



Parish of Repton Neighbourhood Development Plan 2016-2028

A report to South Derbyshire District Council

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July 2019

EXAMINER'S INTRODUCTORY NOTE

The draft Repton Neighbourhood Plan (RNP) (version 25) was first submitted for my examination on 26 January 2018 and my report was sent to South Derbyshire District Council on 20 March 2018. Both SDDC and Repton Parish Council accepted my recommendations for certain changes to the Plan to be made. My understanding is that my first report has not been published or widely circulated.

Subsequently, SDDC agreed to a request from the Parish Council for progress on the Plan to be delayed in order to allow for a local consultation to take place on a suggested revision of Policy H1, which deals with the settlement boundary for planning purposes. The Parish Council's website relating to the Neighbourhood Plan states that since the draft Plan was first published, the Local Plan for South Derbyshire has been approved and the National Planning Policy Framework (NPPF) has been revised, and that "it is therefore appropriate that the RNP fully reflects these developments". I understand that the Parish Council also wished the RNP to respond to the outcome of an appeal decision which resulted in planning permission being granted for the development for housing of land outside the defined settlement boundary.

In the light of these considerations, both Councils agreed that the RNP should be withdrawn, modified as appropriate and re-submitted to me for further examination. This report is the result of that request, and is therefore based upon my examination of version 27 of the Plan. In addition to any new material which I have included in relation to Policy H1, it differs from my report of 20 March 2018 principally in that:

- I have not included reference to the representations made under Regulation 16 in relation to the first draft of the submitted RNP (these were covered in my original report); and
- where the Parish Council accepted the recommendations contained in my earlier report and took them into account in the revised, current version of the Plan, I have deleted the material which is no longer relevant.

For the avoidance of doubt, the present iteration of the Plan falls to be examined in the context of the *original* (2012) version of the NPPF, as was the case with my original report: see paragraph 214 of the 2019 NPPF. In addition, I have been given no reason to believe that any material changes to my examination of the Plan are required as a result of the change in status of the South Derbyshire Local Plan.

Executive Summary

I was appointed by South Derbyshire District Council on 3 June 2019 with the agreement of Repton Parish Council, to carry out the independent examination of the Parish of Repton Neighbourhood Development Plan 2016-2028 (version 27).

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 as part of my previous examination.

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 small number of recommendations, 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.

Contents

- Introduction
- Procedural matters
- The Parish of Repton
- The basic conditions
- Other statutory requirements
- National policy
- The existing Development Plan for the area
- The consultation exercise (Regulation 14)
- Representations received (Regulation 16)
- General observations about the Plan
- The vision
- **The Policies**
 - Policy H1: The limits of development
 - Policy H2: Development within settlement confines
 - Policy H3: Accommodation for elderly people
 - Policy H4: Housing mix
 - Policy H5: Design of new developments
 - Policy H6: Design of car parking
 - Policy OS1: Local green spaces
 - Policy OS2: The impact of new development on views of and views from the countryside
 - Policy OS3: Important trees and hedgerows
 - Policy AS1: Health care facilities
 - Policy AS2: The village halls
 - Policy CLE1: Improvements to sport and play facilities
 - Policy CLE2: Retention of small-scale businesses
 - Policy CLE3: Support for existing and new businesses
 - Policy T1: Car parking in new developments
 - Policy T2: Improvements to pedestrian and cycle connections
- Conclusions and recommendation.

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 (current version February 2019), 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:
 - the submitted RNP, version 27 (dated November 2018)
 - the RNP Basic Conditions Statement (dated December 2018)
 - the RNP Consultation Statement
 - links to existing planning documents
 - Repton Village Design Statement
 - evidence paper for each theme

- the RNP Strategic Environmental Assessment Statement
 - 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 (2012 version)
 - 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 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 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 Guidance¹. 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 breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017; and
 - comply with any other prescribed matters.
14. The Basic Conditions Statement (BCS) prepared in connection with the RNP is dated December 2018. This statement, which is required under Regulation 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, before moving on to address the basic conditions themselves. Together with a related document (referenced CEF5b), it adequately supports and justifies the policies in the Plan.

Other statutory requirements

15. 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).
16. 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.

¹ Reference ID: 41-065-20140306

17. 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.
18. 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.

National policy

19. 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 PPG² 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

20. 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)

21. 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.
22. The Consultation Statement was prepared in July 2017 (updated in January 2019), 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

² at paragraph 041. ID: 41-041-20140306

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.

23. 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 thinking and evidence-gathering needed for the RNP has its origins in this earlier exercise, and that it has continuing validity.
24. 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.
25. I am broadly satisfied, having read the Consultation Statement, that the requirements of Regulation 14 have been met. I comment on objections to it made by Messrs Turleys below.

Representations received (Regulation 16)³

26. No objections were raised by the following public bodies: Historic England; Highways England; Natural England; National Grid; The Environment Agency; The Coal Authority; and Severn Trent Water. Three letters of support were received from members of the public, and two local residents made representations about Local Green Space designations (see Policy OS1). Objections were lodged by Messrs Turley on behalf of Miller Homes and Hallam Land, and these are dealt with under Policy H1. Messrs Savills, acting on behalf of the Church Commissioners for England, also have concerns about Policy H1 and have made a number of other observations which I will cover in the appropriate sections of this report.
27. Turleys preface their representations in relation to policy H1 with a critique of the way the Regulation 14 consultation was carried out, concluding that the requirements of Regulation 15 (which sets out what consultation statements should contain) have not been met. There is no prescribed form that such a statement must take; the question of what level of detail it should include is therefore a matter of judgment. Nevertheless, I have some sympathy with Turley’s criticisms in this case, since the approach adopted by the Parish Council in relation to the four comments they received at the Regulation 14 stage is to some degree rudimentary, at least as far as the publicly-available documents are concerned.
28. That having been said, I do not consider it to be in the broader public interest for the Regulation 14 process to be repeated, as Turleys suggest. Nor, perhaps more importantly, would a failure to do this put their clients at any clear disadvantage since (as will be seen shortly) I agree with the substance of the objections raised and have made appropriate recommendations to deal with the matter.

³ I reiterate here that the following paragraphs relate to representations received in response to the *present* (version 27) Plan, revised by the Parish Council following my first examination report.

29. Derbyshire County Council make a number of detailed observations, and preface these by pointing out that they were not notified about the submission of the previous version of the RNP and so were unable to make any comments on it. While this is clearly unfortunate, many of the suggestions DCC make at this stage seem to me designed to *improve* the RNP rather than implying any failure to comply with the basic conditions (an example being references to the provision of LEV charging facilities). I have a response to a specific issue they raise under Policy H3 and deal with it under that heading.

General observations about the Plan

30. 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;
 - 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**.
31. 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.
32. 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. The second part contains the policies themselves. These are grouped as follows:
- housing
 - open spaces / environment
 - amenities and services
 - community, leisure and employment
 - travel and transport.
33. 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. It contains a set of 11 clear maps 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

34. 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.
35. Each of these goals is then described in more detail before “Core Objectives” are set out, grouped under the five policy heads.

The Policies

Policy H1: The limits of development

36. 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. Settlement boundaries for both villages are defined in Appendix A to Part 2 of the Local Plan, and these are followed in the RNP.
37. The settlement boundary for Repton shown in the version of the RNP which was the subject of my earlier report departed from the Local Plan boundary in the vicinity of Milton Road, to the north-east of the village (a site referenced H23G in the Local Plan). Following my recommendation at that time, the current version of the RNP follows my original recommendation by removing this discrepancy.
38. However, Policy H1 has been expanded since the previous version of the draft RNP by the inclusion of a new stance in relation to development beyond the settlement boundaries stating that housing outside the defined boundaries “will only be permitted if it is *solely* for affordable housing” [my emphasis]. This has drawn two identical objections from Messrs Turleys, acting on behalf of house-builder clients, on the grounds that the restriction highlighted would conflict with Local Plan Part 1 Policy H21 (which requires the *majority* of housing on rural exception sites to be affordable), and with NPPF paragraph 77, which suggests that some element of market housing may need to be considered in order to deliver an affordable element. Savills, on behalf of clients The Church Commissioners for England, make a similar point.
39. These seem to me to be a significant departure from established policy on this important issue, and I agree with the objections which have been made to Policy H1 in its current form. In addition, the reference to the approach to proposals for development *outside* the settlement boundaries (the third bullet-point of the preamble to policy H2) should be

removed from its present position and added to Policy H1. ***I therefore recommend that the second sentence of Policy H1 be re-worded as follows: "Housing development outside of the settlement boundary will only be permitted if it is solely or primarily for affordable housing, of a scale and design appropriate to its context and generally in conformity with South Derbyshire Local Plan Policy BNE5".***

40. Savills consider that the Plan could have taken the opportunity to allocate some small-scale sites for future development, and that this is particularly relevant given what they say is the limited scope for windfall sites to come forward within the existing built-up area. No detailed evidence is offered on this point, and I have concluded that it does not raise any issues in relation to the basic conditions. Their suggested re-wording of policy H1 appears to me to be unnecessarily complex, and in any event would differ from SDLP policy BNE5.
41. In my original report, I drew attention to the discrepancy in the way the settlement boundary was defined as between the previous version of the RNP and the SDLP (this related specifically to land at Milton Road, the subject of planning permission ref: 9/2016/1118). As recorded above, the present version of the RNP removes the discrepancy. However, it does not take into account the grant of permission on appeal for the development of land at Askew Lodge, Milton Road (9/2017/0194) for up to 13 dwellings: this site lies outside the present settlement boundary and now needs to be brought within it (indeed, I had understood that that this was one of the reasons the Parish Council wished to revise the Plan). In order to be consistent with the accepted approach to this matter, ***I recommend that the settlement boundary for Repton as shown under policy H1 be amended to bring the Askew Lodge land within it.***

Policy H2: Development within settlement confines

42. This policy supports new development (including the conversion of existing buildings) within the limits of development for Repton and Milton, so long as a series of criteria are met. It accords with the presumption in favour of sustainable development set out in paragraph 14 of the NPPF, and raises no new issues in terms of the basic conditions.
43. 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: Accommodation for elderly people

44. 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 for sheltered accommodation. I noted from my visit that these two locations are close to each other, a short distance from the village hall.

45. 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.
46. At the time of my first report, there had been no objection by DCC to this policy (presumably because of the administrative issue I have already referred to). They now firmly state their concern to the specific allocation of the two sites, in the absence of any proper analysis of their practicability and deliverability. I have some sympathy with this position: in order not to undermine the credibility of the Plan, ***I recommend that Policy H3 be deleted and re-cast as a community aspiration.***

Policy H4: Housing mix

47. 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. Savills question the need for a neighbourhood plan policy to include references to the desired housing mix, partly because it is covered at a more strategic level in planning terms, and partly because of the need to take into account viability. I take a different view, for the reasons I have given; in any event, in my experience this is a common feature of neighbourhood plans and adds to their utility to the local population.

Policy H5: Design of new developments

48. 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.

Policy H6: Design of car parking

49. 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.

Policy OS1: Local Green Spaces

50. 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.*
51. 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 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. The policy appropriately states that development is ruled out on these sites, other than in very special circumstances. Each of them is numbered in the policy and are clearly marked on two maps.
52. Savills say there is no need for the policy because SDDC are presently consulting on a Green Space plan of their own; this seems to me an inadequate basis for objection. The inclusion of the northern part of site 2 (Mathews Farm) is the subject of objection on behalf of its owners, who say that it is a private paddock without public access, and that the Parish Council have failed to provide evidence to show that it is “demonstrably special”, in the terms set out in the NPPF. Similar criticisms are made in relation to site 8 (The Orchard, Main Street, Milton).
53. There is some comment in background document CEF5, but little overall to explain in detail how each of the identified sites “performs” against the NPPF criteria. The Plan would have been more robust had this not been the case, but I do not see that there is a strong argument (on the basis of my visit to the area or the grounds of objection) for treating these two parcels of land any differently from the other seven identified for protection in the policy.

Policy OS2: The impact of new development on views of and from the countryside

54. This policy seeks to protect important local views by requiring any adverse impacts to be mitigated. There is no issue arising in relation to the Basic conditions.

Policy OS3: Important trees and hedgerows

55. 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). Savills suggest a re-wording of the policy which I do not consider offers any improvement (the need for a survey, included in the existing wording, should suffice to

cover the point they make).

56. 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: Health care facilities

57. This policy reflects the fact 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. It supports local health care facilities for the Parish, adding that “proportionate contributions will be sought from developers of new housing to assist in meeting this objective.” There are no issues in relation to the basic conditions.

Policy AS2: The Village Halls

58. Policy AS2 simply 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.” Savills request further information as to what “proportionate contributions” means in practice – but that is something which, it seems to me, can only be meaningfully addressed on a case-by-case basis. The policy as it stands satisfies the basic conditions.

Policy CLE1: Improvements to sport and play facilities

59. This policy is similar to the previous one, and is subject to the same comment from Savills. My response is the same.

Policy CLE2: Retention of small-scale businesses

60. This policy, as with the related policy CLE3, 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. The policy satisfies the Basic conditions.

Policy CLE3: Support for existing and of new businesses

61. Whereas policy CLE2 sets out the steps to be taken in an attempt to retain existing business premises, policy CLE3 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: Car parking in new developments

62. 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 where appropriate”, which sensibly allows consideration of proposals on their individual merits. This includes the circumstances where it is neither desirable nor feasible for any parking to be provided on-site, and 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.

Policy T2: Improvements to pedestrian and cycle connections

63. This policy is effectively an aspirational one, dealing with the intention to connect footpath and cycle ways to the wider network in the area. It specifically focuses on the intention to improve cycle links to Willington, with options for its alignment. These objectives are clearly supported in national policy (for example at NPPF paragraph 75) and reflect wider strategies in the County area.

Conclusions and recommendation

64. 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.
65. 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

23 July 2019

APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

Examiner's report paragraph	NP reference	Recommendation
39	Policy H1	<ul style="list-style-type: none">• Reword second sentence as suggested
41	Policy H1	<ul style="list-style-type: none">• Amend the settlement boundary for Repton to bring the Askew Lodge land within it
46	Policy H3	<ul style="list-style-type: none">• Delete policy and re-cast it as a community aspiration