

Basic Conditions Statement Etwall Neighbourhood Plan 2024-2041

April 2026

*Prepared by Planning With People on behalf of Etwall
Parish Council*

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Abbreviations and Acronyms

AECOM	Name of the national consultancy used to provide technical support through the Locality programme – AECOM produced the Etwall Housing Needs Assessment and the Etwall Neighbourhood Plan Design Guidance and Code 2024
ALS	Areas of Landscape Sensitivity
HNA	Housing Needs Assessment
HRA	Habitat Regulation Assessment
LGS	Local Green Spaces
NPPF	National Planning Policy Framework
NSIP	Nationally Significant Infrastructure Projects
SEA	Strategic Environmental Assessment
The Plan	Submission Version Etwall Neighbourhood Plan 2024-2041
The Working Group	Etwall Neighbourhood Plan Working Group

1. Introduction

What is the Etwall Neighbourhood Plan?

1. The Neighbourhood Plan for Etwall Parish has been prepared in accordance with the Town and Country Planning Act 1990, the Planning & Compulsory Purchase Act 2004, the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 and Directive 2001/42/EC on Strategic Environmental Assessment. The Plan establishes a vision of the future for the Parish and sets out how that vision will be realised through planning and controlling land use and development change.
2. The Etwall Neighbourhood Plan relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning (general) Regulations 2012.

What is the Basic Conditions Statement?

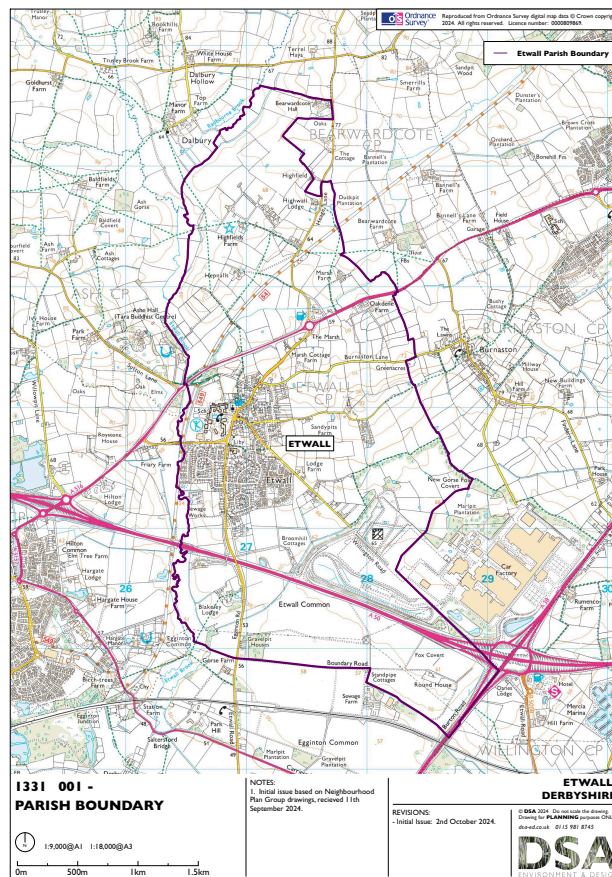
3. This Basic Conditions Statement has been prepared to accompany the Etwall Neighbourhood Plan (hereafter the Plan). Paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004, requires that a Neighbourhood Development Plan meets each of the following Basic Conditions if:
 - a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan,
 - b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses it is appropriate to make the order,
 - c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order
 - d) The making of the order contributes to the achievement of sustainable development
 - e) The making of the order would not have the effect of preventing development from taking place which
 - I. Is proposed in the development plan for the area of the authority (or any part of that area) and
 - II. If it took place would provide housing
 - f) The making of the order does not breach and is otherwise compatible with EU obligations
 - g) fa) any requirements imposed in relation to the order by or part six of the levelling up and regeneration act 2023 (environmental outcomes reports) have been complied with¹.
4. This document outlines how the Plan meets the Basic Conditions.

¹ until such time as a completed framework for the implementation of Environmental Assessment Reports is in place, compliance with this Basic Condition cannot be assessed.

2. Key Statements

5. The Plan area covers Etwall Parish and was designated a neighbourhood plan area in January 2023.
6. The Plan expresses policies that relate to the development and use of land only within the Neighbourhood Area. Etwall Parish Council are the qualifying body for the purposes of neighbourhood planning.
7. The Neighbourhood Area is shown on the map accompanying the neighbourhood designation application and the designated area is aligned with the Parish boundary.
8. The Plan covers the period from 2024 to 2041 matching the timeframe of the Publication Version of the Local Plan Part 1 Review.
9. The Plan proposals do not deal with mineral extraction and waste development, nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990 as 'excluded development'. In other respects, the Plan does not include anything not permitted by section 98 (2) (A1) of the Levelling Up and Regeneration Act.
10. The Plan does not relate to more than one neighbourhood area and covers only the Parish of Etwall as shown in figure 1 below. There are no other Neighbourhood Plans in place for this area.

Figure 1: Etwall Parish Neighbourhood Plan Area



11. The Pre-Submission Draft Plan was made available for consultation in accordance with Regulation 14 of the Neighbourhood Plan Regulations from 2nd June until 11th August 2025. Amendments have been made to the document based on all the comments received and these are summarised in the document entitled 'Consultation Statement'.

3. Relationship with National and District Policy

12. The Neighbourhood Plan has been prepared having regard to national policies and advice set out in the National Planning Policy Framework (NPPF)². Paragraphs 29 to 31 and footnote 17 of the NPPF refer to neighbourhood plans requiring them to have regard to the policies in the NPPF.

13. The NPPF provides a framework within which local communities can produce Neighbourhood Development Plans for their area and sets out how planning should help achieve sustainable development (see paragraphs below relating to achieving sustainable development)

14. The NPPF also refers to the need for Neighbourhood Plans to be aligned with strategic policies in any Development Plan that covers the area. For Etwall Parish this is the Local Plan Part 1 (LPP 1), which is the strategic element, adopted in June 2016, the Local Plan Part 2 (LPP 2), which is the non-strategic housing and detailed development policies plan, adopted in November 2017, the Local Green Spaces Plan adopted in September 2020 and the saved policies in the Minerals Local Plan for Derbyshire County Council adopted in 2000 and amended in 2002.³

15. Parish area-based studies have been commissioned and are available on the Etwall Parish Council website:

- [Etwall Design Guidance and Code 2024](#)
- [Etwall Housing Needs Assessment 2024](#)

16. In addition, the Working Group have done their own assessment of Local Green Spaces, Key Views and Areas of Landscape Sensitivity. This involved walkabouts and discussions with the AECOM consultants as part of the Design Code work and the same with the planning consultant supporting the group to write the Neighbourhood Plan. The Working Group then met using maps to agree the Local Green Spaces, Key Views and Areas of Landscape Sensitivity based on criteria provided by the planning consultant.

17. Table 1 sets out how the Plan is aligned with the National Planning Policy Framework.

² All references are to the NPPF 2024

³ A new Minerals Local Plan has been through examination and work is at the post hearings stage see <https://www.localplanservices.co.uk/derbyshireminerals/pexamination>

Table 1: Assessment of how each policy in the Plan has regard to the NPPF

NP Policy No.	Policy Title	NPPF Ref (para.)	Commentary
1	Achieving Well Designed Places	131, 132, 134	<p>The NPPF sees good design as a key aspect of sustainable development (para 131) and para 132 notes that design policies should be developed with local communities.</p> <p>Para 134 supports the production of Design Guides for neighbourhood areas and Policy 1 is underpinned by the Etwall Parish Design Guidance and Codes.</p> <p>In accordance with NPPF para 131, Policy 1 is clear about the design expectations and how these will be tested.</p> <p>Policy 1 is based on robust local evidence, has involved the community in its preparation, and sets out a framework for developers.</p>
2	Infill/Backland Developments	7,8, 129	<p>The NPPF para 129 notes that planning policies should take into account <i>‘the desirability of maintaining an area’s prevailing character and setting (including residential gardens)’</i>. Policy 2 is based on local analysis and reinforces the value of the settlement boundary defined in the Local Plan Part 2. The policy clarifies the sort of development that will be appropriate within the settlement boundary as well as the local definition of infill development where it is outside the settlement boundary but in between other dwellings. This local detail ensures that development maintains the area’s character.</p>
3	Protecting the Landscape Character	135, 187	<p>The landscape character of the Parish is highly valued by the local community.</p> <p>The NPPF at para 135a requires planning policies to ensure that developments will <i>‘function well and add to the overall quality of the area not just in the short term but over the life time of the development’</i>.</p> <p>The NPPF at para 187 requires planning policies to <i>‘contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes’</i>.</p>

NP Policy No.	Policy Title	NPPF Ref (para.)	Commentary
			<p>The Plan has focused on defining the quality and location of Areas of Landscape Sensitivity to ensure this is taken into account in decision making.</p> <p>Policy 3 defines the overall approach to protecting landscape character and provides a framework to show how development should be designed to minimise the impact on the landscape. Policy 3 is based on an understanding and evaluation of the defining characteristics of the Plan Area undertaken for the Neighbourhood Plan. The 'Etwell Neighbourhood Plan Design Guidance and Code 2024' combines an assessment of the surrounding built environment and landscape setting (in accordance with NPPF para 135c). The identification of the Areas of Landscape Sensitivity, the Key Views and Local Green Spaces, contribute to this analysis, providing local input in establishing where the landscape is locally valuable.</p>
4	Protecting and Enhancing the Natural Environment	125, 136, 256, 192	<p>At NPPF para 192 plans are required to <i>'map and safeguard components of local wildlife rich habitats'</i></p> <p>Policy 4 is based on a wealth of local data about the variety of species in the Parish.</p> <p>The NPPF at para 125 states that planning policies should <i>'take opportunities to achieve net environmental gains such as developments that would enable new habitat creation....'</i> Policy 4 provides a clear policy framework to show how the impact on biodiversity of development will be assessed, how the uplift will be measured and how it can be mitigated.</p> <p>The NPPF para 136 states that <i>'Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure new streets are tree lined and..... existing trees are retained wherever possible.'</i></p> <p>Policy 4 emphasises the importance of the trees and other planting in the Parish and</p>

NP Policy No.	Policy Title	NPPF Ref (para.)	Commentary
			development proposals to protect the existing trees where possible and to include additional planting in landscape schemes. This aligns with the designation of part of the Parish as being in the Heartwood Community Forest.
5	Proposed Local Green Spaces	106,108	The NPPF encourages communities to identify, for special protection, green areas of particular importance. Policy 5 identifies areas of tranquillity and/or community value that the Working Group consider meet the NPPF criteria and if designated they will be protected from development.
6	Protecting and Enhancing Heritage Assets	202,203	<p>The NPPF places great importance on the protection and enhancement of heritage assets and that <i>'these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance'</i> (Para 202).</p> <p>The Plan identifies the listed buildings and nominates some non-designated heritage assets in the Parish based on work with SDDCs Conservation Officer and the local history society.</p> <p>Policy 6 sets out <i>'a positive strategy for the conservation and enjoyment of the historic environment'</i> in accordance with NPPF para 203.</p>
7	Reducing the Risk of Flooding	162, 181, 182	<p>Para 162 of the NPPF requires plans to <i>'Take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk'</i>.</p> <p>Flooding incidents are increasing in the Parish, and policy 7 reflects the local concern about flood risk and provides a policy framework to set out clearly how it should be taken into account. The importance of SuDs, designed to provide an opportunity to achieve net biodiversity gains and multi benefits, is promoted in the NPPF and supported in Policy 7.</p>

NP Policy No.	Policy Title	NPPF Ref (para.)	Commentary
8a	Car parking, Traffic Movement and pedestrian Safety	96, 109,117	<p>The NPPF requires transport issues to be considered from the earliest stages of plan making. Para 109 notes that <i>'patterns of movement, streets and parking contribute to making high quality places.'</i> And that applications should <i>'give priority first to pedestrian and cycle movements .. to create places that are safe, secure and attractive which minimise the scope for conflict between pedestrians, cyclists and vehicles'</i>. Policy 8a is based on local evidence which has identified where traffic volumes make pedestrian movement unsafe. Policy 8a requires developers to demonstrate that they have taken this into account in future proposals.</p>
8b	Extending the Footpaths and Cycle Routes	96,109,111	<p>The NPPF supports the promotion of sustainable transport like cycling and walking in planning policies to achieve healthy inclusive and safe places (para 96) and to consider the location of development to encourage walking and cycling (para 109).</p> <p>The NPPF sees the enhancement of walking and cycling routes as a way of encouraging healthy, inclusive and safe places. Para 111 requires planning policies to provide for attractive and well-designed walking and cycling networks. Policy 8b has identified these opportunities and encourages their enhancement.</p>
8c	Improving Public Transport	109,117	<p>The NPPF requires applications for development to facilitate access to public transport with layouts that maximise the catchment area for bus services and to ensure that transport issues are considered at the earliest stages of plan making to pursue opportunities to promote public transport use. Policy 8c identifies that a bus route between Willington and Etwell would reduce car usage and improve access to the range of services and facilities in each village for residents.</p>
9	Protecting and Enhancing the Provision of	88	<p>The NPPF states that planning policies should <i>'plan positively for the provision and use of shared spaces, community facilities</i></p>

NP Policy No.	Policy Title	NPPF Ref (para.)	Commentary
	Community Facilities		<p><i>(such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship).</i></p> <p>Etwall Parish has a range of well used and highly valued facilities and Policy 9 supports the need to protect and improve these community facilities.</p>
10a, 10b, 10c	Housing Mix and Type, Affordable Housing, Rural Exception Site	62,63,64,65	<p>Para 62 supports the use of local housing needs assessments to inform policy. The Plan is supported by a specific HNA. Policies 10a, 10b and 10c support development that meets local housing need in accordance with District and local analysis from the HNA. In Policy 10a a housing size and tenure mix is identified. The use of up-to-date evidence is in accordance with the NPPF. This creates a policy framework that identifies different house sizes and types and encourages a range of development to meet this need - (see NPPF para 63).</p> <p>NPPF para 64 states that where a need is identified (including for affordable housing) this should be reflected in planning policy <i>'where a need for affordable housing is identified, planning policies should specify the type of affordable housing required'</i>.</p> <p>Policies 10a,10b and 10c are a response to the HNA findings and identify the need as required in the NPPF.</p>
11	Developer Contributions	7, 8	<p>The NPPF defines the purpose of the planning system as achieving sustainable development. This means development should provide housing and employment spaces but also ensure that social and transport infrastructure is sufficient. Policy 11 identifies the infrastructure requirements that will ensure future development is sustainable.</p>
12	Supporting the Local Economy	88, 119	<p>The NPPF supports the growth and expansion of all types of businesses in rural areas to enable diversification and to enable access to local services. Policy 12 supports the expansion of existing businesses in the Parish where this does not harm the wider</p>

NP Policy No.	Policy Title	NPPF Ref (para.)	Commentary
			landscape and is in accordance with the Etwall Neighbourhood Plan Design Guidance and Code 2024.

4. Contribution to the Achievement of Sustainable Development

18. The NPPF has a presumption in favour of sustainable development. The NPPF defines sustainable development as having three overarching objectives *‘which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)’*.⁴ The Plan recognises that this is a balancing act, and the objectives of the Plan comprise a balance of social, economic and environmental objectives.
19. The economic goals relate to the emphasis on supporting development that enhances the vitality of Etwall Parish. The Plan supports the existing businesses in the Parish and encourages their expansion. Policy 12 focuses on this, but other policies e.g. policies 8a, 8b and 8c all seek to make the movement around Etwall village centre safer and the area more attractive. The Plan recognises the contribution that local businesses make, providing local employment and services to the community. Protecting the environment and safeguarding community facilities also ensures that Etwall remains an attractive place to live.
20. The social goals are to maintain a thriving community, recognising that the community and its needs change over time. The Plan supports the provision of housing in accordance with SDDCs policies (which is either within the Settlement Boundary or on the edge where it is for affordable housing, or outside the settlement boundary where this is limited and defined as infill). Community facilities are vital to provide social space for people to meet up and these are protected. The Plan recognises the value the community places on the quality of outdoor recreation as well. The Plan identifies some outdoor areas of community value as Local Green Spaces (LGS). These Local Green Spaces have a social value (for leisure and recreation) as well as for their tranquillity and environmental value.
21. The Housing Needs Assessment commissioned for the Plan provides local analysis and is used to support policies to ensure that house types meet local need ensuring that the community remains cohesive as it expands. The process of producing this neighbourhood plan means that local residents have been actively involved in considering the policy framework for new development.
22. The Plan has been prepared on the basis that local people can inform planning policy in their neighbourhood at the pre-application engagement stage (see Key Principle). By enabling people to become more actively involved in the decision-making process the Neighbourhood Plan has assisted in building social capacity.

⁴ NPPF para 8

23. The environmental goals are to protect the natural and built environment. The Plan policies ensure that proposals protect and where possible enhance valued landscapes and the heritage of the Parish. The Plan provides locally specific policies based on the Etwall Neighbourhood Plan Design Guidance and Code to provide clarity to developers on what constitutes sustainable development. The identification of Areas of Landscape Sensitivity, Local Green Spaces and Key Views, based on landscape analysis, is an important part of this process to provide clarity to decision makers and developers about the sensitivity of these spaces within and adjoining the Settlement Boundary.
24. The additional local data on the flora and fauna in the Parish means there is a very clear understanding of the biodiversity of the Parish and the actions required to protect and improve this.
25. A sustainability matrix of the policies in the Plan has been produced to assess the policies against sustainability criteria - see Appendix A. The Sustainability Matrix concluded that the Plan policies would mostly have a positive benefit and occasionally a neutral impact.
26. There is no legal requirement for neighbourhood plans to have a Sustainability Appraisal. The SEA/HRA Screening process identified that neither a Strategic Environmental Assessment nor a Habitat Regulation Assessment was required (see paras 32 to 35 below for more detail). It is considered that the Sustainability Matrix at Appendix A, along with this statement, is adequate in showing how the Neighbourhood Plan policies will deliver sustainable development.

5. Compatibility with EU Obligations post Brexit

27. The European Withdrawal Act 2018 (EUWA) provides a new constitutional framework for the continuity of retained EU law in the UK, replacing the EU treaties that had until that point applied in the UK. Section 7 of the EUWA 2018 states that *'Anything which was immediately before exit day, primary legislation of a particular kind, subordinate legislation of a particular kind or another enactment of a particular kind and continues to be domestic law on and after exit day continues to be domestic law as an enactment of the same kind'*⁵.
28. The references below are to EU directives and regulations because *'there is no official record of which EU treaty rights were incorporated into UK law'*⁶ but the EUWA accepts that the same environmental standards remain.
29. *'The EU (Withdrawal) Bill incorporates the existing body of EU environmental law into UK law, making sure the same protections have effect in the UK and laws still function effectively after the UK leaves the EU'*⁷. On the basis of the foregoing the Plan has been assessed in accordance with extant EU regulation that has been incorporated into UK law.

Strategic Environmental Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA) Screening

30. The environmental assessment of plans with a significant environmental impact is a requirement of the EC Directive on the assessment of plans and programmes on the environment (Directive 2001/42/EC), known as the Strategic Environmental Assessment (SEA) Directive.

⁵ See <https://www.legislation.gov.uk/ukpga/2018/16/section/7>

⁶ See <https://www.pinsentmasons.com/out-law/guides/retained-eu-law-uk-after-brexit>

⁷ EU Withdrawal Bill Fact sheet 8 Environmental Principles. EU Withdrawal Bill came into force in January 2020

31. An HRA is required where a Neighbourhood Plan is deemed likely to result in significant negative effects on protected European Sites as a result of the Plan's implementation⁸.
32. SDDC screened the Neighbourhood Plan in January 2026 to determine whether the Etwall Neighbourhood Plan (Submission Draft) required a SEA and HRA.
33. In accordance with regulations, Natural England, the Environment Agency and Historic England were consulted. SDDC advised that Historic England and Natural England both responded to the consultation to either agree with the conclusion of the assessment or to say that they had no specific comments, no response was received by the Environment Agency.
34. The SEA and HRA screening concluded that the Neighbourhood Plan will not have significant effects in relation to any of the criteria set out in Schedule 1 of the SEA Regulations, and therefore does not need to be subject to a SEA Report and that that no likely significant effects are likely to occur with regards to the integrity of the European Protected sites within and around South Derbyshire District, due to the implementation of the Neighbourhood Plan. As such it will not require the preparation of a stage 2 Habitat Regulations Assessment (Appropriate Assessment).
35. The full detail of the SDDC Screening report can be accessed [here](#). The Conclusion from the report was as follows:

6.0 Conclusion

Strategic Environmental Assessment

6.1 On the basis of the SEA Screening Assessment set out in Table 2⁹ above, it is concluded that the Neighbourhood Development Plan will not have significant effects in relation to any of the criteria set out in Schedule 1 of the SEA Regulations and therefore does not need to be subject to a SEA Report.

Habitats Regulations Assessment

6.2 The screening assessment concludes that no likely significant effects are likely to occur with regards to the integrity of the European Protected sites within and around South Derbyshire District, due to the implementation of the Neighbourhood Development Plan. As such the Neighbourhood Development Plan will not require the preparation of a stage 2 Habitat Regulations Assessment (Appropriate Assessment).

Other EU obligations

36. The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. Whilst an Equality Impact Assessment Report has not been specifically prepared, great care has been taken throughout the preparation and drafting of this Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups.

⁸ Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

⁹ 'Table 2 above' in the Conclusion refers to Table 2 in the full report, it is not reproduced here in this Basic Conditions Statement.

37. The main issues for planning are the right to family life and in preventing discrimination. The Plan makes positive contributions, such as protecting the heritage and landscape of the Plan area, protecting the countryside, supporting the improvement of walking and cycling routes, promoting housing to meet local needs, supporting local businesses and protecting community facilities. The population profile has revealed that there are not significant numbers of people who speak English as a second language, and it has not been necessary to produce consultation material in other languages.
38. The Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Consultation Statement.¹⁰ There was consultation and engagement early on in the process and residents were encouraged to participate throughout. The Pre Submission Draft Plan has been consulted on as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012; responses have been recorded and changes have been made as per the schedule set out in the Consultation Statement. The Consultation Statement has been prepared by the Working Group and meets the requirements set out in Paragraph 15 (2) of the Regulations.

6. How the policies in the Plan do not have the effect of preventing development as set out in the strategic policies in the Local Plan part 1 and Part 2.

39. To meet the Basic Conditions, the Neighbourhood Plan is required to demonstrate that it does not hinder growth planned via the strategic policies in the adopted District Local Plan, here the Local Plan Part 1 and Part 2. The strategic policies provide detailed guidance on where new development can take place and sets out the factors that will be considered by SDDC when considering all proposals for development.
40. Table 2 provides a summary of how each of the Plan policies do not prevent development prescribed in District policies.

Table 2: Assessment of how the policies in the Plan do not have the effect of preventing development as set out in the Strategic Policies in the Local Plan Part 1 and Part 2

Local Plan Part 1 ¹¹	Etwall Neighbourhood Plan Policy
S1 Sustainable Growth Strategy and H1 Settlement Hierarchy	The Plan is aligned with SDDCs growth strategy, follows SDDCs settlement boundary and does not propose any site allocations. Policy 1 is aligned with S1.
S2 Presumption in favour of Sustainable development	The Plan does not seek to prevent development, rather it provides more detail about the Parish to ensure that decision making is based on local analysis. This means that mitigation, where required, can be more effective in minimising the local impact of development. The Plan is aligned with S2.

¹⁰See Consultation Statement [here](#)

¹¹ Note only those SDDC policies that have an overlap with Plan policies are listed

Local Plan Part 1¹¹	Etwall Neighbourhood Plan Policy
S3 Environmental Performance	The Plan supports the construction of low carbon homes, the use of renewable energy in new build and retro fitting, development that is resilient to climate change and the adaption of community buildings to enhance energy efficiency. The Plan also supports the provision of accessible and adaptable (lifetime) homes. The Plan is aligned with S3.
S4 Housing Strategy	The Plan aligns its housing Policies 10a,10b and 10c to SDDCs settlement hierarchy.
S6 Sustainable Access	Policies 8a, 8b and 8c promote ways of extending cycling and walking routes, making road layout safer for non-car users and supports enhanced bus routes. The Plan is aligned with S6.
H20 Housing Balance, H21 Affordable Housing	The Etwall HNA provided Parish specific housing data and policies 10a and 10b provide a locally specific response. They are aligned with H20 and H21.
SD2 Flood Risk	Policy 7 reflects local concern about flood risk and reinforces the significance of considering it in the location and design of housing in the future in Etwall Parish. Policy 7 is aligned with SD2.
SD3 Sustainable Water Supply	Policy 1 identifies the need to meet the water efficiency standards set out in SD3. Policy 1 is aligned with SD3.
BNE1 Design Excellence	Policy 1 defines what good design means for Etwall Parish based on the Etwall Design Guidance and Codes and provides more detail as referred to BNE1 e) and g). Policy 1 is aligned with BNE1.
BNE2 Heritage Assets	Policy 6 protects the Parish's heritage assets and identifies locally significant heritage assets to contribute to SDDCs Local List identified in BNE2 Ci. Policy 6 is aligned with BNE2.
BNE3 Biodiversity	Policy 4 uses local data to provide more information about the Parish's biodiversity and requires development to achieve biodiversity net gain in accordance with national legislation. Policy 4 is aligned with BNE3.
BNE4 Landscape Character and Local Distinctiveness	Policy 3 identifies Key Views and Areas of Landscape Sensitivity, providing more local detail about the landscape character and local distinctiveness of the Parish. This means that mitigation, where required, can be more effective in minimising the local impact of development. The key valued landscape components listed in BNE4 (mature trees, established hedgerows and topographical features) are also identified in policy 3. Policy 3 is aligned with BNE4.

Local Plan Part 1¹¹	Etwall Neighbourhood Plan Policy
INF2 Sustainable Transport	Policies 8a, 8b and 8c align with INF2. INF2 Part A supports Policy 8a with its focus on the need to minimise the negative impact of vehicles. INF2 Part B aligns with Policy 8b – providing local information to identify existing and potential extensions to walking and cycling and highlighting the importance of the disused railway as an active travel corridor. Policies 8a, 8b and 8c are aligned with INF2.
INF3 Strategic Rail Freight Interchange	The Plan does not include a policy on the Freeport, this is an NSIP and is outside the scope of the Plan. None of the policies in the Plan seek to prevent the Freeport. However, given the substantial community comment on the scheme provided during the neighbourhood plan consultation, Section 21 was included in the Plan reflecting the community expectations for the site. Key Criteria for the development of the site are included on page 93 and these are set alongside the Review Local Plan Part 1 policy. The Key Criteria provide more local detail in relation to INF3 Part B.
INF6 Community Facilities	Policy 9 lists the community facilities that require protecting in the Parish – the list is in accordance with SDDCs glossary definition and is aligned.
INF7 Green Infrastructure	Green Infrastructure in the Plan is addressed across a number of policies – the disused railway is significant. The Plan highlights its local value for its heritage, biodiversity and as an active travel corridor. As such the Plan is aligned with INF7.
INF9 Open Space, Sport and Recreation	Policy 5 identifies some of the sport and recreation spaces in the Parish as LGS – as they are demonstrably special to local people. The Plan highlights the contribution that all the parks and play areas make to the quality of life in Etwall Parish. As such the Plan is aligned with INF9.

Local Plan Part 2	Etwall Neighbourhood Plan Policy
SDT1 Settlement Boundaries and Development and BNE5 Development in Rural Areas	The approach set out in SDT1 and BNE5 is mirrored in policies in the Plan. The settlement boundary map is included before Policy 2 for clarity. Specific reference is made to the requirements of BNE5 in Policies 2 and 3.
BNE7 Trees, Woodland and Hedgerows	Policies 3 and 4 emphasise the important multi benefits of trees, woodland and hedgerows in contributing to landscape character and for biodiversity. The Plan provides local data on their presence and significance and the policies in the Plan seek their protection (where possible) which is aligned with BNE7.

BNE8 Local Green Space	BNE8 allows for the identification of LGSs in neighbourhood plans and the Plan policy 5 proposes LGSs that meet the NPPF criteria. Policy 5 is aligned with BNE8.
BNE10 Heritage	Policy 6 reinforces the value of the heritage in the plan area and that it should be protected in accordance with BNE10. Policy 6 identifies additional buildings that have local heritage value and is intended to contribute to SDDCs local list. As such the Plan is aligned with BNE10.

7. Consideration of S98 and S99 of LURA

1.1 Sections 98 and 99 of the Levelling-up and Regeneration Act 2023 came into force on 25 March 2026. The legal compliance and the Basic Conditions requirements are as follows:

- so far as the qualifying body considers appropriate, and having regard to the subject matter of the plan, the plan must be designed to ensure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change; and
- so far as the qualifying body considers appropriate and having regard to the subject matter of the plan, the plan must be designed to take account of any local nature recovery strategy under section 104 of the Environment Act 2021 that relates to all or part of the neighbourhood plan area.

1.2 Policy 1 (2j) requires development to incorporate design feature to maximise energy efficiency. Higher standards like Passivhaus are supported.

1.3 Policy 4 Protecting and Enhancing the Natural Environment identifies those factors that will contribute to the mitigation of climate change. These are

Policy 4 (1) provide at least 10% biodiversity net gain

Policy 4 (2) ensures that ecological impacts are minimised

Policy 4 (3) retain trees, woodland and hedgerow and/or replace with native species

Policy 4 (4) planting and other biodiversity enhancements that are good for wildlife

Policy 4 (5) protecting mature trees and hedgerows

1.4 Policy 7 Reducing the Risk of Flooding requires development to be located in areas away from flood risk, criteria (3) encourages the use of sustainable drainage systems which can mitigate the increase flood risk associated with climate change, criteria 4 requires development to be resilient to climate change in accordance with design code in the Etwall Design Code.

1.5 Policy 8a Car Parking, Traffic Movement and Pedestrian Safety and Policy 8b Extending the Footpaths and Cycle Routes support measures that make cycling and walking easier and safer with the aim to make active travel more attractive and to reduce car usage.

- 1.6 Policy 4 (1) requires enhancement measures associated with any new development to have regard to the Derbyshire Local Nature Recovery Strategy.

8. Conclusion

41. It is the view of Etwall Parish Council that the foregoing has shown that the Basic Conditions as set out in Schedule 4B to the Town and Country Planning Act 1990 are considered to be met by the Plan and all the policies therein.
42. The Plan has appropriate regard to the NPPF and will contribute to the achievement of sustainable development. The Plan does not have the effect of preventing development as set out in the strategic policies contained in SDDCs adopted Local Plan Part 1 and Part 1 and the Plan meets relevant EU obligations that have been transferred into UK Law.
43. On that basis, it is respectfully suggested to the Examiner that the Plan complies with Paragraph 8(2) of Schedule 4B of the Act.

Appendix A Sustainability Matrix

Policy	Environmental Impact	Economic Impact	Social Impact
Policy 1 Achieving Well Designed Places	<p>Positive Impact</p> <p>Minimises the impact of development on the environment by setting out design guidelines that ensure development will blend with the existing built form and landscape. Ensures that development will reinforce existing character.</p>	<p>Positive Impact</p> <p>Ensures a high-quality design that will have community support and that will increase the attractiveness of the area as somewhere to live and work.</p>	<p>Positive Impact</p> <p>Provides existing and future residents with confidence that future development will be of the highest design quality.</p>
Policy 2 Infill/Backland Developments	<p>Positive Impact</p> <p>Minimises the impact of development on the environment by defining where development can be located and that it should be designed in accordance with the Etwall Neighbourhood Plan Design Guidance and Code 2024.</p>	<p>Positive Impact</p> <p>Sets out clear guidelines for the location of new development. Ensures that the impact of new development minimises the harm to the local character of the Parish as a place to live. Protecting the quality of the place will ensure the Parish remains a desirable and economically attractive place to live/work.</p>	<p>Positive Impact</p> <p>Allows some housing within Etwall village (and on the edge where it is defined as affordable).</p>
Policy 3 Protecting the Landscape Character	<p>Positive Impact</p> <p>Requires development to protect the local landscape, provides a detailed understanding of this landscape and why it is important (the sense of openness around the Parish and the contribution made by the Areas of Landscape Sensitivity</p>	<p>Positive Impact</p> <p>The rurality of the Parish is an attribute that attracts people to live and work here.</p>	<p>Positive impact</p> <p>The quality of the landscape around the Parish is highly valued by local people. The open countryside is an asset for leisure and recreation. Map 9e shows the walking and cycling routes.</p>

Policy	Environmental Impact	Economic Impact	Social Impact
	and key views are highlighted.)		
Policy 4 Protecting and Enhancing Biodiversity	Positive impact Highlights the specific biodiversity quality of the Parish and requires development to make a net contribution to biodiversity. The policy identifies areas of nature conservation and specific actions that would enhance biodiversity in the Plan Area.	Positive impact The quality of the natural environment is an attribute that attracts people to living in Etwall Parish.	Positive impact The biodiversity of the Plan area is a valuable attribute; residents enjoy the quality and accessibility of nature. This policy provides assurance that the biodiversity of the Parish will be protected and encourages its enhancement for the duration of the Plan period.
Policy 5 Proposed Local Green Spaces	Positive impact The designation of Local Green Spaces affords them additional protection from development, thereby enhancing the environment.	Neutral Impact	Positive impact These Local Green Spaces have been put forward by local people and are very important to them; their designation provides assurance that they will be protected from development for the duration of the Plan period. The focus on them may enable improved maintenance of them to enhance their form and function.
Policy 6 Protecting and Enhancing Heritage Assets	Positive Impact Protecting the historic environment is an important tenet of sustainable development. The policy provides a framework to protect heritage assets in accordance with NPPF guidelines.	Positive Impact Protecting the historic environment maintains the quality of the Parish—ensuring the Plan Area remains an attractive, economically vibrant place to live and work.	Positive Impact The community value the historic character of the Parish. Policy 6 is locally specific and reinforces this requirement to protect these assets.
Policy 7 Reducing the Risk of Flooding	Positive Impact Recognises the flood risk issues in the Parish.	Positive Impact Minimising the impact of flooding on a	Positive Impact Flooding causes significant anxiety – reducing its

Policy	Environmental Impact	Economic Impact	Social Impact
		community is a cost saving to residents and businesses.	impact is a significant benefit to the community.
<p>Policy 8a Car Parking, Traffic Movement and Pedestrian Safety</p> <p>Policy 8b Extending the Footpaths and Cycle Routes</p> <p>Policy 8c Improving Public Transport</p>	<p>Positive impact</p> <p>Reducing car usage by improving active travel routes and making people feel safer walking around Etwall village has multi benefits for the environment.</p>	<p>Neutral Impact</p> <p>Reducing congestion around the village centre will improve the local shopping experience making it more attractive to shop locally.</p>	<p>Positive impact</p> <p>Cycling and walking is good for health and will improve the well-being of residents. Improving the layout of existing and future roads will make it safer to walk/cycle around the Parish.</p>
Policy 9 Protecting and Enhancing Community Facilities	Neutral Impact	<p>Positive Impact</p> <p>A good range of community facilities creates a more vibrant neighbourhood where people want to live and work.</p>	<p>Positive Impact</p> <p>Access to a range of indoor and outdoor community facilities is vital to foster a sense of community cohesion and well-being in the Parish.</p>
Policy 10a, Housing Mix and Type, 10b Affordable Housing and 10c Rural Exception Site	Neutral impact	<p>Positive Impact</p> <p>These policies seek to address the need for smaller dwellings, reflecting community feedback, findings from the HNA and an understanding of the existing housing stock. Housing should meet local need and be a valuable addition to the existing housing stock.</p>	<p>Positive impact</p> <p>These policies seek to provide houses that will meet local need and to meet the changing needs of local residents over their lifetime.</p>
Policy 11 Developer Contributions	Neutral Impact	Neutral Impact	<p>Positive Impact</p> <p>The Policy seeks to balance future growth with a need to provide essential services and infrastructure enhancements necessary to ensure the Parish</p>

Policy	Environmental Impact	Economic Impact	Social Impact
			remains a pleasant and enjoyable place to live.
Policy 12 Supporting the Local Economy	<p>Neutral Impact</p> <p>Encourages job creation locally and the ability to work from home which reduces car usage which in turn will improve air quality and reduce environmental damage.</p>	<p>Positive Impact</p> <p>Policy 12 supports the growth of local businesses. A flourishing local economy provides job opportunities and investment in the Parish.</p>	<p>Positive Impact</p> <p>Local employment reduces commuting, giving people more time for other activities.</p>