

## **Brailsford Neighbourhood Plan (Submission Version)**

As you are aware, I have been appointed to conduct the Examination of the Brailsford Neighbourhood Plan. I can see that considerable community effort has gone into developing the Plan; in order that I may progress the Examination I would be grateful for the Qualifying Body's response to the initial enquiries below; the local authority may also have comments. The responses will all contribute to the progressing of the Examination.

I still have considerable work to undertake in fully assessing the submitted Plan but my purpose here is to better understand the authors' intentions behind some of the policy content. I note that the local authority has made a number of comments and I will aim to pick up below the most significant of these so that you may provide a response as appropriate. In order to ensure transparency with the conduct of the Examination a copy of these queries is being sent to the Local Planning Authority in order that the exchange of emails can be published on the webpage relating to the Neighbourhood Plan alongside the representations received during the Regulation 16 public consultation.

### **The Plan Period**

I note that the Neighbourhood Plan period is stated, helpfully prominently, on the front cover to be 2013 – 2033. 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 and the Plan was not submitted until 2020 (indeed it cannot be implemented until 2021 at the earliest), a more appropriate Plan period would be 2020 – 2033. 2020 would then need to become the date referred to within the Plan as “now”, resolving a potential source of confusion (for instance a site on page 13 is “now” under development according to the comments from the Council). Do you have any comments on such an amendment?

### **Location Maps**

As noted by the local authority, the clarity of maps is important to the prospective reader. Whilst the Plan (Map?) 1 is helpful in locating the Neighbourhood Area in relation to nearby towns, the map will need a source reference (to comply with the terms of the licence and to allow the reader to consult the original if they choose). I am unsure that Plan 2 serves any purpose, not least because it tends to confuse with a different boundary that is unexplained in the key. Plan 3 meets a requirement for a Neighbourhood Plan but its purpose is to define the Neighbourhood Area and, whilst I appreciate that this coincides with the Parish Boundary, Neighbourhood Area 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.

Do you have any comments on these lines of thought?

### **Introduction**

I believe that the references to Plan 1 in this section should in fact reference Plan 3 since that shows the Neighbourhood Area in detail? Also, the reference to the map of the Conservation Area should I think refer to Plan 4 and there would be easier read across if, as noted before, the map was relocated?

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 what base date that 80% is calculated?

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

As also noted by the local authority, any potential for confusion between the census area boundary and the Neighbourhood Area could be addressed by stating the hectarage of the latter, allowing for the density calculation (quoted on page 10) to be understood. The local authority advises that the hectarage is 1,765 hectares, which could be included in the text. The local authority also notes that the Section on Parish Statistics would benefit from more clearly differentiating between Census information and that obtained via the Parish Survey.

Whilst the presentation of data is generally admirably clear there are a few points needing clarification:

- i) Figure 6 appears to have two different titles;
- ii) at the scale presented, Plan 6, its key and the important source reference are unreadable; this would need to be enlarged for it to be useful;
- iii) there is no scale to Figure 10.

Your comments are invited.

### **Policy Context**

On page 25 the local authority points out that the footnote reference to the Local Plan should be to the adopted Plan. On a related point, the local authority has commented: “It is considered that the wording of the sixth paragraph 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’”. On the same page mention of the “Climate Change: Roadmap, September 2019” also needs a footnote source reference.

Any comments?

### **How this Plan was Made**

The local authority notes: “The list of key actions should be updated to include submission of the Neighbourhood Plan and supporting documents to the Local Planning Authority in February 2020”. Your comments are invited.

## Vision and Parish Objectives Statement

The local authority has noted that the first bullet point for the vision states: “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.” The local authority considers that the wording of the vision should be amended 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. It is noted the Neighbourhood Plan proposes policies on design and form of development.”

The local authority has also commented on the statement of Objectives. I recognise that this is largely a historical record of starting points for the development of Policies. However, I share the local authority’s concern that the statements should have clarity and not mislead. In these respects, it would be helpful to know what was intended by:

Priority 1: “managing” any further expansion?

Priority 4: “recommending” [to whom?] that new housing should be built as infill “and in small groupings or clusters of houses” – could the latter not also be an aim for “estates”?

Priority 6: “Encouraging [from developers?] the inclusion of measures” including “implementing rigorous traffic management and road safety standards, including speed control mechanisms across the Parish” – are these feasible for developers to deliver?

Priority 8: “Seeking investment [from whom?] in local amenity such as that which could have [in whose estimation?] been offered by Section 106 Agreement”. In relation to Priority 8 the Brailsford and Hulland Medical Centre has urged, through a representation, “Reference to the medical services as a specific village service would help to confirm the ongoing support and commitment to having a practice within the village boundary. It would seem consistent with the following paragraph’s inclusion of NHS Clinical Commissioning Groups in taking forward the Plan’s various stated priorities.”

Footnote 1: “while Priorities 3, 6 and 8 can clearly be related to considerations made in any planning and land use determination, and as such are the subject of consultation in the determination of any planning application, their effective adoption may require the active participation of other public agencies” – but such participation cannot be mandated through a planning decision?

Footnote 3: “the Parish Council will be taking forward a case that any future S106 agreements (or Community Infrastructure Levy (CIL) funds) arising from permitted new development should be used to help deliver the Neighbourhood Plan’s ambitions” – the local authority notes that CIL is not being progressed locally and that the legal framework for S106 contributions limits their use to that which is necessary to make a proposal policy compliant?

Your comments are invited.

## Policy Area 1: Housing

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.” You are invited to consider this more targeted approach that would better accord with NPPF expectations, but I will consider and comment on each of the Policies below.

I note the statement that “Brailsford village has expanded by some 50% in the past three years” – earlier an 80% figure was used. 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. Nor is it clear whether it is the experience of the suggested 50% expansion that was the background to the Parish Survey questions. I would appreciate a clarification.

I note that the Neighbourhood Plan effectively limits its ambitions for additional housing to infill within the current settlement boundary for Brailsford. More than one representation notes that many of the funding ambitions for the Plan would rely on additional development with related S106 obligations. A representation notes: “As stated within the plan on page 15, no new development has taken place in Ednaston since the 1980s. My client has had people from the village/hamlet come forward interested in the possibility of the development of retirement homes. Local and national planning policy for retirement homes currently only supports their development where there is access to a range of sustainable transport, this does not account for individuals who have lived in a rural village all their lives and want to remain in their village but to downsize or to move to more suitable accommodation for retirement, without having to relocate. If land is allocated this will make specialised housing such as retirement homes possible within Ednaston.” Another 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. This development should be included within the Brailsford Settlement Boundary ..... 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.”

Whilst there is no obligation on Neighbourhood Plans to amend a settlement boundary or allocate sites for housing – and to do either would involve a significant piece of work and further rounds of consultation – you should be aware of such comments and interests when considering the policy-specific comments below.

### **Housing: Our Policies**

Many people looking at the photograph at the foot of page 33 would see a ‘small cluster of houses’, with a mixture of detached and terraced properties, constructed of ‘red brick and plain clay tiles’ rather than the suggested “uniform and urban style development”. However, a representation comments: “The largely urban style design of these [new] estates pays little regard to the principles outlined in the Plan. They are estates, not pockets of development; there is little sense of space and openness. They do involve sprawl into the countryside; and they do not create a suitable transition from the built to the natural environment. They do not contribute much to the distinctive built character of their settings. There seems to be a bleak contrast between the perhaps idealistic language of policy and planning documents and what actually happens on the ground.” I appreciate that context is of great significance, but evidently some further clarity is needed on what is being sought, accepting that the numbers of new houses overall will not be “small”. I would appreciate a clarification.

### **Policy H1**

In addition to the issue above, it is unclear what “and as proposed by the Derbyshire Dales Local Plan” is meant to add to the Policy.

A representation comments: “As housing needs can change over time, there is a real risk that this policy could become outdated as new evidence of local needs comes to light. [However,] Gladman is concerned with the emphasis on one to two bedroom homes as opposed to larger properties as this does not cater for families looking for larger homes. 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. Gladman also question 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.”

Your comments are invited.

### **Policy H2**

The phrase “development on brownfield sites within the settlement boundary as proposed in the Derbyshire Dales Local Plan” can be read two ways, but I believe that it is the settlement boundary, rather than brownfield developments, that comes from the, now adopted, Local Plan? I note that the concept of the Settlement Boundary has already been introduced earlier in the Plan. As noted by the local authority it is difficult to see that the core of Policy H2 adds anything to its equivalent in the Local Plan. Given that both policies expect “small-scale” development it must be doubtful that the expected “travel planning and traffic management measures” are realistic or reasonable at such a scale (although any traffic impact would be a material consideration).

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, but comments about the issues with Policy H2 are invited.

### **Policy H3**

It is difficult to see what Policy H3 adds to the combination of other H policies – what was it intended to highlight? In this regard it would be helpful if Policies had their own title so that it was evident what each was addressing (although as noted above, a single ‘new housing’ policy may be more satisfactory)

### **Policy H4**

I believe it is probably the opportunities for self-build or custom-build that is being encouraged 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”.

### **Policy H5**

As 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 from 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.”

This seems to be a clear instance where a single line, acknowledging the significance of the Conservation Area, in a combined policy could suffice?

## Policy H6

It is very difficult to see how this Policy and the related “Design Principles Statement” are expected to operate together. There is no direct read-across between the 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.

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. Notwithstanding the above, Gladman raise concerns with reference to the following criteria:

**Landscape:** The policy states that development should not create no significant impact on surrounding rural landscape, views, vistas, habitats and biodiversity. The use of wording is considered subjective and will likely lead to conflicting decisions through the development management process and would not accord with the requirements of paragraph 16(d) of the Framework. For a view to be identified for protection there should be demonstrable physical attributes that elevate its importance out of the ordinary, rather than seeking to protect views of the open countryside due to their pleasant sense of place. Gladman do not consider that the evidence base is sufficient nor robust enough to support identified key views and this should be revisited based on appropriate evidence. If identified views do not meet the tests required for identification, then these should be removed from the neighbourhood plan.

**Energy efficiency:** The policy further states that “construction should include the highest standards of emerging, waste and water efficiency...” This element is not defined as to what would be required to meet the highest standards of energy efficiency. In addition, the Written Ministerial Statement 2015 makes clear that technical standards relating to construction, internal layout or performance can only be progressed through a Local Plan based on need and viability. As such, it is suggested that this policy is modified, and the following wording is put forward for consideration: “Development proposals which seek to improve the energy efficiency of residential dwellings will be supported.”

**Parking Standards:** The policy requires at least two off road parking areas and garage to accommodate a mix of vehicles. Whilst Gladman acknowledge the need to accommodate private vehicles in development proposals, we submit that the requirements of this element of the policy are onerous and could place undue burden on development viability as it may not allow for the most appropriate layout in terms of design and master planning when taking into consideration other factors such as Public Open Space which may need to be



included in a development proposal and thus reducing the overall level of development that could realistically be achieved.” I would add that any departure from the Local Plan parking standards would require evidenced justification.

With regard to flooding, a representation from Severn Trent comments: “We recognise that the parish makes use of the wider Derbyshire Dales district policies and we actively engage with the district on these where appropriate. Regarding the specifics of new development within Brailsford we ask that the drainage hierarchy is recognised and followed as an order of preference for the management of surface water; to the ground, to a watercourse, to a surface water sewer and as a last resort to a combined sewer. Discharging surface water to a combined sewer is strongly discouraged and may result in sewer capacity issues such as hydraulic sewer flooding or spills to a local watercourse from a combined sewer overflow. Whilst the use of SUDS is a great start to managing surface water the final discharge from these features should still make every effort to avoid connection to a combined sewer. SUDS discharging to a combined sewer may still increase any existing risk of sewer capacity issues such as hydraulic sewer flooding. We are aware of the reports of flooding within the parish and whilst we suspect historic incidents are predominantly pluvial or land drainage orientated (based on anecdotal information from local residents) we do encourage that any suspicion of sewer flooding (flow coming out of a public sewer) is reported to us so we can review the root cause, please see our website for more information on how to do this.”

Even after having regard to these comments, there is evidently a need for content within the Plan to help clarify the design, materials and character features that developers should be aware of when developing their proposals. Indeed, it might be felt that a Design Policy is the only housing policy needed as in all other regards the Local Plan is sufficient? Perhaps by careful distillation from the “Statement” there is the basis of a distinctively Brailsford-based Policy that avoids the generic (and repetitive) references to design considerations that apply everywhere? The NPPF is already supportive of good design but notes (para 125) that “Design policies should be .... 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”. Some illustrative photographs might also help?

Your comments on the above lines of thought, particularly before I visit Brailsford, are invited.

## **Policy Area 2: Traffic Management and Accessibility**

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 above and 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.”

It is helpful that the Plan produces evidence rather than rely on unsubstantiated ‘perceptions’ of residents. However, the policy statements seem to be 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. Whilst it is accepted that “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).

Whilst I can see that Policy TMA1 is related to local considerations (although the wording is convoluted), there is no equivalent local connection made for Policy TMA2 which, rather than “reinforce” Local Plan requirements, only appears to duplicate (or extend without supporting evidence). However, within the terms of Policy TMA1, there is no legal basis for a developer to create cycle ways and footpaths to improve safe non-vehicular movement “around the Parish”. It is also difficult to conceive how a prospective developer might have land located to be “available 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”?

The introduction to Policies TMA3 – 6 implies that other vital considerations might be overlooked if “developments [which] provide support and/or funding which can assist with the delivery of the following Community aims”. Planning consents cannot be compromised in this way – nor do I think that you would wish them to be. These “policies” might best be regarded as candidates for inclusion in an Annex of ‘Parish Council Actions’ – in this case for on-going dialogue with the Highway Authority?

Your comments on these lines of thought are invited.

### **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.” Phrases such as “will be encouraged to” do not help in this regard.

As a person unfamiliar with Brailsford the introductory text seems somewhat confusing since “Brailsford Park” and “the Playing Field” appear to be used interchangeably (and yet three areas are shown on Plan). It is stated that “the Playing Field” is of ‘local significance’ and this is amongst the (several) considerations for Neighbourhood Plans to designate a Local Green Space (NPPF para 100). Since the space is now in the ownership of the Parish Council, under a condition that it should be retained as a public open space, the Local Green Space designation is unlikely to add any additional protection, but I thought I should check that such a designation was not intended.

## **Policy GSL1**

This Policy makes specific reference to certain spaces – which is helpful – but these are not consistently identified by name or extent on the accompanying Plans; a developer could not therefore readily identify what is being protected. Some locations identified on the Plans are not mentioned in the Policy. Although the representation seems to be somewhat confused about the purpose of Policy GSL1, a representation comments: “The allotments no longer exist and have been incorporated into Mr. Goodall’s farming operation ..... The lease ended on the 29th September 2020 and the use of the land as allotments terminated at that date. The land forms part of a larger field and it is inappropriate to include the former allotment land as a Local Green Space.”

Another representation comments: “Gladman welcome the inclusion of the above policy and the Parish Council’s ambition to increase the supply of public open space arising from new development opportunities such as Gladman’s land interests at land off Main Road. Notwithstanding this, Gladman suggest a minor modification to the policy wording as follows: “Developments which include the creation of green spaces accessible to the public, such as managed grassed space (ideally incorporating wildflower habitat), community gardens, children’s play areas and establishment of new rights of way or accessible links to the wider footpath network and valued amenity green spaces will be ~~promoted in the consideration of any future development~~ *supported when considering future development proposals.*”

The local authority has also commented: “There may be benefits to some of the plans being amalgamated to include more than one environmental issue, for instance one plan showing existing green space and public open space.”

## **Policy GSL2**

The local authority comments: “The local evidence to support the identified [particular types of] ‘green spaces’ and associated community value should be identified. The elements of Policy GSL2 referring to Policy S10 and infrastructure could draw reference to the adopted Developer Contributions Supplementary Planning Document. Any financial obligation towards infrastructure must meet all the statutory tests for the use of S106 Obligations.”

## **Policy GSL3**

The local authority has commented: “Requiring linkages to established green infrastructure ... may not always be feasible particularly where developers may not control land beyond the development site”. And it is worth repeating that “Any financial obligation towards infrastructure must meet all the statutory tests for the use of S106 Obligations.”

Your comments on the above lines of thought are invited.

## **Policy Area 4: Local Landscape & Wildlife**

Whilst the effort to produce and present supporting information here is appreciated, 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.

### **Policy LW1**

From my accessing of the original DCC document it would appear that there is no "Priority" designation but instead a "Primary" designation of landscape sensitivity. Also, whilst it is unclear because of the scale of the map, I am unsure that the whole Neighbourhood Area is designated as "Primary" or whether it includes "Primary" areas? A representation suggests that the Primary area is concentrated around Ednaston. Further, the Policy wording is inappropriate in suggesting that it can "maintain" the Primary designation by 'directing' development away from "areas of high landscape sensitivity", particularly since the latter are not identified. 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 than the prospective developer ie when allocating new sites. The Development Plan as a whole does not encourage additional, new greenfield development beyond that allocated for the purpose. **Comment invited.**

### **Policies LW2 and LW3**

The local authority notes that "These two policies 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." **This may therefore be another instance where policies might be combined along the lines of 'Development proposals should:...' followed by a list of expectations?**

### **Policy LW4**

The use of the future tense with "will be encouraged" is puzzling. NPPF para 180 (c) supports the limiting of "the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation". However, for readability, LW4 might be subsumed within a single overall Policy as noted above. Your comments are invited.

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

As the local authority has noted "revisions to the context section have been made to add information on the services and facilities within the village, it is considered however that additional detail from the Parish Survey on how valued the services and facilities are could be included to further enhance this section of the Plan, and thus inform the policies, vision and objectives." Your comments are invited

### **Policy CW1**

Although I appreciate that the preamble text now makes reference to a number of valued community facilities, it is not clear within the Policy wording which of the facilities are being protected. 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". 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 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. We would be willing to discuss with local stakeholders and developers moving into a more multipurpose building to meet the local population health needs (not just medical care) – such as incorporating indoor exercise gym, library, a children's play facility and community hub." It therefore would seem that Policy CW1 should not be limited to protection but also look to expansion/improvement?

A positively worded policy would follow the format of Local Plan Policy HC15; in the absence of local detail, Policy HC15 would seem to provide the protection that is being sought?

Your comments are invited.

## **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. It can be affected by the general health of the local population, its age profile and for many other reasons including Covid 19. Development should not be curtailed due to an arbitrary limit on the use of the medical centre. All new housing above 10 dwellings can be required to contribute to the expansion of services at the medical centre and this can be addressed through a S106 agreement.
- 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 and the Company is responsible for ensuring that the sewage system is expanded while meeting its legal responsibilities to prevent leakage and to protect the environment, by treating sewage properly and by preventing the pollution of watercourses and rivers. If there are problems in the parish with the sewage system these are matters to be taken up with the company and are not a planning matter."

Severn Trent has itself confirmed the following: "As a water company we have an obligation to provide water supplies and sewage treatment capacity for future development. It is important for us to work collaboratively with Local Planning Authorities to provide relevant assessments of the impacts of future developments. For outline proposals we are able to provide general comments. Once detailed developments and site specific locations are confirmed by local councils, we are able to provide more specific comments and modelling of the network if required. For most developments we do not foresee any particular issues.

Where we consider there may be an issue we would discuss in further detail with the Local Planning Authority. We will complete any necessary improvements to provide additional capacity once we have sufficient confidence that a development will go ahead. We do this to avoid making investments on speculative developments to minimise customer bills.”

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 any additional local clarity to an existing Local Plan Policy?

### **Policy CW3**

This Policy appears to be seeking developer contributions toward specific community ambitions. As noted above, the realism of the second bullet point must be doubtful in the absence of available land. As also noted earlier, the statutory test would probably rule out most if not all of the listed proposals, and if the statutory test was met then Local Plan S10 and the adopted Supplementary Planning Document on Planning Obligations would provide an existing route. Assuming that voluntary contributions are being canvassed, then a Policy worded as: ‘Development proposals that will achieve the following will be supported in principle:’ might be appropriate? Or there is a suggestion in a representation: “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. Gladman recommend that the policy is modified as follows: “Where necessary to make development acceptable in planning terms, development proposals which improve infrastructure and facilities in Parish as identified in Appendix X will be supported.””

The representation from the Medical Centre has added a potentially additional ask: “In the short to medium term, if a tarmac surface could be provided along the off road footpath which runs nearly parallel to the A52, this would improve pedestrian access to the practice for our staff and patients, with subsequent reduction in vehicles parking near or on the Green.”

#### **Policy CW4**

As worded, the Policy makes a distinction between what will be supported “within the settlement boundary” and what will be supported throughout the Neighbourhood Area. Was that the intention?

#### **Policy CW5**

No evidence has been provided 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. Your comment on the value of Policy CW5 is therefore invited.

#### **Policies CW6 & CW7**

As these are not land use issues, as noted earlier, they need to be more clearly distinguished from the Neighbourhood Plan content.

#### **Annex: Brailsford Parish - Design Principles Statement**

As noted earlier, the contents of the annex require updating to remove reference to saved Local Plan policies, the 2005 Local Plan and include updated referencing to the 2017 Adopted Local Plan. However, as suggested earlier, perhaps by careful distillation from the “Statement” there is the basis of a distinctively Brailsford-based Policy that avoids the generic (and repetitive) references to design considerations that apply everywhere? The local authority also “questions why this work is only included as an annex to the Neighbourhood Plan, when it better seen as an integral part of the Plan, where it will add benefit and provide detailed design policies”.

#### **Appendices**

I don't believe that the two Appendices are essential to the understanding of the Plan and therefore they could be simply 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. Your comments are invited.