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Mr J P Sargent  
The Planning Inspectorate

Mr P Wilson  
Chief Executive  
Derbyshire Dales District Council

Chief Planning Officer  
Derbyshire Dales District Council

Mr G Bond  
District Councillor

18<sup>th</sup> October 2024

Dear Sirs

**Granting of Planning Permission- Land South Of Main Road, Brailsford DE6 1GT**

As you are aware the Brailsford and Ednaston Parish Council raised a number of objections to the above on behalf of residents. The objections were aligned with the objectives and policies set out in the approved Brailsford Neighbourhood Plan.

The planning permission was discussed at our last two meetings which were attended by a number of residents – all expressing concern about the detail on which the judgment was based. For public record I have been asked to bring those concerns to the attention of the relevant public bodies.

Although this is not directly relevant to the recent judgment, strong views were expressed that the views and knowledge of local residents are not taken into account or given sufficient weighting in any considerations. This appears to be contrary to views expressed by the current Housing Secretary about the need to work with the local community and leads to the current dissatisfaction and lack of confidence in the democratic process. It is also hard for lay people to understand the basis of ‘in the public interest’.

The Appeal decision was considered in some detail, and we would like to record the following on behalf of residents. These are aligned with the main issues as set out in Clause 3 of the Decision Letter.

1. Para 6 suggests that a material reason for the judgment was based on the fact that the approved Neighbourhood Plan did not set out plans/considerations relating to development outside the agreed development boundary. As lay people we find it difficult to see why this is even under consideration. The development boundary was

set after extensive consultation in which the Parish Council, its Neighbourhood Planning Group, and local residents took part. The Plan is clear that ‘over development’ is to be avoided. The development site – the subject of the application - was previously considered unsuitable for development in the SHLAA and an application for a small development of bungalows had previously been refused because it fell outside that boundary. In this case the Council and residents saw no need to reflect on ‘exceptional’ circumstances and no such requirement was proposed by the Independent Examiner

2. Likewise in Para 8 reference is made to the lack of definition for ‘a reduced level of development’. In turn it is understood that the Inspector felt that there were no concerns about the **cumulative** effect of development although this has led to the village more than doubling in size over 5 years. Representatives at the Appeal session reported that this matter was the subject of discussion at the Hearing as the three new estates built in recent times had been the subject of a number of objections including our own.
3. Para 9 – residents consider that the measures referred to do little to contribute to increased sustainability in the village.
4. Para 14 and 72. Again as lay people we cannot understand why at a time when the development of a revised Local Plan has significantly reduced the housing demand in the District and identifies no shortfall of development land; and national Government policy is pointing towards priority to be given to grey field sites and more sustainable locations why such weight has been placed on statistics relevant up to 10 years previously.
5. Highway safety. Paras 49-53. There are a number of points of concern:
  - While, theoretically, the crossings proposed go somewhat towards alleviating concerns about pedestrian safety, no detail was made available as to their location and if both would proceed. Such crossings have previously been opposed by the Highways Authority and local experience is that, even if the installation is included in planning conditions, the developer will seek to have this investment removed on technical or financial issues as the application progresses.
  - The judgment makes reference to access to the school using footpaths constructed as part of the Avant development. The developer of the Avant site submitted various applications to have the relevant conditions changed or removed: this became the subject of a lengthy exchange between our Council and local residents with the Planning Authority to ensure that some measures remained.

A footpath has now been created at the northern end of the Avant site. Unfortunately, this gives access directly onto the busy Luke Lane, just off a corner, and at a location where there is no footway/pavement to allow pedestrians to access the school gates safely. No end of footpath ‘gateway’ safety measures were included and the width of the pavement has been reduced to make any installation largely unviable. It is known locally as ‘the footpath to nowhere’.
  - Improvements (widening) to pavements alongside the A52 – from the site access to Luke Lane (Para 51). This originally formed part of the Avant permission and has been the subject of ongoing discussion between the Council and the Planning Authority and a matter also raised by local residents. No action has

been taken or required for this improvement to be made and this has clearly been overlooked in the Appeal review.

- Para 52. There is no crossing at this location.
6. Flooding. The District Council and County Council have been given access to a considerable amount of evidence which shows regular flooding, including sewage escape (as recognised by STW) during the year and not only at times of exceptional rainfall. It is recognised that as a result of climate change the UK is experiencing heavier rainfall, but this means that the infrastructure needs to be redeveloped or specified to adjust to these conditions. Experience from two of the three new estates in Brailsford suggests that inadequate measures have been applied.
  7. Bio-diversity net gain (Para 70). There is concern that there is little evidence of how this will be seen in the locality.

Although S106 conditions have been agreed, there is no obvious and active mechanism in the planning process for local issues relating to infrastructural or community asset to be considered as part of the planning process. Residents' groups, and even those such as the Parish Council (also consisting of volunteers), find it difficult to formulate requests for financial support for community assets from developers while making strong objections to applications. No consideration seems to have been given to this in the Appeal.

Finally, landowners and developers with the expectation of sizeable financial gain from a successful application are in a much better position to access high level legal support for their applications than cash-strapped local public bodies. Those representing the Parish Council at the Appeal Hearing expressed publicly that they had felt intimidated by various challenges from the legal team representing the Appellant. Again bringing the adequacy of the democratic process into question.

Your Sincerely,

*C Crossley*

Clarissa Crossley

Clerk for the Brailsford and Ednaston Parish Council