



# **Parish of Repton Neighbourhood Development Plan 2016-2028**

**A report to South Derbyshire District Council**

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**20 March 2018**

## Executive Summary

I was appointed by South Derbyshire District Council on 30 January 2018, with the agreement of Repton Parish Council, to carry out the independent examination of the Parish of Repton Neighbourhood Development Plan 2016-2028.

The examination was completed solely on the basis of the written representations received, no public hearing appearing to me to have been necessary. I made an unaccompanied visit to the area covered by the Plan on 20 February 2018.

The Parish Council, as the appropriate qualifying body for the preparation of the Plan, state that their vision is *“to ensure that the parish of Repton continues to be a vibrant, pleasant, sustainable and safe place in which to live, with facilities that meet the needs and aspirations of the people who live and work there”*. The Plan contains detailed policies which are designed to realise that vision, and I am satisfied that, in so doing, it accords in principle with relevant national and local planning policies, while at the same time reflecting the result of the comprehensive local consultation exercises which the Parish Council carried out before settling on the final draft of the Plan.

Subject to a number of recommendations (principally for changes to the way in which certain policies are expressed), I have concluded that the Parish of Repton Neighbourhood Development Plan meets all the necessary legal requirements at this stage of its preparation, and consequently am pleased to recommend that it should proceed to referendum.

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[note: some of the policy titles shown here have been re-worded as per my recommendations; *these are shown in italics*. Policies T2 and T3 are recommended to be deleted and placed under a separate heading of “Community Aspirations”].

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## Introduction

1. This report sets out the findings of my examination of the Parish of Repton Neighbourhood Development Plan (the RNP), submitted to South Derbyshire District Council (SDDC) by the Repton Parish Council. The Neighbourhood Area for these settlements (which includes the hamlet of Milton) is the same as the Parish boundary.
2. Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to help local communities shape the development and growth of their area, and the intention was given added weight in the National Planning Policy Framework (NPPF) in 2012, which continues to be the principal element of national planning policy. Detailed advice is provided by Planning Practice Guidance (PPG) on neighbourhood planning, first published in March 2014 and periodically updated.
3. The main purpose of the independent examination is to assess whether or not the Plan satisfies certain “basic conditions” which must be met before it can proceed to a local referendum, and also whether it is generally legally compliant. In considering the content of the Plan, recommendations may be made concerning changes both to policies and any supporting text.
4. In the present case, my examination concludes with a recommendation that the Plan should proceed to referendum. If this results in a positive outcome, the NP would ultimately become a part of the statutory development plan, and thus a key consideration in the determining of planning applications relating to land lying within the NP area.
5. I am independent of the Parish Council and do not have any interest in any land that may be affected by the Plan. I have the necessary qualifications and experience to carry out the examination, having had 30 years’ experience as a local authority planner (including as Acting Director of Planning and Environmental Health for the City of Manchester), followed by over 20 years’ experience providing training in planning to both elected representatives and officers, for most of that time also working as a Planning Inspector. My appointment has been facilitated by the Independent Examination Service provided by Trevor Roberts Associates.

## Procedural matters

6. I am required to recommend that the RNP either
  - be submitted to a local referendum; or
  - that it should proceed to referendum, but as modified in the light of my recommendations; or
  - that it not be permitted to proceed to referendum, on the grounds that it does not meet the requirements referred to in paragraph 3 above.
7. In carrying out my assessment, I have had regard to the following principal documents (“CEF” being a reference to Consultation Evidence Files submitted with the Plan):
  - the submitted RNP (CEF 1)
  - the RNP Basic Conditions Statement (CEF4)
  - the RNP Consultation Statement (CEF3)
  - detailed justification of policies (CEF5)
  - links to existing planning documents (CEF5a)
  - Repton Village Design Statement (CEF9)
  - evidence paper for each theme (CEF31)

- the RNP Strategic Environmental Assessment Screening Report
  - the representations made under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended)
  - selected policies of the adopted development plan for South Derbyshire
  - relevant paragraphs of the NPPF (March 2012)
  - relevant paragraphs of the PPG (March 2014 and updates).
8. I carried out an unaccompanied visit to the Plan area on 20 February 2018, when I looked at the overall character and appearance of the two settlements (together with their wider context) and at some of those areas affected by specific policies in the Plan.
9. There is a general assumption that neighbourhood plan examinations should be carried out on the basis of written representations only. Having considered all the information before me, including the representations made to the submitted plan, I have been satisfied that the RNP could be examined without the need for a public hearing (and it should be noted that there were no representations to the contrary).

### **The Parish of Repton**

10. Repton is well described in the introduction to the Neighbourhood Plan as “a rural parish, set in undulating countryside”. At the time of the last census, it was home to around 2867 residents living in 1086 households. Most people live in Repton itself, with only about 80 households being in Milton. Each settlement has a long history and a distinctive character, which the RNP is keen to acknowledge and preserve. The general shape of the landscape reflects this objective: the road between the two settlements, for example, crosses a noticeably higher and level area of agricultural land which means that neither settlement is readily seen from the other, even though they are only around 1½ miles apart. Each village has a long history, something that is clear from the range of architectural styles on display, and the fact that Milton, a linear hamlet, has 7 listed buildings; Repton has 39 (six being designated Grade 1), most lying within a conservation area.
11. Policy H1 of the adopted South Derbyshire Local Plan, which deals with the settlement hierarchy for the District, designates Repton as one of 10 “Key Service Villages”, being appropriate in principle for development of all sizes, since such villages “offer a degree of self-containment in terms of availability of everyday services and facilities”, including public transport (there is a railway station at Willington, about 1½ miles away to the north). Derby, Burton-on-Trent and Swadlincote are relatively easily accessible, due to the proximity of the major A50 and A38 trunk roads. By definition, it can therefore be said that development within the settlement boundaries would be considered broadly “sustainable” in terms of national policy.
12. In common with many similar villages, Repton has experienced significant residential growth in recent years, with not all of that development demonstrating careful attention to its historic and architectural context. At the same time, there has been a gradual loss of local services (the Plan records the village losing a surgery, paper shop, public toilets, bank, building society, hardware shop, pharmacy and The Dales residential home for the elderly). A monthly mobile service has replaced the original library. However, there remain four pubs, a post office, two retail shops, a dentist and a few other services, together with three food takeaways and a tearoom. There are also two nurseries, a primary school, a private preparatory school and the well-known independent Repton School. Each settlement has a village hall, which are the venues for a wide range of local activities.

## The basic conditions

13. I am not required to come to a view about the ‘soundness’ of the Plan (in the way which applies to the examination of local plans); instead I must principally address whether or not it is appropriate to make the Plan, having regard to certain “basic conditions”, as listed at paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The requirements are also set out in paragraph 065 of the Planning Practice Guidance<sup>1</sup>. I deal with each of these conditions below in the context of the RNP’s policies but, in brief, all neighbourhood plans must:
- have regard to national policy and guidance [Condition (a)];
  - contribute to the achievement of sustainable development [Condition (d)];
  - be in general conformity with the strategic policies in the development plan for the local area [Condition (e)];
  - not breach, and otherwise be compatible with, EU obligations, including human rights requirements [Condition (f)];
  - not be likely to have a significant effect on a European site (as defined in the *Conservation of Habitats and Species Regulations 2010*) or a European offshore marine site, either alone or in combination with other plans or projects; and
  - comply with any other prescribed matters.
14. The Basic Conditions Statement (BCS) prepared in connection with the RNP is dated May 2017. This statement, which is required under section 15 of the Neighbourhood Planning Regulations 2012, has been produced by the Plan’s Working Group, on behalf of the Parish Council. It summarises the key legal requirements associated with the submission of the Plan to SDDC, and then seeks to address the Basic Conditions themselves. [The BCS mis-numbers the four conditions (a), (d), (e) and (f) as (a), (b), (c) and (d) respectively. In the following paragraphs, my observations relate to the correct references].
15. The main part of the BCS deals first with Condition (e). There is comment about the alignment of the RNP with Part 2 of the South Derbyshire Local Plan (SDLP) but no detailed or systematic assessment of “general conformity with the (area’s) strategic policies”, many (indeed most) of which are likely to be contained within Part 1 of the SDLP, which was adopted in June 2016. Many neighbourhood plans choose to show their compliance with Condition (e) by including in the BCS a simple schedule showing the relationship between each policy and relevant policies in the Local Plan (as the RNP itself does in relation to the NPPF – see below), but this has not been done in the present case.
16. I have noted, however, that supporting document CEF5a includes a full commentary on the relationship between the RNP’s policies and the Local Plan. While not in a formal sense part of the Basic Conditions Statement, I consider that it provides sufficient evidence that the RNP would be in general conformity with the strategic policies for the area. With the exception of comments made at the Regulation 16 stage by Gladman Developments (which I deal with later in my report), no representations have been made to the effect that Condition (e) is not met. For the avoidance of doubt, no representations on the matter have been made by SDDC.
17. In one respect, the BCS has been overtaken by events in relation to the Local Plan. This concerns the issue of the settlement boundary and housing proposals in the area of Milton Road, on the eastern edge of Repton village. At the time the RNP was submitted, SDLP Part 2

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<sup>1</sup> Reference ID: 41-065-20140306

was not adopted (this happened in November 2017); in its conclusions, the BCS reflects this by accepting that RNP Policy H1 conflicts with the draft Local Plan, adding that attempts were to be made to resolve the problem. The Consultation Statement (Section 9) deals with the history and eventual resolution of this matter at some length, and I return to it in more detail below.

18. Basic Condition (a) is then addressed. This is done helpfully by means of a schedule of relevant National Planning Policy Framework paragraphs and a list of those RNP policies which are said to “conform” to them. Finally, there are brief comments in relation to Basic Condition (f). There is no explicit reference to Condition (d).
19. With hindsight, it would have been helpful to this examination had the BCS been more forensic in its exploration and description of the Plan’s compliance with the statutory requirements. However there is no prescribed form which a Basic Conditions Statement should take, and I make no further comment on the matter, other than to say that I have generally addressed the issue by considering each policy with the Basic Conditions in mind, and made any specific recommendations accordingly.

### **Other statutory requirements**

20. A number of other statutory requirements apply to the preparation of neighbourhood plans, all of which I consider have been met in this case. These are:
  - that the Parish Council is the appropriate qualifying body (*Localism Act 2011*) able to lead preparation of a neighbourhood plan;
  - that what has been prepared is a Neighbourhood Development Plan, as formally defined by the Localism Act; that the plan area does not relate to more than one Neighbourhood Area; and that there are no other neighbourhood plans in place within the area covered by the plan;
  - that the Plan period must be stated (which in the case of the RNP is confirmed as covering the period 2016 to 2028); and
  - that no “excluded development” is involved (this primarily relates to development involving minerals and waste and nationally-significant infrastructure projects).
21. A screening report is required in order to determine whether the Plan needs to be accompanied by a Strategic Environmental Assessment (SEA), under the terms of the Environmental Assessment of Plans and Programmes Regulations 2004. It is the qualifying body’s responsibility to undertake any necessary environmental assessments, but it is the Local Planning Authority’s responsibility to engage with the statutory consultees.
22. SDDC duly carried out a screening exercise on the pre-submission (version 24) of the RNP, and their conclusions, contained in a detailed statement dated April 2017 and summarised in an accompanying letter, are that the Plan would be unlikely to have any significant environmental effects, and thus that no SEA is required. A similar conclusion is reached in relation to the Habitats Regulations. The responses from the relevant statutory consultees (Natural England, Historic England and the Environment Agency) support that assessment, and I have no reason for taking a different view.
23. It is a requirement under the Planning Acts that policies in development plans (including neighbourhood plans) must relate to “the development and use of land”, whether within the Plan area as a whole or in some specified part(s) of it. I am satisfied that that requirement is

generally met, although I have some observations to make about whether certain policies ought more appropriately be described as “aspirations”, to be identified separately in the Plan: these are the subject of specific recommendations.

### **National policy**

24. National policy is set out primarily in the National Planning Policy Framework (NPPF), a key theme being the need to achieve sustainable development. The NPPF is supported by Planning Practice Guidance (PPG), an online resource which is continually updated by Government. I have borne particularly in mind the advice in the PPG<sup>2</sup> that a policy in a neighbourhood plan should be clear and unambiguous, concise, precise and supported by appropriate evidence.

### **The existing Development Plan for the area**

25. The adopted development plan for the area consists of the two parts of the South Derbyshire Local Plan (SDLP). Part 1 covers the period 2011 to 2028 and is the strategic element of the Plan, setting the vision, objectives and strategy for the spatial development of South Derbyshire. It also sets out the scale of housing and employment development required within the District over the plan period, allocates strategic sites and contains policies used in the determination of planning applications. Part 2 includes other (non-strategic) housing allocations and detailed development management policies. Part 1 was formally adopted on 13 June 2016, and Part 2 on 2 November 2017. For convenience, throughout my report I will refer to these simply as parts of the (adopted) Local Plan.

### **The consultation exercise (Regulation 14)**

26. This regulation requires the Parish Council to publicise details of their proposals “in a way that is likely to bring [them] to the attention of people who live, work or carry on business in the area”, and to provide details of how representations about them could be made. Regulation 15 requires the submission to the Local Planning Authority of a statement setting out the details of what was done in this respect, and how the qualifying body responded to any matters which arose as a result of the consultation process.
27. The Consultation Statement was prepared in July 2017, following some recommendations by SDDC in respect of an earlier version. It is a comprehensive record of the Working Group’s approach to involving the local community in the production of the Plan, beginning with a brief history of various activities within the Parish designed to engage local people in planning and related matters, and it is supported by a Consultation Evidence File which records the details of the various exercises and the results obtained. A well-designed series of links from the Repton Village website makes it a straightforward matter to access all the relevant material.
28. An important milestone was the production of a Village Design Statement (2006), which has been used as a starting point for the preparation of the RNP itself. The Consultation Statement records the fact that over 100 households contributed to its development, involving three drafts before its finalisation and submission to SDDC as “a document to provide additional planning guidance”. The VDS was updated in October 2016, to correct what were described as factual inaccuracies, and it is clear that a great deal of the background

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<sup>2</sup> At paragraph 041. ID: 41-041-20140306



thinking and evidence-gathering needed for the RNP has its origins in this earlier exercise, and that it has continuing validity.

29. I have no need to summarise the various stages that the consultations on the RNP itself went through before the final draft was settled, short of recording that the first public event was held in April 2015, followed by comprehensive exercises at each key stage, including public meetings and discussions; questionnaires to all households and businesses in the Parish, as well as public access points; drop-in sessions; engagement with local children and clubs; and specific consultation with statutory bodies. Close contact has also been maintained with officers of the District Council.
30. I am more than satisfied, having read the Consultation Statement, that the requirements of Regulation 14 have been fully met.

### **Representations received (Regulation 16)**

31. The only representations made in response to the submitted Plan are from Gladman Developments Ltd, who are “concerned that the Plan in its current form does not comply with basic conditions (a), (d) and (e).....does not conform to national policy and guidance and.....does not contribute to the achievement of sustainable development”.
32. Gladman make specific objections to Policies H1 and H2, and I will respond to these concerns under the relevant headings below. I am not altogether clear whether some of the other matters they raise are to be treated as objections to the RNP in their own right, in particular:
- they comment that “recent PPG updates make clear that neighbourhood plans should conform to national policy requirements and take account (of) the latest and most up-to-date evidence of housing needs.....”. Gladman do not say to which PPG updates this observation relates, but they put no evidence forward to suggest that the RNP has failed to have proper regard to the housing requirements for the area. I would also point out that Basic Condition (a) will have been met so long as it can be shown that a neighbourhood plan “has regard” to national policies and advice, there being no requirement that it must “conform” in those terms;
  - there is an implication that NPPF paragraph 16, dealing with the presumption in favour of sustainable development, is not addressed (or not adequately addressed) by the Plan, but again no further explanation is given. Basic condition (d) requires evidence that a neighbourhood plan “contributes to the achievement of sustainable development”, with no further guidance as to what that contribution might be or how the extent of it might be assessed and demonstrated. This position is consistent with the limited role of neighbourhood plans (including the general need to “plan positively” referred to in NPPF paragraph 16), as compared with the much wider remit of local plans. This is not at odds with the first bullet-point of paragraph 17 of the NPPF, also referred to by Gladman, which calls for “*succinct local and neighbourhood plans setting out a positive vision for the future of the area*” which “*provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency*”;
  - there is a reference to a PPG update (19 May 2016) to the effect that “where a qualifying body intends to undertake a review of the neighbourhood plan, it should include a policy relating to this intention.....”. It is the case that RNP does not include

such a policy, but since nowhere in the Plan is there any reference to a review, this objection (if that is what it is) seems to be irrelevant;

- finally, Gladman say that the PPG “makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded”, and this leads them to have reservations about the Plan’s ability to meet basic condition (a). The quotation is not referenced, but appears to be a version of paragraph 044, which reads: “*blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence*”. This is taken from the section in the PPG dealing with rural housing. Gladman do not expand upon their suggestion that the RNP might conflict with this advice, and so I make no general comment of my own at this point.

33. I have some specific recommendations to make in due course in respect of RNP policies H1 and H2.

### General observations about the Plan

34. The following comments may be helpful in understanding the way I have approached my report on the Plan and the observations and recommendations which I make upon it:

- the NP Working Group have spent considerable time and energy, in full consultation with the local community at large, in identifying the issues and objectives that they wish to include in the Plan, and this entirely reflects the aims of the “localism” agenda;
- the recommendations I make concentrate on the policies themselves, since that is what the basic conditions relate to; as already noted, I have also thought it desirable to draw attention to certain deficiencies in the Basic Conditions Statement;
- the Plan properly focuses on land use policies, reflecting Planning Practice Guidance, but again I have some recommendations about how some of these are expressed (and, in some cases, whether they should be described more accurately as aspirations);
- I have addressed the policies in the order that they appear in the submitted plan. I have set out my views about each of them, irrespective of whether or not any modification is thought necessary;
- my recommendations for changes to the policies and any associated or free-standing changes to the text of the Plan are highlighted in ***bold italic print***.

35. The Foreword to the Plan sets the context by stating that “*The parish of Repton is a rapidly changing area, but investment and change will only be worthwhile if it makes a positive contribution to the lives of local people and the future of its community*”. It continues by emphasising the degree of local support for this ambition, recording the decision of the Parish Council to set up a steering committee to oversee the detailed activities of the volunteer working group. It also explains how access can be had to the large number of background documents supporting the Plan’s preparation.

36. The Plan itself is split into two sections: the first explains the relationship between the Neighbourhood Plan and the wider planning system; provides a detailed description (including

the interesting history) of Repton and Milton; and then sets out the broad vision and detailed objectives which underpin the Plan's policies. Section 2 contains the policies themselves.

These are grouped as follows:

- housing
- open spaces / environment
- amenities / services
- community, leisure and employment
- travel and transport.

37. The document as a whole is set out in a logical manner, with generally a clear distinction throughout between the policies themselves and the contextual material (although I consider that there is room for improvement in this respect, and I make a specific recommendation on the point below). It contains a set of seven maps, mostly prepared to a high standard, which relate to appropriate policies. Three bar-charts explain some of the social characteristics of the resident population, and the Plan is illustrated throughout with attractive illustrations prepared by a local artist.

### **The vision**

38. The overall vision is *"to ensure that the parish of Repton continues to be a vibrant, pleasant, sustainable and safe place in which to live, with facilities that meet the needs and aspirations of the people who live and work there"*. Six "Guiding Principles" are then set out, which may be summarised as:
- the preservation of the separate identities of Repton and Milton;
  - the preservation and enhancement of the villages' landscape and historic features and setting;
  - ensuring that new development is sympathetic to its context;
  - the creation of a parish that has a minimum impact on the natural environment;
  - the need to sustain the vitality, health and safety of the community; and
  - a desire to reduce reliance on the private car.
39. Each of these goals is then described in more detail before "Core Objectives" are set out, grouped under the five policy heads.

### **The policies**

#### *General comments*

40. I have previously drawn attention to the advice in paragraph 041 of the PPG, to the effect that a policy in a neighbourhood plan should be clear and unambiguous, concise, precise and supported by appropriate evidence.
41. One aspect of this consideration is the description of the policies themselves. As drafted, some of the RNP's 21 policies have titles which incorporate the *intentions* of the policy: as a general rule, I consider that all the titles should be neutrally expressed. As an example, Policy T1 as drafted reads "New development to provide parking on-site for occupants and visitors": my recommendation is to change this simply to "Car parking in new developments". I have also referred earlier to the desirability of separating out clear land-use policies from more generalised aspirations.

42. These two conclusions on the way policies ought best to appear in the RNP are developed in detail (where appropriate) below.
43. In addition, the policies as drafted are printed in a mixture of bold capital, bold lower-case and light lower-case letters. This is occasionally confusing. There is a general need for the policies themselves and the preceding material which supports them to be more clearly differentiated. One common way this is done is by means of a shaded “box” or something similar (this report adopts the device), **and I recommend that this improvement be made, in the interests of clarity.**

#### Policy H1: The limits of development

44. The primary objective of this policy is to ensure that the distinctiveness of the two villages of Repton and Milton is maintained. It was clear from my visit that the physical relationship between the two built-up areas and the surrounding countryside is a critical one in this respect – due to the many changes in levels, views of the surrounding open land are rarely far away.
45. Settlement boundaries for both villages are defined in Appendix A to Part 2 of the Local Plan; however, while the envelopes shown for Milton in the RNP and the SDLP are identical, there is a difference in relation to those drawn up for Repton. My understanding of the background to this mis-match is as follows:
- there is broad consistency between the RNP and the SDLP in relation to Repton - in particular, the settlement boundary reflects the allocations of land at Longlands for the construction of around 124 dwellings (Part 1 policy H9) and at Mount Pleasant Road for about 24 dwellings (Part 2 policy 23H). It was clear to me from my visit that development of these areas is now well-advanced;
  - part 2 of the SDLP also allocates land at Milton Road for around 25 dwellings (policy 23G). The policy limits built development to the area lying to the south of a public right of way which bisects the site roughly 60-40 along an east-west alignment, the remainder being effectively designated as open space<sup>3</sup>;
  - a web-search indicates that on 16 May 2017, the Council granted outline planning permission for up to 25 dwellings on this land (ref: 9/2016/1118). This was accompanied by an illustrative layout showing that all the proposed development would take place on the land to the south of the right of way, in accordance with the restriction set out in policy 23G;
  - the plan accompanying the submitted version of the RNP (under policy H1) is at odds with the adopted settlement boundary for Repton shown in the appendix to the Local Plan, since it proposes the removal of the “open space” element of the Milton Road site from the designated boundary of the village.
46. I inspected the site on my visit to the village. It is partially screened from Milton Road by hedgerows and trees (no doubt more effectively later in the year), but cannot be seen from Burdett Way, a road consisting of bungalows and dormer-bungalows immediately to

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<sup>3</sup> The sixth bullet-point of the policy reads “open space to be provided north of the public right of way”

the west. The land as a whole dips gently from north to south and from east to west and despite the existence of the track across it, it has the appearance of one parcel of rough grazing, with hedgerows to its northern, southern and eastern boundaries creating a sense of unity and enclosure. In my view, this supports the argument for treating the whole of the site as lying within the village envelope.

47. Section 6.1.1 of the RNP and Part 9 of the Consultation Statement record that there was considerable local opposition to the Milton Road proposal, which also was expressed during the examination into Part 2 of the Local Plan. The Neighbourhood Plan Working Group have been very clear that, given the strength of feeling locally about the whole issue of extending the settlement boundary of the village, they had no mandate to accept its modification so as to include the totality of the Milton Road site<sup>4</sup>.
48. Gladman Developments consider that the discrepancy between the two plans results in a failure of the RNP to comply with Basic Condition (e). I do not agree with that assessment. The condition requires “*general* conformity with the *strategic* policies in the development plan for the area” [my emphases]: given those clear guidelines, it does not seem to me that the relatively minor difference in the two boundaries is of such a scale or significance that the policy risks failing to satisfy Condition (e) for that reason. No other conditions are engaged.
49. Nevertheless, there is, scope for confusion if the issue is not addressed, especially given the fact that the SDLP has only recently been adopted. The RNP would take precedence over the SDLP once the Plan were “made” (s.38(5) of the Act), but it would be in the broader public interest if the conflict were avoided entirely. ***I therefore recommend that the settlement boundary be brought into complete alignment with that of the adopted Local Plan, by the inclusion of all the land identified under SDLP policy 23G.***

## Policy H2: Development within settlement confines

50. This policy states that “*development should take place within the limits of development for Repton and Milton as defined in policy H1 above. A development proposal for infill development and the conversion of existing buildings will be supported where it has been demonstrated that.....*” (followed by a series of criteria). A preamble is set out in paragraph 6.1.3, but instead of restricting itself to an explanation of or justification for the policy (as would be the normal expectation in development plan documents), it more or less repeats the policy itself, albeit using somewhat different wording and, confusingly, duplicating some requirements but not all of them.
51. Gladman suggest that policy H2 is “not in complete conformity with the policies of the development plan” because SDLP policy BNE5 (Development in Rural Areas) sets out five criteria which describe the circumstances in which development *outside* defined settlement boundaries would be permitted. I accept that this is potentially a more strategic point; however, there is no obligation for a neighbourhood plan to replicate current Local Plan policies (indeed, there is general advice that duplication of policies should be avoided in the development plan system), and I therefore do not take the view that the absence of any reference to the permitted exceptions to policy H2 in the SDLP results in a failure of the RNP to meet the requirements of Basic Condition (e).

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<sup>4</sup> My understanding on this point is that this conclusion was reached before Part 2 of the SDLP was adopted in November 2017

52. That said, and in the light of the historic significance of this general issue to the local community, it seems to me that greater certainty over the full implications of policies H1 and H2 would be achieved were Gladman's suggested re-wording of H2 to be adopted in principle. More generally, I am satisfied that the intended concentration of development within the two villages accords with the presumption in favour of sustainable development set out in paragraph 14 of the NPPF.
53. ***I therefore recommend that no alteration be made to policy H2, but that the preamble to it (paragraph 6.1.3) be re-drafted so as to:***
- a) restrict it to setting out the policy objective, ie of integrating small new housing developments within the villages; and***
  - b) include the following: "Outside the settlement boundaries defined in policy H1, proposals for development will be assessed against the requirements of policy BNE5 of the adopted South Derbyshire Local Plan".***
54. I note here that SDLP policy H1 (Settlement Hierarchy), in identifying Repton as a Key Service Village, says that "development of *all sizes* within the settlement boundaries will be considered appropriate" [my emphasis]. On the face of it, this might be seen as being in conflict with the tenor of the criteria under RNP policy H2, which has a clear emphasis on small-scale schemes and infill sites. However, no objection to the policy has been made by SDDC and in practice I am satisfied that the other criteria it contains are sufficient to ensure that all proposals for new building within the village (and within Milton) would be assessed in accordance with established detailed planning guidelines. I also note, from my visit to the area and an examination of the maps accompanying policy OS1, that most (if not all) of the larger undeveloped areas within Repton are either school grounds or are to be safeguarded from development.

### **Policy H3: Retention of The Dales site and Fisher Close for elderly accommodation**

#### ***Recommended re-wording: "Accommodation for elderly people"***

55. This policy seeks to ensure that the Plan makes suitable provision for the ageing population of the Parish by advocating the redevelopment for this purpose of a site known as The Dales, a residential care centre which document CEF5 says closed in 2013, and the retention of land at Fisher Close<sup>5</sup> for sheltered accommodation. I noted from my visit that these two locations are close to each other, a short distance from the village hall; however, neither is **identified on a map, and I recommend that this omission be rectified.**
56. I am satisfied that there is a local evidence base for a policy such as this, as well as more general support in the NPPF (including at paragraph 50). I have noted Derbyshire County Council's letter to SDDC dated 12 August 2016 which comments on the pre-submission consultation draft of the RNP, and suggests a re-wording of the policy (at that time covered by the then policies H5 and H6). The re-wording was essentially designed to ensure that viability considerations were taken into account in the proposed allocations, but this has not been adopted by the RNP Working Group in the final draft of the Plan.
57. There has been no formal objection to the policy by the County Council. However, there needs to be greater clarity about what it means in development management terms. As it stands, it reads as an aspiration ("The Dales, Repton, *should* be redeveloped...", and "Fisher Close,

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<sup>5</sup> CEF5 describes this as "the area around Fisher Close (remaining) allocated for sheltered housing"

Repton, should be retained...."). ***I recommend a re-wording which makes it clear that The Dales site is allocated for elderly accommodation, and that the existing allocation of land for this purpose in the Fisher Close area is to be retained.***

#### Policy H4: Housing mix

58. It is clear from the consultation process that there is significant backing within the Parish for a policy which seeks to satisfy unmet needs for affordable homes for young families, young people generally and for older residents. Policy H4 would support such an objective, and in this respect it reflects NPPF paragraph 50 and gives local expression to SDLP policy H20.
59. I do, however, have some concern about the way the first sentence of the policy is worded: it reads "New housing development proposals should provide for a recognised housing need in the parish", which could be taken to mean that all housing proposals would have to pass that test. This may not have been the intention, but such an interpretation may cut across the general presumption in favour of sustainable development set out in paragraph 14 of the NPPF. Moreover, I have not been given any empirical evidence to support such a rigorous approach.
60. ***I therefore recommend that a small modification be made to the first sentence of policy H4, such that it reads: "New housing development proposals should, wherever feasible, contribute towards meeting recognised housing needs in the parish", with the rest of the policy remaining as drafted.*** With this amendment, I consider that the policy meets the Basic Conditions.

#### Policy H5: Design of new developments to be of high quality

***Recommended re-wording: "Design of new developments"***

61. Policy H5 sets out a series of expectations for new development within the Parish. The intention of improving the quality of the built environment is squarely supported in both the NPPF and the Local Plan, and consequently the policy satisfies the Basic Conditions. It properly emphasises the need for schemes to reflect their context and, in particular, to have regard to guidance set out in the Village Design Statement.
62. I have two minor recommendations, however: the fifth bullet-point would require schemes to demonstrate "quality for residents", which is very imprecise. ***This requirement should be either clarified or deleted.*** The seventh bullet-point requires proposals to "ensure that they have appropriate grass verges or open spaces", which might be taken to mean that *all* schemes will be expected to incorporate such features. ***I recommend that the seventh bullet-point be deleted, and that the sixth be re-worded: "integration of new proposals into the village and landscape setting, including the provision of grass verges or open spaces where appropriate".***

## Policy H6: Design of adequate car parking to fit in with the character of the proposed development

**Recommended re-wording: “Design of car parking”**

63. Policy T1 requires adequate car parking provision in new developments. Policy H6, to summarise it, seeks to ensure that the design of such parking is appropriate to its context. The policy meets the Basic Conditions – however, as drafted, its requirements relate both to new housing schemes and to (all) extensions to existing housing: since these are generally small in scale, the policy would be too onerous in many cases, and sometimes impracticable. ***I therefore recommend that the policy begin by saying “new housing and (where appropriate) extensions to existing properties.....”.***
64. In addition, the second bullet-point states: “provision to be appropriate to the size of the house, as defined above”. I take this to be a reference to the preamble to the policy (paragraph 6.1.11), which sets out detailed requirements related to the number of bedrooms. These are significant development management requirements which ought to be seen to be part of the policy itself, rather than something which supports or justifies it. Furthermore, these considerations belong more appropriately to policy T1, which is about the adequacy of parking provision rather than its design. ***I therefore recommend that the second bullet-point be deleted.*** I will return to the point later when dealing with policy T1.

## Policy OS1: Protection of existing open spaces

**Recommended re-wording: “Local Green Spaces”**

65. Paragraph 6.2.1 of the Plan records the fact that there is considerable local support for policies to protect existing local open spaces within the settlements, and it goes on to list nine areas to be preserved as Local Green Spaces, a term which derives from NPPF paragraph 77. This states that there are three criteria for such designations, namely:
- *where the green space is in reasonably close proximity to the community it serves;*
  - *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and*
  - *where the green area concerned is local in character and is not an extensive tract of land.*
66. I have no reason to doubt the conclusions of the assessments that have been carried out in order to satisfy those criteria. I made a point of seeing most of the sites in question on my visit to the villages, to the extent that they could be viewed from the public highway. Many of them are small green areas intimately associated with the housing which encloses them, with a concentration around the small stream which passes along an attractive shallow valley in the centre of Repton which continues southwards to define the eastern edge of Milton. These green areas clearly add greatly to the character of the villages.
67. The policy appropriately states that development is ruled out on these areas, other than in very special circumstances. However, in order to make the implications of the policy clearer, ***I recommend that each of the nine sites is numbered and that that these references are***



**marked on the two maps.** As a footnote, the map bases on my copy of the Plan were a little difficult to read, so any sharpening of the images would also be a useful improvement. In addition, the maps (which are presently untitled) should make it clear that they relate to Repton and Milton respectively.

**Policy OS2: The visual impact of new development on views from the countryside must be minimised**

**Recommended re-wording: “The impact of new development on views of and from the countryside”**

68. The preamble to this policy makes it clear that the concern relates to views both into and out of the villages. For this reason, I have recommended a re-wording of the policy’s title, as set out above.
69. There is no issue arising in relation to the Basic Conditions; however, as drafted, the policy requires an assessment to be made “....to show how *the* negative visual impact will be minimised...”, which appears to pre-suppose the inevitability of harm. ***I recommend that the word “the” be replaced by “any”.*** In addition, the preamble contains a significant and specific statement which ought properly to be within the policy itself: “Development which impinges on the skyline or which results in significant blocking of views of the historic centre of Repton, including St Wystan’s Church and The Cross, should not be permitted”. ***I recommend that this sentence be made part of policy OS2 and, in order to make the intention firmer, that the word “should” be replaced with “will”.***

**Policy OS3: Important trees and hedgerows**

70. This policy seeks to protect important trees and hedgerows from loss or damage as a result of development. The objective clearly meets Basic Condition (a) (according in particular with NPPF paragraph 109).
71. I note that the policy itself is followed by an “informative” which sets out a range of detailed expectations. While I consider that there is a case for including at least some of these development management requirements within the main part of the policy, I have decided not to make that point the subject of a specific recommendation.

**Policy AS1: Contributions are required from developers of new housing to fund additional health care facilities**

**Policy AS2: Improved access to health care facilities, either through the provision of some services in Repton Parish or a better transport system**

**Recommended re-wording (one policy): “Health care facilities”**

72. I have taken these two policies together, since they seek to address the same social issue, namely that residents of the Parish have to travel (particularly to Willington, roughly 1½ miles away from Repton, centre to centre) to find appropriate health care facilities. In response to this, policy AS1 states simply that “financial contributions will be required from developers of new housing sites to fund additional health-care facilities”. No minimum scale of housing scheme is suggested which might be “caught” by the policy.

73. The relevant part of PPG paragraph 003 supports the principle of policies for seeking developer contributions being included within development plans (including neighbourhood plans) “to enable fair and open testing” of them. In addition, paragraph 007 states that “policy for seeking planning obligations should be grounded in an understanding of development viability through the plan making process”. While I do not doubt that the social need is there, policy AS1 is not supported by any evidence about its practical deliverability in development management terms, and takes insufficient account of the guidance in the PPG, including the issue of viability. That having been said, a more nuanced reference to obligations would avoid any significant conflict with national guidance.
74. Policy AS2 contains a more generalised objective of securing better access to health care facilities, including by improvements to the transport system. Those parts of policy AS2 which support the provision of a medical centre (including planning applications to change the use of an existing building for that purpose) present no difficulties; however, that element which seeks improvements to the local transport system does not meet the requirement for development plan policies to relate to “the development and use of land”.
75. For these reasons, ***I recommend that the two policies be combined under the heading “Health care facilities”, and that a replacement policy AS1 be inserted which reads: “The provision of local health care facilities within the Parish will be supported. Proportionate contributions will be sought from developers of new housing to assist in meeting this objective.”***
76. ***I further recommend that reference be included within paragraph 6.3.1 (the preamble to these two policies) to the effect that improvements to the local transport network will also be sought in order to achieve better access to health care facilities, and that that intention be included under a separate heading in the Neighbourhood Plan reading “Community Aspirations”.***

**Policy AS3: Developer contributions will be sought from all new homes towards the funding of a community facility or for its improvement**

**Policy AS4: Retention, expansion, enhancement or redevelopment of the village halls in Repton and Milton will be supported, consistent with their role as community assets.**

**Recommended re-wording (one policy): “The Village Halls”.**

77. I am satisfied from reading the preamble to these two policies (paragraph 6.3.4) that the focus is entirely on village halls for the two villages, other community provision being dealt with in the following section of the Plan.
78. The suggestion is made that Repton Village Hall needs to be redeveloped if it is to provide the range of community facilities that its importance as a “Key Service Village and Neighbourhood Hub” demands; the existing hall serving Milton is said to have been refurbished, and no particular deficiencies are highlighted (policy AS4 nonetheless appears to keep open the possibility of its replacement).
79. The general observations I have made under policies AS1 and AS2 about the meaningful role of developer contributions towards the provision or improvement of social infrastructure apply equally here. Consequently, I consider it appropriate for the issue to be dealt with in the same way. ***I therefore recommend that the two policies be combined under the heading***

***“The Village Halls”, and that a replacement policy AS2<sup>6</sup> be inserted which reads: “The retention, expansion, enhancement or redevelopment of the village halls in Repton and Milton will be supported as appropriate, consistent with their role as community assets. Proportionate contributions will be sought from developers of new housing to assist in meeting this objective.”***

#### **Policy CLE1: Improve play facilities**

***Recommended re-wording: “Improvements to sport and play facilities”***

80. NPPF paragraph 73 gives support to the objectives set out here. While the title of the policy as currently worded makes no mention of “sport”, the policy itself does, and it is logical that they should go together in this way. It is not site-specific: the intention is to seek developer contributions “to fund sport and play facilities”, with no scale or location indicated. They might take the form of enhancement to existing facilities or provision of new ones “depending on the size and location of any new development”.
81. I consider it very desirable that the way reference is made in the Plan to the role of developer contributions (irrespective of the community benefit involved) is broadly consistent. This is especially the case given that the scale of new building within the Parish, beyond what has already been given planning permission, is clearly going to be limited. For this reason, ***I recommend that the policy be re-worded to read: “The provision and improvement of sport and play facilities within the Parish will be supported. Proportionate contributions will be sought from developers of new housing to assist in meeting this objective.”***

#### **Policy CLE2: Retain and encourage small scale businesses**

***Recommended re-wording: “Retention of small-scale businesses”***

82. This policy, as with the related policy CLE4, finds support at NPPF paragraph 28, as well as paragraph 30 (which encourages more sustainable transport solutions). It provides that proposals which would involve the loss of existing businesses as a result of applications for changes of use will only be permitted if they can be shown to be no longer viable: evidence of marketing will be required if this to be argued. There are no mechanisms put forward for *encouraging* businesses, and my recommendation for alteration to the title of the policy removes the reference. The policy satisfies the Basic Conditions.

#### **Policy CLE3: Retain and enhance primary and secondary retail frontages**

***Recommended re-wording: “Retention and enhancement of retail frontages”***

83. The desire to retain and enhance Repton’s retail shopping facilities is supported by NPPF paragraph 28. While the Basic Conditions are clearly met by the policy intention, there is a lack of clarity in its wording. The title of the policy refers both to the village’s primary and secondary retail frontages, whereas the policy itself only mentions the former. Neither of the zones involved is identified on a map; from my visit I could see that the small number of commercial activities in the village are confined to the area close to the post office on High Street, a few detached units away from the village core along Main Street and a couple more along Burton Road.

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<sup>6</sup> This assumes that the original policies AS1 and AS2 are replaced as recommended

84. In addition, while the policy says it is “important that the retail frontages be retained and enhanced and are supported by improved car parking and servicing facilities”, there is no reference to the hoped-for means of achieving any of this. To that extent, it is no more than an aspiration. If the policy is to remain, its implications for property owners, tenants or prospective developers or investors need to be made as clear as reasonably possible.
85. ***I recommend that:***
- a. the Plan include a map showing Repton’s primary and secondary retail frontages;***
  - b. some explanation be given of the implications of the policy for those affected by it, including the difference (if any) between the two levels of retail frontage. As an alternative, consideration should be given to restricting the scope of the policy to the primary frontages only;***
  - c. if, however, the intention is that the primary mechanism to be employed through development management to achieve the objective is similar to that proposed for small businesses generally (essentially, a viability test), that policy CLE3 be deleted entirely, reliance then being placed on policy CLE2 (which includes retail businesses). In that eventuality, the need for better parking and servicing arrangements mentioned in policy CLE3 should be relocated to the suggested “Community Aspirations” section of the Plan.***

**Policy CLE4: Support will be given to the expansion of existing and the introduction of new businesses**

***Recommended re-wording: “Support for existing and new businesses”***

86. Whereas policy CLE2 sets out the steps to be taken in an attempt to retain existing business premises, policy CLE4 seeks to provide more general support for the local economy by permitting new small-scale employment uses subject to a number of criteria, including any local environmental impact and the adequacy of parking and access. This gives effect to NPPF paragraph 15, and meets the Basic Conditions.

**Policy T1: New development to provide parking on site for occupants and visitors**

***Recommended re-wording: “Car parking in new developments”***

**Policy T2: Should an opportunity arise, to ensure that sufficient land is made available in order to enhance / improve parking facilities within Repton**

***Recommendation: delete and relocate under “Community Aspirations”***

87. It is clear from the public consultation process that parking facilities within Repton are considered inadequate by local residents (and I could see some of the difficulties for myself at the time of my visit). Policy T1 aims to address the issue by requiring any new development to be accompanied by “adequate on-site parking”, which sensibly allows consideration of proposals on their individual merits. However, there may be circumstances where it is neither desirable nor feasible for *any* parking to be provided on-site; for this reason, ***I recommend that the phrase “where appropriate” be inserted into the policy.*** This formulation also avoids the use of rigid standards (for example, setting down a strict relationship between bedroom

numbers and parking spaces, as suggested in the preamble to policy H6), and would reflect the criteria-based approach advocated in paragraph 39 of the NPPF.

88. Since policy T2 does not relate to a specific area of land or the approach to be taken in respect of potential planning applications, ***I recommend that it be deleted and relocated to the “Community Aspirations” section of the Plan.***

**Policy T3: Encourage better planning of public transport**

***Recommendation: delete and relocate under “Community Aspirations”***

89. The desirability of improving public transport clearly chimes with national planning policy on a number of fronts, and it is entirely appropriate that the RNP should seek to address the issue. However, there are no clear land-use implications connected with policy T3 ***and for that reason I recommend that it be deleted and relocated to the “Community Aspirations” section of the Plan.***

**Policy T4: Improve existing pedestrian and cycle connections within and between the villages and to surrounding areas**

***Recommended re-wording: “Improvements to pedestrian and cycle connections”***

90. Again, this objective is clearly supported in national policy (for example, at NPPF paragraph 75). In this case, there is reference to specific routes and destinations (with more detail being given in the preamble to the policy rather than in the policy itself). Since, in contrast to policy T3, there are clear land-use implications, it is appropriate that it remain here, rather than be re-located as a less precise “aspiration.” ***I recommend that greater certainty be achieved by including reference in the policy itself to all of the routes referred to in the preamble, and that these are clearly shown on a map of appropriate scale.***

**Conclusions and recommendation**

91. I have concluded that, provided the recommendations set out above are followed, the Repton Neighbourhood Development Plan would meet the Basic Conditions, and I therefore recommend that, as modified, it should proceed to a referendum.
92. Finally, I am required to consider whether the referendum should extend beyond the RNP area, but I have been given no reason to believe that this is necessary.

*David Kaiserman*

David Kaiserman BA DipTP MRTPI Independent Examiner

20 March 2018

## APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

Examiner's report paragraph	NP reference	Recommendation
41-43	general	<ul style="list-style-type: none"> <li>Improve clarity for description and display of policies</li> </ul>
49	H1	<ul style="list-style-type: none"> <li>Align settlement boundary for Repton with Local Plan</li> </ul>
53	H2	<ul style="list-style-type: none"> <li>Amend preamble to clarify policy objective and add reference to SDLP policy BNE5</li> </ul>
55 57	H3	<ul style="list-style-type: none"> <li>Show locations on a map</li> <li>Minor change of wording</li> </ul>
60	H4	<ul style="list-style-type: none"> <li>Minor change of wording</li> </ul>
62	H5	<ul style="list-style-type: none"> <li>Minor changes of wording</li> </ul>
63 64	H6	<ul style="list-style-type: none"> <li>Minor change of wording</li> <li>Delete second bullet-point</li> </ul>
67	OS1	<ul style="list-style-type: none"> <li>Show locations of protected areas on a map</li> </ul>
69	OS2	<ul style="list-style-type: none"> <li>Minor changes of wording</li> </ul>
75 76	AS1 and AS2	<ul style="list-style-type: none"> <li>Combine the policies and re-word to clarify role of developer contributions</li> <li>Add a reference to better transport in policy preamble</li> </ul>
79	AS3 and AS4	<ul style="list-style-type: none"> <li>Combine the policies and re-word to clarify role of developer contributions</li> </ul>
81	CLE1	<ul style="list-style-type: none"> <li>Revise reference to developer contributions</li> </ul>
85	CLE3	<ul style="list-style-type: none"> <li>Show retail frontages on a map</li> <li>Include explanation of the implications of the policy, or delete it and rely instead on policy CLE2 and relocate reference to parking and servicing to "Community Aspirations"</li> </ul>
87	T1	<ul style="list-style-type: none"> <li>Minor addition of wording</li> </ul>
88	T2	<ul style="list-style-type: none"> <li>Delete and relocate to "Community Aspirations"</li> </ul>
89	T3	<ul style="list-style-type: none"> <li>Delete and relocate to "Community Aspirations"</li> </ul>
90	T4	<ul style="list-style-type: none"> <li>Include within the policy any specific routes and show on a map</li> </ul>