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17 March 2021

To: All Councillors

As a Member or Substitute of the **Community & Environment Committee**, please treat this as your summons to attend a **Special meeting** on **Thursday 25 March 2021 at 6.00pm** via the Zoom application. (Joining details will be provided separately).

Under Regulations made under the Coronavirus Act 2020, the meeting will be held virtually. As a member of the public you can view the virtual meeting via the District Council's website at www.derbyshiredales.gov.uk or via our YouTube channel.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'James McLaughlin', written over a light blue horizontal line.

James McLaughlin
Director of Corporate and Customer Services

AGENDA

1. APOLOGIES/SUBSTITUTES

Please advise the Committee Team on 01629 761133 or email committee@derbyshiredales.gov.uk of any apologies for absence and substitute arrangements.

2. PUBLIC PARTICIPATION

As the Council cannot hold meetings at the Town Hall, Public Participation can only take place using the Zoom application or by written representations. Members of the public are able to comment or ask questions on the items listed in the agenda and must give notice before 12 noon on the day preceding the meeting by:

Web-form: [Make your submission here](#)

Email: committee@derbyshiredales.gov.uk

Post: Democratic Services, Derbyshire Dales District Council, Town Hall, Matlock DE4 3NN

The Committee Team will assist any member of the public without access to electronic means by capturing their concerns over the telephone.

Phone: 01629 761133 (working days only 9am – 5pm)

Written representations, received by the deadline will be read out at the meeting, verbal contributors will be given instructions on how to join the meeting after giving notice.

All meeting proceedings open to the public will be streamed live on our YouTube channel when all non-exempt items are being considered. Recordings of the meeting will also be available after the event on the District Council's website

3. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at that time.

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4. ASHBOURNE NEIGHBOURHOOD PLAN - EXAMINER'S REPORT

03 - 92

To note the report of the Examiner appointed to undertake the Examination of the Ashbourne Neighbourhood Plan and that, subject to the recommended modifications set out in Appendix 3, that the District Council be satisfied that the basic conditions as required by Paragraph 8(1)(a) of Schedule 4B of the Town and County Planning Act 1990 have been met. Also to consider approval for the Ashbourne Neighbourhood Plan, as modified, be submitted to a Referendum in the Parish of Ashbourne to be held on Thursday 6th May 2021 and that a further report be presented to Council following the holding of the Referendum.

5. BRAILSFORD NEIGHBOURHOOD PLAN - EXAMINER'S REPORT

93 - 183

To note the report of the Examiner appointed to undertake the Examination of the Brailsford Neighbourhood Plan and that, subject to the recommended modifications set out in Appendix 3, that the District Council be satisfied that the basic conditions as required by Paragraph 8(1)(a) of Schedule 4B of the Town and County Planning Act 1990 have been met. Also to consider approval for the Brailsford Neighbourhood Plan as modified be submitted to a Referendum in the Parish of Brailsford and Ednaston to be held on Thursday 6th May 2021 and that a further report be presented to Council following the holding of the Referendum.

Members of the Committee - Councillors: Sue Bull, Matthew Buckler, Martin Burfoot, Helen Froggatt (Vice Chair), Chris Furness (Chair), Clare Gamble, Susan Hobson, David Hughes, Tony Morley, Peter O'Brien, Garry Purdy, Mike Ratcliffe, Andrew Statham, Alasdair Sutton, Steve Wain and Mark Wakeman.

Substitutes – Councillors: Robert Archer, Jason Atkin, Sue Burfoot, Neil Buttle, Tom Donnelly, Richard FitzHerbert, Alyson Hill and Peter Slack.

COMMUNITY AND ENVIRONMENT COMMITTEE
25th MARCH 2021

Report of the Director of Regeneration and Policy

ASHBOURNE NEIGHBOURHOOD PLAN – EXAMINER’S REPORT

SUMMARY

This report sets out the key recommendations of the Examiner’s report into the Ashbourne Neighbourhood Plan. Subject to the recommended amendments the Ashbourne Neighbourhood Plan meets the basic conditions and can proceed to Referendum. The report seeks Member’s approval to move forward to the Referendum on the Ashbourne Neighbourhood Plan.

RECOMMENDATION

1. That the report of the Examiner appointed to undertake the Examination of the Ashbourne Neighbourhood Plan be noted.
2. That subject to the recommended modifications set out in Appendix 3 that the District Council be satisfied that the basic conditions as required by Paragraph 8(1)(a) of Schedule 4B of the Town and County Planning Act 1990 have been met.
3. That the Ashbourne Neighbourhood Plan as modified be submitted to a Referendum in the Parish of Ashbourne to be held on Thursday 6th May 2021.
4. That a further report be presented to Members following the holding of the Referendum.

WARDS AFFECTED

Ashbourne North and Ashbourne South

STRATEGIC LINK

The implementation of the Ashbourne Neighbourhood Plan will provide a wider planning framework for the Derbyshire Dales, focused within Ashbourne and form part of the development plan for the District. The Neighbourhood Plan will complement policies set out within the Derbyshire Dales Local Plan (adopted 2017) by seeking to achieve high quality developments and environments for existing and new residents and the community of Ashbourne.

1 BACKGROUND

- 1.1 The Parish of Ashbourne 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 20th March 2014. 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 Ashbourne Town Council, with the help of the 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 policies which if 'made' will be used in the determination of planning applications within the Neighbourhood Area.
- 1.3 At a meeting of Council held on 14th October 2020 it was resolved (Minute 117/20):
 1. To note the representations received during the statutory publicity period for the Ashbourne Neighbourhood Plan, as set out in Section 2 of the report and forward them to the examiner appointed to undertake the Examination of the Ashbourne Neighbourhood Plan.
 2. To note the comments made in respect of the policies and proposals contained within the Ashbourne Neighbourhood Plan set out in Section 3 of the report and forward them to the examiner appointed to undertake the Examination of the Ashbourne Neighbourhood Plan
 3. To forward the further comments received from statutory consultees and other stakeholders to the examiner appointed to undertake the Examination of the Ashbourne Neighbourhood Plan
 4. To receive a further report at a meeting of the Committee setting out the Examiner's Report findings and any recommended modifications to the Ashbourne Neighbourhood Plan.
- 1.4 An independent Examiner, Mr Andrew Matheson MSc MPA DipTP MRTPI FCIH, was appointed by the District Council with agreement of Ashbourne Parish Council. The Examination in Public was undertaken by written representation during the period November 2020 - March 2021 and the Examiner's report was submitted to the District Council on 4th March 2021.

2 EXAMINER'S REPORT

- 2.1 The Independent Examiner's role is to ensure that the Neighbourhood Plan meets the legislative and procedural requirements. An Examiner is required to consider whether a Neighbourhood Plan meets the "Basic Conditions", as set out in the relevant legislation, namely:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State.
- The making of the Neighbourhood Plan contributes to the achievement of sustainable development.
- 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).
- The making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations
- 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.

2.2 It is the Examiners role to assess whether the Neighbourhood Plan ‘provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency’ (NPPF para 17).

2.3 The Examiner in his report states *“Ashbourne Town Council is to be congratulated on its extensive efforts to produce a Neighbourhood Plan for their area that will guide development activity over the period to 2033. I can see that a sustained effort has been put into developing a Plan with a vision that “Ashbourne’s Neighbourhood Plan will seek to protect and enhance the identity and environment of Ashbourne, whilst providing significant opportunities for the sustainable growth of the economy and facilities.” The Plan document is well presented with a distinctive combination of text, images and Policies that are, subject to the specific points that I make below, well laid out and helpful for the reader. The Plan has been kept to a manageable length by not overextending the potential subject matter and the coverage of that”*

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

2.5 The Examiner also concludes *“having considered all the evidence and representations submitted as part of the Examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It works from a positive vision for the future of the Neighbourhood Area and promotes policies that are, subject to amendment to variable degrees, proportionate and sustainable. The Plan sets out the community’s priorities whilst*

seeking to identify and safeguard Ashbourne's distinctive features and character".

- 2.6 The Examiner's report recommends a series of modifications to the Policies, the supporting text and maps to effect corrections, ensure clarity and more importantly to ensure that the Basic Conditions are met. Whilst the Examiner's report recommends a significant number of modifications, the overall tenet of the Neighbourhood Plan remains as set by the Qualifying Body.
- 2.7 Subject to the recommended modifications set out in his Report the Examiner has concluded that the Ashbourne Neighbourhood Development Plan meets all the necessary legal requirements and should proceed to Referendum. A copy of the Examiner's report is attached in **Appendix 1** to this report.

Examiner's Response to issues raised by the District Council

- 2.8 A number of key issues were raised by the District Council during the formal Regulation 16 public consultation (Community and Environment Committee 14th October 2020). A table setting out the District Council comments made at Regulation 16 stage and a summary of the Examiners Response and recommendations is provided within **Appendix 2**.
- 2.9 With regards to the comments made by the District Council, the Examiner accepts that some rephrasing is required to the Ashbourne Neighbourhood Plan to enable policies to be applied effectively through the decision making process. The Examiner's full schedule of modifications and the District Councils response is set out within **Appendix 3**. For all the modifications set out in the Examiners Report it is recommended that the District Council accept them as being necessary to ensure that the Ashbourne Neighbourhood Plan is capable of meeting the Basic Conditions as set out in Para 2.1 above.

3 NEXT STEPS

- 3.1 Schedule 4B, Para 12, of the Town and Country Planning Act 1990 states that the Local Authority must be satisfied that the basic conditions are met and that the Neighbourhood Plan is compatible with the Convention Rights.
- 3.2 The conclusions of the Examiner overall are that subject to modifications the Ashbourne Neighbourhood Plan is able to satisfy the 'basic conditions' as set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004, and that the Plan can proceed to Referendum in the Neighbourhood Area.
- 3.3 The Examiner has also suggested a number of modifications to the draft Ashbourne Neighbourhood Plan for the purpose of improving clarity in the Plan and confidence that it will be applied through the determination of planning applications. Such modifications will, subject to the outcome of any Referendum, however, need to be incorporated into the final version of the Ashbourne Neighbourhood Plan.

- 3.4 In accordance with Paragraph 12 of Schedule 4B of the Town and Country Planning Act 1990, the District Council must:
- (a) Consider each of the recommendations made by the Examiner in his Report (and the reasons for them), and;
 - (b) Decide what action to take in response to each recommendation
- 3.5 A schedule of the Examiner's recommendations and the recommended response to each has been prepared and is set out in **Appendix 3** for consideration.
- 3.6 Subject to the inclusion of the modifications as set out in **Appendix 3** it is recommended that the District Council confirms that the Ashbourne Neighbourhood Plan has met the basic conditions as required by Paragraph 8(1)(a) of Schedule 4B of the Town and Country Planning Act 1990.
- 3.7 It is further recommended that the schedule of modifications set out in **Appendix 3** form the basis of taking forward the Ashbourne Neighbourhood Plan to Referendum.
- 3.8 Should the recommendations of this Report be accepted, the District Council is required to issue a Decision Statement to the Qualifying Body, Ashbourne Town Council, and anyone who requested to be notified in accordance with the 1990 Act Schedule 4B Para 12.
- 3.9 It is part of the Examiner's remit to consider if the Referendum area should extend beyond the Neighbourhood Area. The Examiner considers the Neighbourhood Area to be appropriate and no evidence was submitted to suggest that this is not the case. The Referendum should therefore proceed on the basis of the Ashbourne Neighbourhood Plan as approved by the District Council's Corporate Committee on 20th March 2014.
- 3.10 Having accepted that the Ashbourne Neighbourhood Plan has met the basic conditions (subject to modifications), the Plan can move forward to be considered at a local Referendum within the Parish. At this time it is anticipated that the Referendum will take place at the same time as the Local Elections on 6th May 2021. The District Council is responsible for making the necessary arrangements for the Referendum to be held, at which the following question defined in the Neighbourhood Planning (Referendums) Regulations 2012, Schedule 1 is asked:
- Do you want Derbyshire Dales District Council to use the Neighbourhood Plan for Ashbourne to help it decide planning applications in the Neighbourhood Area?***
- 3.11 A simple majority of all votes cast is sufficient for the Ashbourne Neighbourhood Plan to have a mandate to be taken forward into the Development Plan for Derbyshire Dales.
- 3.12 A further report will be presented to Members once the outcome of the Referendum is known.

4 RISK ASSESSMENT

4.1 Legal

In compliance with Paragraph 6(2) of the Schedule, the Local Authority designated Ashbourne as a Neighbourhood Area and since this designation the Ashbourne Parish Council has prepared a Neighbourhood Plan for consideration. The Council has followed the consultation requirements set out within the Neighbourhood Planning (General) Regulations 2012 and before proceeding to a Referendum the Local Authority must be satisfied that the basic conditions set out in Schedule 4B of the Town and Country Planning Act 1990 have been met.

The legal risk is therefore considered to be low.

4.2 Financial

The costs associated with the Neighbourhood Plan (mainly officer time, publicity and the independent examination) can be reclaimed through a government grant (MHCLG). The financial risk is, therefore, assessed as low.

5 OTHER CONSIDERATIONS

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

Description	Date	File
Ashbourne Neighbourhood Plan	January 2019	https://www.derbyshiredales.gov.uk/images/documents/A/200123_NP_THE_FINAL_Version_FV.pdf
Ashbourne Neighbourhood Plan Consultation Statement	Undated	https://www.derbyshiredales.gov.uk/images/documents/C/290128_-_consultation_FV.pdf
Ashbourne Neighbourhood Plan Basic Conditions Statement	June 2018	https://www.derbyshiredales.gov.uk/images/documents/B/Ashbourne_NP_BC_Statement_Final_Jun_18.pdf
Ashbourne Neighbourhood Plan Sustainability Appraisal	September 2017	https://www.derbyshiredales.gov.uk/images/documents/N/Ashbourne_NP-March_2017_Screening_Sept_17_FINAL.pdf

Report to Community and Environment Committee 14 th October 2020	October 2020	https://www.derbyshiredales.gov.uk/images/documents/A/ANP_Report_Accessible_16nov2020_003.pdf
Examiners Report on Ashbourne Neighbourhood Plan	March 2021	https://www.derbyshiredales.gov.uk/images/E/Ashbourne_Examination_Report_-_FINAL_March_2021.pdf

8 ATTACHMENTS

- Appendix 1 Report of the Independent Examiner
- Appendix 2 District Council Regulation 16 Comments and Examiners Response
- Appendix 3 Examiner Recommendations and Recommended Council Response

ASHBOURNE NEIGHBOURHOOD PLAN 2017 - 2033

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

**Andrew Matheson MSc MPA DipTP MRTPI FCIH
Independent Examiner
3rd March 2021**

Summary

I was appointed by Derbyshire Dales District Council, in agreement with the Ashbourne Town Council, in November 2020 to undertake the Independent Examination of the Ashbourne Neighbourhood Plan.

The Examination has been undertaken by written representations.

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

The Plan has been underpinned by extensive community support and engagement. The social, environmental and economic aspects of the issues identified have been brought together into a coherent plan which adds appropriate local detail to sit alongside the Derbyshire Dales Local Plan 2013-2033.

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

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

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Introduction

This report sets out the findings of the Independent Examination of the Ashbourne Neighbourhood Plan 2017 - 2033. The Plan was submitted to Derbyshire Dales District Council by Ashbourne Town Council in their capacity as the 'qualifying body' responsible for preparing the Neighbourhood Plan.

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

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

The Role of the Independent Examiner

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

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

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

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

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

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

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

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

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

In undertaking this Examination I have considered the following documents:

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

It would be normal practice as part of an Examination to visit the Neighbourhood Area to see and assess the Plan details on the ground. However, in view of the Government pandemic guidelines to limit travel to that which is essential, I had to reach a view on the necessity of such a visit. The use of Google maps/Street View is rarely a satisfactory substitute for exploring the locality in person. However, I noted that the Plan does not allocate land for development and in only two instances is land designated for particular uses, and in both of these instances the designations are confirming/supporting existing, well-established uses. On balance therefore, I concluded that the benefits of concluding the Examination without further delay outweighed the benefits that might arise from a visit.

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

Ashbourne Neighbourhood Area

A map showing the boundary of the Ashbourne Neighbourhood Area has been provided within the Neighbourhood Plan. Further to an application made by Ashbourne Town Council, Derbyshire Dales District Council approved the designation of the Neighbourhood Area on 20th March 2014. This satisfied the requirement in line with the purposes of preparing a Neighbourhood Plan under section 61G(1) of the Town and Country Planning Act 1990 (as amended).

Consultation

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

The Planning Practice Guidance says:

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

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

The submitted Consultation Statement notes that “From the outset our philosophy and approach was to ensure that the Neighbourhood Plan was based on a concrete community foundation. This was the only way to ensure that future neighbourhood plan policies fully reflect the community’s aspirations and assist in promoting community based sustainable development.” A key element in the consultation programme was a series of neighbourhood plan training sessions held at the outset (2013) for Ashbourne Town Councillors and local community volunteers on the Ashbourne Neighbourhood Plan Group.

The Neighbourhood Plan consultation work commenced in late 2013 with an Open Meeting in Town Hall and Sixth Form consultation sessions at Queen Elizabeth’s Grammar School. These were followed in early 2014 by drop-in sessions over 6 days, presentations to a variety of community organisations by members of the Neighbourhood Plan Group and engagement with other interested parties. Subsequently, a leaflet was devised from the early feedback and circulated to all households in Ashbourne and also made available at the Library, Leisure Centre, online and the Ashbourne News Telegraph Office. This was later followed by four public meetings held to feedback on consultation responses and address the major issues identified by the community.

In May 2015 a major 6-week consultation was organised to invite input from local people, businesses and organisations to comment on a draft Neighbourhood Plan and was also promoted at a range of formal and informal meetings over the consultation period. This consultation was publicised through the Ashbourne Neighbourhood Plan website and a regular column in the local paper, the Ashbourne News Telegraph, as well as notices in thirty-two local / town centre shops. Hard copies of the Neighbourhood Plan were available for inspection and comment in venues around the town - Library, Leisure Centre, Town Hall, Ex Servicemen’s Club and News Telegraph Office. In addition, the four local schools had copies and response forms available for parents. To ensure that as wide a range of public awareness was achieved, there were also presentations to established groups and an “Open Drop-in event” at the Town Hall. In the final weeks public awareness was raised through street consultations on successive weekends.

Post consultations and to align with the Derbyshire Dales Local Plan (adopted December 2017) the Plan was rewritten and subjected to a Sustainability Appraisal and Strategic Environmental Assessment Screening. A further period of full 6-week consultation commenced in November 2017. Many of the comments received during this Regulation 14 public consultation reinforced issues and opportunities raised in previous public consultations, as is detailed in the Consultation Statement. Following further redrafting the Plan was formally submitted to the District Council in September 2018.

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

Date of Plan Submission

I note that the Ashbourne Neighbourhood Plan was submitted by the Qualifying Body to Derbyshire Dales District Council on 19th September 2018. The District Council records the submission date as 23rd January 2019, the difference relating to work by the local authority to satisfy itself that the submitted Plan had followed the proper legal process. For Plans submitted on or before 24th January 2019 the content of the March 2012 version of the NPPF applies for the purpose of examining plans (NPPF 2019 para 214). This was a transitional arrangement and I doubt that it was anticipated that it would still be applying to an Examination being conducted in 2021. Fortunately, in practical terms, my appraisal has not identified any issues specifically arising from the Plan having had “regard to” the NPPF 2012 whereas the present Policy environment for the determination of planning applications is the NPPF 2019 (and probably shortly to be the NPPF 2021).

However, an issue does arise from the Planning Practice Guidance expectation (paragraph 041): “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.” If the context and support for a Plan Policy relates to an out-of-date version of the NPPF then the decision-maker may be compromised in their ability to apply the Policy. Accordingly, the Qualifying Body has agreed that, as part of the Examination process, the references within the Plan should be updated and relate to current national Policy and guidance.

A further related issue is that, where the Plan document uses phrases such as “in recent years” or “at the time of this research”, it is most unclear to what date(s) such a reference is current; my later recommendations will therefore seek to ensure clarity and precision with the factual and supporting content.

Representations Received

Consultation on the submitted Plan, in accordance with Neighbourhood Planning Regulation 16, was undertaken by Derbyshire Dales District Council from 14th August - 6th November 2020 (a period extended to address the impact of Covid restrictions and to ensure input from Statutory Consultees). I have been passed the representations – 17 in total – which were generated by the consultation and which have now been included alongside the details of the Plan on the Derbyshire Dales District Council Neighbourhood Planning website. I have not mentioned every representation individually within the Report but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met. In particular, representations that request/suggest further content may be put aside because the Qualifying Body has determined, on the basis of public consultation, which range of issues the Plan should address; there is no prescribed content for Neighbourhood Plans.

The Neighbourhood Plan

Ashbourne Town Council is to be congratulated on its extensive efforts to produce a Neighbourhood Plan for their area that will guide development activity over the period to 2033. I can see that a sustained effort has been put into developing a Plan with a vision that “Ashbourne’s Neighbourhood Plan will seek to protect and enhance the identity and environment of Ashbourne, whilst providing significant opportunities for the sustainable growth of the economy and facilities.” The Plan document is well presented with a distinctive combination of text, images and Policies that are, subject to the specific points that I make below, well laid out and helpful for the reader. The Plan has been kept to a manageable length by not overextending the potential subject matter and the coverage of that.

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

Individually I can see that the Policies address legitimate matters for a Neighbourhood Plan as identified with the community. I will later look at the Policies in turn so as to ensure that the Basic Conditions are met, which include an obligation to have regard to Local Plan strategic policies. As the NPPF requires (2012 para 16), neighbourhoods should “plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”. It is often the case that community consultation produces more clarity on what is not wanted than what *is* wanted; some care is therefore required in the analysis of responses. Having considered all the evidence and representations submitted as part of the Examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It works from a positive vision for the future of the Neighbourhood Area and promotes policies that are, subject to amendment to variable degrees, proportionate and sustainable. The Plan sets out the community’s priorities whilst seeking to identify and safeguard Ashbourne’s distinctive features and character. The plan-making had to find ways to reconcile the external challenges that are perceived as likely to affect the area with the positive vision agreed with the community. All such difficult tasks were approached with transparency, with input as required and support from Derbyshire Dales District Council.

However, in the writing up of the work into the Plan document, it is sometimes the case that the phraseology is imprecise, not helpful, or it falls short in justifying aspects of the selected policy. This is not uncommon in a community-prepared planning document and something that can readily be addressed in most instances. Accordingly, I have been obliged to recommend modifications so as to ensure both clarity and meeting of the ‘Basic Conditions’. In particular, Plan policies as submitted may not meet the obligation to “provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF 2012 para 17). I bring this particular reference to the fore because it will be evident as I examine the policies individually and consider whether they meet or can meet the ‘Basic Conditions’.

Basic Conditions

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

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

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

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

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

The Plan in Detail

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

Front cover

A Neighbourhood Plan must specify the period during which it is to have effect. I note that there is a prominent reference to the Plan period 2017 – 2033 on the front cover. However, as the Plan was not accepted until 2019, cannot be applied retrospectively and cannot be ‘made’ until 2021 at the earliest, the beginning of the Plan period needs to be updated. Consistency with the submission date would suggest 2019. I have noted that the start date of the Housing Needs Assessment submitted alongside the Plan is 2017 but, as no Policy content derives directly from that work (eg the allocation of a housing site), it is not a factor that I need regard as relevant to the Plan period.

Contents

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

Recommendation 1:

1.1 Amend the Plan period to 2019 – 2033 both on the cover and where referenced within the Plan text.

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

Executive Summary

It is important that this summary is a fair but concise reflection of the Plan content. As written the summary fails consistently to distinguish between the land use content and the Section 6 content of Town Council commitments. There are also parts where it strays into wording that

would suggest that the Plan does not align with the Basic Conditions' requirements. The following recommendations therefore serve to ensure accuracy and clarity.

Recommendation 2:

Under the heading "Executive Summary":

2.1 To remove unhelpful repetition, simplify the opening paragraph to:

'The Ashbourne Neighbourhood Plan has been prepared by the Ashbourne Neighbourhood Plan Group on behalf of Ashbourne Town Council. It is based on a sound evidence base comprising district wide and local research plus the outcomes of several major engagement and consultation exercises with the local community. The Neighbourhood Plan's vision, strategic objectives and planning policies are therefore based on a solid foundation of local need and an ambition for sustainable growth.'

2.2 For accuracy replace the third paragraph with:

'Neighbourhood Plans have to be the subject of a referendum of the people living within the Neighbourhood Area. Once 'made', the Ashbourne Neighbourhood Plan will form part of the statutory development plan for the Derbyshire Dales District which deals with a range of matters concerned with the use and development of land. Decisions on planning applications must be in accordance with the development plan as a whole, unless material considerations indicate otherwise. This Neighbourhood Plan document also includes Community Actions (Annex A) which will be progressed by the Town Council.'

2.3 To remove duplication omit the fifth paragraph beginning "Meeting these requirements includes".

2.4 For accuracy omit "in Ashbourne" from the seventh paragraph.

2.5 For accuracy add to the first sentence of the eighth paragraph: '...although most of the land allocated for development lies outside the Neighbourhood Area' and at the end of the paragraph close the quotation marks.

2.6 To remove duplication omit the ninth paragraph beginning "The Ashbourne Neighbourhood Plan therefore ...".

2.7 For accuracy within this Summary, delete the last sentence of paragraph ten.

2.8 In the twelfth paragraph replace "17" with '14' and "South Derbyshire Clinical Commissioning Group" with 'Derby and Derbyshire Clinical Commissioning Group'.

Introduction and Context

No comments.

Section 1 Vision and Aims

No comments.

Section 2 Ashbourne's Neighbourhood Plan

As noted above, there is now a fifth Basic Condition and therefore, for accuracy, the reference in paragraph 2.4 needs to be updated. It is important that the text of paragraph 2.5 (incorrectly numbered as "2,5") is accurate so that the important accompanying map can be readily understood.

Recommendation 3:

Under the heading "[Section 2] The Neighbourhood Area":

3.1 Correct the numbering to '2.5'.

3.2 For clarity replace “Ashbourne Airfield site, which falls within Ashbourne’s settlement area, as shown on the map below, but not within the parish” with ‘Ashbourne Airfield site, which falls within Ashbourne’s settlement boundary (as defined within the Derbyshire Dales Local Plan 2017 and as shown on the map below) but not within the Ashbourne Parish, which is the designated Neighbourhood Area’.

3.3 Amend the final sentence of this paragraph to read: ‘See the map below that outlines the designated Neighbourhood Area’.

Section 3: Community and Stakeholder Engagement

It is helpful that much of this section presents the community engagement work summarised into a graphical presentation which adds some variety to the Plan content; there is just one correction to be addressed.

Recommendation 4:

Under the heading “Section 3: Community and Stakeholder Engagement” correct the dates in the final, coloured box on page 25 to: ‘Dec 18th 2017 - January 24th 2018’.

Section 4: Key Evidence and Data

The heading of this section is partially misleading because the opening section provides a more descriptive presentation than “evidence” and “data”. The Qualifying Body has commented that “Understanding the geographical and topographical context of Ashbourne, located in the Henmore Valley and enclosed by steep hills, is critically important for fully comprehending the way in which proposed housing allocations relate to the town centre, with respect to pedestrian and car movements”; I don’t disagree with that. However, the second section that starts to look at the “evidence” and “data” is then largely repeated as the “Rationale” introductions to each Policy in Section 5; the headings are nearly identical but their sequencing, confusingly, is not. The Qualifying Body has indicated its preference to “address the issue of repetition, we suggest merging each evidence section into a combined rationale/evidence section, removing repetition. Relevant plans and illustrations will be moved to the appropriate policy [including] a consistent structure to policies – purpose, rationale, policy, interpretation.” However, as it is important that each Policy should be seen to readily supported by “proportionate” evidence, which may be presented in the form of maps etc., I believe that the topic headed sections of a renamed Section 4 should be merged with the “Rationale” content of Section 5. There is no expectation of “evidence” and “data” for topic areas not addressed with Policies. I will recommend how the merger should be achieved below.

Recommendation 5:

For Section 4 headed “Key Evidence and Data”:

5.1 Alter the title to “Local Character and Distinctiveness” and delete paragraph 4.1 (renumbering subsequent paragraphs accordingly).

5.2 Delete paragraph 4.6 since it is not descriptive and Housing Policy is addressed in Section 5; renumber subsequent paragraphs accordingly.

5.3 Since Policy COM2 addresses green spaces, remove the map on page 21 (to be picked up again in the Policy section) and delete the last sentence of paragraph 4.8 as well as using ‘Conservation Area’ in the preceding sentence.

5.4 Reformatting of the text box adjacent to the aerial image (page 21) is required so that all the text is visible.

5.5 Delete the second sentence of paragraph 4.20 since it is not part of a descriptive context for the Plan.

5.6 Amend the sub-heading “Section 4 - Tourism” to omit the “Section 4” reference and delete the fourth sentence of paragraph 4.23 as it is content relevant to Section 5.

5.7 Delete the sub-section headed “Education” since there is no related land-use Policy content.

5.8 Delete the remaining content within Section 4 unless it is picked up, as recommended below, for use within Section 5.

Section 5 Neighbourhood Plan Policies

There is no need for this section to repeat the content already addressed in Section 2. This section can therefore start at paragraph 5.8. In relation to paragraph 5.16 I note that the local authority has commented: “Although this is the most recent localised study commissioned by the District Council it dates from 2007, and not 2009 as stated. Caution should therefore be exercised when using this source. Although not localised to Ashbourne for example the evidence base for the Derbyshire Dales Local Plan on housing and employment land requirements dates from 2016 and is therefore more up to date”; the evidence suggested is therefore too historic.

Under the sub-heading “Our Growth Strategy” the diagram from page 27 could usefully replace the less self-explanatory one at paragraph 5.17.

Recommendation 6:

Under the heading “Section 5 Neighbourhood Plan Policies”:

6.1 Delete paragraphs 5.1 to 5.7 and their sub-headings and renumber subsequent paragraphs accordingly.

6.2 Adopt a consistent approach to the use of “Section 5” within sub-headings – this would seem only necessary at the beginning of the Section.

6.3 Under the sub-heading “Growth Agenda” delete the last sentence of paragraph 5.11, viz “This will require a greater need to provide smaller and affordable properties, specifically 1-2 bedroom properties”, since that is a detail for the Housing Section; also delete paragraph 5.16 since the content is dated.

6.4 Under the sub-heading “Our Growth Strategy” replace the diagram at paragraph 5.17 with its equivalent from page 27.

Presentation of Policies

The structure of Policy presentation is helpful and, subject to comments below, it has been applied well generally. A representation has commented “policies are followed by ‘interpretation’, which should be unnecessary if the policy is drafted properly – it should not be open to, or need, further interpretation”. Whilst I accept the point (and its implications for reviewing the ‘Rationale’ section and the Policy wordings) there may be instances where some further, limited explanation can help the reader at the referendum stage.

However, a strange variety of numberings is used within Plan Policies, including bullet points and (unnecessary) paragraph numberings picked up from the text. Since it will be important for the day to day use of these Policies that they can be readily and unambiguously referenced, in whole or part, the Policies and their elements need to be numbered helpfully and consistently (eg EMP1, (i), (ii), etc). I will adopt a particular approach below but the critical issue is that the approach should be consistent.

Section 5 - Employment

The local authority has expressed a concern that Policies EMP1 and EMP2, as written, merely duplicate the related Local Plan Policies DS1, DS8 and EC3. The NPPF (2012 paragraph 16) says Plans should “serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)”. Further, it is noted that Policy EMP1 strays beyond the area of the Neighbourhood Plan through seeking a masterplan for the whole of the Airport Site; Section 38B of the 2004 Act says that a Neighbourhood Plan must not relate to more than one Neighbourhood Area. The County Council, whilst noting that the Policy as written extends itself beyond the Neighbourhood Area, comments: “General issues regarding the small [Airport] section within the Plan area could be addressed in an additional, more general, employment land policy.”

Whilst I can see that it has been a source of frustration to the Qualifying Body that significant parts of the Ashbourne Airport site are outside the Parish boundary, and therefore outside the designated Neighbourhood Area, the scope of Plan policies must be tempered accordingly. The Qualifying Body has commented: “a masterplan is an essential requirement for the comprehensive development of the whole of the Ashbourne Airfield site. We also need to point out that the local planning authority has asked for more detail on [the Neighbourhood Area] part of the site. This is referenced in the adopted Local Plan policy DS1: Land at Ashbourne Airfield (Phase 1). The Town Council is simply requesting that this Local Plan policy is implemented.” However, (subject to the outcome of the referendum) the Neighbourhood Plan will sit alongside the Local Plan as two parts of the overall Development Plan and therefore duplication, or the suggested reinforcement, serves no purpose and indeed there is a danger of confusion where details differ. The quoted Local Plan Policy DS1 – with very similar content for Phase 2 in Policy DS8 - says (*inter alia*): “Development [of Land at Ashbourne Airfield] will be subject to compliance with adopted Local Plan policies and:

- A comprehensive layout and site masterplan for the development incorporating community facilities proportionate to serve the needs of future residents of the site including a mixed use hub
- Preparation of a detailed phasing programme covering the entire site, such a programme to ensure the provision of the employment development and residential development concurrently or as otherwise agreed ...”.

I must therefore conclude that Policy EMP1, even if its geographic scope was reduced, amounts to “unnecessary duplication”. In the same vein, Policy EMP2 duplicates the purpose of Local Plan Policy EC3 which says (*inter alia*):

“Development proposals involving the redevelopment or change of use of existing business or industrial land or premises (falling within Use Classes B1, B2 or B8) for nonemployment uses will only be permitted where:

- a) the continuation of the land or premises in industrial or business use is constrained to the extent that it is no longer suitable or commercially viable for industrial or business use
- Proposals that would result in an under-supply of existing premises or a reduction in suitable employment land in relation to identified needs will not be permitted.”

I also noted to the Qualifying Body that the Use Class changes in September 2020 revoked Class B1, it being subsumed within the new Class E which includes a broader range of employment uses, including retail. Further, permitted development rights allow, subject to some limitations, for certain B1 office uses to be changed to residential. There is therefore no continuing purpose in including “Class B1” in this Policy.

I commented to the Qualifying Body that, concentrating on Ashbourne-related content, there was perhaps the potential for existing sites (to be reused in ways that are complementary to the “high value” uses strategy noted in paragraph 5.27 of the Plan. DDDC had commented: “If the Town Council wish to have a policy in the Neighbourhood Plan which compliments the

Local Plan and seeks to achieve its objective of higher quality employment development on the site within the context of a masterplan then one option is for a more generic and aspirational policy which supports that ambition.” The Qualifying Body agreed and such an approach could additionally give a more positive purpose to what is presently a rather negatively expressed Policy EMP2. Accordingly, my recommendations below provide for the rationalisation of the Employment section content and a single, reworded Policy EMP1.

Recommendation 7:

Under the heading “Section 5 – Employment”:

7.1 Delete paragraph 5.21 since the content is dated; amend subsequent paragraph numbers accordingly.

7.2 In paragraph 5.22 delete “Perhaps not unconnected,”.

7.3 Delete paragraph 5.24 since the content is dated; amend subsequent paragraph numbers accordingly.

7.4 Delete paragraphs 5.25 – 5.27 and 5.29 – 5.31, including the map on page 48, since they support the submitted Policy EMP1 now to be deleted; amend subsequent paragraph numbers accordingly.

7.5 Retitle and reword Policy EMP1 as follows (removing the paragraph number):

‘Policy EMP1: Employment retention and diversification

The use and reuse of existing employment land to diversify Ashbourne’s employment base, with a focus on high-tech manufacturing/business and complementary uses, is encouraged.’

7.6 Delete all subsequent paragraphs except paragraph 5.38 and its heading.

As retitled and reworded Policy EMP1 meets the Basic Conditions.

Section 5 - Ashbourne Town Centre

Both the local authority and the County Council in their representations have commented that the boundary illustrated for the Town Centre is not the same as that used within the Local Plan, and yet no evidence has been provided to show the need for this revision or a justification for the new boundary. As the local authority notes: “Any variation from the adopted town centre boundary should be justified on the basis of a transparent assessment against the definition in the NPPF”. The Qualifying Body has commented: “The town centre boundary shown in the Neighbourhood Plan is based on actual commercial properties along and close to the streets of the centre as well as the principal leisure, office and other strategic community services provision in Ashbourne, and has been agreed following several rounds of community consultation and endorsement by Ashbourne Town Council.”

A representation comments: “This [section] needs updating. At the time of writing this document Ashbourne did have thriving shops, however over the last 12 to 18 months that has gone. It is now dying. Too many small independent shops that haven't got the revenue or backing to succeed. We need a mix of quality chain restaurants with affordable prices for local people, rather than overpriced vanity projects. We need a mix of high street clothing as well as our excellent small clothing shops, again to stop local people shopping in Derby, Leek or Uttoxeter. How many barber shops can one town sustain? How many expensive restaurants? The town is empty of an evening as people can't afford the prices and tourists don't stay either as its (*sic*) too expensive. This plan was of a time, the town is now in deep trouble and a radical rethink is necessary.” Another comments: “The town does not feel vibrant and the Council needs to support local businesses and community services. If town councillors continue to make poor decisions then Ashbourne will not prosper.” And another adds: “The overall aim of making Ashbourne pedestrian centred is also hugely welcome and

needed. I have recently written to DDC and Sarah Dines on this matter, highlighting the need for urgent improvements on Derby Road and St John's Street in particular. A bypass may be a way off but in the near term, much can be done to force the HGVs to drive more carefully through town and so improve pedestrian safety". More broadly a representation notes: "Over the last 5 years, high streets across the UK have taken a dive, due to the increasingly popular e-commerce option, in section 5 it is highlighted that the "core retail leisure" must 'be protected and enhanced'. It will be interesting to see how this could be resurrected by 2033 as in 2020, the state of core retail, leisure both recreational and commercial is lacklustre, to say the least. With several shops standing empty, with little to no plans for these shops to be filled to create an interesting and worth-while high street which Ashbourne was once renowned for".

Parts of Policy ATC1 and its purpose have been somewhat upstaged by the Government's reformulation of Use Classes (with a further consultation in hand) which creates a new use Class E that encompasses a wider range than that suggested in the Policy. And the local authority has commented that Policy ATC1 essentially duplicates Policy EC6 in the adopted Local Plan, except they also note (as does the County Council) that there appears to be no substantive evidence presented to warrant the reduction in the retail premises threshold to 200 sq. metres. The Qualifying Body has not commented further on this aspect.

Within these constraints I would expect that Policy ATC1 ought to be aimed at encouraging the retention and further development of features that are unique to or especially valued in Ashbourne; despite what is noted in the rationale there is no specific mention of 'tourism uses' within the Policy. As the local authority notes, the Town Centre is an important Policy area and therefore it should not be potentially undermined by confusion arising from unhelpful differences in Policy wordings and boundaries.

In the absence of "proportionate" evidence and acknowledging the potential impact of both the Government's reformulation of Use Classes and the pandemic, the ambition of Policy ATC1 needs to be tempered. I note that Local Plan Policy S8 already commits to "maintaining and where possible enhancing, the vitality and viability of Ashbourne Town Centre" and "supporting improvements to the range and quality of town centre retail and services in Ashbourne town centre". The recommendations below are therefore designed to respect the intended purpose of Policy ATC1 whilst having regard to the new national policy context and removing "unnecessary duplication" or conflict with the related policies in the Local Plan.

Recommendation 8:

Under the heading "Section 5 - Ashbourne Town Centre":

8.1 Amend paragraph 5.41 to show the relevant 2019 NPPF content in place of the 2012 content as follows:

'The National Planning Policy Framework (paragraph 88) states: 'Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.'

8.2 Amend paragraphs 5.42 and 5.43 (and amend the numbering of subsequent paragraphs) to refer to the adopted Local Plan as follows:

'The Derbyshire Dales Local Plan 2013-2033 identifies that the largest settlements in the district are the Market Towns of Ashbourne, Matlock and Wirksworth. It goes on to state (para 4.63) that: 'Maintaining the vitality and viability of Ashbourne town centre is essential for the overall sustainability of the town.'

8.3 Delete paragraph 5.47 and add a new paragraph 5.49 (amending the numbering of subsequent paragraphs accordingly):

'During the periods of community consultation, a 'Central Area' was identified encompassing uses which benefit from a central location and which interact productively with the Town Centre itself. The indicative area is outlined on the map below alongside the related boundaries of the Town Centre (taken from the Local Plan) and the Conservation Area.'

8.4 Amend the map on page 52 by altering the title and key to 'Ashbourne Central Area', adding the area of the Town Centre (derived from the Local Plan Inset Map and identified in the key as such) and the boundary of the Conservation Area (derived from the Ashbourne Conservation Area Appraisal 2008 and identified in the key as such).

8.5 Retitle and reword Policy ATC1 as follows (removing the paragraph number)::

'Policy ACA1: Ashbourne Central Area

Within the indicative Ashbourne Central Area (see adjacent map titled Policy ACA1: Ashbourne Central Area) the use and reuse of sites and buildings in ways that are complementary to and supportive of the vitality and viability of Ashbourne Town Centre and the historic character of the area is encouraged.'

8.6 Under the sub-heading "Interpretation" replace paragraph 5.52 with:

'To be supportive of town centre functions retail premises should have active ground floor frontages, such as shop fronts or opening glass frontages. For mixed-use development, any residential element should be at upper levels and not the ground floor. Non-retail ground floor uses should be complementary to the retail and cultural functions of the town centre (café's restaurants, galleries, leisure facilities, walk-in community facilities and other complementary uses).

As retitled and reworded Policy ACA1 meets the Basic Conditions.

Section 5 - Housing

I note that the local authority has taken issue with the accuracy of some "rationale" points. In relation to the Policy itself the local authority has commented that, whilst it is accepted that the included Table comes from the Ashbourne NP Evidence Base, the ratios do not reflect those in the Local Plan and seek to encourage especially the provision of larger property Market Housing which is at odds with the needs of the local communities; the policy should be more positive on smaller properties in the Market sector.

Other representations comment: "The Ashbourne Housing Needs Assessment (included in the evidence document supporting the Neighbourhood Plan) indicates that, based on Census data for Ashbourne, there will be demand for housing suitable for older people into the future. It is acknowledged that 'the choice of housing for older people needs to increase in the future in line with expected demographic changes. (...) and there will also need to be opportunities for specialist and extra care housing' (Table 20, p.260). Notwithstanding this acknowledgement in the neighbourhood plan evidence base, there is no specific reference to such housing in Policy HOU1. Given the identified need, it would be appropriate for the policy to make provision for specialist and extra care housing to be brought forward on sites within or adjoining Ashbourne's settlement boundaries, where there is a proven and unmet local need. Therefore, we believe that Policy HOU1 should be amended to read: 'Housing schemes must provide a mix of housing types and tenures that meet local housing needs, including starter homes, accommodation for older people and homes for downsizing'."

The County Council has commented that "Policy HOU1 – Housing Mix, makes no reference to windfall and infill sites" – small sites would generally not be able to meet the breadth of mix expected for larger sites and the District Council has supported this concern.

In my view, data taken from a 2017 study will be questioned and perhaps successfully challenged by developers on the basis of more current or more specific evidence of housing requirements. Overall, having regard to the above input, a version of the Policy suggested by those making representations, referencing the need to meet evidenced “local needs”, may therefore be more appropriate, particularly if the Town Council sustains efforts to collate such data. In response the Qualifying Body has suggested a rewording of Policy HOU1, and that amended approach provides the basis for a more focused rationale and the recommendations below.

Recommendation 9:

Under the heading “Section 5 – Housing”:

9.1 Delete paragraphs 5.54 – 5.57 in the light of the adoption of the Local Plan (and amend the numbering of subsequent paragraphs accordingly).

9.2 Within paragraph 5.60 replace “AHNA” with ‘Ashbourne Housing Needs Assessment (AHNA)’ and provide a source reference.

9.3 Reword “Policy HOU1 – Housing Mix” as follows (removing the paragraph number): ‘Development proposals for housing should meet identified local housing needs and provide, appropriately for the site, a mix of sizes and types of dwelling, including starter homes, smaller properties for people seeking to downsize and specialist accommodation for older people.’

9.4 Add to the end of paragraph 5.62 ‘the site location and the efficient use of land’; delete paragraph 5.63 and amend the numbering of subsequent paragraphs accordingly.

As reworded Policy HOU1 meets the Basic Conditions.

Section 5 - Design

Consideration of this policy area again throws up the issue of providing a distinctive policy for Ashbourne rather than a policy duplicating standard policies that collect together the good practice which is to be applied everywhere. The County Council, Severn Trent and Natural England have all made comments about ‘missing’ content but, as the local authority representation notes, a Neighbourhood Plan is supposed to relate to issues particular to and identified within the Neighbourhood Area. The Qualifying Body has not identified specific local applications from the guidance provided but has suggested a rewording of Policy DES1 which, at its level of detail, does not require an extensive rationale. The following recommendations follow that approach.

Recommendation 10:

Under the heading “Section 5 – Design”:

10.1 Replace the “Purpose” with:

‘To promote good, sustainable design across all new development in Ashbourne, as required in both the National Planning Policy Framework and the DDDC Local Plan.’

10.2 Delete paragraph 5.66 since it is outdated and amend the numbering of subsequent paragraphs accordingly.

10.3 Add to paragraph 5.67 a reference to Local Plan Policy PD1.

10.4 Reduce paragraph 5.68 to: ‘The Stage three-community engagement results (May 2014) demonstrated that 75% of those who participated strongly agreed that “It is essential that the environment and the character of the town needs to be protected”. This policy seeks to ensure that it positively addresses this issue looking a design and the wider context to the area.’ Then add: ‘Further, in order to promote sustainable development in Ashbourne, a new

approach is required to incorporate new design standards in renewable energy and low carbon development. The policy also seeks to ensure that the existing dark skies outside of the town, and particularly the Peak Park fringe to the north, are protected and that new developments do not increase light spillage, preventing further deterioration of the night skies.'

10.5 Delete the sections headed "Renewable Energy & Low-Carbon Energy Technologies" and "Dark Skies" since these are (justifiably) not the subject of separate policies and have now been addressed above.

*10.6 Reword Policy "DES1 – Design" as follows (removing the paragraph number):
"Planning permission will be granted for new developments where they incorporate high quality and sustainable design and where they are able to satisfy the following criteria proportionately to the scale and nature of the development:*

- i) The design should be locally distinctive and locally inspired.*
- ii) The design of buildings and landscape should achieve a net gain in biodiversity.*
- iii) Proposals must respond to the existing character and history of the town, creating attractive streets and spaces, including consideration of:*
 - height, scale, massing and set-back from the road;*
 - active frontages (containing windows) to create natural surveillance;*
 - reinforcing of existing pedestrian connections and allowing for ease of movement, including links to surrounding community facilities;*
 - streets and parking that encourage low vehicle speeds and streets that are not dominated by vehicles.*
- iv) Proposals should enhance local topography and landscape, including trees and hedges, ecology, and wildlife habitats.*
- v) The layout of the development should take account of local views, to help make the new scheme easy to navigate.*
- vi) Layouts should separate public and private spaces, avoiding placing rear gardens against street frontages.*
- vii) Convenient, screened storage should be provided for bins and recycling as well as secure storage for cycles.*
- viii) Designs should use high-quality, durable materials, to complement the historic palette of materials.*
- ix) Unnecessary external lighting should be avoided in the interests of energy saving and dark skies.*
- x) Proposals should incorporate appropriate Sustainable Drainage Systems (SuDS) including the use of permeable materials for hard surfaced areas.*
- xi) Innovative or creative architectural or building design will be supported, especially where it incorporates green features to improve environmental performance.'*

10.7 Delete paragraph 5.77 since it duplicates an earlier paragraph (and amend the numbering of subsequent paragraphs accordingly).

As reworded Policy DES1 meets the Basic Conditions.

Policy DES2 - Conservation Area

The local authority representation notes that this policy fails to set out what criteria will be taken into account when the local planning authority determine planning applications in the Conservation Area. Furthermore, they note that it makes reference to the potential impact upon the listed buildings and structures some of which are situated outside the Conservation Area. As such the policy appears to be confused as to its purpose. I note that this Policy lacks a “rationale”, which may help to explain the confusion on purpose.

Local Plan Policy PD2 already requires “development proposals in Conservation Areas to demonstrate how the proposal has taken account of the local distinctive character and setting of the Conservation Area including open spaces and natural features and how this has been reflected in the layout, design, form, scale, mass, use of materials and detailing, in accordance with Character Appraisals where appropriate.”

The Qualifying Body has agreed that this section should be revisited and has suggested revised Policy wording upon which the following recommendations are based:

Recommendation 11:

Under the heading “DES2 – Conservation Area”:

11.1 Amend the title to ‘Section 5 – Ashbourne Heritage’.

11.2 Add a ‘Purpose’ heading and related text as follows: ‘To ensure that the significance of Ashbourne’s extensive heritage assets is respected.’

11.3 Add a ‘Rationale’ heading and related text as follows: ‘As earlier noted, Ashbourne is one of Derbyshire’s finest market towns, combining a medieval street pattern and historic buildings with a wealth of high-quality shops. The cobbled market place, hidden alleys and yards are a delight to explore, and the wide and elegant Church Street is considered to be the finest street of Georgian buildings in Derbyshire. DDC’s Conservation Area Character Appraisal (2008) made an in-depth assessment of the special qualities of the character and appearance of Ashbourne Conservation Area, both in terms of its buildings and the relationship of its spaces alongside those buildings. Within the Neighbourhood Area there are 183 Listed Buildings (5 of these outside of the Conservation Area) and of these, 11 are Grade I or Grade II.’*

11.4 Renumber, retitle and reword Policy DES2 as follows (removing the paragraph number):

‘Policy AH1 – Ashbourne Heritage

In the Ashbourne Conservation Area and other heritage-sensitive locations, including the settings of listed buildings, development proposals should use distinctive and site-specific design to complement the historical context, including as appropriate:

- i) Complementing the townscape characteristics of streets and squares, including the pattern of rear-of-the-pavement frontages;*
- ii) Preserving or enhancing the bridging structure linking the Green Man with Victoria Square and its setting;*
- iii) Preserving or enhancing town yards/‘alleyways’ and areas of historic paving.’*

11.5 Amend paragraph 5.80 to read:

‘Development proposals within the Conservation Area should show particular regard for Chapter 11 ‘Conservation Policies’ of the DDCC document ‘Ashbourne Conservation Area

Appraisal' (2008). Impacts on the Conservation Area can arise from the development of land immediately adjacent to the boundary and also sites where the development would hinder views from within the Conservation Area.'

As renumbered, retitled and reworded Policy AH1 meets the Basic Conditions.

Section 5 – Transport

I note that the District Council is of the view that Policy HC19 and HC20 in the Derbyshire Dales Local Plan provide sufficient criteria to ensure that the traffic and transportation issues associated with new development are taken into account when the local planning authority determine a planning application. For my part, I am unclear as to the metrics used to define “critical” junctions in relation, say, to the criteria used by the highway authority to justify improvement works. The measured values will doubtless also vary across time which is why traffic modelling exists to examine changes.

It is unclear whether or how Policy TRA1 has accommodated the noted increase (which has doubtless accelerated since 2016) in the use of electric vehicles. In this regard the County Council has commented: “DCC welcomes the fact that its concerns have largely been addressed in this version. [However] The policy omits any reference to LEVI although preceded by a ‘Rationale’ on that topic which states that the ANP recognises its importance and the need for the Plan to cater for it [LEVI and electric vehicles]. This is a significant omission.”

The Qualifying Body has responded to these issues with a revised wording for Policy TRA1 which, in part at least, makes the Policy a little more Ashbourne-specific, thereby reducing the duplication of existing Local Plan policy. That revised approach provides the basis for these recommendations.

Recommendation 12:

Under the heading “Section 5 - Transport”:

12.1 Provide a source-reference for the data used in paragraph 5.83.

12.2 Edit the rationale, in particular to remove dated references, by deleting paragraphs 5.85, 5.88, 5.91 (see below) & 5.92 (as well as the related sub-heading) and from the end of paragraph 5.86 delete “(P33 above)”; renumber subsequent paragraphs accordingly.

*12.3 Reword “Policy TRA1 – Transport” as follows (removing the paragraph number):
‘In order to assist the shift to more sustainable forms of transport, development proposals should, proportionately to the scale and nature of the scheme, ensure:*

- i) convenient links to public transport services, to help reduce car dependency;*
- ii) priority for pedestrians and cyclists in the design and layout of development, including for people of all levels of mobility;*
- iii) provision of secure, covered and screened storage for cycles;*
- iv) provision of electric vehicle charging infrastructure.*

12.4 Replace paragraphs 5.94 & 5.95 with paragraph 5.91.

As reworded Policy TRA1 meets the Basic Conditions.

Section 5 - Community Facilities

The District Council considers that Policy HC15 and other policies in the Derbyshire Dales Local Plan provides sufficient criteria for the determination of applications for planning permission involving the provision or loss of community facilities and that, as such, this policy is not considered necessary. The content of the “Rationale” seems to support that view. I note that the Policy does not provide local detail such as where local facilities might be deficient nor even which local facilities are of “community value” and intended for retention/protection. Policy DES1 should be able to cater for design considerations.

A representation comments: “The bike hub is a creative idea & I hope it’s successful. With all these extra houses being built and schools being expanded, where are the plans for child-based and family-based leisure facilities [?]. So many families go to Derby for cinema or roller world or Uttoxeter for bowling or cinema or evening Matlock park to row boats and cafe in the park. We desperately need a reason for resident families and visitor families to COME to Ashbourne or stay in Ashbourne that isn’t just luxurious shopping or a quick cafe pit stop. Give people a reason to spend a whole day in town, more time in between activities to spend their money. Improve Ashbourne park even the addition of an ice cream & coffee hut would be welcomed.” And another says: “The idea of creating a cycling hub in Ashbourne is excellent, especially if infrastructure development focuses on providing cyclists safe transfer around the town centre and to the Tissington Trail. This would create jobs and increase tourism”.

A representation on behalf of the Ashbourne Methodist Church notes their community facility development that involves “the sensitive insertion of new development in underused (and less attractive) areas within the grounds of the church. This will enable physical restoration of the church, hall and cornerstone cafe (including enhancing heritage features in the church), enabling the long-term use and maintenance of these buildings for the future. Adaptations are needed in order to provide level street access and a single primary point of entry from which different parts of the buildings can be easily accessed (including via lift and safe internal stairs). This is also safer from crime, safeguarding and Covid 19 prevention perspectives. The scheme will also provide flexible spaces and seating, better toilets and kitchens, resolve heating and ventilation issues, provide a mixture of smaller and medium sized rooms and also larger spaces for a greater range of community activities to take place. This will enhance its current significant use as a valued community asset which is used by a wide range of community groups, regardless of religious (or any) belief.... We think it will be the largest public venue in town and can provide a service for concerts, performances and other public or private events with a variety of flexible spaces and seating. This will support the social health and vitality of the community and support the need to provide facilities to cater for the housing growth in the town”.

The Qualifying Body responded to these comments noting the perception of repetition of Local Plan policies, the support for the Cycle Hub proposal which will support pedestrians and cycling in and around Ashbourne, and agreeing that the Ashbourne Methodist Church community initiative was of the type that the Neighbourhood Plan supports. However, no local detail was proposed to make Policy COM1 particular to Ashbourne. Since this is a topic identified through community participation, a brief Policy complementary to the Local Plan Policies would seem to be the best that can be achieved.

Recommendation 13:

Under the heading “Section 5 – Community Facilities”:

13.1 To restrict the rationale to Policy-related content, delete the first two and the last sentences of paragraph 5.97; delete all but the first sentence of paragraph 5.98.

13.2 Replace paragraphs 5.99 & 5.100 with a reference to the current (2019) NPPF as follows (and renumber subsequent paragraphs accordingly):

'The NPPF (paragraph 92) says: "To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments."

13.3 Replace paragraph 5.101 with a reference to the adopted Local Plan as follows: 'The DDDC Local Plan 2013 – 2033 Policy HC15 says: "The District Council will seek to maintain and improve the provision of local community facilities and services. This will be achieved by supporting proposals which protect, retain or enhance existing community facilities (including multi use and shared schemes) or provide new facilities."

13.4 Delete paragraphs 5.102 & 5.103.

13.5 Reword "Policy COM1 – Community Facilities" as follows (removing the paragraph number):

'Particularly where they help to serve the needs of the expanding community, development proposals for new, improved, repurposed and diversified community facilities will be supported in principle provided they are well located in relation to the community they serve and their impact on their immediate surroundings is assessed and addressed.'

13.6 Under the sub-heading "Interpretation" add an additional paragraph (and alter subsequent paragraph numbers accordingly) as follows:

'Development involving existing community facilities should maintain or enhance their community value. The impact of new housing and employment development on the capacity of local community facilities should be considered and, where there are deficiencies, development proposals should address these.'

As reworded Policy COM1 meets the Basic Conditions.

Local Green Spaces:

A number of drafting errors in the "Rationale" were noted by the local authority and the County Council, the most important of which is that the Neighbourhood Plan should recognise that only a small proportion of Bradley Wood is situated within the Neighbourhood Area. The Qualifying Body agreed that errors should be corrected.

The local authority also noted that this Policy lacks the level of supporting evidence for what it is said to be wanting to achieve. 'Local Green Space' (LGS) designation gives a high level of protection but is designed for local spaces evidenced as being of "particular" local significance, in accordance with the specific criteria set out in the NPPF. Rather than compile the supporting evidence for LGS designations to allow for assessment, the Qualifying Body chose instead to designate the identified areas as 'Public Open Space' for which descriptive evidence will suffice. Accordingly, it is on that basis that my recommendations below have been compiled.

Recommendation 14:

Under the heading "Local Green Spaces":

14.1 Reword the heading as 'Section 5 – Public Open Space'.

14.2 Within paragraph 5.108 replace "11,000 miles" with '40 miles'.

14.3 Delete paragraph 5.111 and renumber subsequent paragraphs accordingly.

14.4 Amend paragraph 5.114 to read:

‘These areas are therefore designated as Public Open Spaces which contribute to the network of spaces in Ashbourne, in accordance with the Spatial Vision in the Local Plan which states that: “New development, particularly in Ashbourne, Matlock, and Wirksworth, will seek to satisfy the identified social and economic needs of local residents which, in turn, will be supported by the protection and enhancement of areas of open and green space within and around them. Opportunities for the provision of new and improved recreation opportunities will be brought forward.” (page 23, Derbyshire Dales Local Plan 2013-2033).

14.5 Delete paragraph 5.115 and renumber subsequent paragraphs accordingly.

14.6 Amend paragraph 5.116 to read:

‘These Public Open Spaces collectively provide a variety of social, economic and environmental benefits, contributing to the sustainable development of Ashbourne, offering a range of spaces that promote well-being and are community assets within the area.’

14.7 Amend paragraph 5.117 to read:

‘The Neighbourhood Area also includes part of Bradley Wood, bordering the Airfield site, which was bequeathed to the people of Ashbourne and which is designated a Local Wildlife Site on the Derbyshire Wildlife Sites Register.’

14.8 Reword Policy COM2 as follows (removing the paragraph number):

‘Policy COM2 – Public Open Space

The Public Open Spaces identified on the adjacent map (titled Policy COM2: Public Open Spaces) will be protected for their value as green spaces and places of recreation. Development will only be supported when it relates to and complements the current use of the site and does not have an adverse impact upon the quality of the open space or its recreational value.’

14.9 Move the related map from page 20 to be adjacent to Policy COM2, retitle the map as ‘Policy COM2: Public Open Spaces’ and the key as ‘Public Open Spaces’ and delete the boundary of the Conservation Area from the map and the key. Add a schedule cross-referenced to the map which briefly outlines the current uses of each space to serve as a reference point for the Policy.

14.10 Amend paragraph 5.119 to read:

‘This policy aims to protect and enhance the identified Public Open Spaces ensuring that any new development relates to and does not compromise the open quality of the spaces.’

As amended Policy COM2 meets the Basic Conditions.

Section 6: Implementation and Community Action

The Qualifying Body agreed that it should be made immediately clear that Section 6 provides a record of Town Council commitments beyond the scope of and separate from the land use Neighbourhood Plan. The Planning Guidance says: “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, [but] actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex.” (Planning Policy Guidance Paragraph: 004 Reference ID: 41-004-20170728).

However, there were a number of points of accuracy raised by the local authority and others for which the Qualifying Body agreed corrections are required. Further, as the Neighbourhood Plan as a whole is a forward-looking Plan, the content should consistently reflect that approach. Apart from the data being outdated, the section headed: “Local Monitoring of planning applications and S106 Agreements” needs editing to keep it relevant,

an accurate reflection of the legal position with regards to the use of S106 agreements, and within the spirit of the “wider community aspirations” referenced in the Planning Guidance.

Recommendation 15:

Under the heading “Section 6: Implementation and Community Action”:

15.1 Reword the heading as ‘Annex A: Community Action’ and renumber the paragraphs accordingly.

15.2 Replace the “Purpose” section with the following in bold letters:

‘This section does not form part of the statutory neighbourhood plan and therefore it is not subject to independent examination and referendum. It includes proposed actions that fall outside of the scope of planning policy.’

15.3 Within the un-numbered paragraph headed “Rationale” replace “section of the plan” with ‘Annex’.

15.4 At the end of paragraph 6.1 delete “most notably S106 regeneration funding” and add an additional sentence: ‘The Community Infrastructure Plan would be a non-statutory document and sit outside the Local Plan and Neighbourhood Plan process.’

15.5 In paragraph 6.2 replace “Neighbourhood Plan” with ‘The Town Council’.

15.6 Add an additional paragraph after paragraph 6.2:

‘Ashbourne Town Council has recently agreed (December 2020) to prepare a non-statutory Strategic Plan for Ashbourne in conjunction with the Ashbourne Town Team to provide a corporate Vision and Action Plan for Ashbourne over the next 20 years. This will combine the Ashbourne Neighbourhood Plan with the Town Team’s Action Plan and incorporate a range of community and private sector regeneration initiatives which will in effect be part of the implementation programme of the Ashbourne Neighbourhood Plan.’

15.7 Replace the opening sentence of paragraph 6.4 with: “A Traffic Management Plan will be part of the Strategic Plan for Ashbourne.”

15.8 Replace the opening sentence of paragraph 6.5 with: “A consultation exercise by Derbyshire County Council (DCC) may result in a recommendation to DCC’s Cabinet in 2021 on the selection of a ‘preferred route’ for the By-pass. A preferred route will be further developed so that it can be submitted for planning approval and for any available grant funding.”

15.9 At the end of paragraph 6.6 replace “eedprise Partnership, D2N2” with ‘Enterprise Partnership D2N2’.

15.10 Replace the opening sentence of paragraph 6.11 with ‘The Town Council supports the requirement in the Derbyshire Dales Local Plan 2013-2033 for a masterplan to set out how the Airfield site will be developed on a comprehensive basis.’

15.11 In paragraph 6.12 replace “advocates” with ‘supports’.

15.12 Replace the opening sentence of paragraph 6.12 with: ‘The Neighbourhood Plan will be implemented through the determination of planning applications for new developments by the District Council and the obligations that attach to these but also through the development and implementation of specific projects through investment by the relevant statutory agency and key community providers using other state and private finance.’ Also, later in that paragraph delete “through S106 agreements”, replace “2017” with ‘2013-2033’, replace

“there is a need for further significant” with “there may be need for further”, and delete the last two sentences of this paragraph (since these are not now “recent”).

15.13 Under the heading “Local Monitoring of planning applications and S106 Agreements”:

15.13.1 Delete paragraphs 6.18 – 6.21.

15.13.2 In paragraph 6.22 replace “will be a key outcome of this Neighbourhood Plan” with ‘will be a key action in support of the Neighbourhood Plan’; delete the second and third sentences of this paragraph.

15.13.3 In paragraph 6.23 replace “South Derbyshire Clinical Commissioning Group” with ‘Derby and Derbyshire Clinical Commissioning Group’.

15.13.4 Delete paragraphs 6.24 and 6.25.

15.13.5 In paragraph 6.26 delete the second reference to Neighbourhood Plan.

15.13.6 Delete paragraphs 6.27 – 6.29 since these are not entirely accurate, are in part dated and are said to be the subject of a separate consultation.

Glossary of Terms

No comment.

List of Evidence and Research Resources

The local authority noted some drafting errors which the Qualifying Body agreed should be corrected.

Recommendation 16:

Under the heading “List of Evidence and Research Resources”:

16.1 Entry 2 should read: ‘The Derbyshire Dales Local Plan 2013-2033 Adopted December 2017’.

16.2 Entry 7 should be deleted as the Local Plan from 2005 is no longer in use.

16.3 Entry 8 should be deleted as the Saved Policies have been superseded by the adopted policies from the 2017 version of Derbyshire Dales Local Plan.

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

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

There is no legal requirement for a Neighbourhood Plan to have a sustainability appraisal. The Sustainability Appraisal and Strategic Environmental Assessment Screening Report carried out by Derbyshire Dales District Council for the Ashbourne Neighbourhood Plan (September 2017) considered whether or not the content of the Plan required a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plan and Programmes Regulations 2004. In accordance with Regulation 9 of the SEA Regulations 2004, Derbyshire Dales District Council determined: “it is unlikely there will be any significant environmental effects arising from the Ashbourne Neighbourhood Plan as submitted and assessed as part of this screening exercise (ANP – Submission Version March 2017), that have not been covered in the Sustainability Appraisal and Habitats Regulations Assessment of the Derbyshire Dales Local Plan Pre Submission Draft (August 2016) and the modifications emerging from the hearing sessions of the Examination in Public. As such it is concluded that the ANP does not require a full SEA to be undertaken.” In making this determination, the District Council had regard to Schedule 1 of the Regulations and carried out consultation with the relevant public body who concurred with the screening opinion. Particularly in the absence of any adverse comments from the statutory body or the Local Planning Authority (either at the Screening or the Regulation 16 Consultation) I can confirm that the Screening undertaken was appropriate and proportionate, and that the Plan has sustainability at its heart.

The Basic Conditions Statement submitted alongside the Ashbourne Neighbourhood Plan includes, as regards the European Convention on Human Rights, an Equality Impact Assessment which concludes: “Whilst not explicitly addressing the needs of racial or religious groups, or transgender, gay or lesbian groups, or women, the Neighbourhood Plan does make equal provision for housing and seeks to provide community facilities which will benefit these groups equally. It also seeks to provide a safer environment, particularly a safer public realm.”

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

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

Conclusions

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

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

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

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

Referendum Area

As noted earlier, part of my Examiner role is to consider whether the referendum area should be extended beyond the Plan area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case. I therefore ***recommend*** that the Plan should proceed to referendum based on the Neighbourhood Area as approved by the Derbyshire Dales District Council on 20th March 2014.

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

Rec	Text	Reason
1	<p>1.1 Amend the Plan period to 2019 – 2033 both on the cover and where referenced within the Plan text.</p> <p>1.2 Review the “Contents” page once the text has been amended to accommodate the recommendations from this Report.</p>	For clarity and accuracy
2	<p>Under the heading “Executive Summary”:</p> <p>2.1 To remove unhelpful repetition, simplify the opening paragraph to: ‘The Ashbourne Neighbourhood Plan has been prepared by the Ashbourne Neighbourhood Plan Group on behalf of Ashbourne Town Council. It is based on a sound evidence base comprising district wide and local research plus the outcomes of several major engagement and consultation exercises with the local community. The Neighbourhood Plan’s vision, strategic objectives and planning policies are therefore based on a solid foundation of local need and an ambition for sustainable growth.’</p> <p>2.2 For accuracy replace the third paragraph with: ‘Neighbourhood Plans have to be the subject of a referendum of the people living within the Neighbourhood Area. Once ‘made’, the Ashbourne Neighbourhood Plan will form part of the statutory development plan for the Derbyshire Dales District which deals with a range of matters concerned with the use and development of land. Decisions on planning applications must be in accordance with the development plan as a whole, unless material considerations indicate otherwise. This Neighbourhood Plan document also includes Community Actions (Annex A) which will be progressed by the Town Council.’</p> <p>2.3 To remove duplication omit the fifth paragraph beginning “Meeting these requirements includes”.</p> <p>2.4 For accuracy omit “in Ashbourne” from the seventh paragraph.</p> <p>2.5 For accuracy add to the first sentence of the eighth paragraph: ‘...’...although most of the land allocated for development lies outside the Neighbourhood Area” and at the end of the paragraph close the quotation marks.</p> <p>2.6 To remove duplication omit the ninth paragraph beginning “The Ashbourne Neighbourhood Plan therefore ...”.</p> <p>2.7 For accuracy within this Summary, delete the last sentence of paragraph ten.</p> <p>2.8 In the twelfth paragraph replace “17” with ‘14’ and “South Derbyshire Clinical Commissioning Group” with ‘Derby and Derbyshire Clinical Commissioning Group’.</p>	For clarity and accuracy

3	<p>Under the heading “[Section 2] The Neighbourhood Area”:</p> <p>3.1 Correct the numbering to ‘2.5’.</p> <p>3.2 For clarity replace “Ashbourne Airfield site, which falls within Ashbourne’s settlement area, as shown on the map below, but not within the parish” with ‘Ashbourne Airfield site, which falls within Ashbourne’s settlement boundary (as defined within the Derbyshire Dales Local Plan 2017 and as shown on the map below) but not within the Ashbourne Parish, which is the designated Neighbourhood Area’.</p> <p>3.3 Amend the final sentence of this paragraph to read: ‘See the map below that outlines the designated Neighbourhood Area’.</p>	For clarity and accuracy
4	<p>Under the heading “Section 3: Community and Stakeholder Engagement” correct the dates in the final, coloured box on page 25 to: ‘Dec 18th 2017 - January 24th 2018’.</p>	For clarity and accuracy
5	<p>For Section 4 headed “Key Evidence and Data”:</p> <p>5.1 Alter the title to “Local Character and Distinctiveness” and delete paragraph 4.1 (renumbering subsequent paragraphs accordingly).</p> <p>5.2 Delete paragraph 4.6 since it is not descriptive and Housing Policy is addressed in Section 5; renumber subsequent paragraphs accordingly.</p> <p>5.3 Since Policy COM2 addresses green spaces, remove the map on page 21 (to be picked up again in the Policy section) and delete the last sentence of paragraph 4.8 as well as using ‘Conservation Area’ in the preceding sentence.</p> <p>5.4 Reformatting of the text box adjacent to the aerial image (page 21) is required so that all the text is visible.</p> <p>5.5 Delete the second sentence of paragraph 4.20 since it is not part of a descriptive context for the Plan.</p> <p>5.6 Amend the sub-heading “Section 4 - Tourism” to omit the “Section 4” reference and delete the fourth sentence of paragraph 4.23 as it is content relevant to Section 5.</p> <p>5.7 Delete the sub-section headed “Education” since there is no related land-use Policy content.</p> <p>5.8 Delete the remaining content within Section 4 unless it is picked up, as recommended below, for use within Section 5.</p>	For clarity and accuracy
6	<p>Under the heading “Section 5 Neighbourhood Plan Policies”:</p> <p>6.1 Delete paragraphs 5.1 to 5.7 and their sub-headings and renumber subsequent paragraphs accordingly.</p> <p>6.2 Adopt a consistent approach to the use of “Section 5” within sub-headings – this would seem only necessary at the beginning of the Section.</p>	For clarity and accuracy

	<p>6.3 Under the sub-heading “Growth Agenda” delete the last sentence of paragraph 5.11, viz “This will require a greater need to provide smaller and affordable properties, specifically 1-2 bedroom properties”, since that is a detail for the Housing Section; also delete paragraph 5.16 since the content is dated.</p> <p>6.4 Under the sub-heading “Our Growth Strategy” replace the diagram at paragraph 5.17 with its equivalent from page 27.</p>	
7	<p>Under the heading “Section 5 – Employment”:</p> <p>7.1 Delete paragraph 5.21 since the content is dated; amend subsequent paragraph numbers accordingly.</p> <p>7.2 In paragraph 5.22 delete “Perhaps not unconnected,”.</p> <p>7.3 Delete paragraph 5.24 since the content is dated; amend subsequent paragraph numbers accordingly.</p> <p>7.4 Delete paragraphs 5.25 – 5.27 and 5.29 – 5.31, including the map on page 48, since they support the submitted Policy EMP1 now to be deleted; amend subsequent paragraph numbers accordingly.</p> <p>7.5 Retitle and reword Policy EMP1 as follows (removing the paragraph number): ‘Policy EMP1: Employment retention and diversification The use and reuse of existing employment land to diversify Ashbourne’s employment base, with a focus on high-tech manufacturing/business and complementary uses, is encouraged.’</p> <p>7.6 Delete all subsequent paragraphs except paragraph 5.38 and its heading.</p>	For clarity and accuracy and to meet Basic Conditions 1 and 3
8	<p>Under the heading “Section 5 - Ashbourne Town Centre”:</p> <p>8.1 Amend paragraph 5.41 to show the relevant 2019 NPPF content in place of the 2012 content as follows: ‘The National Planning Policy Framework (paragraph 88) states: ‘Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.’</p> <p>8.2 Amend paragraphs 5.42.and 5.43 (and amend the numbering of subsequent paragraphs) to refer to the adopted Local Plan as follows: ‘The Derbyshire Dales Local Plan 2013-2033 identifies that the largest settlements in the district are the Market Towns of Ashbourne, Matlock and Wirksworth. It goes on to state (para 4.63) that: ‘Maintaining the vitality and viability of Ashbourne town centre is essential for the overall sustainability of the town.’</p> <p>8.3 Delete paragraph 5.47 and add a new paragraph 5.49 (amending the numbering of subsequent paragraphs accordingly): ‘During the periods of community consultation, a ‘Central Area’ was identified encompassing uses which benefit from a central location and which interact productively with the Town Centre itself. The indicative area is outlined on the map below alongside the related boundaries of</p>	For clarity and accuracy and to meet Basic Conditions 1 and 3

	<p>the Town Centre (taken from the Local Plan) and the Conservation Area.’</p> <p>8.4 Amend the map on page 52 by altering the title and key to ‘Ashbourne Central Area’, adding the area of the Town Centre (derived from the Local Plan Inset Map and identified in the key as such) and the boundary of the Conservation Area (derived from the Ashbourne Conservation Area Appraisal 2008 and identified in the key as such).</p> <p>8.5 Retitle and reword Policy ATC1 as follows (removing the paragraph number): ‘Policy ACA1: Ashbourne Central Area Within the indicative Ashbourne Central Area (see adjacent map titled Policy ACA1: Ashbourne Central Area) the use and reuse of sites and buildings in ways that are complementary to and supportive of the vitality and viability of Ashbourne Town Centre and the historic character of the area is encouraged.’</p> <p>8.6 Under the sub-heading “Interpretation” replace paragraph 5.52 with: ‘To be supportive of town centre functions retail premises should have active ground floor frontages, such as shop fronts or opening glass frontages. For mixed-use development, any residential element should be at upper levels and not the ground floor. Non-retail ground floor uses should be complementary to the retail and cultural functions of the town centre (café’s restaurants, galleries, leisure facilities, walk-in community facilities and other complementary uses).</p>	
9	<p>Under the heading “Section 5 – Housing”:</p> <p>9.1 Delete paragraphs 5.54 – 5.57 in the light of the adoption of the Local Plan (and amend the numbering of subsequent paragraphs accordingly).</p> <p>9.2 Within paragraph 5.60 replace “AHNA” with ‘Ashbourne Housing Needs Assessment (AHNA)’ and provide a source reference.</p> <p>9.3 Reword “Policy HOU1 – Housing Mix” as follows (removing the paragraph number): ‘Development proposals for housing should meet identified local housing needs and provide, appropriately for the site, a mix of sizes and types of dwelling, including starter homes, smaller properties for people seeking to downsize and specialist accommodation for older people.’</p> <p>9.4 Add to the end of paragraph 5.62 ‘the site location and the efficient use of land’; delete paragraph 5.63 and amend the numbering of subsequent paragraphs accordingly.</p>	For clarity and accuracy and to meet Basic Conditions 1 and 3
10	<p>Under the heading “Section 5 – Design”:</p> <p>10.1 Replace the “Purpose” with: ‘To promote good, sustainable design across all new development in Ashbourne, as required in both the National Planning Policy Framework and the DDDC Local Plan.’</p>	For clarity and to meet Basic Condition 1

	<p>10.2 Delete paragraph 5.66 since it is outdated and amend the numbering of subsequent paragraphs accordingly.</p> <p>10.3 Add to paragraph 5.67 a reference to Local Plan Policy PD1.</p> <p>10.4 Reduce paragraph 5.68 to: ‘The Stage three-community engagement results (May 2014) demonstrated that 75% of those who participated strongly agreed that “It is essential that the environment and the character of the town needs to be protected”. This policy seeks to ensure that it positively addresses this issue looking a design and the wider context to the area.’ Then add: ‘Further, in order to promote sustainable development in Ashbourne, a new approach is required to incorporate new design standards in renewable energy and low carbon development. The policy also seeks to ensure that the existing dark skies outside of the town, and particularly the Peak Park fringe to the north, are protected and that new developments do not increase light spillage, preventing further deterioration of the night skies.’</p> <p>10.5 Delete the sections headed “Renewable Energy & Low-Carbon Energy Technologies” and “Dark Skies” since these are (justifiably) not the subject of separate policies and have now been addressed above.</p> <p>10.6 Reword Policy “DES1 – Design” as follows (removing the paragraph number): “Planning permission will be granted for new developments where they incorporate high quality and sustainable design and where they are able to satisfy the following criteria proportionately to the scale and nature of the development:</p> <p>i) The design should be locally distinctive and locally inspired.</p> <p>ii) The design of buildings and landscape should achieve a net gain in biodiversity.</p> <p>iii) Proposals must respond to the existing character and history of the town, creating attractive streets and spaces, including consideration of:</p> <ul style="list-style-type: none"> • height, scale, massing and set-back from the road; • active frontages (containing windows) to create natural surveillance; • reinforcing of existing pedestrian connections and allowing for ease of movement, including links to surrounding community facilities; • streets and parking that encourage low vehicle speeds and streets that are not dominated by vehicles. <p>iv) Proposals should enhance local topography and landscape, including trees and hedges, ecology, and wildlife habitats.</p> <p>v) The layout of the development should take account of local views, to help make the new scheme easy to navigate.</p> <p>vi) Layouts should separate public and private spaces, avoiding placing rear gardens against street frontages.</p>	
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	<p>vii) Convenient, screened storage should be provided for bins and recycling as well as secure storage for cycles.</p> <p>viii) Designs should use high-quality, durable materials, to complement the historic palette of materials.</p> <p>ix) Unnecessary external lighting should be avoided in the interests of energy saving and dark skies.</p> <p>x) Proposals should incorporate appropriate Sustainable Drainage Systems (SuDS) including the use of permeable materials for hard surfaced areas.</p> <p>xi) Innovative or creative architectural or building design will be supported, especially where it incorporates green features to improve environmental performance.'</p> <p>10.7 Delete paragraph 5.77 since it duplicates an earlier paragraph (and amend the numbering of subsequent paragraphs accordingly).</p>	
11	<p>Under the heading "DES2 – Conservation Area":</p> <p>11.1 Amend the title to 'Section 5 – Ashbourne Heritage'.</p> <p>11.2 Add a 'Purpose' heading and related text as follows: 'To ensure that the significance of Ashbourne's extensive heritage assets is respected.'</p> <p>11.3 Add a 'Rationale' heading and related text as follows: 'As earlier noted, Ashbourne is one of Derbyshire's finest market towns, combining a medieval street pattern and historic buildings with a wealth of high-quality shops. The cobbled market place, hidden alleys and yards are a delight to explore, and the wide and elegant Church Street is considered to be the finest street of Georgian buildings in Derbyshire. DDDC's Conservation Area Character Appraisal (2008) made an in-depth assessment of the special qualities of the character and appearance of Ashbourne Conservation Area, both in terms of its buildings and the relationship of its spaces alongside those buildings. Within the Neighbourhood Area there are 183 Listed Buildings (5 of these outside of the Conservation Area) and of these, 11 are Grade I or Grade II*'.</p> <p>11.4 Renumber, retitle and reword Policy DES2 as follows (removing the paragraph number): 'Policy AH1 – Ashbourne Heritage In the Ashbourne Conservation Area and other heritage-sensitive locations, including the settings of listed buildings, development proposals should use distinctive and site-specific design to complement the historical context, including as appropriate:</p> <p>i) Complementing the townscape characteristics of streets and squares, including the pattern of rear-of-the-pavement frontages;</p> <p>ii) Preserving or enhancing the bridging structure linking the Green Man with Victoria Square and its setting;</p>	For clarity and to meet Basic Conditions 1 and 3

	<p>iii) Preserving or enhancing town yards/‘alleyways’ and areas of historic paving.’</p> <p>11.5 Amend paragraph 5.80 to read: ‘Development proposals within the Conservation Area should show particular regard for Chapter 11 ‘Conservation Policies’ of the DDCC document ‘Ashbourne Conservation Area Appraisal’ (2008). Impacts on the Conservation Area can arise from the development of land immediately adjacent to the boundary and also sites where the development would hinder views from within the Conservation Area.’</p>	
12	<p>Under the heading “Section 5 - Transport”:</p> <p>12.1 Provide a source-reference for the data used in paragraph 5.83.</p> <p>12.2 Edit the rationale, in particular to remove dated references, by deleting paragraphs 5.85, 5.88. 5.91 (see below) & 5.92 (as well as the related sub-heading) and from the end of paragraph 5.86 delete “(P33 above)”; renumber subsequent paragraphs accordingly.</p> <p>12.3 Reword “Policy TRA1 – Transport” as follows (removing the paragraph number): ‘In order to assist the shift to more sustainable forms of transport, development proposals should, proportionately to the scale and nature of the scheme, ensure:</p> <ul style="list-style-type: none"> i) convenient links to public transport services, to help reduce car dependency; ii) priority for pedestrians and cyclists in the design and layout of development, including for people of all levels of mobility; iii) provision of secure, covered and screened storage for cycles; iv) provision of electric vehicle charging infrastructure. <p>12.4 Replace paragraphs 5.94 & 5.95 with paragraph 5.91.</p>	For clarity and to meet Basic Conditions 1 and 3
13	<p>Under the heading “Section 5 – Community Facilities”:</p> <p>13.1 To restrict the rationale to Policy-related content, delete the first two and the last sentences of paragraph 5.97; delete all but the first sentence of paragraph 5.98.</p> <p>13.2 Replace paragraphs 5.99 & 5.100 with a reference to the current (2019) NPPF as follows (and renumber subsequent paragraphs accordingly): ‘The NPPF (paragraph 92) says: “To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.”’</p> <p>13.3 Replace paragraph 5.101 with a reference to the adopted Local Plan as follows:</p>	For clarity and accuracy and to meet Basic Conditions 1 & 3

	<p>'The DDDC Local Plan 2013 – 2033 Policy HC15 says: "The District Council will seek to maintain and improve the provision of local community facilities and services. This will be achieved by supporting proposals which protect, retain or enhance existing community facilities (including multi use and shared schemes) or provide new facilities."</p> <p>13.4 Delete paragraphs 5.102 & 5.103.</p> <p>13.5 Reword "Policy COM1 – Community Facilities" as follows (removing the paragraph number): 'Particularly where they help to serve the needs of the expanding community, development proposals for new, improved, repurposed and diversified community facilities will be supported in principle provided they are well located in relation to the community they serve and their impact on their immediate surroundings is assessed and addressed.'</p> <p>13.6 Under the sub-heading "Interpretation" add an additional paragraph (and alter subsequent paragraph numbers accordingly) as follows: 'Development involving existing community facilities should maintain or enhance their community value. The impact of new housing and employment development on the capacity of local community facilities should be considered and, where there are deficiencies, development proposals should address these.'</p>	
14	<p>Under the heading "Local Green Spaces":</p> <p>14.1 Reword the heading as 'Section 5 – Public Open Space'.</p> <p>14.2 Within paragraph 5.108 replace "11,000 miles" with '40 miles'.</p> <p>14.3 Delete paragraph 5.111 and renumber subsequent paragraphs accordingly.</p> <p>14.4 Amend paragraph 5.114 to read: 'These areas are therefore designated as Public Open Spaces which contribute to the network of spaces in Ashbourne, in accordance with the Spatial Vision in the Local Plan which states that: "New development, particularly in Ashbourne, Matlock, and Wirksworth, will seek to satisfy the identified social and economic needs of local residents which, in turn, will be supported by the protection and enhancement of areas of open and green space within and around them. Opportunities for the provision of new and improved recreation opportunities will be brought forward." (page 23, Derbyshire Dales Local Plan 2013-2033).</p> <p>14.5 Delete paragraph 5.115 and renumber subsequent paragraphs accordingly.</p> <p>14.6 Amend paragraph 5.116 to read: 'These Public Open Spaces collectively provide a variety of social, economic and environmental benefits, contributing to the sustainable development of Ashbourne, offering a range of spaces that promote well-being and are community assets within the area.'</p>	For clarity and accuracy and to meet Basic Condition 1

	<p>14.7 Amend paragraph 5.117 to read: ‘The Neighbourhood Area also includes part of Bradley Wood, bordering the Airfield site, which was bequeathed to the people of Ashbourne and which is designated a Local Wildlife Site on the Derbyshire Wildlife Sites Register.’</p> <p>14.8 Reword Policy COM2 as follows (removing the paragraph number): ‘Policy COM2 – Public Open Space The Public Open Spaces identified on the adjacent map (titled Policy COM2: Public Open Spaces) will be protected for their value as green spaces and places of recreation. Development will only be supported when it relates to and complements the current use of the site and does not have an adverse impact upon the quality of the open space or its recreational value.’</p> <p>14.9 Move the related map from page 20 to be adjacent to Policy COM2, retitle the map as ‘Policy COM2: Public Open Spaces’ and the key as ‘Public Open Spaces’ and delete the boundary of the Conservation Area from the map and the key. Add a schedule cross-referenced to the map which briefly outlines the current uses of each space to serve as a reference point for the Policy.</p> <p>14.10 Amend paragraph 5.119 to read: ‘This policy aims to protect and enhance the identified Public Open Spaces ensuring that any new development relates to and does not compromise the open quality of the spaces.’</p>	
15	<p>Under the heading “Section 6: Implementation and Community Action”:</p> <p>15.1 Reword the heading as ‘Annex A: Community Action’ and renumber the paragraphs accordingly.</p> <p>15.2 Replace the “Purpose” section with the following in bold letters: ‘This section does not form part of the statutory neighbourhood plan and therefore it is not subject to independent examination and referendum. It includes proposed actions that fall outside of the scope of planning policy.’</p> <p>15.3 Within the un-numbered paragraph headed “Rationale” replace “section of the plan” with ‘Annex’.</p> <p>15.4 At the end of paragraph 6.1 delete “most notably S106 regeneration funding” and add an additional sentence: ‘The Community Infrastructure Plan would be a non-statutory document and sit outside the Local Plan and Neighbourhood Plan process.’</p> <p>15.5 In paragraph 6.2 replace “Neighbourhood Plan” with ‘The Town Council’.</p> <p>15.6 Add an additional paragraph after paragraph 6.2: ‘Ashbourne Town Council has recently agreed (December 2020) to prepare a non-statutory Strategic Plan for Ashbourne in conjunction with the Ashbourne Town Team to provide a corporate Vision and</p>	For clarity and accuracy and to meet Basic Condition 1

	<p>Action Plan for Ashbourne over the next 20 years. This will combine the Ashbourne Neighbourhood Plan with the Town Team’s Action Plan and incorporate a range of community and private sector regeneration initiatives which will in effect be part of the implementation programme of the Ashbourne Neighbourhood Plan.’</p> <p>15.7 Replace the opening sentence of paragraph 6.4 with: “A Traffic Management Plan will be part of the Strategic Plan for Ashbourne.’</p> <p>15.8 Replace the opening sentence of paragraph 6.5 with: “A consultation exercise by Derbyshire County Council (DCC) may result in a recommendation to DCC’s Cabinet in 2021 on the selection of a ‘preferred route’ for the By-pass. A preferred route will be further developed so that it can be submitted for planning approval and for any available grant funding.”</p> <p>15.9 At the end of paragraph 6.6 replace “eedprise Partnership, D2N2” with ‘Enterprise Partnership D2N2’.</p> <p>15.10 Replace the opening sentence of paragraph 6.11 with ‘The Town Council supports the requirement in the Derbyshire Dales Local Plan 2013-2033 for a masterplan to set out how the Airfield site will be developed on a comprehensive basis.’</p> <p>15.11 In paragraph 6.12 replace “advocates” with ‘supports’.</p> <p>15.12 Replace the opening sentence of paragraph 6.12 with: ‘The Neighbourhood Plan will be implemented through the determination of planning applications for new developments by the District Council and the obligations that attach to these but also through the development and implementation of specific projects through investment by the relevant statutory agency and key community providers using other state and private finance.’ Also, later in that paragraph delete “through S106 agreements”, replace “2017” with ‘2013-2033’, replace “there is a need for further significant” with ‘there may be need for further’, and delete the last two sentences of this paragraph (since these are not now “recent”).</p> <p>15.13 Under the heading “Local Monitoring of planning applications and S106 Agreements”:</p> <p>15.13.1 Delete paragraphs 6.18 – 6.21.</p> <p>15.13.2 In paragraph 6.22 replace “will be a key outcome of this Neighbourhood Plan” with ‘will be a key action in support of the Neighbourhood Plan’; delete the second and third sentences of this paragraph.</p> <p>15.13.3 In paragraph 6.23 replace “South Derbyshire Clinical Commissioning Group” with ‘Derby and Derbyshire Clinical Commissioning Group’.</p> <p>15.13.4 Delete paragraphs 6.24 and 6.25.</p> <p>15.13.5 In paragraph 6.26 delete the second reference to Neighbourhood Plan.</p>	
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	15.13.6 Delete paragraphs 6.27 – 6.29 since these are not entirely accurate, are in part dated and are said to be the subject of a separate consultation.	
16	<p>Under the heading “List of Evidence and Research Resources”:</p> <p>16.1 Entry 2 should read: ‘The Derbyshire Dales Local Plan 2013-2033 Adopted December 2017’.</p> <p>16.2 Entry 7 should be deleted as the Local Plan from 2005 is no longer in use.</p> <p>16.3 Entry 8 should be deleted as the Saved Policies have been superseded by the adopted policies from the 2017 version of Derbyshire Dales Local Plan.</p>	For accuracy

APPENDIX 2 DISTRICT COUNCIL REGULATION 16 COMMENTS AND EXAMINERS RESPONSE

SECTION/PAGE/ POLICY	COMMENTS	EXAMINERS RESPONSE
Section 2 Ashbourne's Neighbourhood Plan		
Page 11 Para 2.4	<p>The National Planning Practice Guidance sets out that the Basic Conditions that a Neighbourhood Plan has now to contribute towards are:</p> <p>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).</p> <p>b. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development</p> <p>c. 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>d.. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations</p> <p>e. 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 from the NPPG.</p>	Updated the Neighbourhood Plan to include all requirements for Basic Conditions to be met.
Section 4 - Key Evidence & Data		
Page 19 Para 4.6	The statutory requirements for the preparation of NPs require that they comply with national and local strategic policy - this statement does not reflect the pro-development stance of the NPPF, nor does it sit well in conformity with the Derbyshire Dales Local Plan because most new	Delete Para 4.6 since it is not descriptive and Housing Policy is addressed in Section 5 (R5.2)

SECTION/PAGE/ POLICY	COMMENTS	EXAMINERS RESPONSE
	development has either been allocated or granted planning permission to the south and east of the town centre. The District Council consider if it should be removed from the Neighbourhood Plan.	
Page 20 Para 4.8	There is a need to ensure that there is adequate evidence of support for such an approach of designating LGS, and that the areas included can satisfy the requirements of Para 100 of the NPPF 2019 - or whatever 2012 NPPF said!	Since Policy COM2 addresses green spaces, remove the map on page 21 (to be picked up again in the Policy section) and delete the last sentence of paragraph 4.8 as well as using 'Conservation Area' in the preceding sentence.(R5.3)
Page 21 Diagram After Para 4.9	Formatting Required so that all text is visible.	Reformatting of the text box adjacent to the aerial image (page 21) is required so that all the text is visible. (R5.4)
Page 23 Para 4.20	This contains unsubstantiated comments about the extent to which the loss of Ashbourne cattle market has had on encouraging visitors into the area. There does not appear to be any evidence in the evidence base to support this supposition?	Delete the second sentence of paragraph 4.20 since it is not part of a descriptive context for the Plan.(R5.5)
Page 23 Para 4.23	NP should acknowledge that DDLP contains policies which seek to address this issue - no specific policies are required in the NP to cover this issue. Although saying that could be seen as a general principle which could apply across the plan area - maybe not make big issue with this statement??	Amend the sub-heading "Section 4 - Tourism" to omit the "Section 4" reference and delete the fourth sentence of paragraph 4.23 as it is content relevant to Section 5.(R5.6)
Page 24 Para 4.25	Derbyshire County Council as Local Education Authority have advised that when proposals for Phase 2 comes forward it will seek a new Primary School, on land outside of the Neighbourhood Area. Policy DS8 in the adopted Local Plan makes it clear that any development on the site would need to ensure that it provides for education facilities proportionate to the needs of future needs of residents of the site.	Delete the sub-section headed "Education" since there is no related land-use Policy content.(R5.7)
Page 25 Para 4.27 (Last Sentence)	Suggest delete - Reg 14 consultation document did not include anything relating to school organisation and land use changes of/to existing schools.	Delete the sub-section headed "Education" since there is no related land-use Policy content.(R5.7)
Page 25 Para 4.28	Delete - this has nothing to do with any planning matter and land use issues - this is more about procedural matters related to DCC as Education	Delete the sub-section headed "Education" since

SECTION/PAGE/ POLICY	COMMENTS	EXAMINERS RESPONSE
	Authority rather than DDDC as planning authority - this is not needed to be included in the Neighbourhood Plan.	there is no related land-use Policy content. (R5.7)
Page 28 Para 4.37	<p>The whole paragraph is unsubstantiated and is suggested to be changed to</p> <p>Ashbourne Airfield Industrial Estate is the most significant employment cluster within Derbyshire Dales and indeed its potential to support economic growth is recognised by the Local Economic Partnership D2N2 through its funding commitment towards new highway infrastructure, providing a second access to the site and unlocking further employment land. It is therefore critically important for the future employment and skills agenda in Ashbourne that good quality employment is attracted to Ashbourne to support the significant proposed growth in housing.</p>	Delete the remaining content within Section 4 unless it is picked up, as recommended below, for use within Section 5. (R5.8)
Page 30 Para 4.41 from end of second sentence to end	<p>This is beyond the jurisdiction of the Town Council - better expressed as "Town Council will be fully engaged with any developer of the whole site prior to the submission of any formal planning application."</p> <p>As the vast majority of this Airfield site is situated outside of the Neighbourhood Area and it should be deleted from the text here.</p>	Delete the remaining content within Section 4 unless it is picked up, as recommended below, for use within Section 5. (R5.8)
Page 32 Para 4.48 – Last sentence	<p>There are no firm proposals for the Ashbourne Bypass which would be brought forward in the lifetime of the Neighbourhood Plan. This could be couched in a way which makes it clear that the Town Council will work with relevant agencies to support the delivery of the Bypass in future years.</p> <p>Given that advice is that only proposals with the likely prospect of being delivered during the plan period should be included in future Local and Neighbourhood Plans it is therefore considered that any reference to the construction of a Bypass in the ANP should be qualified in such a way that avoids the potential for any issues over conformity.</p>	Delete the remaining content within Section 4 unless it is picked up, as recommended below, for use within Section 5. (R5.8)
Page 32 Para 4.51 Last Sentence	Funding for the Bypass cannot be guaranteed and as such it is highly unlikely that the bypass will be delivered during the plan period.	Delete the remaining content within Section 4 unless it is picked up, as recommended below, for use within Section 5. (R5.8)

SECTION/PAGE/ POLICY	COMMENTS	EXAMINERS RESPONSE
Page 32 Para 4.52	It is suggested that there should be a cross reference to the evidence base to demonstrate the point about junction deficiencies.	Delete the remaining content within Section 4 unless it is picked up, as recommended below, for use within Section 5. (R5.8)
Page 33 Para 4.54 Final Sentence	There is no specific requirement in Policy TRA1 which requires all town centre development schemes to demonstrate that required parking be included on site or be parking free. If the intention that this be a requirement the policy should be amended accordingly or else this sentence should be deleted.	Delete the remaining content within Section 4 unless it is picked up, as recommended below, for use within Section 5. (R5.8)
Page 34 Para 4.57	It is questionable whether this project is deliverable, unless the Town Council have got substantive evidence of funding for it going forward over the lifetime of the Neighbourhood Plan including agreement from the landowner to development.	Delete the remaining content within Section 4 unless it is picked up, as recommended below, for use within Section 5. (R5.8)
Page 35 Section 4 Housing	<p>The whole tenet of this section is in effect a criticism of the Derbyshire Dales Local Plan Housing policy - the Town Council made representations and appeared at the Derbyshire Dales Local Plan EIP where they had the opportunity to set out their case about the level of development within the town.</p> <p>As the Neighbourhood Plan does not seek to allocate land it is considered that this section serves very little purpose, and does not sit in conformity with the Derbyshire Dales Local Plan nor does it sit well as taking account of Government policy in the NPPF.</p> <p>Given the evidence that has been presented to the Derbyshire Dales Local Plan EIP on housing need going forward it is considered wholly inappropriate for the NP to include anything other than reference to the provisions set out in the Derbyshire Dales Local Plan, otherwise the plan could be considered not to be in conformity with the Local Plan.</p>	Delete the remaining content within Section 4 unless it is picked up, as recommended below, for use within Section 5. (R5.8)
Page 36 Para 4.64	Delete text - out of date and not relevant to the Neighbourhood Plan.	Delete the remaining content within Section 4 unless it is picked up, as recommended below, for use within Section 5. (R5.8)
Page 36 Para 4.65 after final comma	The uplift is not relevant because what the Derbyshire Dales Local Plan has sought to do is to identify the OAN requirement - which could have been 1% or 100% uplift - whatever it was wouldn't have made any difference.	Delete the remaining content within Section 4 unless it is picked up, as recommended below, for use within Section 5. (R5.8)

SECTION/PAGE/ POLICY	COMMENTS	EXAMINERS RESPONSE
Page 36 Para 4.66 after final comma	Not considered relevant – Derbyshire Dales Local Plan seeks to address strategic housing requirements in sustainable locations such as Ashbourne, hence why figure are higher than what the Ashbourne Needs Study indicates.	Delete the remaining content within Section 4 unless it is picked up, as recommended below, for use within Section 5. (R5.8)
Page 36 Para 4.67 Final Sentence	The comments which refers to “urban development corridor” are misleading and should be corrected. Residential development granted planning and situated within the plan area consolidates existing development rather than extend the town further south and east.	Delete the remaining content within Section 4 unless it is picked up, as recommended below, for use within Section 5. (R5.8)
Page 37 Para 4.68	This paragraph implies that the residential development will occur on greenfield sites, this should be clarified to say within the plan area. As the Neighbourhood Plan sets out development on the Ashbourne Airfield is primarily beyond the plan area, and is a predominantly brownfield site.	Delete the remaining content within Section 4 unless it is picked up, as recommended below, for use within Section 5. (R5.8)
Page 37 Para 4.69	The approach to the provision of housing in the Local Plan has been endorsed by the Inspector in his report. It is considered that this Para should be deleted from the plan.	Delete the remaining content within Section 4 unless it is picked up, as recommended below, for use within Section 5. (R5.8)
Page 38 Para 4.74	The investment in new infrastructure to account for growth in Ashbourne and the rest of Derbyshire Dales was addressed in the Infrastructure Delivery Plan which was endorsed by the Inspector who undertook the examination of the Derbyshire Dales Local Plan. The two examples mentioned in this paragraph did not feature in that infrastructure plan, and as such it can be assumed that the agencies responsible do not consider that the level of growth necessitate such changes. If however the Town Council consider that these are essential required infrastructure they have the opportunity to set out in the Neighbourhood Plan how they may address these concerns - for example by working in partnership with the relevant agencies to secure funding for improvements in both capital infrastructure and service delivery.	Delete the remaining content within Section 4 unless it is picked up, as recommended below, for use within Section 5. (R5.8)
Section 5 Neighbourhood Plan Policies		
Page 42 Para 5.5	2013-2033 not 2016-33	Modified
Para 5.5 Final Sentence	The Derbyshire Dales Local Plan is the Local Strategic policy. Alternative wording could be: In preparing the Neighbourhood Plan the strategic policies of the adopted Derbyshire Dales Local Plan have been taken into account.	Delete paragraphs 5.1 to 5.7 and their sub-headings and renumber subsequent paragraphs accordingly (R6.1)

SECTION/PAGE/ POLICY	COMMENTS	EXAMINERS RESPONSE
Page 43 Section 5 – Growth Agenda (General Comments)	It was suggested that for this whole Section there should be a rationalisation of text because of duplication. The Consultation Statement suggests this would be done but nothing has changed from Reg14 version without any explanation.	Not specifically addressed by Examiner – although general thrust of report recommendations addresses this matter.
Para 5.11 Third Bullet Point	This is the same approach that is advocated in the adopted Derbyshire Dales Local Plan.	Under the sub-heading “Growth Agenda” delete the last sentence of paragraph 5.11, viz “This will require a greater need to provide smaller and affordable properties, specifically 1-2 bedroom properties”, since that is a detail for the Housing Section; also delete paragraph 5.16 since the content is dated. (R6.3)
Page 44 Para 5.16	Although this is the most recent localised study commissioned by the District Council it dates from 2007, and not 2009 as stated. Caution should therefore be exercised when using this source. Although not localised to Ashbourne for example the evidence base for the Derbyshire Dales Local Plan on housing and employment land requirements dates from 2016 and is therefore more up to date.	Under the sub-heading “Growth Agenda” delete the last sentence of paragraph 5.11, viz “This will require a greater need to provide smaller and affordable properties, specifically 1-2 bedroom properties”, since that is a detail for the Housing Section; also delete paragraph 5.16 since the content is dated. (R6.3)
Page 46 Para 5.21	The reference to the Atkins Study, and its relevancy should be removed as this was superseded by the GL Hearn study for the Derbyshire Dales Local Plan in 2016.	Delete paragraph 5.21 since the content is dated; amend subsequent paragraph numbers accordingly. (R7.1)
Page 47 Para 5.27	The District Council recognises the advice that the Town Council have been given but still consider that the policies duplicate those within the Derbyshire Dales Local Plan, and are not necessary for inclusion within the Neighbourhood Plan, and they should be re-written to be something more aspirational for the Town Council in respect of the redevelopment of the airfield.	Delete paragraphs 5.25 – 5.27 and 5.29 – 5.31, including the map on page 48, since they support the submitted Policy EMP1 now to be deleted; amend subsequent paragraph numbers accordingly. (R7.4)
Page 47 Airfield Site Masterplan	The vast majority of the site is outside the Neighbourhood Area and therefore no policies in the Neighbourhood Plan can legally apply to that area.	Examiner Comments – “Whilst I can see that it has been a source of frustration to the Qualifying Body that significant parts of the Ashbourne Airport site are

SECTION/PAGE/ POLICY	COMMENTS	EXAMINERS RESPONSE
		outside the Parish boundary, and therefore outside the designated Neighbourhood Area, the scope of Plan policies must be tempered accordingly.”
Page 48 Policy EMP1 – Ashbourne Airfield	<p>The District Council recognises the advice the Town Council has been given, however it considers that the same comments apply as per Reg 14 version.. Essentially the majority of the airfield is outside of the Neighbourhood Area and therefore the Neighbourhood Plan has no legal no jurisdiction – Policy EMP1 also duplicates policies DS1 and DS8 in the Local Plan and should be deleted.</p> <p>If the Town Council wish to have a policy in the Neighbourhood Plan which compliments the Local Plan and seeks to achieve its objective of higher quality employment development on the site within the context of a masterplan then one option is for a more generic and aspirational policy which supports that ambition.</p>	Retitle and reword Policy EMP1 as follows (removing the paragraph number): ‘Policy EMP1: Employment retention and diversification The use and reuse of existing employment land to diversify Ashbourne’s employment base, with a focus on high-tech manufacturing/business and complementary uses, is encouraged.’ (R7.5)
Page 48 Interpretation	The District Council does not disagree with the sentiments in this section, however all of them are included in Policy within the Local Plan and do not need to included within the ANP.	7.6 Delete all subsequent paragraphs except paragraph 5.38 and its heading. (R7.6)
Page 49 Policy EMP2 – Existing Employment Land and Premises	Although the District Council recognises the advice the Town Council have received from their consultants in respect of Policy EMP2 – Existing Employment Land and Premises this duplicates the requirements of Policy EC3 in the Derbyshire Dales Local Plan as such the District Council considers that the policy should be deleted from the ANP.	7.6 Delete all subsequent paragraphs except paragraph 5.38 and its heading. (R7.6)
Page 50 Para 5.42 & Para 5.43	Replace 2016 with 2013. Delete the phrase ‘Emerging’ & replace with ‘Adopted’	Amend paragraphs 5.42.and 5.43 (and amend the numbering of subsequent paragraphs) to refer to the adopted Local Plan as follows: ‘The Derbyshire Dales Local Plan 2013-2033 identifies that the largest settlements in the district are the Market Towns of Ashbourne, Matlock and Wirksworth. It goes on to state (para 4.63) that: ‘Maintaining the vitality and viability of Ashbourne town

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		centre is essential for the overall sustainability of the town.' (R8.2)
Page 52 Policy ATC1 – Ashbourne Town Centre	<p>The extent of the 'defined' town centre boundary is the same as that set out in the Regulation 14 consultation document, and much broader than that set out in the DDLP. The justification given in the Consultation Statement is that it is based upon "sound local knowledge and is justified, and the Local Plan boundary may need to be reviewed accordingly"</p> <p>The adopted town centre boundary in the DDLP complies with the definition in the NPPF. Any variation from the adopted town centre boundary should be justified on the basis of an assessment against the definition in the NPPF</p> <p>Furthermore as set out in response to the Regulation 14 document Policy ATC1 essentially duplicates Policy EC6 in the adopted DDLP - as this is an important policy for safeguarding the town centre the District Council consider that the policy should set out criteria for use in the determination of planning applications that reflect the issues that are unique to Ashbourne town centre. If this cannot be achieved then consideration should be given to the deletion of this policy</p>	<p>I would expect that Policy ATC1 ought to be aimed at encouraging the retention and further development of features that are unique to or especially valued in Ashbourne; despite what is noted in the rationale there is no specific mention of 'tourism uses' within the Policy. As the local authority notes, the Town Centre is an important Policy area and therefore it should not be potentially undermined by confusion arising from unhelpful differences in Policy wordings and boundaries.</p> <p>In the absence of "proportionate" evidence and acknowledging the potential impact of both the Government's reformulation of Use Classes and the pandemic, the ambition of Policy ATC1 needs to be tempered. I note that Local Plan Policy S8 already commits to "maintaining and where possible enhancing, the vitality and viability of Ashbourne Town Centre" and "supporting improvements to the range and quality of town centre retail and services in Ashbourne town centre". The recommendations below are therefore designed to respect the intended purpose of Policy ATC1 whilst having regard to the new national policy context and removing "unnecessary duplication" or</p>

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		<p>conflict with the related policies in the Local Plan.</p> <p>Retitle and reword Policy ATC1 as follows (removing the paragraph number):: ‘Policy ACA1: Ashbourne Central Area Within the indicative Ashbourne Central Area (see adjacent map titled Policy ACA1: Ashbourne Central Area) the use and reuse of sites and buildings in ways that are complementary to and supportive of the vitality and viability of Ashbourne Town Centre and the historic character of the area is encouraged.’ (R8.5)</p>
Page 53 Para 5.50 Second Bullet Point	The NPPF refers to vitality and viability of the town centre, as does the wording within Policy EC6 - it is not clear what is meant by economic impact.	<p>Retitle and reword Policy ATC1 as follows (removing the paragraph number):: ‘Policy ACA1: Ashbourne Central Area Within the indicative Ashbourne Central Area (see adjacent map titled Policy ACA1: Ashbourne Central Area) the use and reuse of sites and buildings in ways that are complementary to and supportive of the vitality and viability of Ashbourne Town Centre and the historic character of the area is encouraged.’ (R8.5)</p>
Page 53 Para 5.50 Final Paragraph	<p>The threshold of 200 sq. metres is less than that in the adopted Derbyshire Dales Local Plan, for which there would appear to be no justification for - the Consultation Statement suggests that the justification is to reflect Ashbourne’s small retail outlets based ANPG assessment of retail outlets.</p> <p>There appears to be no substantive evidence to warrant the reduction in the threshold to 200 sq. metres.</p>	<p>Retitle and reword Policy ATC1 as follows (removing the paragraph number):: ‘Policy ACA1: Ashbourne Central Area Within the indicative Ashbourne Central Area (see adjacent map titled Policy ACA1: Ashbourne Central Area) the use and reuse of sites and buildings in ways</p>

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		that are complementary to and supportive of the vitality and viability of Ashbourne Town Centre and the historic character of the area is encouraged.' (R8.5)
Page 53 Para 5.52	See comment above - the threshold is unjustified and less than set out in the adopted Derbyshire Dales Local Plan.	Retitle and reword Policy ATC1 as follows (removing the paragraph number):: 'Policy ACA1: Ashbourne Central Area Within the indicative Ashbourne Central Area (see adjacent map titled Policy ACA1: Ashbourne Central Area) the use and reuse of sites and buildings in ways that are complementary to and supportive of the vitality and viability of Ashbourne Town Centre and the historic character of the area is encouraged.' (R8.5)
Page 54 Para 5.55	The District Council does not disagree that there is likely to be a need for affordable housing in Ashbourne. However Shared Ownership falls within the definition of affordable housing as set out in the NPPF and whilst the number of shared ownership properties has risen this will more than likely reflect an increase in supply (facilitated by the District Council) rather than a lack of affordable housing. Any lack of affordable housing would be highlighted by a mismatch between the level of demand and the level of supply.	Delete paragraphs 5.54 – 5.57 in the light of the adoption of the Local Plan (and amend the numbering of subsequent paragraphs accordingly). (R9.1)
Page 54 Para 5.56	There does not seem to be any substantive evidence to justify these comments. A similar comment was made at Reg 14 stage. The response on the Consultation Statement to Reg 14 comments was - clarify. There has not been any change in the text justifying this. Final Sentence - Whilst it may be a potential solution to unlocking new affordable homes - there is no evidence provided to substantiate this comment and as it is unlikely to be something taken forward within the context of the NP as such consider it should be deleted.	Delete paragraphs 5.54 – 5.57 in the light of the adoption of the Local Plan (and amend the numbering of subsequent paragraphs accordingly). (R9.1)

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Page 55 Para 5.61 - Table	Whilst this is accepted that this Table comes from the Ashbourne NP Evidence Base the ratios do not reflect those in the Local Plan and seek to encourage especially the provision of larger property Market Housing which is at odds with the needs of the local communities. The policy should be more positive on smaller properties in the Market sector.	"Policy HOU1 – Housing Mix" as follows (removing the paragraph number): 'Development proposals for housing should meet identified local housing needs and provide, appropriately for the site, a mix of sizes and types of dwelling, including starter homes, smaller properties for people seeking to downsize and specialist accommodation for older people.' (R9.3)
Page 56 Para 5.66	<p>This passage will require modification as the Derbyshire Dales Local Plan from 2005 has been superseded. Any cross reference to the previously adopted Local Plan should be deleted.</p> <p>The Consultation Statement suggests that as it says at the time of the research its fact of the time ! The Legal requirement is for the NP to be compliant with adopted Strategic Policies – it is considered better to include a passage from the adopted Local Plan rather than one which is out of date.</p>	Delete paragraph 5.66 since it is outdated and amend the numbering of subsequent paragraphs accordingly (R10.2)
Page 56 Para 5.68	<p>This Para needs to be made much clearer as it confusing as to what policy and document it is referring to.</p> <p>Should this be PD1 in the adopted DDLP or should is it meant to say Policy DES1 ? Should it read Policy DES1 - Design as this is the title of the policy set out below on Page 58 ?</p> <p>Nothing in the Local Plan preamble suggests that Policy PD1 has been influenced by the BFL 12 standard - previous version of NP talks about the NP Policy DES1 being influenced by BfL 12 - should this reference revert back to policy DES1 not DC 1 ??</p>	Reduce paragraph 5.68 to: 'The Stage three-community engagement results (May 2014) demonstrated that 75% of those who participated strongly agreed that "It is essential that the environment and the character of the town needs to be protected". This policy seeks to ensure that it positively addresses this issue looking a design and the wider context to the area.' Then add: 'Further, in order to promote sustainable development in Ashbourne, a new approach is required to incorporate new design standards in renewable energy and low carbon development. The policy also

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		seeks to ensure that the existing dark skies outside of the town, and particularly the Peak Park fringe to the north, are protected and that new developments do not increase light spillage, preventing further deterioration of the night skies.’ (R10.4)
Page 57 Para 5.68 – Third line from end of Para	Replace with Policy (upper case not lower case)	Not specifically addressed.
Page 57 Renewable Energy and Low Carbon Energy Technologies	<p>This section and the next one appear to have been inserted into the ANP randomly, following comments from Derbyshire County Council, because the proceeding flows much better into Policy DES 1 below..</p> <p>It is acknowledged that Renewable Energy/Low Carbon and Dark Skies have been requested for inclusion by Derbyshire County Council - however it is not clear from the evidence base whether these two topic areas have any basis in the evidence base or the previous rounds of public consultation. If there is no substantial justification it is considered that these two elements of the plan should be removed as there does not appear to be any reason for it to be included.</p>	Delete the sections headed “Renewable Energy & Low-Carbon Energy Technologies” and “Dark Skies” since these are (justifiably) not the subject of separate policies and have now been addressed above. (R10.5)
Page 58 Dark Skies	There does not appear to be any justification in the evidence base for this policy ? It appears to have been inserted into the Plan after comments made by Derbyshire County Council and not as a result of local consultation.	Delete the sections headed “Renewable Energy & Low-Carbon Energy Technologies” and “Dark Skies” since these are (justifiably) not the subject of separate policies and have now been addressed above. (R10.5)
Page 58 Policy DES1 - Design	This policy is welcomed but it is considered that in the interests of clarity ‘superior environmental performance’ should be defined. It’s wording could be improved and made appropriate to use in the determination of planning applications by being revised along the lines of “Planning permission will be granted for new development where they incorporate high quality and sustainable design and where they are able to satisfy the following criteria:....”	Reword Policy “DES1 – Design” as follows (removing the paragraph number): ““Planning permission will be granted for new developments where they incorporate high quality and sustainable design and where they are able to satisfy the following criteria proportionately to the scale

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	<p>Consideration should be given about how to demonstrate just what is meant by 'high quality' in the intro to the policy..</p>	<p>and nature of the development:</p> <p>i) The design should be locally distinctive and locally inspired.</p> <p>ii) The design of buildings and landscape should achieve a net gain in biodiversity.</p> <p>iii) Proposals must respond to the existing character and history of the town, creating attractive streets and spaces, including consideration of:</p> <ul style="list-style-type: none"> • height, scale, massing and set-back from the road; • active frontages (containing windows) to create natural surveillance; • reinforcing of existing pedestrian connections and allowing for ease of movement, including links to surrounding community facilities; • streets and parking that encourage low vehicle speeds and streets that are not dominated by vehicles. <p>iv) Proposals should enhance local topography and landscape, including trees and hedges, ecology, and wildlife habitats.</p> <p>v) The layout of the development should take account of local views, to help make the new scheme easy to navigate.</p> <p>vi) Layouts should separate public and private spaces, avoiding placing rear gardens against street frontages.</p> <p>vii) Convenient, screened storage should be provided for bins and recycling as well as secure storage for cycles.</p>

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		<p>viii) Designs should use high-quality, durable materials, to complement the historic palette of materials.</p> <p>ix) Unnecessary external lighting should be avoided in the interests of energy saving and dark skies.</p> <p>x) Proposals should incorporate appropriate Sustainable Drainage Systems (SuDS) including the use of permeable materials for hard surfaced areas.</p> <p>xi) Innovative or creative architectural or building design will be supported, especially where it incorporates green features to improve environmental performance.’ (R10.6)</p>
<p>Page 59 Policy DES2 – Conservation Area</p>	<p>This policy intends to set out and guide development within the Ashbourne Conservation Area. It does, however, fail to set out what criteria will be taken into account when the local planning authority determine planning applications in the Ashbourne Conservation Area.</p> <p>Furthermore it makes reference to the potential impact upon the listed buildings and structures many of which are situated outside the Ashbourne Conservation Area. As such the policy appears to be confused as to its purpose.</p> <p>Notwithstanding the advice of the Town Councils consultants the District Council consider that Policy PD2 in the Derbyshire Dales Local Plan is sufficient for the local planning authority to determine where they have the potential to have an impact upon a heritage asset, and as such Policy DES2 should be deleted from the Neighbourhood Plan.</p>	<p>Renumber, retitle and reword Policy DES2 as follows (removing the paragraph number): ‘Policy AH1 – Ashbourne Heritage In the Ashbourne Conservation Area and other heritage-sensitive locations, including the settings of listed buildings, development proposals should use distinctive and site-specific design to complement the historical context, including as appropriate: i) Complementing the townscape characteristics of streets and squares, including the pattern of rear-of-the-pavement frontages; ii) Preserving or enhancing the bridging structure linking the Green Man with Victoria Square and its setting;</p>

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		iii) Preserving or enhancing town yards/‘alleyways’ and areas of historic paving.’ (R11.4)
Page 60 Para 5.81	The phrase imitation has been taken out of the policy, as such it is not clear how relevant the use of this phrase is in this Para	Not specifically addressed in the Examiners report
Page 63 Ultra-Low Vehicle Emission Infrastructure	<p>Whilst the District Council supports proposals that seek to address Climate Change this section appears to have been inserted into the Neighbourhood Plan in what appears to be a random manner and interrupts the flow of the document as the previous paragraph on transport flows better into Policy TRA1 - Transport rather than being interrupted by text of Ultra- Low Vehicle Emission Infrastructure.</p> <p>Also there does not appear to be any evidence that this has been seen as an issue from the consultation undertaken - if not then is it something that should be included within the Neighbourhood Plan.</p>	Edit the rationale, in particular to remove dated references, by deleting paragraphs 5.85, 5.88. 5.91 (see below) & 5.92 (as well as the related sub-heading) and from the end of paragraph 5.86 delete “(P33 above)”; renumber subsequent paragraphs accordingly. (R12.2)
Page 63 Policy TRA1 - Transport	<p>As currently written it does not set out any relevant criteria for use in the determination of planning applications. Furthermore the District Council consider that Policy HC19 and HC20 in the Derbyshire Dales Local Plan provide sufficient criteria to ensure that the traffic and transportation issues associated with new development are taken into account when the local planning authority determine a planning application.</p> <p>As such the District Council consider that this policy should be deleted from the ANP.</p>	<p>Reword “Policy TRA1 – Transport” as follows (removing the paragraph number):</p> <p>‘In order to assist the shift to more sustainable forms of transport, development proposals should, proportionately to the scale and nature of the scheme, ensure:</p> <ul style="list-style-type: none"> i) convenient links to public transport services, to help reduce car dependency; ii) priority for pedestrians and cyclists in the design and layout of development, including for people of all levels of mobility; iii) provision of secure, covered and screened storage for cycles; iv) provision of electric vehicle charging infrastructure. (R12.3)
Page 65 Para 5.98	The second sentence reference to school improvements etc has now been completed and	To restrict the rationale to Policy-related content, delete

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	the Neighbourhood Plan should be updated accordingly.	the first two and the last sentences of paragraph 5.97; delete all but the first sentence of paragraph 5.98. (R13.1)
Page 67 Policy COM1 – Community Facilities	The District Council considers that Policy HC15 and other policies in the Derbyshire Dales Local Plan provides sufficient criteria for the determination of applications for planning permission involving the provision or loss of community facilities and that as such this policy is not considered necessary for inclusion in the ANP.	Need to have a policy in the NP as identified during community consultation. Reword “Policy COM1 – Community Facilities” as follows (removing the paragraph number): ‘Particularly where they help to serve the needs of the expanding community, development proposals for new, improved, repurposed and diversified community facilities will be supported in principle provided they are well located in relation to the community they serve and their impact on their immediate surroundings is assessed and addressed.’ (R13.5)
Page 68 Para 5.108	Weblink is broken	Working Again
Page 68 Para 5.111	Policy COM2 is worded in a very similar manner and as such it is suggested that this Para is superfluous and not required within the Neighbourhood Plan.	Delete paragraph 5.111 and renumber subsequent paragraphs accordingly. (R14.3)
Page 68 Para 5.112	The reference to Page 21 should be Page 20	
Page 69 Para 5.114	This should be rewritten to ensure that it says the same as it does in the Spatial Vision as set out on Page 23 (not Page 24) of the adopted Derbyshire Dales Local Plan 2013-2033	Amend paragraph 5.114 to read: Ashbourne Neighbourhood Plan Independent Examiner’s Report Page 22 ‘These areas are therefore designated as Public Open Spaces which contribute to the network of spaces in Ashbourne, in accordance with the Spatial Vision in the Local Plan which states that:

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		<p>“New development, particularly in Ashbourne, Matlock, and Wirksworth, will seek to satisfy the identified social and economic needs of local residents which, in turn, will be supported by the protection and enhancement of areas of open and green space within and around them. Opportunities for the provision of new and improved recreation opportunities will be brought forward.” (page 23, Derbyshire Dales Local Plan 2013-2033). (R14.4)</p>
Page 69 Para 5.115	This should make reference to Policy PD4 in the adopted Local Plan which is found on Page 60 of the adopted Derbyshire Dales Local Plan 2013-33	Delete paragraph 5.115 and renumber subsequent paragraphs accordingly. (R14.5)
Page 69 Para 5.116	Delete text “these sentiments were carried forward into the 2017 Local Plan”..as it adds nothing to the Neighbourhood Plan.	Amend paragraph 5.116 to read: ‘These Public Open Spaces collectively provide a variety of social, economic and environmental benefits, contributing to the sustainable development of Ashbourne, offering a range of spaces that promote well-being and are community assets within the area.’ (R14.6)
Page 70 Para 5.117	<p>The Neighbourhood Plan should recognise that only a small proportion of Bradley Wood is situated within the Neighbourhood Area.</p> <p>Bradley Wood has been designated a Local Wildlife Site on the Derbyshire Wildlife Sites Register - it does not have any designation by Natural England.</p>	Amend paragraph 5.117 to read: ‘The Neighbourhood Area also includes part of Bradley Wood, bordering the Airfield site, which was bequeathed to the people of Ashbourne and which is designated a Local Wildlife Site on the Derbyshire Wildlife Sites Register.’ (R14.7)
Page 70 Para 5.118	So long as the Town Council can justify each designation as a Local Green Space in	Amend paragraph 5.117 to read:

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	<p>accordance with the criteria in the NPPF this policy is supported.</p> <p>Page 21 should x-refer to page 20</p> <p>It is not clear the extent to which the designation of the Local Green Spaces meets the definition set out in the NPPF</p>	<p>'The Neighbourhood Area also includes part of Bradley Wood, bordering the Airfield site, which was bequeathed to the people of Ashbourne and which is designated a Local Wildlife Site on the Derbyshire Wildlife Sites Register.' (R14.8)</p>
SECTION 6: IMPLEMENTATI ON AND COMMUNITY ACTION		
Page 71 Para 6.1	<p>In principle the District Council considers that a Community Infrastructure Plan would provide the basis for supporting the growth of Ashbourne. However this should provide a broad overview of what is required and how it may be achieved rather than be a detailed plan. There are too many uncertainties to allow it to come forward as a detailed plan because of the extent to which there are numerous different agencies involved in infrastructure provision in the town. The CIP preparation could be led by the Town Council. This would be a non-statutory document and sit outside the Local Plan and Neighbourhood Plan process - this should be made clear within the Neighbourhood Plan</p> <p>As indicated previously - s106 funding can only be secured where it satisfies the statutory tests set out in Reg 123 of the CIL Regulations - it cannot be used to secure general funding for infrastructure which is the purpose of CIL</p>	<p>Within the un-numbered paragraph headed "Rationale" replace "section of the plan" with 'Annex'.</p> <p>At the end of paragraph 6.1 delete "most notably S106 regeneration funding" and add an additional sentence: 'The Community Infrastructure Plan would be a non-statutory document and sit outside the Local Plan and Neighbourhood Plan process.' (R15.3 & R15.4)</p>
Page 72 Para 6.4	<p>The first sentence could be clearer - is it suggested that a Traffic Management Plan is going to be prepared or is currently being prepared ? An update on this project would benefit the reader</p>	<p>'Ashbourne Town Council has recently agreed (December 2020) to prepare a non-statutory Strategic Plan for Ashbourne in conjunction with the Ashbourne Town Team to provide a corporate Vision and Action Plan for Ashbourne over the next 20 years. This will combine the Ashbourne Neighbourhood Plan with the Town Team's Action Plan and incorporate a range of community and</p>

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		<p>private sector regeneration initiatives which will in effect be part of the implementation programme of the Ashbourne Neighbourhood Plan.'</p> <p>Replace the opening sentence of paragraph 6.4 with: "A Traffic Management Plan will be part of the Strategic Plan for Ashbourne.' (R15.6 & R15.7)</p>
Page 73 Ashbourne Cycle Hub	<p>This section has the feel of a project that is capable of being implemented in the next few years. If this is the case then the Neighbourhood Plan could help to safeguard land to meet this facility by allocating it, and having a policy which safeguards the site and which sets out the criteria by which planning permission would be granted, rather than being part of the non-statutory section of the Plan.</p> <p>If this is only aspirational the plan should include suggestions about how the Town Council envisage it being brought to fruition. If it has the opportunity to be delivered within the plan period then it is suggested that the Neighbourhood Plan should include an indication of how the proposal will be delivered - including funding opportunities.</p>	<p>Not specifically addressed within the Examiners Report – although as this section is now outside of the formal part of the Neighbourhood Plan it can be seen to be a project that the Town Council might wish to bring forward complementary to the Neighbourhood Plan.</p>
Page 74 Airfield Masterplan	<p>The Derbyshire Dales Local Plan includes a strategic policy which seeks to act as a framework for guiding new development of the whole Airfield site for mixed-use development, and interludes a requirement for a masterplan to set out how the site will be developed on a comprehensive basis - as such it is considered that there is no necessity for this within the NP.</p>	<p>Examiner Comments - Whilst I can see that it has been a source of frustration to the Qualifying Body that significant parts of the Ashbourne Airport site are outside the Parish boundary, and therefore outside the designated Neighbourhood Area, the scope of Plan policies must be tempered accordingly</p> <p>Replace the opening sentence of paragraph 6.11 with 'The Town Council supports the requirement in the Derbyshire Dales Local Plan 2013-2033 for a masterplan to set out how the</p>

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		Airfield site will be developed on a comprehensive basis.' (R15.10)
Page 75 Implementation Para 6.15	<p>A review is underway of the healthcare facilities by the CCG. This will consider the condition, space and utilisation as well as opportunities for extension taking account of future populations. Once this work has been completed an Estates Strategy will be prepared with a view to determining what facilities are required, and where. It may therefore be a bit premature at this stage to say that there a significant need for investment in healthcare facilities at this time.</p> <p>The District Council is working on making improvements to the Bandstand and Pavilion with the local community groups.</p>	<p>Replace the opening sentence of paragraph 6.12 with: 'The Neighbourhood Plan will be implemented through the determination of planning applications for new developments by the District Council and the obligations that attach to these but also through the development and implementation of specific projects through investment by the relevant statutory agency and key community providers using other state and private finance.' Also, later in that paragraph delete "through S106 agreements", replace "2017" with '2013-2033', replace Ashbourne Neighbourhood Plan Independent Examiner's Report Page 24</p> <p>"there is a need for further significant" with 'there may be need for further', and delete the last two sentences of this paragraph (since these are not now "recent"). (R15.12)</p>
Page 76 Para 6.18	Dove Service Station - still under consideration 19/00977/FUL from August 2019. As such there is no s106 agreement for this site.	Delete paragraphs 6.18 – 6.21.(R15.13.1)
Page 76 Para 6.20	<p>Regulation 122 of the Community Infrastructure Levy Regulation 2010 set out that:</p> <p>A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—</p> <p>(a)necessary to make the development acceptable in planning terms; (b)directly related to the development; and (c)fairly and reasonably related in scale and kind to the development.</p>	Delete paragraphs 6.18 – 6.21. (R15.13.1)

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	<p>They are not solely for agreeing financial contributions for off-site payments as often they relate to on-site provisions as well. This sentence should be reviewed and re-written accordingly.</p> <p>Furthermore the view of the District Council is that at the present time there is very little requirement for affordable housing in Ashbourne, but is likely to require some affordable housing in the medium-long term. As such it is considered that this should be reflected in the approach set out in the NP or the proposed Community Infrastructure Plan.</p>	
Page 76 Para 6.21	Derbyshire County Council have advised that Ashbourne bypass is not currently included in their list of either Major Road Network schemes (because the A515 is not on the MRN) or their Large Local Major schemes (because the minimum scheme size is £50m). this reinforces the point that has been made that because there is no secured funding for the route that there is no guarantee that it will brought forward over the life of the NP. As such it is considered that any reference to it should be to indicate support but not to seek to have it 'allocated' within the NP.	Delete paragraphs 6.18 – 6.21. (R15.13.1)
Page 77 Para 6.23	There is now only one CCG which is known as the Derby and Derbyshire CCG	In paragraph 6.23 replace “South Derbyshire Clinical Commissioning Group” with ‘Derby and Derbyshire Clinical Commissioning Group’. (R15.13.3)
Page 77 Para 6.24 & Para 6.25	<p>The use of agreements under s106 and S278 have to be reasonably, related to the development and necessary to make the development happen. Whilst the Neighbourhood Plan indicates that Town and Parish Councils can comment on s106 agreements it is not the District Council’s practice to discuss the contents of s106 and s278 negotiations with third party stakeholders.</p> <p>If such a practice were to be introduced it is likely to result in a breakdown of negotiations, and add considerable delay to the issuing of decisions. The District Council has committed that any financial contributions secured through s106 agreements with be reported on in the annual Authority Monitoring Report on a Parish by Parish area. This section needs re-writing to reflect the legal position with regards to the use of S106 agreements..</p>	Delete paragraphs 6.24 and 6.25 (R15.13.4)

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	There is no indication that the Town Council have put aside any resources to address this point.	
Page 78 Para 6.30	See comments made above about the Bypass and the lack of funding for it.	See comments above
Page 79 Definition of Designated Area	This should be Neighbourhood Area - the definition of which is the area that the Neighbourhood Plan covers.	Not addressed in the Examiners report
Page 81 Point 2	Should read: 2013-2033 Adopted December 2017	Entry 2 should read: 'The Derbyshire Dales Local Plan 2013-2033 Adopted December 2017'. (R16.1)
Page 81 Point 7	Delete – Local Plan from 2005 no longer in use	Entry 7 should be deleted as the Local Plan from 2005 is no longer in use. (R16.2)
Page 81 Point 8	Delete – Saved policies superseded by adopted policies from 2017 version of Derbyshire Dales Local Plan.	Entry 8 should be deleted as the Saved Policies have been superseded by the adopted policies from the 2017 version of Derbyshire Dales Local Plan. (R16.3)

APPENDIX 3 – EXAMINER RECOMMENDATIONS AND DISTRICT COUNCIL RESPONSE

Recommendation No.	Text	Reason	District Council Response
1	<p>1.1 Amend the Plan period to 2019 – 2033 both on the cover and where referenced within the Plan text.</p> <p>1.2 Review the “Contents” page once the text has been amended to accommodate the recommendations from this Report.</p>	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No additional action required.

Recommendation No.	Text	Reason	District Council Response
2	<p>Under the heading “Executive Summary”:</p> <p>2.1 To remove unhelpful repetition, simplify the opening paragraph to: ‘The Ashbourne Neighbourhood Plan has been prepared by the Ashbourne Neighbourhood Plan Group on behalf of Ashbourne Town Council. It is based on a sound evidence base comprising district wide and local research plus the outcomes of several major engagement and consultation exercises with the local community. The Neighbourhood Plan’s vision, strategic objectives and planning policies are therefore based on a solid foundation of local need and an ambition for sustainable growth.’</p> <p>2.2 For accuracy replace the third paragraph with: ‘Neighbourhood Plans have to be the subject of a referendum of the people living within the Neighbourhood Area. Once ‘made’, the Ashbourne Neighbourhood Plan will form part of the statutory development plan for the Derbyshire Dales District which deals with a range of matters concerned with the use and development of land. Decisions on planning applications must be in accordance with the development plan as a whole, unless material considerations indicate otherwise. This Neighbourhood Plan document also includes Community Actions (Annex A) which will be progressed by the Town Council.’</p> <p>2.3 To remove duplication omit the fifth paragraph beginning “Meeting these requirements includes”.</p> <p>2.4 For accuracy omit “in Ashbourne” from the seventh paragraph.</p> <p>2.5 For accuracy add to the first sentence of the eighth paragraph: ‘...’...although most of the land allocated for development lies outside the Neighbourhood Area” and at the end of the paragraph close the quotation marks.</p>	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No additional action required.

Recommendation No.	Text	Reason	District Council Response
	<p>2.6 To remove duplication omit the ninth paragraph beginning “The Ashbourne Neighbourhood Plan therefore ...”.</p> <p>2.7 For accuracy within this Summary, delete the last sentence of paragraph ten.</p> <p>2.8 In the twelfth paragraph replace “17” with ‘14’ and “South Derbyshire Clinical Commissioning Group” with ‘Derby and Derbyshire Clinical Commissioning Group’.</p>		

Recommendation No.	Text	Reason	District Council Response
3	<p>Under the heading “[Section 2] The Neighbourhood Area”:</p> <p>3.1 Correct the numbering to ‘2.5’.</p> <p>3.2 For clarity replace “Ashbourne Airfield site, which falls within Ashbourne’s settlement area, as shown on the map below, but not within the parish” with ‘Ashbourne Airfield site, which falls within Ashbourne’s settlement boundary (as defined within the Derbyshire Dales Local Plan 2017 and as shown on the map below) but not within the Ashbourne Parish, which is the designated Neighbourhood Area’.</p> <p>3.3 Amend the final sentence of this paragraph to read: ‘See the map below that outlines the designated Neighbourhood Area’.</p>	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No additional action required.
4	Under the heading “Section 3: Community and Stakeholder Engagement” correct the dates in the final, coloured box on page 25 to: ‘Dec 18th 2017 - January 24th 2018’.	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No additional action required.

Recommendation No.	Text	Reason	District Council Response
5	<p>For Section 4 headed “Key Evidence and Data”:</p> <p>5.1 Alter the title to “Local Character and Distinctiveness” and delete paragraph 4.1 (renumbering subsequent paragraphs accordingly).</p> <p>5.2 Delete paragraph 4.6 since it is not descriptive and Housing Policy is addressed in Section 5; renumber subsequent paragraphs accordingly.</p> <p>5.3 Since Policy COM2 addresses green spaces, remove the map on page 21 (to be picked up again in the Policy section) and delete the last sentence of paragraph 4.8 as well as using ‘Conservation Area’ in the preceding sentence.</p> <p>5.4 Reformatting of the text box adjacent to the aerial image (page 21) is required so that all the text is visible.</p> <p>5.5 Delete the second sentence of paragraph 4.20 since it is not part of a descriptive context for the Plan.</p> <p>5.6 Amend the sub-heading “Section 4 - Tourism” to omit the “Section 4” reference and delete the fourth sentence of paragraph 4.23 as it is content relevant to Section 5.</p> <p>5.7 Delete the sub-section headed “Education” since there is no related land-use Policy content.</p> <p>5.8 Delete the remaining content within Section 4 unless it is picked up, as recommended below, for use within Section 5.</p>	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No additional action required.

Recommendation No.	Text	Reason	District Council Response
6	<p>Under the heading “Section 5 Neighbourhood Plan Policies”:</p> <p>6.1 Delete paragraphs 5.1 to 5.7 and their sub-headings and renumber subsequent paragraphs accordingly.</p> <p>Adopt a consistent approach to the use of “Section 5” within sub-headings – this would seem only necessary at the beginning of the Section.</p> <p>6.3 Under the sub-heading “Growth Agenda” delete the last sentence of paragraph 5.11, viz “This will require a greater need to provide smaller and affordable properties, specifically 1-2 bedroom properties”, since that is a detail for the Housing Section; also delete paragraph 5.16 since the content is dated.</p> <p>6.4 Under the sub-heading “Our Growth Strategy” replace the diagram at paragraph 5.17 with its equivalent from page 27.</p>	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No additional action required.
7	<p>Under the heading “Section 5 – Employment”:</p> <p>7.1 Delete paragraph 5.21 since the content is dated; amend subsequent paragraph numbers accordingly.</p> <p>7.2 In paragraph 5.22 delete “Perhaps not unconnected,”.</p> <p>Delete paragraph 5.24 since the content is dated; amend subsequent paragraph numbers accordingly.</p> <p>7.4 Delete paragraphs 5.25 – 5.27 and 5.29 – 5.31, including the map on page 48, since they support the submitted Policy EMP1 now to be deleted; amend subsequent paragraph numbers accordingly.</p> <p>7.5 Retitle and reword Policy EMP1 as follows (removing the paragraph number): ‘Policy EMP1: Employment retention and diversification The use and reuse of existing employment land to diversify Ashbourne’s employment base, with a focus on high-tech manufacturing/business and</p>	For clarity and accuracy and to meet Basic Conditions 1 and 3	Derbyshire Dales District Council accepts the Examiners recommendation. No additional action required.

Recommendation No.	Text	Reason	District Council Response
	<p>complementary uses, is encouraged.'</p> <p>7.6 Delete all subsequent paragraphs except paragraph 5.38 and its heading.</p>		

Recommendation No.	Text	Reason	District Council Response
8	<p>Under the heading "Section 5 - Ashbourne Town Centre":</p> <p>8.1 Amend paragraph 5.41 to show the relevant 2019 NPPF content in place of the 2012 content as follows: 'The National Planning Policy Framework (paragraph 88) states: 'Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.'</p> <p>8.2 Amend paragraphs 5.42.and 5.43 (and amend the numbering of subsequent paragraphs) to refer to the adopted Local Plan as follows: 'The Derbyshire Dales Local Plan 2013-2033 identifies that the largest settlements in the district are the Market Towns of Ashbourne, Matlock and Wirksworth. It goes on to state (para 4.63) that: 'Maintaining the vitality and viability of Ashbourne town centre is essential for the overall sustainability of the town.'</p> <p>8.3 Delete paragraph 5.47 and add a new paragraph 5.49 (amending the numbering of subsequent paragraphs accordingly): 'During the periods of community consultation, a 'Central Area' was identified encompassing uses which benefit from a central location and which interact productively with the Town Centre itself. The indicative area is outlined on the map below alongside the related boundaries of the Town Centre (taken from the Local Plan) and the Conservation Area.'</p> <p>8.4 Amend the map on page 52 by altering the title and key to 'Ashbourne Central Area', adding the area of the Town Centre (derived from the Local Plan Inset Map and identified in the key as such) and the boundary of the Conservation Area (derived from the Ashbourne Conservation Area Appraisal 2008 and identified in the key as such).</p> <p>8.5 Retitle and reword Policy ATC1 as follows (removing the</p>	For clarity and accuracy and to meet Basic Conditions 1 and 3	Derbyshire Dales District Council accepts the Examiners recommendation. No additional action required.

Recommendation No.	Text	Reason	District Council Response
	<p>paragraph number): 'Policy ACA1: Ashbourne Central Area Within the indicative Ashbourne Central Area (see adjacent map titled Policy ACA1: Ashbourne Central Area) the use and reuse of sites and buildings in ways that are complementary to and supportive of the vitality and viability of Ashbourne Town Centre and the historic character of the area is encouraged.'</p> <p>8.6 Under the sub-heading "Interpretation" replace paragraph 5.52 with: 'To be supportive of town centre functions retail premises should have active ground floor frontages, such as shop fronts or opening glass frontages. For mixed-use development, any residential element should be at upper levels and not the ground floor. Non-retail ground floor uses should be complementary to the retail and cultural functions of the town centre (cafés restaurants, galleries, leisure facilities, walk- in community facilities and other complementary uses).</p>		

Recommendation No.	Text	Reason	District Council Response
9	<p>Under the heading “Section 5 – Housing”:</p> <p>9.1 Delete paragraphs 5.54 – 5.57 in the light of the adoption of the Local Plan (and amend the numbering of subsequent paragraphs accordingly).</p> <p>9.2 Within paragraph 5.60 replace “AHNA” with ‘Ashbourne Housing Needs Assessment (AHNA)’ and provide a source reference.</p> <p>9.3 Reword “Policy HOU1 – Housing Mix” as follows (removing the paragraph number): ‘Development proposals for housing should meet identified local housing needs and provide, appropriately for the site, a mix of sizes and types of dwelling, including starter homes, smaller properties for people seeking to downsize and specialist accommodation for older people.’</p> <p>9.4 Add to the end of paragraph 5.62 ‘the site location and the efficient use of land’; delete paragraph 5.63 and amend the numbering of subsequent paragraphs accordingly.</p>	For clarity and accuracy and to meet Basic Conditions 1 and 3	Derbyshire Dales District Council accepts the Examiners recommendation. No additional action required.
10	<p>Under the heading “Section 5 – Design”:</p> <p>10.1 Replace the “Purpose” with: ‘To promote good, sustainable design across all new development in Ashbourne, as required in both the National Planning Policy Framework and the DDDC Local Plan.’</p> <p>10.2 Delete paragraph 5.66 since it is outdated and amend the numbering of subsequent paragraphs accordingly.</p> <p>10.3 Add to paragraph 5.67 a reference to Local Plan Policy PD1.</p> <p>10.4 Reduce paragraph 5.68 to: ‘The Stage three-community engagement results (May 2014) demonstrated that 75% of those who participated strongly agreed that “It is essential that the environment and the character of the town needs to be protected”. This policy seeks to ensure that it positively addresses this issue</p>	For clarity and to meet Basic Condition 1	Derbyshire Dales District Council accepts the Examiners recommendation. No additional action required.

Recommendation No.	Text	Reason	District Council Response
	<p>looking a design and the wider context to the area.’ Then add: ‘Further, in order to promote sustainable development in Ashbourne, a new approach is required to incorporate new design standards in renewable energy and low carbon development. The policy also seeks to ensure that the existing dark skies outside of the town, and particularly the Peak Park fringe to the north, are protected and that new developments do not increase light spillage, preventing further deterioration of the night skies.’</p> <p>10.5 Delete the sections headed “Renewable Energy & Low-Carbon Energy Technologies” and “Dark Skies” since these are (justifiably) not the subject of separate policies and have now been addressed above.</p> <p>10.6 Reword Policy “DES1 – Design” as follows (removing the paragraph number): “Planning permission will be granted for new developments where they incorporate high quality and sustainable design and where they are able to satisfy the following criteria proportionately to the scale and nature of the development:</p> <p>i) The design should be locally distinctive and locally inspired.</p> <p>ii) The design of buildings and landscape should achieve a net gain in biodiversity.</p> <p>iii) Proposals must respond to the existing character and history of the town, creating attractive streets and spaces, including consideration of:</p> <ul style="list-style-type: none"> • height, scale, massing and set-back from the road; • active frontages (containing windows) to create natural surveillance; • reinforcing of existing pedestrian connections and allowing for ease of movement, including links to surrounding community facilities; • streets and parking that encourage low vehicle speeds and 		

Recommendation No.	Text	Reason	District Council Response
	<p>streets that are not dominated by vehicles.</p> <p>iv) Proposals should enhance local topography and landscape, including trees and hedges, ecology, and wildlife habitats.</p> <p>v) The layout of the development should take account of local views, to help make the new scheme easy to navigate.</p> <p>vi) Layouts should separate public and private spaces, avoiding placing rear gardens against street frontages.</p> <p>vii) Convenient, screened storage should be provided for bins and recycling as well as secure storage for cycles.</p> <p>viii) Designs should use high-quality, durable materials, to complement the historic palette of materials.</p> <p>ix) Unnecessary external lighting should be avoided in the interests of energy saving and dark skies.</p> <p>x) Proposals should incorporate appropriate Sustainable Drainage Systems (SuDS) including the use of permeable materials for hard surfaced areas.</p> <p>xi) Innovative or creative architectural or building design will be supported, especially where it incorporates green features to improve environmental performance.'</p> <p>10.7 Delete paragraph 5.77 since it duplicates an earlier paragraph (and amend the numbering of subsequent paragraphs accordingly).</p>		

Recommendation No.	Text	Reason	District Council Response
11	<p>Under the heading “DES2 – Conservation Area”:</p> <p>11.1 Amend the title to ‘Section 5 – Ashbourne Heritage’.</p> <p>11.2 Add a ‘Purpose’ heading and related text as follows: ‘To ensure that the significance of Ashbourne’s extensive heritage assets is respected.’</p> <p>11.3 Add a ‘Rationale’ heading and related text as follows: ‘As earlier noted, Ashbourne is one of Derbyshire’s finest market towns, combining a medieval street pattern and historic buildings with a wealth of high-quality shops. The cobbled market place, hidden alleys and yards are a delight to explore, and the wide and elegant Church Street is considered to be the finest street of Georgian buildings in Derbyshire. DDDC’s Conservation Area Character Appraisal (2008) made an in-depth assessment of the special qualities of the character and appearance of Ashbourne Conservation Area, both in terms of its buildings and the relationship of its spaces alongside those buildings. Within the Neighbourhood Area there are 183 Listed Buildings (5 of these outside of the Conservation Area) and of these, 11 are Grade I or Grade II*’.</p> <p>11.4 Renumber, retitle and reword Policy DES2 as follows (removing the paragraph number): ‘Policy AH1 – Ashbourne Heritage In the Ashbourne Conservation Area and other heritage-sensitive locations, including the settings of listed buildings, development proposals should use distinctive and site-specific design to complement the historical context, including as appropriate:</p> <p>i) Complementing the townscape characteristics of streets and squares, including the pattern of rear-of-the-pavement frontages;</p> <p>) Preserving or enhancing the bridging structure linking the Green Man with</p>	For clarity and to meet Basic Conditions 1 and 3	Derbyshire Dales District Council accepts the Examiners recommendation. No additional action required.

Recommendation No.	Text	Reason	District Council Response
	<p>Victoria Square and its setting; iii) Preserving or enhancing town yards/‘alleyways’ and areas of historic paving.’</p> <p>11.5 Amend paragraph 5.80 to read: ‘Development proposals within the Conservation Area should show particular regard for Chapter 11 ‘Conservation Policies’ of the DDCC document ‘Ashbourne Conservation Area Appraisal’ (2008). Impacts on the Conservation Area can arise from the development of land immediately adjacent to the boundary and also sites where the development would hinder views from within the Conservation Area.’</p>		

Recommendation No.	Text	Reason	District Council Response
12	<p>Under the heading "Section 5 - Transport":</p> <p>12.1 Provide a source-reference for the data used in paragraph 5.83.</p> <p>12.2 Edit the rationale, in particular to remove dated references, by deleting paragraphs 5.85, 5.88. 5.91 (see below) & 5.92 (as well as the related sub-heading) and from the end of paragraph 5.86 delete "(P33 above)"; renumber subsequent paragraphs accordingly.</p> <p>12.3 Reword "Policy TRA1 – Transport" as follows (removing the paragraph number):</p> <p>'In order to assist the shift to more sustainable forms of transport, development proposals should, proportionately to the scale and nature of the scheme, ensure:</p> <ul style="list-style-type: none"> i) convenient links to public transport services, to help reduce car dependency; ii) priority for pedestrians and cyclists in the design and layout of development, including for people of all levels of mobility; iii) provision of secure, covered and screened storage for cycles; iv) provision of electric vehicle charging infrastructure. <p>12.4 Replace paragraphs 5.94 & 5.95 with paragraph 5.91.</p>	For clarity and to meet Basic Conditions 1 and 3	Derbyshire Dales District Council accepts the Examiners recommendation. No additional action required.

Recommendation No.	Text	Reason	District Council Response
13	<p>Under the heading “Section 5 – Community Facilities”:</p> <p>13.1 To restrict the rationale to Policy-related content, delete the first two and the last sentences of paragraph 5.97; delete all but the first sentence of paragraph 5.98.</p> <p>13.2 Replace paragraphs 5.99 & 5.100 with a reference to the current (2019) NPPF as follows (and renumber subsequent paragraphs accordingly): ‘The NPPF (paragraph 92) says: “To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.”’</p> <p>13.3 Replace paragraph 5.101 with a reference to the adopted Local Plan as follows: ‘The DDDC Local Plan 2013 – 2033 Policy HC15 says: “The District Council will seek to maintain and improve the provision of local community facilities and services. This will be achieved by supporting proposals which protect, retain or enhance existing community facilities (including multi use and shared schemes) or provide new facilities.”’</p> <p>13.4 Delete paragraphs 5.102 & 5.103.</p> <p>13.5 Reword “Policy COM1 – Community Facilities” as follows (removing the paragraph number): ‘Particularly where they help to serve the needs of the expanding community, development</p>	For clarity and accuracy and to meet Basic Conditions 1 & 3	Derbyshire Dales District Council accepts the Examiners recommendation. No additional action required.

Recommendation No.	Text	Reason	District Council Response
	<p>proposals for new, improved, repurposed and diversified community facilities will be supported in principle provided they are well located in relation to the community they serve and their impact on their immediate surroundings is assessed and addressed.'</p> <p>13.6 Under the sub-heading "Interpretation" add an additional paragraph (and alter subsequent paragraph numbers accordingly) as follows: 'Development involving existing community facilities should maintain or enhance their community value. The impact of new housing and employment development on the capacity of local community facilities should be considered and, where there are deficiencies, development proposals should address these.'</p>		

Recommendation No.	Text	Reason	District Council Response
14	<p>Under the heading “Local Green Spaces”:</p> <p>14.1 Reword the heading as ‘Section 5 – Public Open Space’.</p> <p>14.2 Within paragraph 5.108 replace “11,000 miles” with ‘40 miles’.</p> <p>14.3 Delete paragraph 5.111 and renumber subsequent paragraphs accordingly.</p> <p>14.4 Amend paragraph 5.114 to read: ‘These areas are therefore designated as Public Open Spaces which contribute to the network of spaces in Ashbourne, in accordance with the Spatial Vision in the Local Plan which states that: “New development, particularly in Ashbourne, Matlock, and Wirksworth, will seek to satisfy the identified social and economic needs of local residents which, in turn, will be supported by the protection and enhancement of areas of open and green space within and around them. Opportunities for the provision of new and improved recreation opportunities will be brought forward.” (page 23, Derbyshire Dales Local Plan 2013-2033).</p> <p>14.5 Delete paragraph 5.115 and renumber subsequent paragraphs accordingly.</p> <p>14.6 Amend paragraph 5.116 to read: ‘These Public Open Spaces collectively provide a variety of social, economic and environmental benefits, contributing to the sustainable development of Ashbourne, offering a range of spaces that promote well-being and are community assets within the area.’</p> <p>14.7 Amend paragraph 5.117 to read: ‘The Neighbourhood Area also includes part of Bradley Wood,</p>	For clarity and accuracy and to meet Basic Condition 1	Derbyshire Dales District Council accepts the Examiners recommendation. No additional action required.

Recommendation No.	Text	Reason	District Council Response
	<p>bordering the Airfield site, which was bequeathed to the people of Ashbourne and which is designated a Local Wildlife Site on the Derbyshire Wildlife Sites Register.'</p> <p>14.8 Reword Policy COM2 as follows (removing the paragraph number): 'Policy COM2 – Public Open Space The Public Open Spaces identified on the adjacent map (titled Policy COM2: Public Open Spaces) will be protected for their value as green spaces and places of recreation. Development will only be supported when it relates to and complements the current use of the site and does not have an adverse impact upon the quality of the open space or its recreational value.'</p> <p>14.9 Move the related map from page 20 to be adjacent to Policy COM2, retitle the map as 'Policy COM2: Public Open Spaces' and the key as 'Public Open Spaces' and delete the boundary of the Conservation Area from the map and the key. Add a schedule cross- referenced to the map which briefly outlines the current uses of each space to serve as a reference point for the Policy.</p> <p>14.10 Amend paragraph 5.119 to read: 'This policy aims to protect and enhance the identified Public Open Spaces ensuring that any new development relates to and does not compromise the open quality of the spaces.'</p>		

Recommendation No.	Text	Reason	District Council Response
15	<p>Under the heading “Section 6: Implementation and Community Action”:</p> <p>15.1 Reword the heading as ‘Annex A: Community Action’ and renumber the paragraphs accordingly.</p> <p>15.2 Replace the “Purpose” section with the following in bold letters: ‘This section does not form part of the statutory neighbourhood plan and therefore it is not subject to independent examination and referendum. It includes proposed actions that fall outside of the scope of planning policy.’</p> <p>15.3 Within the un-numbered paragraph headed “Rationale” replace “section of the plan” with ‘Annex’.</p> <p>15.4 At the end of paragraph 6.1 delete “most notably S106 regeneration funding” and add an additional sentence: ‘The Community Infrastructure Plan would be a non-statutory document and sit outside the Local Plan and Neighbourhood Plan process.’</p> <p>15.5 In paragraph 6.2 replace “Neighbourhood Plan” with ‘The Town Council’.</p> <p>15.6 Add an additional paragraph after paragraph 6.2: ‘Ashbourne Town Council has recently agreed (December 2020) to prepare a non-statutory Strategic Plan for Ashbourne in conjunction with the Ashbourne Town Team to provide a corporate Vision and Action Plan for Ashbourne over the next 20 years. This will combine the Ashbourne Neighbourhood Plan with the Town Team’s Action Plan and incorporate a range of community and private sector regeneration initiatives which will in effect be part of the implementation programme of the Ashbourne</p>	For clarity and accuracy and to meet Basic Condition 1	Derbyshire Dales District Council accepts the Examiners recommendation. No additional action required.

Recommendation No.	Text	Reason	District Council Response
	<p>Neighbourhood Plan.'</p> <p>15.7 Replace the opening sentence of paragraph 6.4 with: "A Traffic Management Plan will be part of the Strategic Plan for Ashbourne.'</p> <p>15.8 Replace the opening sentence of paragraph 6.5 with: "A consultation exercise by Derbyshire County Council (DCC) may result in a recommendation to DCC's Cabinet in 2021 on the selection of a 'preferred route' for the By-pass. A preferred route will be further developed so that it can be submitted for planning approval and for any available grant funding."</p> <p>15.9 At the end of paragraph 6.6 replace "eedprise Partnership, D2N2" with 'Enterprise Partnership D2N2'.</p> <p>15.10 Replace the opening sentence of paragraph 6.11 with 'The Town Council supports the requirement in the Derbyshire Dales Local Plan 2013-2033 for a masterplan to set out how the Airfield site will be developed on a comprehensive basis.'</p> <p>15.11 In paragraph 6.12 replace "advocates" with 'supports'.</p> <p>15.12 Replace the opening sentence of paragraph 6.12 with: 'The Neighbourhood Plan will be implemented through the determination of planning applications for new developments by the District Council and the obligations that attach to these but also through the development and implementation of specific projects through investment by the relevant statutory agency and key community providers using other state and private finance.'</p> <p>Also, later in that paragraph delete "through S106 agreements", replace "2017" with '2013-2033', replace "there is a need for further significant" with 'there may be need for further', and delete the last two sentences of this paragraph (since these are not now "recent").</p>		

Recommendation No.	Text	Reason	District Council Response
	<p>15.13 Under the heading “Local Monitoring of planning applications and S106 Agreements”:</p> <p>15.13.1 Delete paragraphs 6.18 – 6.21.</p> <p>15.13.2 In paragraph 6.22 replace “will be a key outcome of this Neighbourhood Plan” with ‘will be a key action in support of the Neighbourhood Plan’; delete the second and third sentences of this paragraph.</p> <p>15.13.3 In paragraph 6.23 replace “South Derbyshire Clinical Commissioning Group” with ‘Derby and Derbyshire Clinical Commissioning Group’.</p> <p>15.13.4 Delete paragraphs 6.24 and 6.25.</p> <p>15.13.5 In paragraph 6.26 delete the second reference to Neighbourhood Plan.</p> <p>15.13.6 Delete paragraphs 6.27 – 6.29 since these are not entirely accurate, are in part dated and are said to be the subject of a separate consultation.</p>		

Recommendation No.	Text	Reason	District Council Response
16	<p>Under the heading “List of Evidence and Research Resources”:</p> <p>16.1 Entry 2 should read: ‘The Derbyshire Dales Local Plan 2013-2033 Adopted December 2017’.</p> <p>16.2 Entry 7 should be deleted as the Local Plan from 2005 is no longer in use.</p> <p>16.3 Entry 8 should be deleted as the Saved Policies have been superseded by the adopted policies from the 2017 version of Derbyshire Dales Local Plan.</p>	For accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No additional action required.

COMMUNITY AND ENVIRONMENT COMMITTEE
25 MARCH 2021

Report of the Director of Regeneration and Policy

BRAILSFORD NEIGHBOURHOOD PLAN – EXAMINER’S REPORT

SUMMARY

This report sets out the key recommendations of the Examiner’s report into the Brailsford Neighbourhood Plan. Subject to the recommended amendments the Brailsford Neighbourhood Plan meets the basic conditions and can proceed to Referendum. The report seeks Member’s approval to move forward to the Referendum on the Brailsford Neighbourhood Plan.

RECOMMENDATION

1. That the report of the Examiner appointed to undertake the Examination of the Brailsford Neighbourhood Plan be noted.
2. That subject to the recommended modifications set out in Appendix 3 that the District Council be satisfied that the basic conditions as required by Paragraph 8(1)(a) of Schedule 4B of the Town and County Planning Act 1990 have been met.
3. That the Brailsford Neighbourhood Plan as modified be submitted to a Referendum in the Parish of Brailsford and Ednaston to be held on Thursday 6th May 2021.
4. That a further report be presented to Members following the holding of the Referendum.

WARDS AFFECTED

Brailsford

STRATEGIC LINK

The implementation of the Brailsford Neighbourhood Plan will provide a wider planning framework for the Derbyshire Dales, focused within Brailsford and form part of the development plan for the District. The Neighbourhood Plan will complement policies set out within the Derbyshire Dales Local Plan (adopted 2017) by seeking to achieve high quality developments and environments for existing and new residents and the community of Brailsford.

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 7th 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 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 policies which if 'made' will be used in the determination of planning applications within the Neighbourhood Area.
- 1.3 At a meeting of Council held on 16th December 2020 it was resolved (Minute 193/20):
 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.
- 1.4 An Independent Examiner, Mr Andrew Matheson MSc MPA DipTP MRTPI FCIH, was appointed by the District Council with agreement of Brailsford Parish Council. The Examination in Public was undertaken by written representation during the period December 2020 - March 2021 and the Examiner's report was submitted to the District Council on 13th March 2021.

2 EXAMINER'S REPORT

- 2.1 The Independent Examiner's role is to ensure that the Neighbourhood Plan meets the legislative and procedural requirements. An Examiner is required to consider whether a Neighbourhood Plan meets the "Basic Conditions", as set out in the relevant legislation, namely:
 - Have regard to national policies and advice contained in guidance issued by the Secretary of State.
 - The making of the Neighbourhood Plan contributes to the achievement of sustainable development.
 - 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).
 - The making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations

- 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.
- 2.2 It is the Examiners role to assess whether the Neighbourhood Plan ‘provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency’ (NPPF para 17).
- 2.3 The Examiner in his report states *“Brailsford and Ednaston Parish Council is to be congratulated on its extensive efforts to produce a Neighbourhood Plan for their area that will guide development activity over the period to 2033. I can see that a sustained effort has been put into developing a Plan around a vision for Brailsford which has been set out as follows: “The achievement of sustainable development in Brailsford Parish means a community which: Conserves the integrity of the village environment and the cohesion of its communities by setting a level of development (and its form) within the Parish consistent with the rural environment in which the Parish is located; Minimises encroachment onto surrounding green fields and supports the retention of the agricultural economy wherever possible; Protects and enhances the landscape and associated biodiversity; Recognises the potential challenge and impact of climate change on the built and natural environment, including CO₂ emissions and flooding, and provides built-in resilience through appropriate design and use of natural infrastructure where possible; Supports local employment opportunity consistent with maintaining and enhancing the rural environment; Promotes sustainable transport by promoting public transport, community transport schemes and assisting with the development of sustainable travel plans; and Protects and enhances local amenity and services. The Plan document is well presented with a combination of text, images and Policies that are, subject to the specific points that I make below, well laid out and helpful for the reader. The Plan has been kept to a manageable length by not overextending the potential subject matter and the coverage of that.”*
- 2.4 In respect of the preparation of the Neighbourhood Plan and community engagement the Examiner notes *“It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher-level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community’s intent is sustained in an appropriately modified wording for the policy. It is evident that the community has made positive use of “direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area” (Planning Practice Guidance Reference ID: 41-001-20140306).”*
- 2.5 The Examiner also concludes *“Having considered all the evidence and representations submitted as part of the Examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It works from a positive vision for the future of the Neighbourhood Area and promotes policies that are, subject to amendment to variable degrees, proportionate and sustainable. The Plan sets out the community’s priorities whilst seeking to identify and safeguard Brailsford’s distinctive features and character. The plan-making had to find ways to reconcile the external challenges that are perceived as likely to affect the area with the positive vision agreed with the community. All such difficult tasks were approached with transparency, with input as required and support from Derbyshire Dales District Council.”*

- 2.6 The Examiner's report recommends a series of modifications to the Policies, the supporting text and maps to effect corrections, ensure clarity and more importantly to ensure that the Basic Conditions are met. Whilst the Examiner's report recommends a significant number of modifications, the overall tenet of the Neighbourhood Plan remains as set by the Qualifying Body.
- 2.7 Subject to the recommended modifications set out in his Report the Examiner has concluded that the Brailsford Neighbourhood Development Plan meets all the necessary legal requirements and should proceed to Referendum. A copy of the Examiner's report is attached in **Appendix 1** to this report.

Examiner's Response to issues raised by the District Council

- 2.8 A number of key issues were raised by the District Council during the formal Regulation 16 public consultation (Community and Environment Committee 16th December 2020). A table setting out the District Council comments made at Regulation 16 stage and a summary of the Examiners Response and recommendations is provided within **Appendix 2**.
- 2.9 With regards to the comments made by the District Council, the Examiner accepts that some rephrasing is required to the Brailsford Neighbourhood Plan to enable policies to be applied effectively through the decision making process. The Examiner's full schedule of modifications and the District Councils response is set out within **Appendix 3**. For all the modifications set out in the Examiners Report it is recommended that the District Council accept them as being necessary to ensure that the Brailsford Neighbourhood Plan is capable of meeting the Basic Conditions as set out in Para 2.1 above.

3 NEXT STEPS

- 3.1 Schedule 4B, Para 12, of the Town and Country Planning Act 1990 states that the Local Authority must be satisfied that the basic conditions are met and that the Neighbourhood Plan is compatible with the Convention Rights.
- 3.2 The conclusions of the Examiner overall are that subject to modifications the Brailsford Neighbourhood Plan is able to satisfy the 'basic conditions' as set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004, and that the Plan can proceed to Referendum in the Neighbourhood Area.
- 3.3 The Examiner has also suggested a number of modifications to the draft Brailsford Neighbourhood Plan for the purpose of improving clarity in the Plan and confidence that it will be applied through the determination of planning applications. Such modifications will, subject to the outcome of any Referendum, however, need to be incorporated into the final version of the Brailsford Neighbourhood Plan.
- 3.4 In accordance with Paragraph 12 of Schedule 4B of the Town and Country Planning Act 1990, the District Council must:

- (a) Consider each of the recommendations made by the Examiner in his Report (and the reasons for them), and;
- (b) Decide what action to take in response to each recommendation
- 3.5 A schedule of the Examiner's recommendations and the recommended response to each has been prepared and is set out in **Appendix 3** for consideration.
- 3.6 Subject to the inclusion of the modifications as set out in **Appendix 3** it is recommended that the District Council confirms that the Brailsford Neighbourhood Plan has met the basic conditions as required by Paragraph 8(1)(a) of Schedule 4B of the Town and Country Planning Act 1990.
- 3.7 It is further recommended that the schedule of modifications set out in **Appendix 3** form the basis of taking forward the Brailsford Neighbourhood Plan to Referendum.
- 3.8 Should the recommendations of this Report be accepted, the District Council is required to issue a Decision Statement to the Qualifying Body, Brailsford and Ednaston Parish Council, and anyone who requested to be notified in accordance with the 1990 Act Schedule 4B Para 12.
- 3.9 It is part of the Examiner's remit to consider if the Referendum area should extend beyond the Neighbourhood Area. The Examiner considers the Neighbourhood Area to be appropriate and no evidence was submitted to suggest that this is not the case. The Referendum should therefore proceed on the basis of the Brailsford Neighbourhood Plan as approved under the District Councils Scheme of Officer Delegation on 7th April 2015.
- 3.10 Having accepted that the Brailsford Neighbourhood Plan has met the basic conditions (subject to modifications), the Plan can move forward to be considered at a local Referendum within the Parish. At this time it is anticipated that the Referendum will take place at the same time as the Local Elections on 6th May 2021. The District Council is responsible for making the necessary arrangements for the Referendum to be held, at which the following question defined in the Neighbourhood Planning (Referendums) Regulations 2012, Schedule 1 is asked:
- Do you want Derbyshire Dales District Council to use the Neighbourhood Plan for Brailsford to help it decide planning applications in the Neighbourhood Area?***
- 3.11 A simple majority of all votes cast is sufficient for the Brailsford Neighbourhood Plan to have a mandate to be taken forward into the Development Plan for Derbyshire Dales.
- 3.12 A further report will be presented to Members once the outcome of the Referendum is known.

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 Parish Council has prepared a Neighbourhood Plan for consideration. The Council has followed the consultation requirements set out within the Neighbourhood Planning (General) Regulations 2012 and before proceeding to a Referendum the Local Authority must be satisfied that the basic conditions set out in Schedule 4B of the Town and Country Planning Act 1990 have been met.

The legal risk is therefore considered to be low.

4.2 Financial

The costs associated with the Neighbourhood Plan (mainly officer time, publicity and the independent examination) can be reclaimed through a government grant (MHCLG). The financial risk is, therefore, assessed as low.

5 OTHER CONSIDERATIONS

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

Description	File
Brailsford Neighbourhood Plan Submitted February 2020	https://www.derbyshiredales.gov.uk/images/documents/B/NPBrailsford_Parish21119v.pdf
Brailsford Neighbourhood Plan Consultation Statement Submitted February 2020	https://www.derbyshiredales.gov.uk/images/B/NPConsultationStatement211119.pdf
Brailsford Neighbourhood Plan Basic Conditions Statement Submitted February 2020	https://www.derbyshiredales.gov.uk/images/B/NPBasic_ConditionsNov19.pdf
Brailsford Neighbourhood Plan Sustainability Appraisal February 2018	https://www.derbyshiredales.gov.uk/images/documents/B/Brailsford_NP

	_SEA Screening FINAL submissis on version Feb 18.pdf
Report to Community and Environment Committee 16 th December 2020	https://www.derbyshiredales.gov.uk/images/Web - Final Agenda 16-12-2020 Community and Environement A.pdf
Correspondence between the Examiner and Brailsford Parish Council February 2021	https://www.derbyshiredales.gov.uk/images/BPC response to opening enquiries Feb 21.pdf
Correspondence between the Examiner and Derbyshire Dales District Council February 2021	https://www.derbyshiredales.gov.uk/images/Opening enquiries Brailsford Neighbourhood Plan EL Draft comments 4 2 21.pdf
Examiners Report on Brailsford Neighbourhood Plan March 2021	https://www.derbyshiredales.gov.uk/images/Brailsford Examination Report - FINAL March 2021.pdf

8 ATTACHMENTS

- Appendix 1 Report of the Independent Examiner
- Appendix 2 District Council Regulation 16 Comments and Examiners Response
- Appendix 3 Examiner Recommendations and Recommended Council Response

BRAILSFORD NEIGHBOURHOOD PLAN 2013 - 2033

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

**Andrew Matheson MSc MPA DipTP MRTPI FCIH
Independent Examiner
13th March 2021**

Summary

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

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

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

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

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

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

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Introduction

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

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

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

The Role of the Independent Examiner

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

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

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

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

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

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

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

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

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

In undertaking this Examination I have considered the following documents:

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

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

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

Brailsford Neighbourhood Area

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

Consultation

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

The Planning Practice Guidance says:

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

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

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

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

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

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

Representations Received

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

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

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

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

The Neighbourhood Plan

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

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

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

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

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

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

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

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

Basic Conditions

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

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

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

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

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

The Plan in Detail

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

Front cover

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

Contents

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

Recommendation 1:

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

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

Plans 1 – 4

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

Recommendation 2:

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

2.2 Delete Plan 2 and amend subsequent Plan numbers accordingly.

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

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

Introduction

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

About Brailsford Parish

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

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

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

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

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

Recommendation 3:

3.1 Under the heading “Introduction”:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.6.2 Provide a scale for Figure 10.

Policy Context

National Considerations

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

District Considerations

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

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

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

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

Recommendation 4:

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

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

4.3 Under the sub-heading “District Considerations”:

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

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

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

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

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

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

The Neighbourhood Plan

How this Plan was Made

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

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

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

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

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

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

Recommendation 5:

Under the heading “How the Plan was Made”:

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

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

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

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

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

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

5.4 Under the sub-heading “Objectives”:

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

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

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

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

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

Policy Area 1: Housing

Context

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

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

Housing: Our Policies

Reasons for these Policies

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

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

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

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

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

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

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

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

Further, whilst Neighbourhood Plan policies must show “general conformity” with Local Plan strategic policies, there is the expectation that the Plan “should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared” (Planning Guidance Paragraph: 041 Reference ID: 41-041-20140306). Simple repetition of Local Plan policy content does not make a policy “distinct”.

Examining the housing policies in turn:

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

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

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

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

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

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

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

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

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

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

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

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

Recommendation 6:

Under the heading “Policy Area 1: Housing”:

6.1 Under the sub-heading “Context”:

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

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

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

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

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

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

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

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

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

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

‘Development proposals for housing will be supported where:

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

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

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

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

As reworded Policy H1 meets the Basic Conditions.

Policy Area 2: Traffic Management and Accessibility

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

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

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

Recommendation 7:

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

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

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

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

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

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

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

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

7.4 Under the sub-heading “Community Objectives”:

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

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

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

As reworded Policy TMA1 meets the Basic Conditions.

Policy Area 3: Green and Open Spaces

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

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

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

Recommendation 8:

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

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

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

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

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

8.5 Replace Policies GSL1 & GSL2 as follows:

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

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

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

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

As reworded Policy GSL1 meets the Basic Conditions.

Policy Area 4: Local Landscape & Wildlife

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

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

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

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

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

Recommendation 9:

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

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

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

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

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

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

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

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

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

9.9 Replace Policies LW1 & LW2 as follows:

‘Policy LW1: Landscape and Wildlife

Development proposals shall, proportionately to their scale:

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

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

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

As reworded Policy LW1 meets the Basic Conditions.

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

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

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

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

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

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

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

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

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

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

Recommendation 10:

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

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

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

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

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

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

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

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

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

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

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

10.8 Reword Policy CW4 as follows:

‘Policy CW2: Community Enterprise

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

10.9 Under the sub-heading “Community Objectives”:

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

10.9.2 Add in an Objective as follows:

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

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

Sustained maintenance of public footpaths and more accessible cycle ways.

10.9.3 Add in an Objective as follows:

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

As reworded Policies CW1 & CW2 meet the Basic Conditions.

Annex: Brailsford Parish - Design Principles Statement

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

Appendices

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

Recommendation 11:

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

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

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

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

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

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

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

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

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

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

Conclusions

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

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

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

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

Referendum Area

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

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

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

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

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

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

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

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

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

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

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

APPENDIX 2 DISTRICT COUNCIL RESULTATION 16 COMMENTS AND EXAMINERS RESPONSE

Section	Comments	Examiners Response
Location of Brailsford Parish in Derbyshire Dales District – Plan 1 Page 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.	The Examiner concurs that the clarity of maps and images are important to the prospective reader. Whilst Plan 1 is helpful in locating the Neighbourhood Area in relation to nearby towns, the map source reference and key appear to be off the page and this will need to be corrected. Amend Plan 1 (Page 5) to incorporate its key and source reference.
Location of Brailsford and Ednaston – Plan 2 Page 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.	The Examiner concurs that the clarity of maps and images are important to the prospective reader. Plan 2 confuses because it uses an unexplained boundary. Delete Plan 2 and amend subsequent Plan numbers accordingly.
Brailsford Parish Boundary – Plan 3 Page 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 th 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.	The Examiner concurs that the clarity of maps and images are important to the prospective reader. Amend Plan 3 (page 7) to replace the title “Brailsford Parish Boundary” with “Brailsford Neighbourhood Area”.
Brailsford Village Conservation	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	The Examiner concurs that the clarity of maps and images are important to the

Section	Comments	Examiners Response
Area – Plan 4 Page 8	Conservation Area maybe on page 12 where commentary is provided on the Conservation Area, its buildings and point of historical interest.	prospective reader. 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. Amend Plan 4 (page 8) to ensure that is free from distortion and, renumbered as Plan 3, move it to page 13 (where it will immediately follow the Conservation Area text reference).
Introduction Page 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.	The Examiner concurs that the clarity of maps and images are important to the prospective reader. Amend Plan 3 (page 7) to replace the title “Brailsford Parish Boundary” with “Brailsford Neighbourhood Area”.
	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.	In the last sentence of paragraph 2 replace “adopted” with ‘made’ and “Plan area” with ‘Area’.
	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.	The Examiner clarifies that a new NPPF was published in July 2018 and updated in February 2019 and it is the content of this upon which the Neighbourhood Plan is examined. Since the NPPF 2019 replaced the 2012 version, only reference to the 2019 version is required.
About Brailsford Page 10	The first paragraph refers to Ednaston, Culland and Over Burrows, unfortunately Plan 1 is of	Amend Plan 1 (page 5) to incorporate its key and source reference.

Section	Comments	Examiners Response
	insufficient quality for the reader to identify the location of these settlements.	
Settlements Page 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 reader and its location within the document reconsidered.	Amend Plan 4 (page 8) to ensure that is free from distortion and, renumbered as Plan 3, move it to page 13 (where it will immediately follow the Conservation Area text reference).
Village Amenities Page 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.	In the last sentence of the third paragraph replace “Approval have” with ‘Approval has’.
Page 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.”	On Plan 5 (now renumbered as Plan 4) replace the title with ‘Brailsford Settlement Development Boundary – Derbyshire Dales Local Plan 2017 Policies Map’
Parish Statistics Page 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	The Examiner recommends that any potential for confusion between the census area boundary and the Neighbourhood Area could be addressed by restating the hectarage of the latter, allowing for the density calculation (quoted on page 18) to be understood. In the first paragraph on page 15 add ‘(1,765 hectares)’ after “0.5 person per hectare”.

Section	Comments	Examiners Response
	determines the extent of the Neighbourhood Plan.	
Pages 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.	<p>Under the sub-heading “Parish Statistics” (page 17): In the second paragraph replace “Plan area (see Plan.1)” with ‘Area (see Plan 2).</p> <p>In the first paragraph on page 15 add ‘(1,765 hectares)’ after “0.5 person per hectare”.</p> <p>Add to the titles of Figures 1 – 3 & 5 ‘- 2011 Census Data’.</p> <p>Correct Figure 6 (page 21) to show only a single title to accord with the Parish Survey question.</p>
Policy Context Page 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.	Combine footnotes 16 & 17 to show: ‘Derbyshire Dales District Council: Derbyshire Dales Local Plan 2013-2033’
Page 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 provide for reduced levels of development in comparison to higher order settlements in order to safeguard,	In the second paragraph replace the last two sentences with: ‘Within the Local Plan Settlement Hierarchy ¹⁶ Brailsford is a ‘Third Tier Settlement - Accessible Settlement with Some Facilities; these villages possess some facilities and services, that together with local employment provide the best opportunities outside the first and second tier settlements for greater self – containment. They will provide for reduced levels of development in comparison to higher

Section	Comments	Examiners Response
	<p>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.</p>	<p>order settlements in order to safeguard, and where possible, improve their role consistent with maintaining or enhancing key environmental attributes' (Policy S2). The hamlet of Ednaston is classified as a Tier 5 settlement (Policy S3).'</p>
<p>The Neighbourhood Plan – How the Plan was made Page 29</p>	<p>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.</p>	<p>Under the sub-heading "Detailed Information" insert at the foot of the list: 'February 2020 Formal Plan submission'.</p>
<p>Vision and Parish Objective Statement Page 30</p>	<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: "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>	<p>The Examiner regards the Vision and Objectives as a largely historic record of the ambitions derived from early consultation, but the wording does need to be tempered so as not to mislead about what a Neighbourhood Plan can achieve.</p> <p>Under the sub-heading "Vision and Parish Objectives Statement": In the first bullet point replace "by setting" with 'with'.</p> <p>In the fourth bullet point replace "provides" with 'encourages'.</p> <p>In the sixth bullet point replace "promoting" with 'encouraging'.</p> <p>Under the sub-heading "Objectives": In "Priority 1" delete "by carefully designing and managing any further expansion".</p>

Section	Comments	Examiners Response
		<p>In “Priority 5” replace “Providing high design standards in” with ‘Setting high design standards for’ and replace “the design criteria included in the Design Policies Statement (see Annex)” with ‘local design criteria’.</p> <p>In “Priority 6” replace “such as effective and detailed travel planning, implementing rigorous traffic management and road safety standards, including speed control mechanisms across the Parish; and” with ‘and appropriately mitigating its impact’</p> <p>In “Priority 7” replace “amenity such as that which could have been offered by Section 106 Agreement,” with ‘infrastructure’.</p>
Page 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’.</p> <p>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.</p>	<p>The Examiner regards the Vision and Objectives as a largely historic record of the ambitions derived from early consultation, but the wording does need to be tempered so as not to mislead about what a Neighbourhood Plan can achieve.</p> <p>Under the sub-heading “Vision and Parish Objectives Statement”: In the first bullet point replace “by setting” with ‘with’.</p>

Section	Comments	Examiners Response
	<p>These priorities would benefit from re wording as it they may not be deliverable through the Neighbourhood Plan.</p>	<p>In the fourth bullet point replace “provides” with ‘encourages’.</p> <p>In the sixth bullet point replace “promoting” with ‘encouraging’.</p> <p>Under the sub-heading “Objectives”: In “Priority 1” delete “by carefully designing and managing any further expansion”.</p> <p>In “Priority 5” replace “Providing high design standards in” with ‘Setting high design standards for’ and replace “the design criteria included in the Design Policies Statement (see Annex)” with ‘local design criteria’.</p> <p>In “Priority 6” replace “such as effective and detailed travel planning, implementing rigorous traffic management and road safety standards, including speed control mechanisms across the Parish; and” with ‘and appropriately mitigating its impact’</p> <p>In “Priority 7” replace “amenity such as that which could have been offered by Section 106 Agreement,” with ‘infrastructure’.</p> <p>Prior to the last-but-one paragraph (beginning “The Parish Council”)</p>

Section	Comments	Examiners Response
		<p>introduce a new sub-heading of “Community Objectives” and add an additional paragraph under this sub-heading to read as follows: ‘In order appropriately to distinguish the land use policies that are at the heart of this Plan, these are shown in bold and highlighted within a box. Community objectives are separately identified under their own sub-heading.’ Effect the format change throughout the Policies section of the Plan.</p>
Page 31	<p>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 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.</p>	<p>The Examiner notes that in February 2020 the Council published a Supplementary Planning Document (SPD) on Development Contributions which clarifies the legal framework within which contributions can be sought. However, I do note a commitment in the SPD (page 22): “Where development relates to and involves the potential enhancement of open spaces within Parish Council management the District Council will seek to secure a proportionate</p>

Section	Comments	Examiners Response
		financial contribution to be determined on a case by case basis.”
Policy Areas Page 31	<p>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.</p>	<p>The Examiner makes a series of recommendations to modify the policies within the Brailsford Neighbourhood Plan to ensure they provide clarity for the decision maker, don't duplicate Local Plan policies and to ensure all policies reflect the evidence base upon which the Plan was developed.</p> <p>Recommendations 6 states:</p> <p>Under the new sub-heading 'Policy 1: Housing' replace the existing Policies H1 – H6 as follows: 'Development proposals for housing will be supported where:</p> <ol style="list-style-type: none"> 1. They are located within the Settlement Boundary for Brailsford; small-scale infill development which relates well to neighbouring properties and is appropriate for the rural setting is encouraged. 2. Local housing requirements, identified from current data sources, are met; surveys undertaken for this Plan indicate demand for affordable

Section	Comments	Examiners Response
		<p>homes, two and three bedroom dwellings, and bungalows to meet the needs of the elderly and people with disabilities.</p> <p>3. Proportionately to the size of the site, the development provides a range of house types and, on larger sites, a mixture of types grouped to reflect the smaller scale and grain of a rural village and to avoid the monotony of undifferentiated 'estates'. The use of sites for self-build or custom-build housing, which might be provided by local builders and craftspeople, is encouraged.</p> <p>4. The design demonstrates an understanding of and attention to the village environment, its rural location and its history, and addresses:</p> <p>i) The relationship of the new to the existing built village form in terms of enclosure and definition of streets and spaces, including degree of set-back;</p> <p>ii) The height, scale, density and use of materials with the new to ensure that it complements existing character with particular attention to these factors within or adjacent to the Conservation Area; red brick and plain clay tiles predominate in the</p>

Section	Comments	Examiners Response
		<p>houses of Brailsford and Ednaston;</p> <p>iii) Integration with the surroundings by linking to existing paths and cycleways including safe access to surrounding community facilities predominately located on the south side of the A52;</p> <p>iv) Based on analysis of the site, its orientation and context, including attention to the Conservation Area were appropriate, ensuring buildings, landscaping and planting create a place with a locally inspired or distinctive character, using views and landmarks visible from within and from outside the site in order to organize the layout of the development and make it legible for visitors; on the edge of the countryside, taking account of the transition between built area and open landscape, particularly in the built form, landscaping and boundary treatments;</p> <p>v) Providing streets that encourage low vehicle speeds and which can function as safe, social spaces;</p> <p>vi) Integrating sufficient car parking and garaging which can accommodate a mix of vehicle sizes, acknowledging that larger houses in a rural location will have multiple- car families,</p>

Section	Comments	Examiners Response
		<p>within landscaping so that cars do not dominate the street;</p> <p>vii) Ensuring high quality boundary treatments to reflect the rural character;</p> <p>viii) Ensuring outside lighting sources, where required, have minimum impact on the environment, wildlife and minimise light pollution, to preserve dark skies;</p> <p>ix) Mitigation of flooding as an integral part of design and layout;</p> <p>x) Efficiency of buildings in use: improved energy and water efficiency is encouraged.</p> <p>5. Development proposals must retain existing hedgerows and trees or, if removal is unavoidable, a replacement of equivalent hedgerow and trees will be provided, either as part of the development or elsewhere within the Parish. Any replacement hedgerows and trees will be of same native species and type, unless otherwise agreed.'</p> <p>6. Delete the "Design Principles Statement" annexed to the Plan and amend the Contents page accordingly.</p> <p>As reworded Policy H1 meets the Basic Conditions.</p>

Section	Comments	Examiners Response
<p>Policy Area 1: Housing Page 32</p>	<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>	<p>The Examiner concludes that there is overlap across the collection of housing-related policies, and also gaps between, stating “certainly, when the planning decision maker – the local authority – is indicating concerns that the policies collectively may not make it “evident how a decision maker should react to development proposals” some further review is required.”</p> <p>The Examiner recommends that a single policy can successfully address the expectations and aspirations for a Housing Policy in the Neighbourhood Plan.</p> <p>Recommendation 6 provides a revised housing policy. See box above in response to Policy Areas Page 31 for full revised wording to policy H1 set out in the Examiners Recommendation 6.</p>
<p>Policy H1 Page 34</p>	<p>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</p>	<p>Recommendation 6 provides a revised housing policy. See box above in response to Policy Areas - Page 31 for full revised wording to policy H1 set out in the Examiners Recommendation 6.</p>

Section	Comments	Examiners Response
	<p>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.</p>	
<p>Policy H2 Page 34</p>	<p>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.</p>	<p>Recommendation 6 deletes policy H2 and recommends a single Housing Policy for the Neighbourhood Plan. Recommendation 6 provides a revised housing policy.</p> <p>See box above in response to Policy Areas – Page 31 for full revised wording to policy H1 set out in Examiners Recommendation 6.</p>
<p>Policy H3 Page 34</p>	<p>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.</p>	<p>Recommendation 6 deletes policy H3 and recommends a single Housing Policy for the Neighbourhood Plan. Recommendation 6 provides a revised housing policy.</p> <p>See box above in response to Policy Areas – Page 31 for full revised wording to policy H1 set out in Examiners Recommendation 6.</p>
<p>Policy H4 Page 34</p>	<p>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</p>	<p>Recommendation 6 deletes policy H3 and recommends a single Housing Policy for the Neighbourhood Plan. Recommendation 6</p>

Section	Comments	Examiners Response
	builders and craftspeople to provide these developments goes beyond the scope of land use planning.	provides a revised housing policy. See box above in response to Policy Areas – Page 31 for full revised wording to policy H1 set out in Examiners Recommendation 6.
Policy H5 Page 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.	Recommendation 6 deletes policy H3 and recommends a single Housing Policy for the Neighbourhood Plan. Recommendation 6 provides a revised housing policy. See box above in response to Policy Areas – Page 31 for full revised wording to policy H1 set out in Examiners Recommendation 6.
Policy H6 Page 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.	Recommendation 6 deletes policy H3 and recommends a single Housing Policy for the Neighbourhood Plan. Recommendation 6 provides a revised housing policy. See box above in response to Policy Areas – Page 31 for full revised wording to policy H1 set out in Examiners Recommendation 6.
Policy Area 2 – Traffic Management and Accessibility Page 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	The Examiner concludes that there are only three aspects of Policies TMA 1 & 2 might be capable of being covered by land use policies, the remainder falling to be addressed though “Community Objectives”.

Section	Comments	Examiners Response
	<p>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 not intended to be used for the determination of planning applications this should be referenced in the supporting text.</p>	<p>Recommendation 7: Under the heading “Policy Area 2: Traffic Management and Accessibility” and the sub-heading “Our Policies and Community Objectives”: Replace the sub-heading “Reasons for these Policies” with ‘Reason for this Policy’.</p> <p>Under the new sub-heading ‘Reason for this Policy’ replace the ungrammatical third bullet point that does not relate to the actual content that follows with: ‘Reduce current parking concerns and introduce car parking to ensure that new development does not add to the current levels of congestion caused by on-street parking.’</p>
<p>PolicyTMA1 Page 42</p>	<p>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.</p>	<p>The Examiner recommends that policy TMA1 and TMA2 are replaced by a single policy as set out in Recommendation 7:</p> <p>Replace Policies TMA1 & TMA2 with a new sub-heading and Policy as follows: ‘Policy TMA1: Traffic Management and Accessibility Where development proposals are delivering additional growth within the village, they are encouraged to provide for: In conjunction with the design expectation for</p>

Section	Comments	Examiners Response
		<p>safe access to surrounding community facilities predominately located on the south side of the A52 (Policy H1), an additional pelican crossing at the statutory distance from the Luke Lane junction to improve pedestrian safety for those crossing the road from new developments to access the bus stops, the school, the village shops and services, and the GP surgery, and a new pedestrian crossing on Luke Lane to provide safer access to the school.</p> <p>Where a Travel Plan is required by Local Plan Policy HC19, funding for additional public transport services within the Parish, including accessible transport for those with mobility issues and demand responsive services to connect to the main A52 bus route.</p> <p>Development proposals that provide for additional communal car parking to improve access to services and amenities in the village, including the GP surgery and in the vicinity of the new school, and which include electrical charging points will be supported in principle.'</p>
Page 42	The policy seeks ongoing funding for footpath and pavement maintenance in and approaching Brailsford village to meet the recommendations in the	Recommendation 7 states:

Section	Comments	Examiners Response
	<p>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 a limited relevance and merely duplicates Local Plan policies and the advice provided by the Highways Authority.</p>	<p>Under the sub-heading "Community Objectives": Replace the opening sentence with: "The Parish Council will also seek support via a variety of routes for the following:",</p> <p>Alter the numbering so that the Community Objectives are distinctly separated from the preceding Policy.</p> <p>Incorporate within the "Community Objectives" the aspirations for "Ongoing funding for footpath and pavement maintenance" and "New maintained cycle ways and footpaths" and add to the latter "with linkages to established green infrastructure where possible, together with an ongoing management and finance plan for their maintenance" as derived from Policy GSL3.</p>
<p>Policy TMA2 Page 43</p>	<p>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.</p>	<p>The Examiner recommends that policy TMA1 and TMA2 are replaced by a new amalgamated policy TMA1 Traffic Management and Accessibility. Recommendation 7 outlines the revised policy wording for policy TMA1. See box above in response to Policy TMA1 – Page 42 for revised wording for policy TMA1.</p>

Section	Comments	Examiners Response
Policy TMA3- 6 Page 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.	The examiner clarifies that only three aspects of Policies TMA 1 & 2 might be capable of being covered by land use policies, the remainder falling to be addressed though “Community Objectives”. Community objectives to remain alongside revised policy TMA1 Traffic Management and Accessibility.
Policy Area 3 – Green and Open Spaces Page 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 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.	<p>Recommendation 8 outlines that the submitted Green and Open Space policies are amended and amalgamated into a single GSL1 policy, recommendation 8 states:</p> <p>Replace Policies GSL1 & GSL2 as follows:</p> <p>‘1. The openness and special character of the following places (identified on Plans 7 & 8) are protected to afford open space, sports and recreation facilities to meet the current and future needs of the Parish:</p> <p>[take in a list of the places using exactly the same names, with a location, as used on the Plans]</p> <p>2. Residential developments that incorporate new open spaces should provide for variety with such spaces, sensitive to the</p>

Section	Comments	Examiners Response
		<p>local landscape, which might include managed grassed space, wildflower habitats, community gardens, children’s play areas, and incorporate features designed to encourage nature conservation and biodiversity, and new rights of way or accessible links to the wider footpath network.’</p> <p>As reworded Policy GSL1 meets the Basic Conditions.</p>
<p>Plan 7 – 8 Page 44-45</p>	<p>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.</p>	<p>Recommendation 8 states: Under the heading “Policy Area 3: Green and Open Spaces”: In the second paragraph and from Map 7 remove reference to the “Allotment Gardens”.</p> <p>On Plan 8 (page 45) add the names for the 3 areas identified (in like manner to Map 7).</p>
<p>Policy GSL1 and GSL2 Page 46</p>	<p>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.</p>	<p>Recommendation 8 outlines that the submitted Green and Open Space policies are amended and amalgamated into a single GSL1 policy, recommendation 8 states: Replace Policies GSL1 & GSL2 as follows: ‘1. The openness and special character of the following places (identified on Plans 7 & 8) are protected to afford open space, sports and recreation facilities to</p>

Section	Comments	Examiners Response
		<p>meet the current and future needs of the Parish: [take in a list of the places using exactly the same names, with a location, as used on the Plans]</p> <p>2. Residential developments that incorporate new open spaces should provide for variety with such spaces, sensitive to the local landscape, which might include managed grassed space, wildflower habitats, community gardens, children’s play areas, and incorporate features designed to encourage nature conservation and biodiversity, and new rights of way or accessible links to the wider footpath network.’</p> <p>As reworded Policy GSL1 meets the Basic Conditions.</p>
POLICY GSL3 Page 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.	Recommendation 8 states: Delete Policy GSL3 as it has been incorporated within Policy TMA1.
Policy Area 4 - Local Landscape and Wildlife Plan 9 – Plan 14 Page 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	The Examiner comments in respect of the maps in this section “Whilst the effort to produce and present supporting information here is potentially helpful to the

Section	Comments	Examiners Response
	<p>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.</p>	<p>reader, the mapping is of a very variable quality and, particularly where it is referenced within the Policy itself, it needs to be readable without ambiguity.”</p> <p>Recommendation 9 states that Plan 11 and 12 should be deleted and Under the sub-heading “Statutory Designations” enlarge Map 13 so that both the Map and the key text are readable, probably by moving the key to below the Map.</p>
<p>Policy Area 4 – Local Landscape and Wildlife Page 51</p>	<p>Reference to Plan 10 in the first paragraph should be amended to read Plan 11.</p>	<p>See comments in above regarding examiners recommendations regarding maps and plans within this section of the Neighbourhood Plan.</p>
<p>Policy LW1 Page 56</p>	<p>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.</p>	<p>Recommendation 9 states that a revised LW1 policy be included and replace LW1 and LW2. Recommendation 9 states:</p> <p>Policy LW1: Landscape and Wildlife</p> <p>Development proposals shall, proportionately to their scale:</p> <p>Demonstrate appropriate regard for the landscape sensitivities and designations that are significant features of and constrain development within this rural Parish including, where appropriate, the landscape within which the Conservation Area is set. Intervisibility between the proposed site and the open</p>

Section	Comments	Examiners Response
		<p>countryside will need to be assessed and addressed.</p> <p>Ensure appropriate integration within the landscape by affording priority to the retention of existing features, particularly tree belts, copses and hedgerows and, where required, new or replacement planting shall follow the character of the setting, particularly in the use of predominant native and disease resistant species.'</p>
<p>Policy LW2 and LW3 Page 56</p>	<p>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.</p>	<p>The Examiners Recommendation 9 sees LW1 and LW2 amalgamated into a revised LW1 Landscape and Wildlife policy. See box above for recommended revised wording for LW1.</p> <p>Delete Policies LW3 & LW4 since their content has been incorporated, as appropriate, within earlier Policies.</p>
<p>Policy LW4 Page 56-57</p>	<p>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.</p>	<p>Delete Policies LW3 & LW4 since their content has been incorporated, as appropriate, within earlier Policies.</p>
<p>Policy Area 5 – Community Wellbeing Provision of Local Facilities and Amenities Page 58</p>	<p>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.</p>	<p>Recommendation 10 states: Retitle Policy Area 5 as "Community Wellbeing – Local Facilities and Enterprise".</p> <p>Replace the sub-heading "Current Facilities" with 'Community Facilities'.</p>

Section	Comments	Examiners Response
		<p>Under the sub-heading 'Community Facilities' replace "amenities" with 'facilities' (in the third sentence), add to the list 'a Primary School', and remove reference to "Garage", "two cafes", "a range of specialist shops which attract visitors to the Parish" and "an extensive public footpath network".</p> <p>Under the sub-heading "Village Institute" remove the final paragraph which references an "Appendix 3" (now to be removed).</p> <p>Before the sub-heading "Public Transport" add in brief pen-pictures (ideally with a photograph) for each of the Primary School, the Parish Church, the Methodist Chapel, the Cricket Club and ground, the Golf Course, and the public Fishing Lakes.</p> <p>Under the sub-heading "Reasons for our Policies", in the last sentence of the second paragraph, replace "amenities" with 'facilities'.</p>
Policy CW1 and CW2 Page 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	<p>Recommendation 10 states Reword Policies CW1 – CW3 as follows: 'Policy CW1: Community Facilities</p> <p>The following are recognised as valued 'Community Facilities': The Post Office and</p>

Section	Comments	Examiners Response
	<p>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.</p>	<p>Village Shop, The GP Surgery and Pharmacy, the Primary School, the Village Institute (Community Centre), the Parish Church, the Methodist Chapel, two Public Houses, the Cricket Club and ground, the Golf Course, the public Fishing Lakes; development proposals that:</p> <p>Retain, improve or enhance the viability of these facilities are supported in principle, subject to the scale being appropriate to the community's needs and the impact on adjoining properties being assessed and addressed.</p> <p>Would result in the loss of all or part of a community facility should show, to the extent that planning regulation applies, how that amenity is being replaced with an equivalent or better, conveniently located replacement, or provide evidence demonstrating non-viability, or that the existing use is no longer needed to serve the needs of the community.</p> <p>Extend the range of community facilities in the Parish, in particular providing additional community parking, especially to support the GP Surgery, PO and Shop, or additional</p>

Section	Comments	Examiners Response
		outdoor sports and recreation facilities are supported in principle.'
CW3 Page 61	<p>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.</p>	<p>The Examiner recommends that elements of CW3 are incorporated within the revised CW1 as set out within Recommendation 10. See box above for revised wording of policy CW1.</p> <p>Recommendation 10 also proposes revised wording to CW4 as follows:</p> <p>Reword Policy CW4 as follows: 'Policy CW2: Community Enterprise The conversion of redundant buildings or new, small-scale development within the settlement boundary to provide new retail outlets or small business units, including the provision of live-work space to create local employment, are supported in principle.'</p>
CW6 and CW7 Page 62	<p>Policies CW6 and 7 go beyond planning controls and seek to control crime and antisocial behaviour. As stated above as Community Objectives it should be made clear that these will not be used in the determination of planning applications.</p>	<p>In respect of Community Objectives recommendation 10 states: Under the sub-heading "Community Objectives": Alter the numbering so that the Community Objectives are distinctly separated from the preceding Policy.</p> <p>Add in an Objective as follows:</p>

Section	Comments	Examiners Response
		<p>The means or funding to improve local facilities as identified by local people such as: Refurbishment of the Village institute, including improved and extended space to enable a wider range of activities to take place, including sports such as badminton, table tennis and judo, Adult Education, yoga/Pilates and peripatetic community services; Extended outdoor sports provision – e.g. land for a tennis court and/or outdoor bowls; Upgraded children’s playground and amenity area; Sustained maintenance of public footpaths and more accessible cycle ways.</p> <p>Add in an Objective as follows: ‘Promotion, under the championship of Digital Derbyshire, of the need for the delivery, throughout the Parish, of consistent broadband access (approaching the national policy speeds).</p>
Annex 1 – Design Principles Statement Page 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	This ‘Statement’ is replaced by a revised and extended HI Policy on housing. Recommendation 6 encompasses design elements for new development within the village. See box above on examiners response to ‘Policy Areas – Page 31’ for full recommended

Section	Comments	Examiners Response
	<p>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.</p>	<p>wording for policy H1 set out in recommendation 6.</p>
<p>Basic Conditions Statement Page 3</p>	<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> <p>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).</p> <p>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.</p> <p>c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation</p>	<p>The submitted Basic Conditions Statement has very helpfully set out to address the issues in relation to these requirements in the same order as above and has tabulated the relationship between the policy content of the Plan and its higher tier equivalents. The Examiner concludes that the Neighbourhood Plan meets the Basic Conditions.</p>

Section	Comments	Examiners Response
	<p>area, it is appropriate to make the order. This applies only to Orders.</p> <p>d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.</p> <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>	
<p>Consultation Statement Page 4</p>	<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>	<p>Recommendation 11 states: Within the Consultation Statement that accompanies the Plan, ensure that Appendices 1 & 2 are supplied to DDDC for inclusion within the on-line copy or alternatively ensure that there is a web-address reference under the respective headings in the on-line copy.</p>

APPENDIX 3 EXAMINER RECOMMENDATIONS AND DISTRICT COUNCIL RESPONSE

Rec No.	Text	Reasons	District Council Response
1	<p>Amend the plan period on the front cover and as necessary throughout the Plan to '2020-2033'; remove the sub-title "Submission Version".</p> <p>Review the "Contents" page once the text has been amended to accommodate the recommendations from this Report.</p>	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No additional action required.
2	<p>Amend Plan 1 (page 5) to incorporate its key and source reference.</p> <p>Delete Plan 2 and amend subsequent Plan numbers accordingly.</p> <p>Amend Plan 3 (page 7) to replace the title "Brailsford Parish Boundary" with 'Brailsford Neighbourhood Area'.</p> <p>Amend Plan 4 (page 8) to ensure that is free from distortion and, renumbered as Plan 3, move it to page 13 (where it will immediately follow the Conservation Area text reference).</p>	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No additional action required.
3	<p>Under the heading "Introduction":</p> <p>In the second sentence replace "Plan area" with 'Area'.</p> <p>In the third sentence replace "Plan 1" with 'Plan 2' (as now renumbered).</p> <p>In the last sentence of paragraph 2 replace "adopted" with 'made' and "Plan area" with 'Area'.</p> <p>On page 10 amend footnote 5 to read: "Natural England: National Character Area Profiles 2014".</p> <p>Under the sub-heading "Village Growth" (page 14):</p>	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No additional action required.

Rec No.	Text	Reasons	District Council Response
	<p>In the last sentence of the third paragraph replace “Approval have” with ‘Approval has’.</p> <p>In the fourth paragraph add ‘since 1980’ after “village size”.</p> <p>In the fifth paragraph add a footnote reference for the Local Plan, place quotation marks around the words quoted from the Local Plan and add in brackets after the quotation ‘(Policy S2)’.</p> <p>In the sixth paragraph replace the reference to “Plan 5” with ‘Plan 4’</p> <p>On Plan 5 (now renumbered as Plan 4) replace the title with ‘Brailsford Settlement Development Boundary – Derbyshire Dales Local Plan 2017 Policies Map’.</p> <p>Under the sub-heading “Parish Statistics” (page 17): In the second paragraph replace “Plan area (see Plan.1)” with ‘Area (see Plan 2).</p> <p>In the first paragraph on page 15 add ‘(1,765 hectares)’ after “0.5 person per hectare”.</p> <p>Add to the titles of Figures 1 – 3 & 5 ‘- 2011 Census Data’.</p> <p>Correct Figure 6 (page 21) to show only a single title to accord with the Parish Survey question.</p> <p>Add to the titles of Figures 8 & 9 ‘- 2011 Census Data’.</p>		

Rec No.	Text	Reasons	District Council Response
	<p>Under the sub-heading “Heritage” (page 23) enlarge Plan 6 (renumbered as Plan 5) to ensure that the Legend and source reference are readable.</p> <p>Under the sub-heading “Environment” (page 23): In the fifth paragraph on page 24 delete “(Plan 9)” since the topic is picked up as a Policy later.</p> <p>Provide a scale for Figure 10.</p>		
4	<p>Under the heading “Policy Context” replace “statement has been prepared” with ‘Statement has been submitted alongside this Plan’.</p> <p>Under the sub-heading “National Considerations” in the first paragraph replace “decide what goes on in their neighbourhood” with ‘shape the development and growth of their local area’ and in the last but one sentence delete “2012 and revised”.</p> <p>Under the sub-heading “District Considerations”: In the second sentence of the first paragraph replace “approved” with ‘adopted’ and “EIP” with ‘Examination’.</p> <p>In the second paragraph replace the last two sentences with: ‘Within the Local Plan Settlement Hierarchy16 Brailsford is a ‘Third Tier Settlement - Accessible Settlement with Some Facilities; these villages possess some facilities and services, that together with local employment provide the best opportunities outside the first and second tier settlements for greater self – containment. They will provide for reduced levels of development in comparison to higher order settlements in order to safeguard, and where possible, improve their role consistent with maintaining or enhancing key environmental</p>	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No additional action required.

Rec No.	Text	Reasons	District Council Response
	<p>attributes' (Policy S2). The hamlet of Ednaston is classified as a Tier 5 settlement (Policy S3).'</p> <p>In the third paragraph replace "Climate Change: Roadmap in September 2019" with Climate Change Strategy and Action Plan (September 2020); add a footnote reference. Replace footnote 15 with 'A Green Future: Our 25 Year Plan to Improve the Environment, 2018'.</p> <p>Combine footnotes 16 & 17 to show: 'Derbyshire Dales District Council: Derbyshire Dales Local Plan 2013-2033'.</p> <p>Under the sub-heading "Parish Considerations" in the final paragraph replace "approved" with 'adopted' and "applications for additional housing These approvals generally allow for" with 'applications for additional housing. The latter generally prioritise'.</p>		
5	<p>Under the heading "How the Plan was Made": Under the sub-heading "General Information" in the final sentence insert 'first' between "Plan was" and "submitted".</p> <p>Under the sub-heading "Detailed Information" insert at the foot of the list: 'February 2020 Formal Plan submission'.</p> <p>Under the sub-heading "Vision and Parish Objectives Statement": In the first bullet point replace "by setting" with 'with'.</p> <p>In the fourth bullet point replace "provides" with 'encourages'.</p> <p>In the sixth bullet point replace "promoting" with 'encouraging'.</p>	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation. No additional action required.

Rec No.	Text	Reasons	District Council Response
	<p>Under the sub-heading “Objectives”: In “Priority 1” delete “by carefully designing and managing any further expansion”.</p> <p>In “Priority 5” replace “Providing high design standards in” with ‘Setting high design standards for’ and replace “the design criteria included in the Design Policies Statement (see Annex)” with ‘local design criteria’.</p> <p>In “Priority 6” replace “such as effective and detailed travel planning, implementing rigorous traffic management and road safety standards, including speed control mechanisms across the Parish; and” with ‘and appropriately mitigating its impact’.</p> <p>In “Priority 7” replace “amenity such as that which could have been offered by Section 106 Agreement,” with ‘infrastructure’.</p> <p>Prior to the last-but-one paragraph (beginning “The Parish Council”) introduce a new sub-heading of “Community Objectives” and add an additional paragraph under this sub- heading to read as follows: ‘In order appropriately to distinguish the land use policies that are at the heart of this Plan, these are shown in bold and highlighted within a box.</p> <p>Community objectives are separately identified under their own sub-heading.’ Effect the format change throughout the Policies section of the Plan.</p>		
6	<p>Under the heading “Policy Area 1: Housing”: Under the sub-heading “Context”: Amend the footnote reference for the Natural England NCA from 3 to 5.</p>	<p>For clarity and to meet Basic Conditions 1 & 3</p>	<p>Derbyshire Dales District Council accepts the Examiners recommendation.</p>

Rec No.	Text	Reasons	District Council Response
	<p>Amend the footnote 19 reference to a Historic England publication which should be correctly titled as: 'English Heritage, Knowing Your Place - Heritage and Community-Led Planning in the Countryside, 2011'.</p> <p>Within the second paragraph replace "50% in the past three years" with '50% since 2017'.</p> <p>At the sub-heading "Reasons for these Policies: Replace the sub-heading with 'Reasons for this Policy'.</p> <p>At the end of the first paragraph delete "such as those shown below" and either delete the photograph that follows or replace it with an image of an existing housing setting that should inspire the design of new housing.</p> <p>In the fourth paragraph insert 'currently' between "local need as" and "identified" and delete "It will do this through:"</p> <p>After the fourth paragraph add in the paragraph from the "Design Principles Statement" which commences "New development should be designed to enhance the existing character and to create quality of place"</p> <p>After that new paragraph add a new sub-heading: 'Policy H1: Housing'.</p> <p>Under the new sub-heading 'Policy 1: Housing' replace the existing Policies H1 – H6 as follows:</p>		<p>No additional action required.</p>

Rec No.	Text	Reasons	District Council Response
	<p>'Development proposals for housing will be supported where:</p> <ol style="list-style-type: none"> 1. They are located within the Settlement Boundary for Brailsford; small-scale infill development which relates well to neighbouring properties and is appropriate for the rural setting is encouraged. 2. Local housing requirements, identified from current data sources, are met; surveys undertaken for this Plan indicate demand for affordable homes, two and three bedroom dwellings, and bungalows to meet the needs of the elderly and people with disabilities. 3. Proportionately to the size of the site, the development provides a range of house types and, on larger sites, a mixture of types grouped to reflect the smaller scale and grain of a rural village and to avoid the monotony of undifferentiated 'estates'. The use of sites for self-build or custom-build housing, which might be provided by local builders and craftspeople, is encouraged. 4. The design demonstrates an understanding of and attention to the village environment, its rural location and its history, and addresses: <ol style="list-style-type: none"> i) The relationship of the new to the existing built village form in terms of enclosure and definition of streets and spaces, including degree of set-back; ii) The height, scale, density and use of materials with the new to ensure that it complements existing character with particular attention to these factors within or adjacent to the Conservation Area; red brick and plain clay tiles predominate in the houses of Brailsford and Ednaston; iii) Integration with the surroundings by linking to existing paths and cycleways including safe access to surrounding community facilities predominately located on the south side of the A52; 		

Rec No.	Text	Reasons	District Council Response
	<p>iv) Based on analysis of the site, its orientation and context, including attention to the Conservation Area were appropriate, ensuring buildings, landscaping and planting create a place with a locally inspired or distinctive character, using views and landmarks visible from within and from outside the site in order to organize the layout of the development and make it legible for visitors; on the edge of the countryside, taking account of the transition between built area and open landscape, particularly in the built form, landscaping and boundary treatments;</p> <p>v) Providing streets that encourage low vehicle speeds and which can function as safe, social spaces;</p> <p>vi) Integrating sufficient car parking and garaging which can accommodate a mix of vehicle sizes, acknowledging that larger houses in a rural location will have multiple-car families, within landscaping so that cars do not dominate the street;</p> <p>vii) Ensuring high quality boundary treatments to reflect the rural character;</p> <p>viii) Ensuring outside lighting sources, where required, have minimum impact on the environment, wildlife and minimise light pollution, to preserve dark skies;</p> <p>ix) Mitigation of flooding as an integral part of design and layout;</p> <p>x) Efficiency of buildings in use: improved energy and water efficiency is encouraged.</p> <p>5. Development proposals must retain existing hedgerows and trees or, if removal is unavoidable, a replacement of equivalent hedgerow and trees will be provided, either as part of the development or elsewhere within the Parish. Any replacement hedgerows and trees will be of same native species and type, unless otherwise agreed.'</p>		

Rec No.	Text	Reasons	District Council Response
	Delete the “Design Principles Statement” annexed to the Plan and amend the Contents page accordingly.		
7	<p>Under the heading “Policy Area 2: Traffic Management and Accessibility” and the sub-heading “Our Policies and Community Objectives”:</p> <p>Replace the sub-heading “Reasons for these Policies” with ‘Reason for this Policy’.</p> <p>Under the new sub-heading ‘Reason for this Policy’ replace the ungrammatical third bullet point that does not relate to the actual content that follows with: ‘Reduce current parking concerns and introduce car parking to ensure that new development does not add to the current levels of congestion caused by on-street parking.’</p> <p>Replace Policies TMA1 & TMA2 with a new sub-heading and Policy as follows:</p> <p>‘Policy TMA1: Traffic Management and Accessibility Where development proposals are delivering additional growth within the village, they are encouraged to provide for: In conjunction with the design expectation for safe access to surrounding community facilities predominately located on the south side of the A52 (Policy H1), an additional pelican crossing at the statutory distance from the Luke Lane junction to improve pedestrian safety for those crossing the road from new developments to access the bus stops, the school, the village shops and services, and the GP</p>	For clarity and to meet Basic Conditions 1 & 3	Derbyshire Dales District Council accepts the Examiners recommendation. No additional action required.

Rec No.	Text	Reasons	District Council Response
	<p>surgery, and a new pedestrian crossing on Luke Lane to provide safer access to the school.</p> <p>Where a Travel Plan is required by Local Plan Policy HC19, funding for additional public transport services within the Parish, including accessible transport for those with mobility issues and demand responsive services to connect to the main A52 bus route.</p> <p>Development proposals that provide for additional communal car parking to improve access to services and amenities in the village, including the GP surgery and in the vicinity of the new school, and which include electrical charging points will be supported in principle.'</p> <p>Under the sub-heading "Community Objectives": Replace the opening sentence with: "The Parish Council will also seek support via a variety of routes for the following:",</p> <p>Alter the numbering so that the Community Objectives are distinctly separated from the preceding Policy.</p> <p>Incorporate within the "Community Objectives" the aspirations for "Ongoing funding for footpath and pavement maintenance" and "New maintained cycle ways and footpaths" and add to the latter "with linkages to established green infrastructure where possible, together with an ongoing management and finance plan for their maintenance" as derived from Policy GSL3.</p>		
8	<p>Under the heading "Policy Area 3: Green and Open Spaces":</p> <p>In the second paragraph and from Map 7 remove reference to the "Allotment Gardens".</p>	For clarity and accuracy	Derbyshire Dales District Council accepts the Examiners recommendation.

Rec No.	Text	Reasons	District Council Response
	<p>On Plan 8 (page 45) add the names for the 3 areas identified (in like manner to Map 7).</p> <p>Replace the sub-heading “Reasons for these Policies” with ‘Reasons for this Policy’.</p> <p>Replace the sub-heading “Development and Investment Policies” with ‘Policy GSL1: Green and Open Spaces’.</p> <p>Replace Policies GSL1 & GSL2 as follows: ‘1. The openness and special character of the following places (identified on Plans 7 & 8) are protected to afford open space, sports and recreation facilities to meet the current and future needs of the Parish: [take in a list of the places using exactly the same names, with a location, as used on the Plans]</p> <p>2. Residential developments that incorporate new open spaces should provide for variety with such spaces, sensitive to the local landscape, which might include managed grassed space, wildflower habitats, community gardens, children’s play areas, and incorporate features designed to encourage nature conservation and biodiversity, and new rights of way or accessible links to the wider footpath network.’</p> <p>Delete Policy GSL3 as it has been incorporated within Policy TMA1.</p>		No additional action required.
9	<p>Under the heading “Policy Area 4: Local Landscape & Wildlife”</p> <p>Under the sub-heading “NPPF” there is a typographical error in the last sentence of the first paragraph.</p>	For clarity and to meet Basic Conditions 1 & 3	Derbyshire Dales District Council accepts the Examiners recommendation.

Rec No.	Text	Reasons	District Council Response
	<p>Under the sub-heading “National Character Areas (NCA)” there is a typographical error at the end of the second paragraph where the quotation mark is missing.</p> <p>Under the sub-heading “Landscape Character Descriptions”, in the first paragraph on page 50, replace “lies within” with ‘includes’ and delete “and shown in Plan 10 below” [sic] as well as Map 11.</p> <p>Under the sub-heading “The CPRE Map of Tranquillity”, on page 52, in the opening part sentence add the closing full stop; at the end of the second full paragraph delete “This is illustrated in Plan 12 below.” and delete Plan 12.</p> <p>Under the sub-heading “Statutory Designations” enlarge Map 13 so that both the Map and the key text are readable, probably by moving the key to below the Map.</p> <p>Under the sub-heading “The Villages” provide a source reference for the “The Landscape Sensitivity Assessment undertaken by Wardell Armstrong”.</p> <p>Replace the sub-heading “Reasons for these Policies” with ‘Reasons for this Policy’.</p> <p>Under the sub-heading ‘Reasons for this Policy’ delete the sentence “Brailsford Parish lies within an area of Priority Sensitivity</p> <p>Under the Derbyshire County Council Areas of Multiple Environmental Sensitivity process.” and replace “Our policies are” with ‘Our Policy is’.</p>		<p>No additional action required.</p>

Rec No.	Text	Reasons	District Council Response
	<p>Replace Policies LW1 & LW2 as follows:</p> <p>'Policy LW1: Landscape and Wildlife Development proposals shall, proportionately to their scale:</p> <p>Demonstrate appropriate regard for the landscape sensitivities and designations that are significant features of and constrain development within this rural Parish including, where appropriate, the landscape within which the Conservation Area is set. Intervisibility between the proposed site and the open countryside will need to be assessed and addressed.</p> <p>Ensure appropriate integration within the landscape by affording priority to the retention of existing features, particularly tree belts, copses and hedgerows and, where required, new or replacement planting shall follow the character of the setting, particularly in the use of predominant native and disease resistant species.'</p> <p>Delete Policies LW3 & LW4 since their content has been incorporated, as appropriate, within earlier Policies.</p>		
10	<p>Retitle Policy Area 5 as "Community Wellbeing – Local Facilities and Enterprise".</p> <p>Replace the sub-heading "Current Facilities" with 'Community Facilities'.</p> <p>Under the sub-heading 'Community Facilities' replace "amenities" with 'facilities' (in the third sentence), add to the list 'a Primary School', and remove reference to "Garage", "two cafes", "a range of specialist shops</p>	For clarity and to meet Basic Conditions 1 & 3	Derbyshire Dales District Council accepts the Examiners recommendation. No additional action required.

Rec No.	Text	Reasons	District Council Response
	<p>which attract visitors to the Parish” and “an extensive public footpath network”.</p> <p>Under the sub-heading “Village Institute” remove the final paragraph which references an “Appendix 3” (now to be removed).</p> <p>Before the sub-heading “Public Transport” add in brief pen- pictures (ideally with a photograph) for each of the Primary School, the Parish Church, the Methodist Chapel, the Cricket Club and ground, the Golf Course, and the public Fishing Lakes.</p> <p>Under the sub-heading “Reasons for our Policies”, in the last sentence of the second paragraph, replace “amenities” with ‘facilities’.</p> <p>Reword Policies CW1 – CW3 as follows: ‘Policy CW1: Community Facilities The following are recognised as valued ‘Community Facilities’: The Post Office and Village Shop, The GP Surgery and Pharmacy, the Primary School, the Village Institute (Community Centre), the Parish Church, the Methodist Chapel, two Public Houses, the Cricket Club and ground, the Golf Course, the public Fishing Lakes; development proposals that: Retain, improve or enhance the viability of these facilities are supported in principle, subject to the scale being appropriate to the community’s needs and the impact on adjoining properties being assessed and addressed.</p> <p>Would result in the loss of all or part of a community facility should show, to the extent that planning regulation applies, how that amenity is being replaced with an equivalent or better, conveniently located</p>		

Rec No.	Text	Reasons	District Council Response
	<p>replacement, or provide evidence demonstrating non-viability, or that the existing use is no longer needed to serve the needs of the community.</p> <p>Extend the range of community facilities in the Parish, in particular providing additional community parking, especially to support the GP Surgery, PO and Shop, or additional outdoor sports and recreation facilities are supported in principle.'</p> <p>Reword Policy CW4 as follows: 'Policy CW2: Community Enterprise The conversion of redundant buildings or new, small-scale development within the settlement boundary to provide new retail outlets or small business units, including the provision of live-work space to create local employment, are supported in principle.'</p> <p>Under the sub-heading "Community Objectives": Alter the numbering so that the Community Objectives are distinctly separated from the preceding Policy.</p> <p>Add in an Objective as follows: 'The means or funding to improve local facilities as identified by local people such as: Refurbishment of the Village institute, including improved and extended space to enable a wider range of activities to take place, including sports such as badminton, table tennis and judo, Adult Education, yoga/Pilates and peripatetic community services; Extended outdoor sports provision – e.g. land for a tennis court and/or outdoor bowls; Upgraded children's playground and amenity area;</p>		

Rec No.	Text	Reasons	District Council Response
	<p>Sustained maintenance of public footpaths and more accessible cycle ways.</p> <p>Add in an Objective as follows: 'Promotion, under the championship of Digital Derbyshire, of the need for the delivery, throughout the Parish, of consistent broadband access (approaching the national policy speeds)</p>		
11	<p>Remove the two Appendices "Report by PTB Traffic Management Services" and "The Brailsford & Ednaston Institute".</p> <p>Within the Consultation Statement that accompanies the Plan, ensure that Appendices 1 & 2 are supplied to DDDC for inclusion within the on-line copy or alternatively ensure that there is a web- address reference under the respective headings in the on-line copy.</p>	For clarity and to meet Basic Condition 1	Derbyshire Dales District Council accepts the Examiners recommendation. No additional action required.

BACK TO AGENDA