

Brailsford Parish



Neighbourhood Plan 2013-2033

Basic Conditions Statement

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1. Introduction

- 1.1 The Brailsford Parish Neighbourhood Plan has been prepared in accordance with the Town & Country Planning Act 1990, the Planning & Compulsory Purchase Act 2004, the Localism Act, 2011, and the Neighbourhood Planning (General) Regulations 2012.
- 1.2 The Plan establishes a vision for the Parish and its four settlements and sets out how that vision will be realised through applying appropriate planning policies, controlling land use and defining the type of development and associated infrastructural change required.
- 1.3 The Town and Country Planning Act 1990 requires that Neighbourhood Development Plans must meet the following basic conditions:
 - Take account of national policies and advice contained in the National Planning Policy Framework (NPPF)
 - Contribute to the achievement of sustainable development
 - Align with the strategic policies contained in the relevant Local Plan – in this case Derbyshire Dales District Council (DDDC) – Saved Policies Local Plan 2005 (during the preparation period) and the Derbyshire Dales Local Plan 2013-33
 - Meet the relevant EU obligations.
- 1.4 This document sets out how the Brailsford Parish Neighbourhood Plan meets all of the above basic conditions.
- 1.5 Development of the Neighbourhood Plan has been overseen by the Brailsford & Ednaston Parish Council. The Parish Council, as a Qualifying Body, are responsible for its submission.
- 1.6 The Policies described in the Neighbourhood Plan relate to development and the use of land in the designated Neighbourhood Plan area only.
- 1.7 The plan period for the Neighbourhood Plan is 2013 to 2033 and it does not contain policies relating to excluded development, in accordance with the Regulations.
- 1.8 In accordance with Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38(C)] the Neighbourhood Plans must meet the basic conditions and a draft Neighbourhood Plan meets the basic conditions if :
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan
 - it contributes to the achievement of sustainable development
 - it is in general conformity with the strategic policies contained in the Local Development Plan for the area of the authority – in this case Derbyshire Dales District Council
 - it does not breach, and is otherwise compatible with, EU obligations.

2 Key Statements

- 2.1 The Plan area covers the Parish of Brailsford and the administrative area of Brailsford & Ednaston Parish Council. The Parish Council is the qualifying body responsible for the preparation of this Neighbourhood Plan.
- 2.2 The Neighbourhood Plan expresses policies that relate to the development and use of land only within the designated area – the Parish boundary – as illustrated in Plan 1. It also sets out complementary priority actions and plans.
- 2.3 The Brailsford Neighbourhood Plan covers the period from 2013 to 2033.
- 2.4 The Plan proposals do not deal with County matters such as mineral extraction and waste management, nationally significant infrastructure or any other matters set out in Section 61 of the Town and Country Planning Act 1990 as 'excluded development'.
- 2.5 The Plan does not relate to more than one neighbourhood area. It is solely related to the area of Brailsford Parish as designated by Derbyshire Dales District Council in April 2015. There are no other neighbourhood plans in place for the Brailsford neighbourhood area.
- 2.6 The Draft Brailsford Neighbourhood Plan was made available for a preliminary consultation with stakeholders from 9 December 2016- 23 December 2016. Some amendments were made to reflect the views of consultees and a public meeting was held on 25 January 2017 to present the results of the consultation ahead of a formal submission. Ten submissions were received.
- 2.7 The formal Regulation 14 consultation under Regulation 14 of the Neighbourhood Plan Regulations March 2012 took place between March-April 2017 and was completed on 21 April 2017. Comments were considered and relevant redrafting took place in May and June 2017. A summary of outputs from this consultation are set out in the Consultation Statement.
- 2.8 The Brailsford Parish Neighbourhood Plan has taken account of national planning policy, which is largely set out in the National Planning Policy Framework (NPPF) published in March 2012. In particular, Sections 183-185 of the NPPF require Neighbourhood Plans to reflect the policies of the NPPF and to conform in general with the strategic policies of the Local Plan: in this case the Derbyshire Dales Local Plan 2005: Saved Policies and the Derbyshire Dales Local Plan 2013-33 Pre-Submission Draft (August 2016). It should be noted that the development boundary for Brailsford Village set out in the approved 2005 Local Plan has already been extended to the west of the village by a planning approval made in 2013.
- 2.9 Preparation of the Brailsford Plan has included a review of all documents commissioned or produced by DDDC to support the emerging Local Plan and these have also been used to guide the setting of Neighbourhood Plan policies.

3 The Achievement of Sustainable Development

- 3.1 The NPPF has a presumption in favour of sustainable development, which it defines as having three dimensions: economic, social and environmental. The Brailsford Parish Neighbourhood Plan embraces the principle of sustainable development and aims to achieve a balance of the three dimensions.

3.2 Brailsford Parish is predominantly rural, containing a number of areas designated as high landscape value, and a relatively strong agricultural sector comprising mixed farming activity. There is limited opportunity to increase the local employment base, with only three small existing employment sites. There is a relatively high rate of self-employment, predominantly in construction, retail and the services sectors although most residents travel to neighbouring centres for employment in the professions, management and administrative roles. The adopted conditions for sustainable development are therefore:

- **Economic:** To optimise high value economic activity at the existing sites and to encourage mixed development with commercial and live/work space at one further site
- **Social:** To maintain a thriving but coherent, cohesive and distinctive community, recognising that there will be new development within the existing settlements
- **Environmental:** To protect the rural environment and limit development to that which does not cause demonstrable harm to the landscape character of the Parish or the rural setting of the villages and hamlets.

4 Compliance with the NPPF

4.1 This section demonstrates that the Brailsford Parish Neighbourhood Plan has regard to relevant policies within the NPPF in relation to:

- Delivering a wide choice of high quality homes
- Supporting a prosperous local economy
- Requiring good design
- Promoting healthy communities
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment.

4.2 The Brailsford Parish Neighbourhood Plan contains a Vision, Aim and Objectives; the latter as proposed key policies. The policies are summarised in **Table A1** alongside the NPPF goals they seek to address.

Table: A1: Compliance with NPPF and the Local Plan

Objective	Policy	NPPF	Saved Policies 2005 Local Plan	2013-2033 Local Plan
Housing	<p>Policy H1: Housing developments within the Parish, and as proposed by the Derbyshire Dales Local Plan, should be designed as small-scale clusters, with a layout consistent with the prevailing village environment and character, and a mix of housing styles and forms, and provide a range of housing types, including affordable homes, two and three bedroom dwellings, and bungalows which meet the needs of older people and people with disabilities.</p>	<p>NPPF 17 NPPF6: Delivering a wide choice of high quality homes NPPF7: Requiring good design</p>	<p>H1, SF1, SF5 H3, H9, H13, H14, SF8</p>	<p>SO2, SO4, SO7, SO8, S1, S4, S5, S6, S9, PD3, HC1, HC4, HC11, HC12</p>
	<p>Policy H2: Housing infill, development on brownfield sites within the settlement boundary as proposed in the Derbyshire Dales Local Plan, and the conversion of existing buildings within the Parish to residential use will be supported where these are small-scale and contribute positively to local character, do not create significant traffic impact on roads in and around the Parish, and where these help to meet local housing needs.</p>	<p>NPPF 4: Promoting Sustainable Transport, NPPF6: Delivering a wide choice of high quality homes NPPF6: Delivering a wide choice of high quality homes NPPF8: Promoting healthy communities NPPF11: Conserving and enhancing the natural environment NPPF 12: Conserving the Historic Environment</p>	<p>H4, H5, SF4</p>	<p>SO4, SO7, SO12, S1, S3, S4, S6, S9, PD3, HC4, HC7, HC8, HC13, HC19, EC9, EC10</p>
	<p>Policy H3: The construction of individual new homes or modifications to existing properties will be supported where the scale and design is appropriate to the environment and suitable complementary building materials are used.</p>	<p>NPPF6: Delivering a wide choice of high quality homes, NPPF 7 Requiring Good Design</p>	<p>H2, H9, SF5</p>	<p>SO2, SO3, SO4, SO7, S1, S9, PD1, HC9, HC10</p>
	<p>Policy H4: Small development sites, which can accommodate self-build or the construction of individual homes to be provided by local builders and craftspeople, thereby creating local employment opportunity will be supported.</p>	<p>NPPF 3: Supporting a Prosperous Rural Economy, NPPF6: Delivering a wide choice of high quality homes</p>		<p>SO3, SO7, SO8, SO15, SO16, S1, S9, HC3</p>

	<p>Policy H5: Large-scale development located within or adjacent to the conservation area, deemed as likely to create loss of significance or substantial harm (as set out in NPPF 134) will not be supported.</p>	NPPF 12: Conserving and Enhancing the Historic Environment	NBE21	SO2, SO4, S1, S4, S9, PD2
	<p>Policy H6: All new development should meet the following criteria set out in more detail in Annex 4 - Design Principles Statement:</p> <ul style="list-style-type: none"> • The development is appropriate in terms of its scale, character and location to maintaining the integrity of the village environment and the distinctive qualities of the landscape prevailing in the Parish • Creates no significant impact on the surrounding rural landscape, views and vistas, and its biodiversity, and maintains the appropriate balance of settlement size with the natural environment and therefore can be deemed sustainable development • Is consistent with the current Derbyshire Dales Flood Risk Policy • Design and build is consistent with the characteristic architecture of the area, with the use of building materials in keeping with the setting and rural environment • Considers the conservation of heritage assets and their settings in a manner appropriate to their significance • Street furniture/streetscape and lighting is kept to a minimum and is consistent and compatible with the prevailing environment, including the maintenance of dark skies • Construction includes the highest standards of energy, waste and water efficiency using appropriate materials and equipment to support this • The development considers people and place and the approved design includes gardens of an appropriate scale to the property, green space and landscaping which reflects the prevailing ecology, and easily accessible and manageable communal areas. • The design for individual plots includes off road parking for at least two vehicles and garaging which can accommodate a mix of vehicle sizes. • Construction contracts are let wherever possible to increase local employment, using local builders and tradespeople, including opportunities for training local young people. 	NPPF 7: Requiring Good Design, NPPF 8: Promoting Health Communities, NPPF 10: Meeting the Challenge of Climate Change, NPPF11: Conserving and enhancing the natural environment	SF5, SF7, H9, TR8, CS5, TR8, L6, NBE26	SO3,SO4, SO5, SO10, SO11, SO13, S1, S4, S9, HC14, HC21, PD1, PD3, PD7, PD8
Traffic Management and Accessibility	<p>TMA1: As recommended by PTB, it is considered that development within the settlement boundary for Brailsford village (as proposed by the Derbyshire Dales Local Plan), and in other parts of the Parish in accordance with our Housing policies, will be supported where measures to meet the following traffic management and road safety objectives are incorporated:</p> <ul style="list-style-type: none"> • Investment in convenient and safe access (footpaths and crossing points across the A52) to the village services, which are primarily on the south side of the A52 and for access to the new school across Luke Lane. These must prioritise safety for children, the elderly and those with disabilities. (see Dept of Transport document <i>Inclusive Mobility (2005)</i> which is referenced by <i>Manual for Streets</i>) and 	NPPF4: Promoting Sustainable Transport NPPF 8: Promoting healthy communities	TR1	SO9, SO10, SO14, S1, PD4, HC19, S11, EC11

	<p>take account of the requirements of the Disability Discrimination Act 1995. To achieve this an additional pelican crossing should be introduced at the required 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 installed on Luke Lane to provide safer access to the school for pedestrians.</p> <ul style="list-style-type: none"> • Ongoing funding for footpath and pavement maintenance in and approaching Brailsford village to meet the recommendations of the DfT Report '<i>Inclusive Mobility</i>¹. This would require footpaths within and approaching the western end of the village where all new development is currently planned, to be widened or restored to their original width to improve overall pedestrian safety. • New maintained cycle ways and footpaths to improve safe non-vehicular movement around the Parish and provide additional recreational facility. • Making land available for additional communal car parking to improve access to services and amenities in the village including the GP surgery and in the vicinity of the new school. These should include the provision of electrical charge points in support of future sustainable travel needs. 			
	<p>TMA2: All Planning applications should include achievable sustainable travel plans which allocate a consideration of funding for additional public transport services (bus routes) 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>NPPF4: Promoting Sustainable Transport NPPF 8: Promoting healthy communities</p>	<p>TR1</p>	<p>SO10, SO14, HC18, HC19, HC20, S1, S11</p>
Green and Open Spaces	<p>Policy GSL1: Built development will not be supported if proposed on any existing green and open spaces within the Parish, or if it would have an adverse effect on the openness or special character of existing spaces. Green spaces include the Playing Field on The Plain, the land surrounding the Institute, the allotments, the cricket field and golf course.</p>	<p>NPPF 8: Promoting healthy communities</p>	<p>L2, L3, L4 SF2,</p>	<p>SO2, SO4, SO9, SO11, S1, PD4, HC14, HC17</p>
	<p>Policy GSL2: An application will be made for the formal designation of the existing Playing Field and Children's Play Area as Local Green Space (See Appendix 3). Support for improvements to these areas including additional play facilities for the Children's Play Area will be encouraged.</p>	<p>NPPF 8: Promoting healthy communities (Paras 74-78)</p>	<p>SF2</p>	<p>SO9, SO11, S1, PD4, HC14</p>
	<p>Policy GSL3: The creation of green spaces in the heart of housing developments in the form of managed grassed space, community gardens or play areas with long term finance allocated for their maintenance will be encouraged.</p>	<p>NPPF 7: Requiring good design NPPF 8: Promoting healthy communities</p>	<p>SF2, L6</p>	<p>SO9, SO10, SO11, S1, S11, PD1, PD4, HC14</p>

¹ DfT Inclusive Mobility: A Guide to best Practice on Pedestrian and Transport Infrastructure 2005

	Policy GSL4: The provision of open spaces within new developments will be encouraged especially where these provide for public access and improve connectivity by establishing new rights of way or making accessible links to the wider footpath network and valued amenity green spaces to enhance the existing green infrastructure, with appropriate signage to encourage safe access and use of the network.	NPPF 7: Requiring good design NPPF 8: Promoting healthy communities	L6, L9, L10	SO1, SO5, SO11, S1, S11, PD1, PD4, HC14, HC15, HC17
	Policy GSL5: New developments which include the construction of new cycle-ways and bridleways with linkages to established surrounding Greenways where possible will be supported.	NPPF 7: Requiring good design NPPF 8: Promoting healthy communities	L10	SO1, SO9, SO11, SO14 S1, PD1, PD4, HC14, EC11
The Local Landscape and Wildlife	Policy LW1: Developments proposed for areas of high landscape sensitivity, and those which affect the prevailing vistas, and/or are visually prominent, will not be supported.	NPPF 11: Conserving and enhancing natural environment	SF4, NBE7, NBE8	SO2, SO4, S1, PD1, PD3, PD5, PD6
	Policy LW2: Schemes which require the removal of features of high nature conservation or landscape value, including mature trees, species-rich hedgerows, ponds and existing areas of woodland will not be supported. Developments which demonstrate that they have been designed to retain these features or propose new planting in accordance with DEFRA <i>Countryside Stewardship TER1: Planting standard hedgerow trees</i> or any subsequent government advice or requirement and comply with the guidance given in the Landscape Character Descriptions, including the planting of predominant native and disease resistant species, will be supported.	NPPF 11: Conserving and enhancing natural environment	NBE3, NBE4, NBE5, NBE6, NBE24	SO2, SO4, S1, PD3, PD5, PD6
	Policy LW3: All new areas of open, amenity or recreational green space and flood attenuation ponds required as part of new developments should be designed to encourage nature conservation and biodiversity, with suitable longterm maintenance plans put in place by the developer to ensure their safe retention.	NPPF 11: Conserving and enhancing natural environment	NBE26	SO2, SO4, SO5, S1, PD3, PD5, PD6, PD7, PD8
	Policy LW4: Reduced lighting or low level lighting systems should be encouraged where lighting is an essential requirement for safety to ensure that these do not cause unnecessary light pollution in this rural setting, which would be potentially damaging to local fauna and reduce the existing local 'dark sky' amenity established by the CPRE mapping.	NPPF 11: Conserving and enhancing natural environment		SO4, SO5, SO10, S1, S5, PD9
Community Wellbeing - Improving Amenities	Policy CW1: Development which would result in the loss of a community facility, such as a major change of use, e.g. from community use such as a pub to retail or domestic use will not be supported.	NPPF 8: Promoting healthy communities	S11, S12	SO8, SO10, S9, S10, HC15
	Policy CW2: Development proposals which would result in the over subscription of facilities and services, such as the GP Surgery, will not be supported unless: <ul style="list-style-type: none"> It can be demonstrated that suitable alternate provision exists in the immediate area to serve the community; or 	NPPF 8: Promoting healthy communities	S12	SO9, S9, S10, HC15:

	<ul style="list-style-type: none"> • Suitable alternative provision is included in the development proposal itself. 			
	<p>Policy CW3: Small-scale development and development in proposals within the settlement boundary proposed by the emerging Local Plan will be supported where they can provide and identify investment for the following:</p> <ul style="list-style-type: none"> • 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 • Land allocation and the provision of additional community parking facilities, especially to support the GP surgery, PO and Shop • Additional facilities, especially those identified by local people such as: <ul style="list-style-type: none"> ○ Youth Club facilities ○ Improved and extended children’s play area ○ Extended outdoor sports provision – the maintenance of the existing football pitch, land for a tennis court and/or outdoor bowls ○ Sustained maintenance of public footpaths and more accessible cycle ways ○ Retention and extension of the allotments. ○ Sustained maintenance of public footpaths and more accessible cycle ways ○ Retention and extension of the allotments. 	NPPF 8: Promoting healthy communities	S11, S12, CS1, CS3, L2	S09, HC14, HC15, HC17, S9, S10, PD1
	<p>Policy CW4: New small-scale development or the conversion of redundant buildings to provide additional facilities in the Parish such as new retail outlets or small business units to encourage employment will be supported, including the provision of live-work space.</p>	NPPF 3: Supporting a prosperous rural economy	EDT6	S09, S015, S5, S6, S9, S10, EC1

5. Compliance with Strategic Local Policy

- 5.1 Preparation of the Brailsford Neighbourhood Plan has included discussion with Officers and elected members of DDDC.
- 5.2 Reference has been made to the 2005 Saved Policies and to the vision and objectives of the DDDC Local Plan when defining the Policies of the Brailsford Parish Neighbourhood Plan.

6. Compliance with EU Obligations

Strategic Environmental Assessment

- 6.1 During the preparation of the Brailsford Plan reference was made to the guidance for Neighbourhood Planning produced by the Dept. of Communities, Housing and Local Government (DCHLG). When the guidelines relating to the need for an SEA (Strategic Environmental Assessment) were applied to Brailsford it appeared that this level of assessment was not required because the Neighbourhood Plan is not likely to have any significant impact on the environment other than that already assessed as part of the Sustainability Appraisal for the Local Plan.

Confirmation has been sought from DDDC.

EU Habitats Regulations

- 6.2 The Neighbourhood Plan is not in close enough proximity to any European designated nature sites to warrant an Appropriate Assessment under the EU Habitats Regulations.

EU Regulations and Directives on Equality

- 6.3 The following are believed to apply:
 - Articles 20-26
 - European Social Charter
 - Directive 2004/113/EC Equal Access to Goods and Services
 - Racial Equality Directive 200/78/EC
 - Charter of Fundamental Rights of the EU.
- 6.4 The main issues to be considered are providing equal opportunity across genders, race and age groups, protecting and mitigating the right to family life and preventing all discrimination.
- 6.5 The Brailsford Neighbourhood Plan has been based on the responses of the community from an all-Parish survey and a series of consultation sessions held during the preparation period (see Consultation Statement).
- 6.6 The Plan makes positive contributions to equality, such as:
 - seeking to provide housing to meet the needs for older people, those wishing to self-build or extend existing property, or for young people wanting to buy their first home
 - improving safety within the community

- providing green and open space to encourage participation in sport and physical activity
- to protect and/or enhancing the natural environment for the enjoyment of all age groups and to mitigate the impact of climate change
- ensuring the provision of adequate community facilities to support a high standard of health and wellbeing for all parts of the community.

6.7 The population profile shows that there are not significant numbers of people who do not have English as a first language and it has therefore not been considered necessary to produce consultation material in languages other than English.

6.8 The Development Group therefore believes that the requirement to ensure consistency with the fundamental rights and freedoms guaranteed under the relevant Equality legislation has therefore been met and an Equality Impact Assessment Report has not been specifically prepared.