

COMMUNITY AND ENVIRONMENT COMMITTEE  
16<sup>th</sup> DECEMBER 2020

Report of Director of Regeneration and Policy

**BRAILSFORD NEIGHBOURHOOD PLAN****PURPOSE OF REPORT**

The purpose of this report is to provide Members with the opportunity to formally comment on the contents of the Draft Brailsford Neighbourhood Plan, and the extent to which it is in general conformity to the District Council's strategic policies as set out in the adopted Derbyshire Dales Local Plan. The report also provides Members with details of the next steps of the process for the preparation of the Brailsford Neighbourhood Plan.

**RECOMMENDATION**

1. That the draft comments made in respect of the policies and proposals contained within the Brailsford Neighbourhood Plan as set out in Appendix 1 are approved and submitted to the examiner appointed to undertake the Examination of the Brailsford Neighbourhood Plan.
2. That a further report be presented to this Committee that sets out the Examiner's Report findings and any recommended modifications to the Brailsford Neighbourhood Plan.

**WARDS AFFECTED**

Brailsford and Ednaston

**STRATEGIC LINK**

The implementation of the Brailsford Neighbourhood Plan will provide a wider planning framework for the Derbyshire Dales, focused within Brailsford. The Neighbourhood Plan will complement policies set out within the Derbyshire Dales Local Plan (adopted 2017) and form part of the Development Plan for the District.

**1 BACKGROUND**

- 1.1 The Parish of Brailsford and Ednaston was designated as a Neighbourhood Area in accordance with Section 61G of the Town and Country Planning Act (as amended by the Localism Act 2011) on the 7<sup>th</sup> April 2015. The designation of a Neighbourhood Area is one of the statutory requirements to enable a Neighbourhood Plan to be adopted and formally become a part of the Development Plan, and be used in the determination of planning applications by the District Council.
- 1.2 Since that time Brailsford Parish Council, with the help of the Brailsford Neighbourhood Plan Steering Group and the local community have prepared a Neighbourhood Plan for their Parish. The Plan sets out the vision for the future of the Parish and planning

policies, which if 'made' will be used to help determine planning applications within the Neighbourhood Area.

- 1.3 The Draft Brailsford Neighbourhood Development Plan was subject to local consultation under Regulation 14 of the Neighbourhood Planning (General) Regulations (2012) between 10<sup>th</sup> March and 21 April 2017, and was submitted to the District Council for its formal publicity stage in June 2018. Following a review of the submitted plan, and its accompanying documents the District Council advised Brailsford Parish Council that further work was required to ensure that all its statutory requirements had been met before it could proceed to formal consultation under Regulation 16 of the Neighbourhood Planning Regulations.
- 1.4 Since that time the District Council has continued to assist Brailsford Neighbourhood Plan Steering Group and Parish Council with the preparation of a Neighbourhood Plan. In February 2020 a revised Neighbourhood Plan; Basic Conditions Statement; and Consultation Statement were again formally submitted to the District Council.
- 1.5 In accordance with Regulation 16 of the Neighbourhood Planning Regulations a six week period of public consultation on the draft Brailsford Neighbourhood Plan commenced on 9<sup>th</sup> November 2020, and will finish on 21<sup>st</sup> December 2020.
- 1.6 As part of the consultation on the Draft Plan, the District Council sent letters to all residents and businesses within the Parish of Brailsford and Ednaston, statutory stakeholders and local groups, advising them where the documents could be viewed and how representations can be made upon the Plan. Copies of the Draft Neighbourhood Plan and supporting documents were made available to view at Brailsford Post Office; on Brailsford Parish Council's website; and on the District Council's website at the following link [www.derbyshiredales.gov.uk/brailsfordnp](http://www.derbyshiredales.gov.uk/brailsfordnp)
- 1.7 To enable residents and consultees to make representations on the Draft Neighbourhood Plan, an online form was made available on the District Council's website at the above link. Further to this a press release has alerted the local media to the Neighbourhood Plan consultation.

## **2 DISTRICT COUNCIL REPRESENTATIONS**

- 2.1 A detailed review of the policies and proposals contained within the Brailsford Neighbourhood Development Plan was undertaken during the local consultation (Regulation 14 Stage) undertaken in March 2017 and when the Plan was submitted under Regulation 15 in 2018.
- 2.2 The District Council in response has indicated its general support for the preparation of the Draft Brailsford Neighbourhood Plan. It did however express some concern that some of policies were written in a negative manner, duplicated or were contrary to policies in the adopted Derbyshire Dales Local Plan, had an unclear evidence base or sought to address issues that lie beyond the planning remit. Some of the comments made by the District Council were, however, taken into account by the Brailsford Neighbourhood Plan Steering Group in redrafting the Brailsford Neighbourhood Plan in readiness for submission to the District Council (Regulation 15 and 16 Stage). A copy of the Draft Brailsford Neighbourhood Plan is available using the following [link](#):
- 2.3 The current public consultation allows the District Council the opportunity make any formal representations on the contents of the draft Brailsford Neighbourhood Plan. In

order for the District Council's comments on the Brailsford Neighbourhood Plan to be taken into account by the Independent Examiner, the District Council is required to formally submit the comments by 21<sup>st</sup> December 2020. A thorough review of the Brailsford Neighbourhood Plan has been undertaken by Officers and it is recommended that the comments set out in Appendix 1 are endorsed by Members as the District Council's formal response to the Plan.

### **3 NEXT STEPS**

3.1 To enable the Brailsford Neighbourhood Plan to come into force, it must meet the following 'basic conditions' as set out in Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004:

1. Have regard to national policies and advice contained in guidance issued by the Secretary of State.
2. The making of the neighbourhood plan contributes to the achievement of sustainable development.
3. The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
4. The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
5. The making of the Neighbourhood Development Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

3.2 The next step is for the Brailsford Neighbourhood Plan to be subject to an Examination by an Independent Examiner who will consider whether the statutory requirements and basic conditions have been met. In order to progress the preparation of the Brailsford Neighbourhood Plan, and with the agreement of the Brailsford and Ednaston Parish Council, Mr Andrew Matheson has been appointed as the Independent Examiner.

3.3 The Examiner will produce a report with his recommendations, the reasons for them and a summary of findings. The report can recommend:

- a. The draft plan is subject to a Referendum,
- b. Modifications as specified in the Report are made to ensure that the basic conditions are met and that the draft report as modified is submitted to a Referendum, or
- c. The proposal is refused.

3.4 Although the District Council has provided advice and support to Brailsford and Ednaston Parish Council throughout the preparation of the Plan to ensure that the basic conditions are being met, the policies and proposals contained within the Plan are an expression of how the Parish Council envisages the issues identified through their consultation should be addressed in the determination of planning applications.

3.5 Taking account of liaison with the Independent Examiner, the examination of the Brailsford Neighbourhood Plan is anticipated to commence in January 2021. Following the examination, a further report will be presented to a future meeting of this Community that sets out the Examiner's Report findings, any recommended

modifications to the Brailsford Neighbourhood Plan, and, potentially, final steps towards Referendum and subsequent planned adoption.

## **4 RISK ASSESSMENT**

### **4.1 Legal**

In compliance with Paragraph 6(2) of the Schedule, the local authority designated Brailsford as a Neighbourhood Area and since this designation the Brailsford Neighbourhood Plan Steering Group and Brailsford and Ednaston Parish Council have prepared a Neighbourhood Plan for consideration. The District Council has followed the consultation requirements set out within the Neighbourhood Planning (General) Regulations 2012 and before submitting the Neighbourhood Plan to an independent examiner the Local Authority must be satisfied that the conditions set out in Schedule 4B of the Town and Country Planning Act have been met. These conditions are set out above and have been considered in depth within the contents of this report.

The recommendation is to refer the Neighbourhood Plan for an independent examination. If the examiner is satisfied the criteria is met, the Neighbourhood Plan will then be referred for consideration at a final referendum. Therefore at this stage the legal risk is considered low.

### **4.2 Financial**

The costs associated with the Neighbourhood Plan (mainly officer time, publicity and the independent examination and referendum, if appropriate) can be reclaimed from MHCLG. The financial risk is, therefore, assessed as low.

## **5 OTHER CONSIDERATIONS**

5.1 In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

## **6 CONTACT INFORMATION**

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## **7 BACKGROUND PAPERS**

7.1 Brailsford Neighbourhood Plan – Submission Version (Regulation 16 Stage)

Brailsford Neighbourhood Plan – Basic Conditions Statement (Regulation 16 Stage)

Brailsford Neighbourhood Plan – Consultation Statement (Regulation 16 Stage)

## **8 ATTACHMENTS**

APPENDIX 1 – DISTRICT COUNCIL SCHEDULE OF REPRESENTATIONS

## APPENDIX 1 – DISTRICT COUNCIL SCHEDULE OF REPRESENTATIONS

Section	Page	Comments
Location of Brailsford Parish in Derbyshire Dales District – Plan 1	5	The District Council provided a map for this purpose, however the one shown as Plan 1 within the Neighbourhood Plan continues to appear distorted and lacking in clarity. The quality of the images, graphics and maps need to be clear to provide context and interpretation to the Neighbourhood Plan policies within.
Location of Brailsford and Ednaston – Plan 2	6	The quality of this image is again poor and it is questionable whether it is required in addition to an improved Plan 1 (see comment above) which seeks to show the location of the Parish and the settlements of Brailsford and Ednaston therein.
Brailsford Parish Boundary – Plan 3	7	In regard to Plan 3, comments at Regulation 14 stage and during the evolution of the Neighbourhood Plan requested that the quality of the image needed to be improved and that the title should be amended to state ‘Brailsford Neighbourhood Area’ as designated on 7 <sup>th</sup> April 2015. These comments remain. It is considered paramount that the Neighbourhood Plan clearly includes a map showing the Designated Neighbourhood Area to which the Neighbourhood Plan applies.
Brailsford Village Conservation Area – Plan 4	8	The quality of Plan 4 should be improved to ensure that the scale is not distorted. A more appropriate location for a map of the Conservation Area maybe on page 12 where commentary is provided on the Conservation Area, its buildings and point of historical interest.
Introduction	9	The first paragraph refers to Plan 1 showing the Designated Neighbourhood Area reference to be amended to reflect rationalisation of maps. See comments above on Plan 3.
	9	The second paragraph on page 9 refers to the Neighbourhood Plan being ‘adopted’ after referendum. The text should be amended to refer to the Plan being ‘made’ after referendum in accordance with the statutory terminology.
	9	The fourth paragraph refers to the NPPF 2012 and ‘guiding principles’ of sustainable development. It is recommended that an updated reference to the objectives set out within section two of the NPPF published in February 2019 would be more appropriate, which states in order to achieve sustainable development the planning system has social, economic and environmental objectives.
About Brailsford	10	The first paragraph refers to Ednaston, Culland and Over Burrows, unfortunately Plan 1 is of insufficient quality for the reader to identify the location of these settlements.
Settlements	12	The last paragraph refers to Plan 3 in order to illustrate the designated Conservation Area. This reference should be to Plan 4. As stated above the quality of the image needs to be enhanced to provide clarity for the

Section	Page	Comments
		reader and its location within the document reconsidered.
Village Amenities	13	The narrative on page thirteen of the Neighbourhood Plan provides a good overview of local services and facilities. It is recommended that the tense of the fourth paragraph is updated to reflect that the brownfield site referred to is no longer undeveloped, as residential development on the site has now commenced following the grant of planning permission for 19 dwellings.
	15	Plan 5 is titled 'Proposed Settlement Development Boundary – Brailsford 2017'. This is the adopted Settlement Boundary from the Derbyshire Dales Local Plan 2017 and the title should be amended accordingly to read "Brailsford Settlement Development Boundary – Derbyshire Dales Local Plan 2017."
Parish Statistics	17	As stated at previous stages of plan preparation the Plan would benefit from stating the actual number of hectares that it covers, then this could be used to calculate the density of development within the village to provide context. Based on the Parish Boundary the Neighbourhood Plan area is 1,765 hectares, this could be included in the text. Similarly as advised previously to the Parish Council the comment stating there is a variance between the census parish and Neighbourhood Plan area is unnecessary, as it is the Neighbourhood Area designation that determines the extent of the Neighbourhood Plan.
	17-24	The section on Parish Statistics provides a valuable commentary on both census data about the Neighbourhood Area and the results from the Parish Survey. There should be reference to the full analysis of the Parish survey within the supporting Consultation Statement. The Section on Parish Statistics should clearly differentiate between factual information and that obtained via the Parish Survey.
Policy Context	25	Paragraph 6 refers to the Derbyshire Dales Local Plan – Adopted in 2017. The supporting footnotes (footnote 16 and 17) should be updated to reflect the adopted version of the Local Plan.
	25	The sixth Paragraph seeks to provide the context of Brailsford within the adopted Settlement Hierarchy of the Adopted Derbyshire Dales Local Plan. 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

Section	Page	Comments
		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'. As currently drafted the sixth paragraph does not accurately reflect the adopted Settlement Hierarchy and Spatial Strategy within the Local Plan.
The Neighbourhood Plan – How the Plan was made	29	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.
Vision and Parish Objective Statement	30	<p>The purpose of the Neighbourhood Plan is for its use in the determination of planning applications, the Vision and Objectives should emerge from the evidence. The first bullet point for the vision states:</p> <p>“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.”</p> <p>It is recommended that the wording of the vision is amended. 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.</p>
	30	<p>Comments made on the Neighbourhood Plan at Regulation 14 stage reiterated the need to ensure that the Plans Vision and Objectives were positively worded, reflected the evidence from the Parish Survey, were land use related and deliverable through the Neighbourhood Plan.</p> <p>Priority 1 states ‘managing any further expansion’ in respect of housing development, and Priority 4 states recommending new housing development ‘not solely through the approval of new housing estates’. Priority 6 refers to speed control mechanisms, again this is beyond the remit of the Neighbourhood Plan unless directly related to development by way of mitigation. These priorities would benefit from re wording as it they may not be deliverable through the Neighbourhood Plan.</p>
	31	The second to last paragraph states that the Neighbourhood Plan will be used by the Parish Council as an Action Plan to help shape its policies, activities and local spending. Work on the introduction of CIL for the Derbyshire Dales has been suspended and a Supplementary Planning Document on Development

Section	Page	Comments
		Contributions adopted in 2020. The securing and allocation of section 106 contributions must meet the statutory tests for planning obligations, the Neighbourhood Plan will not assist in securing additional funding.
Policy Areas	31	Comments provided at Regulation 14 stage emphasised the National Planning Policy Framework and Planning Practice Guidance that policies within Neighbourhood Plans should be clear and unambiguous to allow the decision maker to apply them with consistency in the determination of planning applications. Furthermore policies should be supported by appropriate evidence and should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared. Whilst revisions have been made to seek to address some of these previous comments concern remains that some elements of the Neighbourhood Plan are not positively worded, duplicate policies in the adopted Derbyshire Dales Local Plan or have an unclear evidence base.
Policy Area 1: Housing	32	<p>It is noted that contextual information and the reasons for the housing policies are provided, however the policies as submitted appear to duplicate policies in the Local Plan and do not entirely address matters that are unique to the Neighbourhood Area. The housing policies should be complementary and consistent with Local Plan Policies.</p> <p>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.</p>
Policy H1	34	This policy duplicates policies, HC4 – Affordable Housing and HC11 Housing Mix and Type in the Adopted Derbyshire Dales Local Plan. The policy states that development should be designed as small scale clusters, it is unclear what the term small scale clusters means in the context of residential land allocations within the Derbyshire Dales Local Plan. Clarity as to whether this means ensuring developments have different character areas within them or that development should come forward in smaller sites rather than as part of larger strategic allocations. This requires further clarity and amendment to ensure that the policy can be used in the determination of planning applications and does not duplicate the Local Plan or undermine its deliverability.

<b>Section</b>	<b>Page</b>	<b>Comments</b>
Policy H2	34	Elements of this policy duplicate Local Plan policies, particularly the elements which state support for brownfield and infill development. In respect of conversion the policy requires schemes to contribute positively to local character. Evidence to support how the local character has been defined, established or will be assessed in the determination of planning applications is lacking. The policy introduces consideration of development on traffic impact, this is a separate issue and would be better suited to the section on traffic management within the Neighbourhood Plan. The impact of traffic impact and mitigation are material considerations.
Policy H3	34	The policy refers to the use of 'complementary building materials', this term may benefit from clarification to aid decision making. It is noted page 12 of the Neighbourhood Plan refers to the Conservation Area Appraisal and prominent building materials within the village. Further evidence may assist to support the introduction of this policy, for instance how prominent are red brick and plain clay tiles within the village.
Policy H4	34	Support for affordable self and local build development is welcomed in the Neighbourhood Plan. However compliance with and duplication of policy HC3 'Self Build Housing Provision' of the Local Plan should be assessed. The requirement for local builders and craftspeople to provide these developments goes beyond the scope of land use planning.
Policy H5	34	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.
Policy H6	34	This policy refers to a detailed Design Principles Statement included as an Annex to the Neighbourhood Plan. The Design Principles Statement provides the very evidence and local justification for the policy. The principles should be incorporated into the Neighbourhood Plan or could be used to inform a separate design policy within the Neighbourhood Plan, which could encompass the points made about local complementary materials.
Policy Area 2 – Traffic Management and Accessibility	36	This section of the Neighbourhood Plan includes 'Development and Investment Policies' and 'Community Objectives' the need to separate the two requires clarity. 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. If the community objectives are

Section	Page	Comments
		not intended to be used for the determination of planning applications this should be referenced in the supporting text.
Policy TMA1	42	Rewording of the policy to require “development within the neighbourhood area” to consider traffic management would be more appropriate rather than referring to both the settlement boundary defined in the Local Plan and the wider parish boundary. This would ensure a consistent approach was taken to development proposals across the parish of Brailsford and Ednaston.
	42	The policy seeks ongoing funding for footpath and pavement maintenance in and approaching Brailsford village to meet the recommendations in the DfT Report ‘ <i>Inclusive Mobility</i> . These works should be identified by the Local Highway Authority when assessing new development and be necessary to make the development acceptable in planning terms. There are no sites identified in the plan for new development. The policy is therefore considered to be of limited relevance and merely duplicates Local Plan policies and the advice provided by the Highways Authority.
Policy TMA2	43	Policy TMA2 – It is not proportionate or reasonable to require all future planning applications to include achievable sustainable travel plans. Consideration should be given to the level of development that requires a travel plan in consultation with the Local Highway Authority. The term ‘achievable sustainable travel plan’ is vague and should be revised. As stated above elements of this policy duplicate those within the adopted Derbyshire Dales Local Plan (HC19/HC20) and appear unjustified.
Policy TMA3- 6	43	Policies TMA 3 – 5 reads that development which delivers these community aims (no matter how unacceptable in other areas) will be supported. These policies are aspirational and again should be linked to planned development, in order to make it acceptable in planning terms. Elements of the Community Objectives are none planning related and would benefit from rewording. The overall purpose of the objectives should be clarified if they are not intended to be used in the determination of planning applications.
Policy Area 3 – Green and Open Spaces	44	As stated at previous stages of plan development the policies within the Neighbourhood Plan should be in general conformity with the policies in the adopted Local Plan and positively support them, drawing upon local evidence and issues identified. The District Council remains of the view that this section of the Plan duplicates considerable elements of the adopted Local

Section	Page	Comments
		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.
Plan 7 - 8	44-45	The quality of the images requires improvement to aid the presentation of the Neighbourhood Plan. A number of the images are of poor quality and are hard to decipher making the detail hard to identify. There may be benefits to some of the plans being amalgamated to include more than one environmental issues for instance one plan showing existing green space and public open space.
Policy GSL1 and GSL2	46	As submitted these policies duplicate adopted Local Plan policies (PD1, PD3 and PD4) and are worded in a negative manner. The local evidence to support the identified '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	46	This policy is aspirational and should be written in a manner that it may be used in the determination of planning applications and implemented. Requiring linkages to established green infrastructure where possible may not always be feasible particularly where developers may not control land beyond the development site.
Policy Area 4 - Local Landscape and Wildlife  Plan 9 – Plan 14	49-55	The quality of the images for these plans as submitted is currently poor. Improvements to the plans and illustrations would add value to the Neighbourhood Plan and assist the reader. Further plans showing the extent of ancient woodland, Grade 2 Agricultural Land and Environmental designations such as wildlife sites and SSSIs could be included to further demonstrate the wealth of valued landscapes and habitats within the Neighbourhood Area.
Policy Area 4 – Local Landscape and Wildlife	51	Reference to Plan 10 in the first paragraph should be amended to read Plan 11.
Policy LW1	56	The aims of this policy appear to duplicate those in Local Plan policy PD1 and PD5 which seek to ensure that development does not have an adverse impact on landscape character. Further evidence is required to justify the policy, for instance what constitutes an area to be regarded as high landscape sensitivity within the Parish and sites which would affect the prevailing vistas, and/or would be visually prominent. How would the impact of development be assessed and how have important vistas and visually prominent sites been identified.

<b>Section</b>	<b>Page</b>	<b>Comments</b>
Policy LW2 and LW3	56	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.
Policy LW4	56 -57	The evidence for a policy on 'dark skies' initiatives within the Plan should be provided, otherwise there would not appear to be any justification for such a policy within the Neighbourhood Plan.
Policy Area 5 – Community Wellbeing Provision of Local Facilities and Amenities	58	It is noted that 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.
Policy CW1 and CW2	61	Policy CW1 and CW2 are negatively worded and duplicate policies within the Local Plan (policy HC15 and S10). 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.
CW3	61	The threshold for any contributions should be set, in line with government guidance and should be linked to planned development where it can be demonstrated that investment is reasonably related in scale and kind to that development. As submitted this policy is aspirational rather than a sound policy. As advised at previous stages of plan preparation elements of this policy continue to relate to non-land use matters such as space for yoga at the Brailsford Institute. Policy S10 of the Local Plan seeks to ensure that development is supported by appropriate infrastructure at the right time. The adopted Supplementary Planning Document on Planning Obligations provides further policy guidance. As currently drafted this neighbourhood plan policy adds little to the current policy framework.
CW6 and CW7	62	Policies CW6 and 7 go beyond planning controls and seek to control crime and antisocial behavior. As stated above as Community Objectives it should be made clear

Section	Page	Comments
		that these will not be used in the determination of planning applications.
Annex 1 – Design Principles Statement	63	This annex provides design policies and principles for the designated Neighbourhood Area and is founded on local evidence, research and the findings from the Parish Survey. The District Council, does however, question 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. It is recommended that the annex should be embedded in the main body of the Plan and could be used to provide design policies for the future determination of planning applications. The contents of the annex requires updating to remove reference to saved Local Plan policies, the 2005 Local Plan and include updated referencing to the 2017 Adopted Local Plan.
Basic Conditions Statement	3	<p>The Basic Conditions Statement has been amended and reflects the comments provided by the Local Planning Authority at Regulation 14. Para 1.3 refers to the Neighbourhood Plan meeting the Basic Conditions and the Town and Country Planning Act 1990. For completeness it is considered that the Statement should also refer to the relevant tests as set out within the National Planning Practice Guidance that a Neighbourhood Plan now has to contribute towards as follows:</p> <p>The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:</p> <ul style="list-style-type: none"> <li>a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).</li> <li>b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.</li> <li>c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.</li> <li>d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.</li> </ul>

Section	Page	Comments
		<p>e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).</p> <p>f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.</p> <p>g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan)</p> <p>The Neighbourhood Plan should be updated to ensure that the Basic Conditions reflects the guidance in the NPPG.</p>
Consultation Statement	4	<p>Table 3 within the Consultation Statement provides a useful commentary of the evolution and preparation of the Neighbourhood Plan. For clarity and completeness it is recommended that the table is updated to include further dates at the start of 2020, to reflect that the Plan was submitted to the Local Planning Authority in February 2020. Appendix 1 (Parish Questionnaire) and Appendix 2 (Summary of Parish Survey Responses) of the document remain blank.</p>