendations below, Policy H3 reflects the general aspirations of the community. It has regard to national policy, which requires housing to be located where it will enhance or maintain the vitality of rural communities (National Planning Policy Framework Para 55), contributes to the achievement of sustainable development and meets the basic conditions.

#### **Policy H4: Provide a Broad Mix of Housing Types**

Policy H4 has regard to national policy, which supports the delivery of a wide choice of high quality homes (National Planning Policy Framework Chapter 6). However, the detailed wording of the Policy is very prescriptive and no evidence has been provided to demonstrate that it would be reasonable and viable, for example, for a four dwelling scheme to provide a starter home, a three bedroom home, a four bedroom home and “a home suitable for the older,” as required by the Policy. Consequently, the Policy fails to have regard to paragraph 173 of the Framework.

The Policy then goes on to “define” what a home suitable for the older could comprise and includes a “Residential Institution” within this. This introduces a completely different form of development to a dwelling and results in the final part of the Policy lacking clarity and introducing confusion.

I recommend:

- **Re-word Policy H4 to read: “New housing developments for schemes of more than 3 dwellings must provide a mix of different housing types. Where practical and viable, such developments should include a mix of starter homes, family sized homes with 3 or more bedrooms and homes suitable for older people.”**

Subject to the above, the Policy contributes to the achievement of sustainable development and meets the basic conditions.

#### **Policy H5: High Quality designs for new development which enhance village character**

Good design is recognised by national policy as comprising a key aspect of sustainable development, indivisible from good planning. National policy requires good design to contribute positively to making places better for people (National Planning Policy Framework Para 56).

Policy H5 sets out detailed design criteria aimed promoting good design quality. In this way, Policy H5 contributes to the achievement of sustainable development and meets the basic conditions.

In addition to two small alterations to Policy H5, I note that the supporting text to the Policy reads as though it were a Policy, which it is not. I recommend:

- **First paragraph of supporting text, change to “Bradwell has...status. *It is the intention of the Plan to ensure that proposals for new housing are of a high quality...Area Appraisal. To achieve this, development proposals will be expected to actively...***
- **Second paragraph of supporting text, change to “*Whilst development will be...Local Plan and Core Strategy, there are specific design issues...*”**
- **Third paragraph of supporting text, change to “...is particularly evident. It is *important* that this eclectic...”**
- **Policy H5, bullet 3, change to “Land must be *provided* for garden...”**
- **Policy H5, bullet 5, delete last sentence (County Highways matter)**

## Local Economy

- **NB, delete Objective/Policy Index box**

### **Policy LE1: Protecting Employment Site and Uses**

As worded, this is a negative policy, which fails to reflect the positive Objective outlined in the opening part of the Local Economy section. In addition, recent changes to Permitted Development mean that certain changes of use no longer require planning permission. In this regard, as worded, Policy LE1 would fail to have regard to national policy.

It may be unduly onerous to expect a failing business to undergo an independent viability assessment in addition to demonstrating at least a year's marketing. No evidence has been provided to demonstrate why it would not be sufficient to simply provide a viability assessment alongside the marketing information.

I recommend:

- **Policy LE1, change to “to non-employment uses *will only be supported where:*”**
- **Policy LE1, bullet 1, delete “by an independent assessment”**
- **Policy LE1, add new bullet “OR, 4. *Permitted Development Rights allow for such changes*”**

Subject to the above, Policy LE1 seeks to protect employment uses whilst allowing for appropriate flexibility. As such, it contributes to the achievement of sustainable development and meets the basic conditions.

### **Policy LE2: Industrial and Business Development of the Newburgh Site**

Policy LE2 supports the development of employment uses on the Newburgh Site as part of a mixed use development. The Policy is in general conformity with Core Strategy Policy E1, which welcomes improvements to existing employment sites and where appropriate, supports enhancement, including redevelopment.

As worded, it is not clear that Policy LE2 relates specifically to the Newburgh site. In addition, Policy LE2 is confusing and conflicts with Policy H2. The Policy states that either mixed use or the use of the entire Newburgh site for employment use will be supported, whilst Policy H2 states that a mixed use development, including up to 40 homes will be supported. This makes for an unclear and contradictory Neighbourhood Plan.

I note that the Newburgh site is already an employment site and that, further to consideration of all of the evidence before me, it is clear that there is community support for the mixed use redevelopment of the Newburgh site.

I am mindful of Natural England's comments, which express concern for the character and setting of Bradwell village within the Peak District National Park. This particular concern reflects Core Strategy Policy L1, which requires development to conserve and enhance valued landscape character. Given this, I consider that including a reference to conserving and enhancing landscape character would help to ensure that Policy LE2 is in general conformity with the strategic policies of the development plan.

Taking all of the above into account, I recommend:

- ***Policy LE2, change wording to "Proposals for the mixed use development of the Newburgh site must be supported by a comprehensive master plan for the whole of the site. The Neighbourhood Plan supports proposals that provide a mix of different uses and which conserve and enhance landscape character. Small starter business units providing opportunities for smaller businesses are particularly encouraged. The comprehensive master plan for the whole of the site will be subject to an environmental impact assessment. Proposals that result in significantly increased levels of HGV traffic leaving the site via the centre of the village will be resisted."***

Subject to the above, Policy LE2 meets the basic conditions.

### **Policy LE3: Support efforts to provide a high quality communications infrastructure**

This is a positive Policy that supports the delivery of a high quality communications infrastructure. It has regard to national policy which recognises a high quality communications infrastructure as essential for sustainable economic growth (National Planning Policy Framework Para 42). Consequently, Policy LE3 contributes to the achievement of sustainable development and meets the basic conditions.

## Transport

- **NB, delete Objective/Policy Index box**

The introductory text refers to an Appendix and part of the final paragraph reads as a Policy, which it is not. I also note that an hourly bus service in a rural community is not especially “infrequent.” I recommend:

- **Second para, page 27, change to “Bradwell village is relatively isolated, although it is served by an hourly bus service.”**
- **Third para, page 27, Delete last sentence and replace with “A separate Cycle Paths and Access Routes Study (available on the Parish website) has been undertaken in support of this.”**
- **Fourth para, line four, replace “must” with “is to”**

### **Policy T1: Provision of Footpaths and Cycle Ways**

This Policy supports the provision of footpaths and cycle ways. It contributes to the achievement of sustainable development and meets the basic conditions.

For clarity, I recommend:

- **Policy T1, change first line to “This Plan supports *the provision* of footpaths and...”**

### **Policy T2: Retention of Car Parking**

Policy T2 effectively supports the retention of car parking spaces, to maintain the viability of Bradwell. This has regard to Chapter 3 of the National Planning Policy Framework, which supports a prosperous local economy. The Policy meets the basic conditions.

### **Policy T3: Parking for New Housing**

Core Strategy Policy T7 requires residential parking to be kept to the minimum required for operational purposes. Policy T3 seeks to establish its own residential parking standards but is not supported by any detailed background information relating to why the proposed standards are relevant or necessary. In this regard, I note that the proposals would introduce high levels of new car parking – for example, requiring two spaces for one bedroom flats, three spaces for two bedroom flats, five spaces for a four bedroom house, etc.

Taking the above into account, I find that Policy T3 would not be in general conformity with the strategic policies of the development plan and that insufficient evidence is provided to justify its approach. The Policy would fail to meet the basic conditions. I recommend:

- **Delete Policy T3**

#### **Policy T4: New Car Parking facilities**

As well as limiting residential parking (see above) Core Strategy Policy T7 restricts non-residential parking “in order to discourage car use.” Policy T4 supports the provision of new car parking.

Core Strategy Policy T7 states that “New non-operational parking will normally be matched by a reduction of related parking spaces elsewhere.” This is in contrast to the approach of Policy T4, which simply supports the provision of new car parking, subject to meeting various criteria.

As with Policy T3, I find that Policy T4 is not in general conformity with the strategic policies of the development plan. No substantive justification is provided to account for this conflict.

Policy T4 does not meet the basic conditions.

- **Delete Policy T4**
- **Delete the third paragraph of supporting text on page 28**

## Health, Education and Well Being

- **NB, delete Objective/Policy Index box**

The table on page 30 generally provides descriptions of various sites. However, Number 5, Soft Water Lane, is worded like an allocation, which it is not. I recommend:

- **5, Soft Water Lane, delete second sentence “Proposed to...area”**
- **Third paragraph, last line, page 30, capital I in “Infant”**

### **Policy HEW1: Provide allotment space**

Policy HEW1 supports the appropriate development of allotments. This Policy has regard to national policy, which promotes healthy communities (National Planning Policy Framework Chapter 8). The Policy contributes to the achievement of sustainable development.

The Policy includes an unnecessary reference to another Policy in another Plan. I recommend:

- **Policy HEW1, change end of Policy to “...the *landscape character or other valued characteristics of the National Park.*”**

Subject to the above, Policy HEW1 meets the basic conditions.

### **Policy HEW2: Protect Local Green Spaces**

Policy HEW2 seeks to designate Local Green Spaces. The Local Green Space designation is an important one. It affords protection consistent with policy for Green Belts (National Planning Policy Framework Para 78).

Neither the Policy nor the supporting text names or identifies the proposed Local Green Spaces. This is inappropriate. No detailed boundaries of Local Green Spaces are provided and again, given the importance of the designation, this is inappropriate. I do note, however, that an Appendix to the Neighbourhood Plan contains the relevant information and consider that modifications can address these matters.

Policy HEW2 attempts to introduce its own version of Local Green Space policy. This is highly inappropriate. National policy is explicitly clear with regards Local Green Space policy. It is not the role of neighbourhood plans to designate Local Green



Spaces and then apply a completely different policy regime for them to that set out in national policy.

To address all of the above and ensure that Policy HEW2 has regard to national policy and meets the basic conditions, I recommend:

- **Policy HEW2, re-word policy as: “The areas shown together in Figure 3, and identified individually on the plans below Figure 3, are designated as Local Green Spaces, where new development is ruled out other than in very special circumstances.”**
- **Take the plan from Appendix 4, remove label and create a new Figure 3 titled “Local Green Spaces”**
- **Separately from Figure 3, clearly show the precise boundaries of each Local Green Space on accurate, individually titled plans, the individual titles to correspond to the name of each Local Green Space (taken from the descriptions provided in Appendix 4**
- **Delete all of the supporting text and replace with: “Bradwell is a rural parish primarily defined by its open spaces, surrounding fields and panoramic views.**

***The Neighbourhood Plan designates all of the areas shown in Figure 3 as Local Green Spaces. All of these Local Green Spaces are in close proximity to Bradwell and are demonstrably special to the local community.***

***Each of the Local Green Spaces holds a particular local significance. Amongst other things, the Local Green Spaces are significant for their beauty, historic significance, recreational and wildlife value.”***

Subject to the above, Policy HEW2 meets the basic conditions.

### **Policy HEW3: Protect schools**

This Policy refers to matters that are the responsibility of another authority and that are outside the scope of the Neighbourhood Plan. I recommend:

- **Delete Policy HEW3 and supporting text**

## Environment

- **NB, delete Objective/Policy Index box**

### **Policy E1: Applications for new development must meet the local drainage requirements**

The majority of Policy E1 refers to matters under the control of, and requiring approvals by, the Local Planning Authority and the Environment Agency. It is not the role of a neighbourhood plan to introduce requirements that relate to the responsibilities of others.

Much of the Policy is concerned with sustainable urban drainage systems (SUDs). The introduction of SUDs, where appropriate, contributes to the achievement of sustainable development and, in this way, this part of the Policy meets the basic conditions. A Ministerial Statement<sup>6</sup> establishes that, generally, SUDs should be a requirement for developments of 10 dwellings or more, or equivalent non-residential or mixed development.

I recommend:

- **Delete current wording of Policy E1 and replace with *“A Sustainable Urban Drainage system (SUDs), as an alternative to conventional drainage, will be required for developments of ten dwellings or more, and on equivalent non-residential or mixed schemes, unless it can be demonstrated that a SUDs system would not be suitable for the intended location.”***
- **Delete the third sentence of the first paragraph of supporting text to Policy E1 on page 33. The dates are not included and the information is unnecessary.**
- **Delete the second, third and fourth paragraphs of supporting text to Policy E1 on pages 33 and 34. These include detailed technical references that add little to the revised Policy.**

### **Policy E2: Local Design Policies**

As set out above, good design is recognised by national policy as comprising a key aspect of sustainable development, indivisible from good planning. National policy requires good design to contribute positively to making places better for people (National Planning Policy Framework Para 56). Whilst Policy H5 sets out detailed design criteria for housing, Policy E2 sets out more general requirements. In this

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<sup>6</sup> Ref: House of Commons: Written Statement (HCWS161), 18 December 2014

way, Policy E2 contributes to the achievement of sustainable development and meets the basic conditions.

The first paragraph of Policy E2 refers to other policies and documents, controlled by the Peak District National Park Authority and is unnecessary. The third paragraph requires all new housing development to be accompanied by a Building for Life Assessment and sets out a vague requirement that development “must achieve as many “Greens” as practically possible.” It may be unduly onerous for a single house to undergo a Building for Life assessment and the requirement for “achieving Greens” is unclear. I am also mindful that, generally, Building for Life is a helpful guide for good residential development, rather than a policy requirement.

The fourth paragraph of Policy E2 relates to heritage assets. National and local planning policy and guidance clearly establish the detailed manner in which development relating to heritage assets should be controlled. In preventing any development that diminishes significance or affects setting, Policy E2 introduces a completely different approach to national and local policy. No substantive reasoning is provided as to why a new and fundamentally different approach to that set out in national and local policy should be adopted. I am also mindful that no clarity is provided with regards the definition of “diminishes” or what would comprise a development that “affects” setting.

I also note that a tree management plan may include the appropriate removal of trees, rather than the maintenance of poor quality trees; and that a reference to “significant views available to the general public” may not provide sufficient detail for decision makers to consider development proposals against.

Taking all of the above into account, I recommend:

- **Policy E2, change wording to “New development must contribute to local character by retaining a sense of place appropriate to its location. Developers are strongly encouraged to support proposals with a Building for Life assessment. Development proposals must be designed to retain, or where appropriate, replace, dry stone walls and trees and hedgerows. Where development will affect trees and/or hedgerows, proposals should be accompanied by a survey which establishes the health and longevity of affected trees and/or hedgerows and an appropriate management plan.”**

### **Policy E3: Climate Change**

Policy E3 supports development that generates energy from renewables or low carbon energy sources. As such, it has regard to national policy, which supports the delivery of renewable and low carbon energy and associated infrastructure (National Planning Policy Framework Para 93).

For clarity, I recommend:

- **Policy E3, first bullet, second line, change to “...building *and is as close as practicable...*”**
- **Policy E3, first bullet, fourth line, change to “...public safety *and should allow continued...*”**
- **Policy E3, third bullet, change to “*The energy generating infrastructure is removed as soon as reasonably practicable...*”**
- **First paragraph, last line of supporting text to Policy E3 on page 36, change to “...respect the *National Park’s* landscape character.”**

#### **Policy E4: Conversion of Buildings to Residential and Holiday Accommodation**

Policy E4 is a positive policy that supports conversions to residential and tourist accommodation, subject to their being appropriate to the character of the Peak District National Park.

The Policy has regard to Chapter 3 of the National Planning Policy Framework “Supporting a prosperous rural economy” and is in general conformity with Core Strategy policies RT2 and HC1, which allow for sensitively designed conversions.

Policy E4 meets the basic conditions.

## 7. Summary

I have recommended a number of modifications further to consideration of the Bradwell Neighbourhood Plan against the basic conditions.

Subject to these modifications, the Bradwell 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 development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

Taking the above into account, I find that the Bradwell Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

## **8. Referendum**

I recommend to the Peak District National Park Authority that, subject to the modifications proposed, the **Bradwell Neighbourhood Plan should proceed to a Referendum.**

### Referendum Area

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Bradwell Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Bradwell Neighbourhood Area as approved by the Peak District National Park Authority on 8 March 2013.

**Nigel McGurk, July 2015**  
**Erimax – Land, Planning and Communities**

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