

## Jessica Cheadle

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**From:** Ian Dickinson [REDACTED]  
**Sent:** 23 September 2020 10:15  
**To:** Planning Policy  
**Subject:** Hilton, Marston on Dove and Hoon Neighbourhood Development Plan consultation

Dear Sirs,

Thank you for consulting the Canal & River Trust on the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan.

The Trust does not own or operate any waterways within the Plan area and therefore has no comment to make on the draft Plan.

Regards,

Ian Dickinson MRTPI  
Area Planner

[REDACTED]

Canal & River Trust, The Kiln, Mather Road, Newark, Notts NG24 1FB

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### Cadw mewn cysylltiad

Cofrestrwch i dderbyn e-gylchlythyr Glandŵr Cymru <https://canalrivertrust.org.uk/newsletter>

Cefnogwch ni ar <https://www.facebook.com/canalrivertrust>

Dilynwch ni ar <https://twitter.com/canalrivertrust> ac <https://www.instagram.com/canalrivertrust>

Mae'r e-bost hwn a'i atodiadau ar gyfer defnydd y derbynnydd bwriedig yn unig. Os nad chi yw derbynnydd bwriedig yr e-bost hwn a'i atodiadau, ni ddylech gymryd unrhyw gamau ar sail y cynnwys, ond yn hytrach dylech eu dileu heb eu copïo na'u hanfon ymlaen a rhoi gwybod i'r anfonwr eich bod wedi eu derbyn ar ddamwain. Mae unrhyw farn

neu safbwynt a fynegir yn eiddo i'r awdur yn unig ac nid ydynt o reidrwydd yn cynrychioli barn a safbwyntiau Glandŵr Cymru.

Mae Glandŵr Cymru yn gwmni cyfyngedig drwy warant a gofrestrwyd yng Nghymru a Lloegr gyda rhif cwmni 7807276 a rhif elusen gofrestredig 1146792. Swyddfa gofrestredig: First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB.



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**RTPI**  
Learning Partner



Tel:

Email:

Web: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

For the Attention of: Karen Beavin  
South Derbyshire District Council

**[By Email: [planning.policy@southderbyshire.gov.uk](mailto:planning.policy@southderbyshire.gov.uk) ]**

19 October 2020

Dear Karen Beavin

**Hilton, Marston on Dove and Hoon Neighbourhood Development**

Thank you for consulting The Coal Authority on the above.

Having reviewed your document, I confirm that we have no specific comments to make on it.

Should you have any future enquiries please contact a member of Planning and Local Authority Liaison at The Coal Authority using the contact details above.

Yours sincerely

**Christopher Telford BSc(Hons) DipTP MRTPI**  
**Principal Development Manager**

Planning Policy  
South Derbyshire District Council  
Civic Offices  
Civic Way  
SWADLINCOTE  
Derbyshire  
DE11 0AH

Telephone: 01629 539810  
Ask for: David Dale  
Email: [REDACTED]  
Our ref: PM/DMD/Hilton, Marston on Dove and  
Hoon Neighbourhood Plan  
Your ref:  
Date: 19 October 2020

Dear Madam/Sir

## **Localism Act 2011 – Strategic Planning Comments**

### **Hilton, Marston on Dove and Hoon Neighbourhood Plan 2020 - 2035: Submission Draft**

Thank you for consulting Derbyshire County Council (DCC) on the Hilton, Marston on Dove and Hoon Neighbourhood Plan: Submission Draft (HMoDHNP). The comments below are DCC's Member and Officers' technical comments with regard to the education, sustainability, housing, transport, and public health aspects of the Plan.

#### **Local Member Comments**

Councillor Julie Patten, the Local County Council Member for Hilton Electoral Division, has been consulted. To date, no comments have been received, but if I receive any I will forward them to you.

#### **Officer Comments**

##### **Plan Period**

DCC welcomes the fact that its comment on the Pre-Submission version of the Plan that a Plan Period should be defined has been taken into account, as this is now clearly identified on the front cover and in the footers of the document.

##### **About Hilton, Marston on Dove and Hoon**

###### Page 13

DCC would suggest an updated figure for inclusion in the document, namely that:  
*"In January 2020 Hilton Primary School had 762 pupils on its roll."*

##### **Sustainability statement**

DCC is pleased to see that most of the recommendations relating to climate change and sustainability made in its comments on the Pre-Submission version of the HMoDHNP have now been incorporated into the Submission version. DCC particularly welcomes the inclusion of the 'Sustainability statement (SS)' and that specific policies related to the SS are provided throughout the document. However, DCC would suggest that a further policy relating to renewable energy generation on a larger scale than the micro-generation by individual households should be added.



## Housing

### Housing delivery

It is noted that on page 16 a survey of residents revealed the desire for a moratorium on house building in the period 2028 – 2035. This was seen as being a reflection of the fact that the services and amenities provided in Hilton needed to ‘catch up’ with the size of the community. However, it is welcomed and supported that recognition is given at the foot of that page that policies formulated on this basis in the HMoDHNP would be contrary to Paragraph 13 of the National Planning Policy Framework (NPPF). It is supported, therefore, that Policy H1 Housing Delivery provides a more positive approach to future housing growth that may come forward over the plan period within the settlement boundary that is not already allocated.

The approach to the type of housing that is required in the Plan area over the plan period, based on a range of up-to-date evidence relating to housing need, notably the Hilton Housing Needs Assessment, is supported.

### Settlement Boundary

In its comment on the Pre-Submission version of the Plan, DCC suggested that a plan should be added clearly showing the Settlement Boundary of Hilton, based on that which is included in the South Derbyshire Local Plan Part 2. This comment has now been addressed by the inclusion of the map on page 19.

## Requirements for housing

### **Policy H4 Requirements of housing: homes designed for energy efficiency**

Accessible cycle storage has been included in this policy, which is supported. It is recommended that the Cambridge guidelines be adopted for any new developments: <https://www.cambridge.gov.uk/media/6771/cycle-parking-guide-for-new-residential-developments.pdf>

## Transport

### Parking

#### **Community Policy CP-T1 Highway safety and traffic management**

DCC would reiterate its previous concern about this policy, which should be viewed with caution. Any additional car-based infrastructure is likely to encourage more car-based journeys, thereby exacerbating the concerns outlined elsewhere in the document relating to traffic, speeding, safety, and traffic congestion.

Additional car parking provision is likely to lead to additional journeys being undertaken by car, which will lead to more traffic, with concerns about speeding and safety, and additional car parking demand.

#### **Policy T1 Active travel**

This policy is noted and supported. DCC would recommend that it should be strengthened to ensure that the design and layout of any development should make active and sustainable travel easier and more direct than motorised modes.

**Policy T2 Access to schools**

This policy is noted and supported, and should be further enhanced through formal adoption of Modeshift STARS <https://www.modeshiftstars.org/> the national sustainable travel accreditation scheme, for all Hilton Schools.

**Community Policy CP-T2 School access**

The policy is noted and supported. The formal adoption and support of Modeshift STARS, as referenced in Policy T2 above, will work towards addressing this issue, and should be referenced here.

**Policy T3 Cycle paths and cycle parking**

This policy is supported.

**Community Policy CP-T3 Cycle routes**

This policy is supported.

**Community Policy CP-T4 Bus services**

This policy is supported, although it should be made clear that any improvements to the bus service should benefit all local residents.

**Environment****Flooding**

DCC has no comment to make on this aspect of the Plan.

**Public Health**

DCC's Public Health Department considered how the plan aligned with the agreed 'Strategic Statement – Planning and Health across Derbyshire and Derby City', (attached) and concluded that:

The HMoDHNP makes no reference to Health Impact Assessments (HIAs). DCC would suggest, therefore, that the following statement should be added to the Plan:

*“Planning applications for major residential developments of 100 dwellings or more should ideally be accompanied by a Health Impact Assessment (HIA), where there is likely to be a negative impact on population health as a consequence of the development.”*

The HMoDHNP makes no specific mention of Environmental Impact Assessments (EIAs), and population human health as one of the EIA considerations, but does comment on many associated environmental impacts. DCC's Public Health Department would suggest, therefore, that measures to 'control dust and other emissions from construction, operation and demolition' during any construction processes should be added to the Plan.

**6.2– Supporting positive mental wellbeing**

The HMoDHP mentions increasing the use of cycling and walking and walking routes, and advocates behaviour change and targeted participation programmes at a community level to encourage more walking and cycling. There is no specific mention of the 'Five Ways to Wellbeing' (see below), but each of the points has been covered within the Plan itself:

1. **Be Active** – increasing walking/cycling paths, linking new and existing pathways for safer, active travel, enhancing sporting facilities at The Mease Pavilion and turning community land into allotments;
2. **Give** – the question is whether or not there are enough community venues to cover the whole of the village in order to promote social connectedness;
3. **Keep Learning** – The Plan is proposing to engage with local educational organisations to establish Adult Education opportunities;
4. **Take Notice** – There are proposals to increase and improve green spaces in the area, but also to preserve the green space already available and not permit any building on these sites; and
5. **Connect** – DCC would suggest that the Plan should include a reference as to how socially isolated people could get out, meet, and talk to others locally.

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### **6.3 – Supporting healthy ageing**

DCC would suggest that the HMoDHNP could be strengthened by including a reference to a dementia-friendly environment, and encouraging developers to design homes to a lifetime standard that includes facilities and features that enable people to live independently for longer.

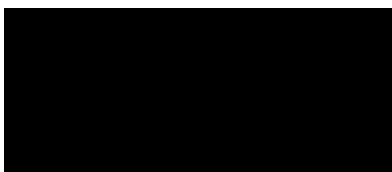
### **6.5 Healthy Homes**

The HMoDHNP does not mention building to lifetime homes standards, Building for Life (BfL) 12 or M4 (2) category of home that is accessible and adaptable. Living in poor quality homes that require improvement has a fundamentally negative impact on health, particularly that of the most vulnerable people e.g. children and older people, and DCC would suggest that a reference to this should be added to the Plan.

Similarly, the HMoDHNP makes no reference to Housing Standards or to the cost per dwelling of bringing any current poor housing up to an expectable standard. The Plan would be strengthened if it were to include a reference to ensuring that existing housing stock could be maintained to good quality (BfL 12) standards, or renovated or replaced if it were to require improvement.

Please contact me if you wish to discuss the comments further.

Yours faithfully



David M Dale  
Policy and Monitoring and LA lead: CLIP: Planning Sub-group

## Strategic Statement

### Planning and Health across Derbyshire and Derby City

Our vision is for places across Derby and Derbyshire that ensure every child and adult has the opportunity to live a healthy and fulfilling life

**1. Purpose:** To agree an ambitious vision, shared priorities and principles for delivering the Combined Authority's member organisations duty to cooperate in respect of health and planning.

#### 2. Background and information

Responsibility for public health transferred to local authorities in April 2013 and this gave councils new opportunities to improve joint working between public health and planning as well as related disciplines such as housing, transport planning and regeneration, in order to improve health and reduce health inequalities locally.

To achieve this we need to identify links between public health objectives and how places can be shaped to respond to them, with reference to the *National Planning Policy Framework 2012* (NPPF) and national public health outcomes indicators. In addition, it needs to reflect the added value that joint work on planning and health can bring to local priorities identified in the Derby and Derbyshire Joint Strategic Needs Assessments and Health and Wellbeing Strategies, Director of Public Health Annual Reports, Locality Public Health Plans and the Derbyshire Healthy Communities Programme (Refs: Appendix 1).

The statement reflects the different needs of communities across Derby and Derbyshire, as well as identifying principles to underpin joint working at local and strategic level and specific health priorities for joint working on planning and health.

#### 3. Our communities

Appendix 2 provides a summary of key information about the population of Derby and Derbyshire. Poor health is both a limiting factor to increasing economic activity rates, as well as a consequence of low economic activity rates. The causative links between socio economic inequality and chronic stress and poor health are well understood and improving health and tackling these inequalities is a key component of achieving sustainable communities.

#### **4. What does the planning system do already in relation to health?**

The planning system acts to mediate the demands of the market and the social and environmental impact of development. As a part of this, planners work with applicants throughout the development process in a bid to secure wider social benefits, such as benefits for health infrastructure or public health. Although the planning system is positively geared towards achieving social benefit, the ability of planners to intervene in the existing built and natural environment is limited unless new development proposals come forward and planners must negotiate specific planning obligations in the context of development viability and defined criteria. This means the planning system can require reasonable, appropriate and necessary contributions from developers and social benefits need to be considered as a whole.

The *NPPF* guides local planning authorities to integrate the health agenda, through the 'Promoting Healthy Communities' chapter, into planning policy and development management decisions. Also, *National Planning Practice Guidance* (NPPG) provides advice for local planning authorities and specifically the role planning has to play in supporting health through the 'Health and Wellbeing' chapter.

There are two main tools that the planning system can use to help achieve health objectives. Firstly, through the local and neighbourhood plan process, and the development of planning policy. Although health is not usually a separate policy area in land-use planning it is regularly integrated throughout policy frameworks; for example, aiming to provide accessible service centres for local communities has health and wider benefits. Secondly, the development management process enables planners to negotiate any planning contributions and look to steer the design of a development to address health objectives.

#### **5. What principles should underpin the planning and health agenda?**

Local planning authorities can use the following principles to enable them to achieve a healthy built and natural environment across Derbyshire and Derby City:

- Embed sustainability and protection of the environment across the planning system to assure the future of a healthy built and natural environment.
- Help provide accessible service centres, shared spaces and community facilities which serve day-to-day needs

- Encourage walking and cycling through the provision of pedestrian/cyclist friendly infrastructure, measures to prevent road traffic accidents and concentrating development as close as possible to service centres and employment
- Create healthy living environments through the provision of community open space, recreation and sport facilities
- Help protect and enhance public rights of way
- Protect people's health from air pollution, noise, flood risk and accidents
- Ensure the delivery of high quality homes and good design standards that meet the varied needs of local communities and an ageing population
- Active consultation between local planning authorities, healthcare commissioners and public health teams to help understand, and plan for, impact of development on health services and the health of communities
- Consult with communities to help understand local perspectives on health and any concerns that can be addressed through the planning system
- Look to pro-actively address areas of health inequality wherever possible
- Where appropriate seek contributions towards new health related infrastructure to support development through planning obligations
- Maximise the opportunities for recreation and connecting people with the outdoors, the natural world and cultural heritage through Derbyshire unique assets, such as the National Parks.

## 6. Health priorities for the planning system

This section presents the priorities for planning and health which reflect where the planning system can make the greatest contribution to delivery of priorities identified in the Health and Wellbeing Strategies for Derby and Derbyshire and other strategic local plans listed in section 2 above.

### *6.i: Prioritising positive prevention*

The first priority is to promote the development of healthy environments that actively support people to maintain a healthy weight. We aim to change the embedded culture of routine car use to one which promotes safe active travel and use of public transport, ensuring a focus on connectedness between where people live and where they work, study, spend their leisure time and access services. In addition, we will explore how we could use local green-space to support sustainable access to healthy foods, in order to help tackle food poverty in Derbyshire. We will use evidence and intelligence<sup>1</sup> to

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<sup>1</sup> 'Evidence' in this context is the term used to describe information that has been demonstrated through empirical research, while the term 'intelligence' incorporates information derived from a broad range of sources including evidence, service data, public perspectives / views and qualitative and quantitative information.

understand how behavioural nudges can be ‘built in’ to support these healthier behaviours, and to demonstrate the impact on the economy of having a healthier workforce.

### ***6.ii: Supporting positive mental wellbeing***

The environment in which we live directly impacts on our mental well-being - access to good quality homes, safe streets and greenspace helps support happier and healthier individuals and local communities. Using place-shaping to improve the mental wellbeing of local people has the potential to make a significant positive impact on the local economy through reducing sickness absence and maintaining a motivated and productive workforce.

Neighbourhood planning can actively engage local people in ensuring community interests and concern (such as exposure to noise or air pollution) inform decisions, and the planning system as a whole can help support the delivery of the ‘Five Ways to Wellbeing’ summarised below:

- a) **Be Active** – delivery of priority 6.i clearly links to this objective
- b) **Give** – Active participation in social and community life can be supported through interventions that promote social connectedness (priority 6.iv below)
- c) **Keep Learning** – Ensuring access to places in local communities where people can continue to learn throughout their life supports mental wellbeing.
- d) **Take Notice** – Access to greenspace and local environments that help individuals connect with the natural world is proven to enhance wellbeing.
- e) **Connect** – small changes to places can be planned to enable people to connect with one another more – for example simply placing benches in residential areas provides opportunities for socially isolated older people with limited mobility to get out, meet and talk to others locally.

### ***6.iii Supporting healthy ageing***

The number of people aged 65 years and over across Derby and Derbyshire is projected to increase significantly over the next 25 years. We want to maximise the very real benefits these demographic changes will bring about. Older people make a significant contribution to society and the economy in a number of ways, including through their spending power, provision of social care, volunteering and support for charities and their own families. If people can stay healthy for longer, they can continue to make a significant contribution to our communities, and reduce the increased demand on health and social care. Specific ways in which the planning system as a whole can contribute to healthy ageing is to ensure new homes are built that promote independence and respond to changing needs as people age, design new



neighbourhoods which provide the infrastructure for dementia friendly communities and enable social connectedness (see priority 4.iv below).

#### ***6.iv Enabling people to connect with each other***

Social cohesion is a feature of strong and vibrant communities, and is characterised by a sense of belonging, shared interest in addressing challenges and inequalities, where diversity is appreciated and people feel safe and valued. Some areas of Derbyshire are very rural and issues such as transport, opportunities for social interaction and access to services, including high speed internet access, remain a real challenge. The planning system can continue to support connectedness within communities by creating places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other including, for example, through housing developments that are mixed use, design of residential streets to encourage their use for social interaction, shared recreational space to encourage intergenerational contact, provision of neighbourhood centres and well-designed street frontages.

#### ***6.v Healthy homes***

The type and condition of peoples' homes has a direct impact on the health and well-being of individuals, families and communities across Derby and Derbyshire, and contributes to inequalities in health outcomes between different areas and groups within the population. Living in a poor quality home, characterised by damp, mould and excess cold or exposure to air pollution or noise, can lead to an increased risk of cardiovascular and respiratory disease as well as to mental health problems. In addition, structural defects can increase the risk of accidents, and overcrowding contributes to increased risk of communicable disease. We need to collate intelligence on current and future housing needs of all sections of the population, especially those most at risk of insecure tenancy and poor housing.

The contribution of strategic planning to healthy housing can be maximised by planning the building of the right homes in the right places for all sections of the population, renovating or replacing existing homes that require improvement and implementing the principles and learning from the Healthy New Towns programme. This work will be supported and informed by a review of housing and health commissioned by the Derbyshire Housing Strategy Group and



Derbyshire Joint Strategic Needs Assessment Board and due to report in early Spring 2016.

## **7. Monitoring**

The Derbyshire Planning and Health Steering Group will monitor overall progress against these priorities using two key outcomes:

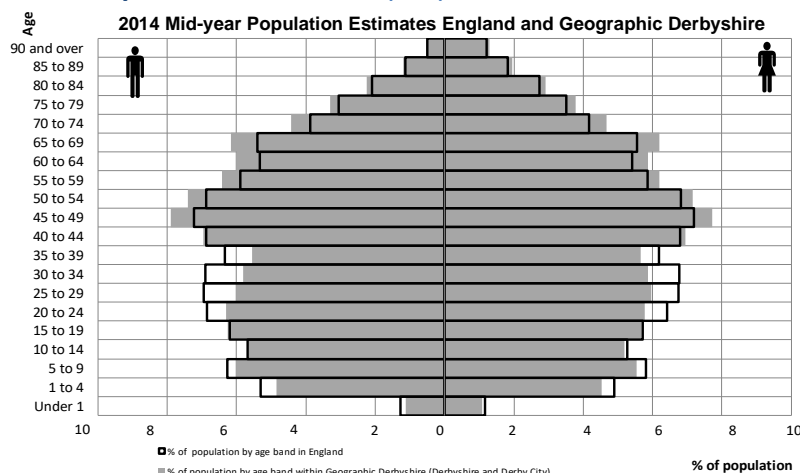
- Increased healthy life expectancy in Derby and Derbyshire
- Reduced gap in healthy life expectancy between communities across Derby and Derbyshire

**Appendix 1: References**

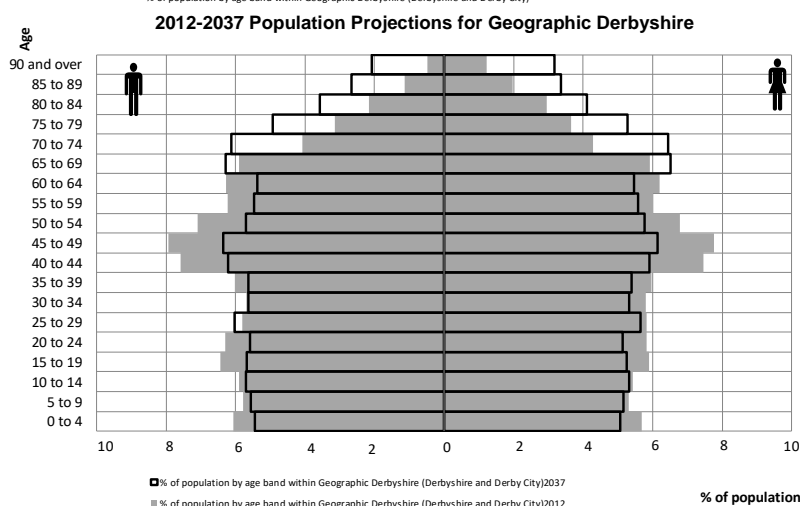
National Planning Policy Framework (NPPF)	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf</a>
National Planning Practice Guidance (NPPG)	<a href="http://planningguidance.planningportal.gov.uk/">http://planningguidance.planningportal.gov.uk/</a>
Localism Act 2011, Chapter 20, Part 6, Chapter 1, Section 110	<a href="http://www.legislation.gov.uk/ukpga/2011/20/section/110/enacted">http://www.legislation.gov.uk/ukpga/2011/20/section/110/enacted</a>
National public health outcomes indicators	<a href="https://www.gov.uk/government/publications/healthy-lives-healthy-people-improving-outcomes-and-supporting-transparency">https://www.gov.uk/government/publications/healthy-lives-healthy-people-improving-outcomes-and-supporting-transparency</a>
Derby and Derbyshire Joint Strategic Needs Assessments (JSNA)	Derbyshire <a href="http://observatory.derbyshire.gov.uk/IAS/Custom/Resources/HealthandWellbeing/SoD_2014_DO.pdf">http://observatory.derbyshire.gov.uk/IAS/Custom/Resources/HealthandWellbeing/SoD_2014_DO.pdf</a>
Derby and Derbyshire Health and Wellbeing Strategies	
Director of Public Health Annual Reports	Derbyshire available at <a href="https://www.derbyshire.gov.uk/social_health/public-health/about_public_health/default.asp">https://www.derbyshire.gov.uk/social_health/public-health/about_public_health/default.asp</a>
Derbyshire Healthy Communities Programme	  The Healthy Communities model.d Healthy Communities Partner Update Sept
Five Ways to Wellbeing	<a href="http://b.3cdn.net/nefoundation/8984c5089d5c2285ee_t4m6bhqq5.pdf">http://b.3cdn.net/nefoundation/8984c5089d5c2285ee_t4m6bhqq5.pdf</a>
Healthy New Towns Programme	<a href="http://www.derbyshire.gov.uk/images/Agenda%20item%207%20-%20Healthy%20New%20Towns%20Programme_tcm44-270225.pdf">http://www.derbyshire.gov.uk/images/Agenda%20item%207%20-%20Healthy%20New%20Towns%20Programme_tcm44-270225.pdf</a>
Town and Country Planning Association (TCPA) Planning healthier places – report from the reuniting health with planning project	<a href="http://www.tcpa.org.uk/data/files/Health_and_planning/Health_Phase_2/Planning_Healthier_Places.pdf">http://www.tcpa.org.uk/data/files/Health_and_planning/Health_Phase_2/Planning_Healthier_Places.pdf</a>
TCPA Reuniting health with planning – creating health promoting environments	<a href="http://www.tcpa.org.uk/data/files/Health_and_planning/Health_Phase_2/Planning_Healthier_Places.pdf">http://www.tcpa.org.uk/data/files/Health_and_planning/Health_Phase_2/Planning_Healthier_Places.pdf</a>
TCPA Reuniting health with planning – healthier homes, healthier communities	<a href="http://www.tcpa.org.uk/data/files/TCPA_FINAL_Reuniting-health-planning.pdf">http://www.tcpa.org.uk/data/files/TCPA_FINAL_Reuniting-health-planning.pdf</a>
Royal Town Planning Institute (RTPI) Inclusive planning and health	<a href="http://www.rtpi.org.uk/knowledge/policy/topics/inclusive-planning-and-health/">http://www.rtpi.org.uk/knowledge/policy/topics/inclusive-planning-and-health/</a>
Royal Institute of British Architects (RIBA) City health check – How design can save lives and money December 2013	<a href="https://www.architecture.com/Files/RIBAHolding/PolicyAndInternationalRelations/Policy/PublicAffairs/RIBACityHealthCheck.pdf">https://www.architecture.com/Files/RIBAHolding/PolicyAndInternationalRelations/Policy/PublicAffairs/RIBACityHealthCheck.pdf</a>

## Appendix 2: Key data about our communities

Population: 1,032,300 people are resident within Derby and Derbyshire.



The administrative County of Derbyshire has a population of 779,800 and Derby City has a population of 252,700. Between 2013 and 2014 Derbyshire’s population has increased by 41,300 people or 0.5% and Derby City’s by 1,100 people or 0.4%. Within the County, South Derbyshire has the largest year-on-year population growth of 1.3%, which is a greater rate of growth than seen for England (0.83%). Since 2001, Derbyshire’s population has grown by 5.9% and Derby City’s by 9.4%, compared to 9.3% for England. Again, South Derbyshire’s population has grown much faster in the same period at 18.4%. Conversely, other areas such as High Peak have seen much slower population growth of just 2.2%. The latest Sub-National Population Projections from the Office for National Statistics (ONS) suggest that the population of the whole county will increase by 127,900 people between 2012 and 2037. Derby City’s population is projected to grow at a faster rate than the administrative county. The largest percentage change in population is projected to be in South Derbyshire (22.4%). Across the age bands, relatively low growth is projected for the child population (0-15 years), whereas the percentage of the population of working-age will decrease in Derbyshire, but grow in Derby City. The largest increase in population will be amongst those age bands 65+ and particularly the older age bands, aged 75+.



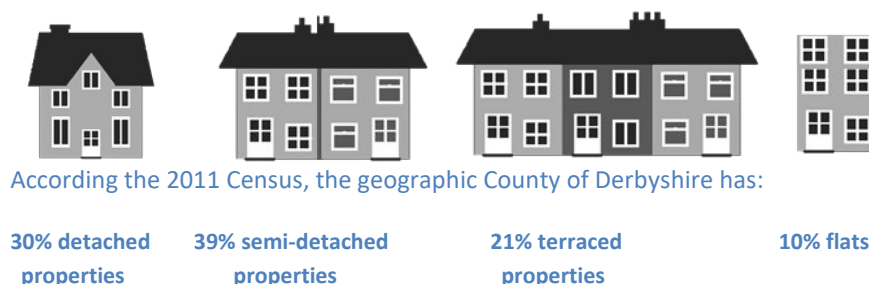
2012-2037 Population Projections for Geographic Derbyshire

Area	ONS Mid Year Population Estimates (2014)					ONS Sub-national population projections (2012-2037)						
	Total population	0-15	16-64	65+	%of total Geo Derbyshire popn	Total population		% change	% change by age band			
						2012	2037		0-15	16-64	65+	90+
Amber Valley	123,900	17.0%	62.1%	20.9%	12.0%	122,700	136,800	11.5%	3.2%	-5.0%	71.3%	267.5%
Bolsover	77,200	17.9%	62.8%	19.4%	7.5%	76,400	83,700	9.6%	1.4%	-3.7%	61.5%	233.8%
Chesterfield	104,300	17.1%	62.9%	20.0%	10.1%	103,800	110,600	6.6%	2.7%	-7.4%	55.6%	226.6%
Derbyshire Dales	71,300	15.7%	59.3%	24.9%	6.9%	71,300	78,100	9.5%	1.0%	-11.5%	68.9%	196.0%
Erewash	114,000	17.8%	62.8%	19.4%	11.0%	112,800	127,500	13.0%	7.9%	-1.1%	65.8%	274.5%
High Peak	91,400	17.5%	63.2%	19.4%	8.9%	91,100	99,500	9.2%	1.1%	-7.6%	76.9%	254.3%
North East Derbyshire	99,400	16.1%	60.5%	23.4%	9.6%	99,300	107,100	7.9%	5.9%	-8.3%	54.3%	242.4%
South Derbyshire	98,400	19.2%	63.5%	17.2%	9.5%	96,000	117,500	22.4%	10.6%	6.6%	99.1%	251.0%
Derby City	252,500	20.7%	63.3%	16.0%	24.5%	250,600	291,300	16.2%	9.7%	8.5%	57.0%	323.9%
Geographic Derbyshire	1,032,300	18.1%	62.5%	19.3%	n/a	1,024,100	1,152,000	12.5%	6.0%	-1.2%	66.0%	244.3%
Derbyshire	779,800	17.3%	62.2%	20.4%	75.5%	773,500	860,700	11.3%	4.6%	-4.5%	68.3%	238.3%
Erewash CCG	Figures not yet published for 2014					94,600	106,500	12.6%	7.7%	-1.0%	65.7%	253.6%
Hardwick CCG						108,900	118,400	8.7%	3.0%	-5.4%	58.6%	236.7%
North Derbyshire CCG						272,100	295,000	8.4%	2.7%	-8.2%	62.6%	246.7%
Southern Derbyshire CCG						515,300	596,600	15.8%	8.0%	3.6%	69.5%	243.3%
Tameside and Glossop CCG						253,400	284,500	12.3%	7.0%	-0.5%	69.0%	232.2%

For more information take a look at the [People and Place](#) section of the Derbyshire Observatory

NB: ONS population projections may not reflect the detailed housing needs assessments carried out by individual local authorities in their Strategic Housing Market Assessments.

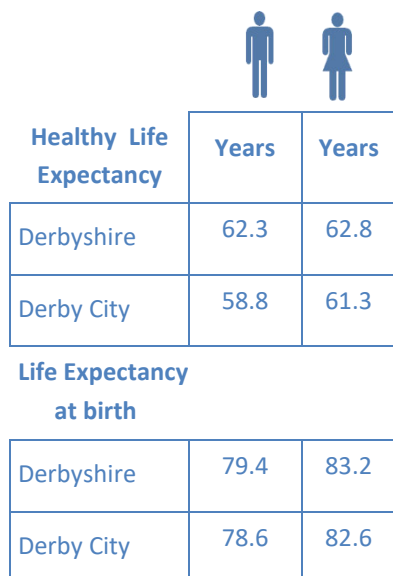
**Housing:** There are 434,500 homes across Derby and Derbyshire



The latest data from ONS indicates that the number of homes is expected to increase to 517,800 in the geographic county by 2037. Derby City (22.6%) and South Derbyshire (29.6%) are projected to have the highest growth. There are high levels of home ownership within the county and therefore ensuring private dwellings are built with appropriate design specifications to enable individuals to remain in their own home as they grow older is important. In 2013, statistics from the DCLG indicate 84.9% of properties in Derbyshire are in the private sector and in Derby City this is 80.3%, compared to an average of 82.9% for England. Derby City has a higher percentage of local authority owned houses (12.6%) and housing association owned properties (7.0%) than for the administrative county of Derbyshire where figures are 8.6% and 6.5% respectively. The ratio of median house price to median earnings is 3.7 for Derby City and 5.4 for Derbyshire. In some parts of the county, such as Derbyshire Dales this ratio is much higher at 8.3, compared to the average for England of 6.7. Across the geographic county 493 affordable dwellings were provided in 2013/14. Census data indicated there are 12.0% of houses in Derbyshire and 16.8% of houses in Derby City in the private rented sector. In addition to this national data, there are additional projections and figures utilised by the local planning authorities, which may provide more up to date information and are detailed in Local Plans and other strategic documents.

For more information take a look at the [Housing](#) section of the Derbyshire Observatory

**Health:** 79.2% of residents are in good health across Derby and Derbyshire as a whole.



For many health indicators there are clear contrasts between Derby City and Derbyshire, and within the districts of the administrative county of Derbyshire other differences exist. For example, Healthy Life Expectancy varies between the two areas as shown in the infographic to the left and furthermore at a ward level these differences are more pronounced. For example in Derbyshire there is a difference of 16.7 years between the longest and shortest life expectancy at ward level. In Derby City this is 10.9 years.

According to the Index of Multiple Deprivation 2010, Derby City experiences higher levels of deprivation compared to the administrative county of Derbyshire and England as a whole. This is further reflected in the fact that Derby City has higher levels of both child and fuel poverty than the administrative county of Derbyshire, suggesting housing quality is an issue. However, in some rural communities in Derbyshire Dales where there are older stone built properties there are some of the highest fuel poverty levels in the country.

Derbyshire has an ageing population and this brings with it particular health issues, such as older people who feel socially isolated, are diagnosed with dementia and have multiple long-term health conditions.

**Issues which flag red for both city and county on the Public Health Outcomes Framework:**

- Excess Weight in Adults
- Hospital admissions for alcohol related episodes
- NHS Health Check Uptake
- Injuries due to falls in people aged 65+
- School readiness
- Utilisation of green space for exercise/health reasons

More broadly, lifestyle factors have an impact on health and obesity is an issue for both Derbyshire and Derby City, as is smoking. Unemployment, which is an important wider determinant of health, varies across the county and the latest statistics are available in a [monthly bulletin](#). Surprisingly, the utilisation of outdoor space for exercise or health is limited. Just 11.1% of people in Derby City and 13.3% of people in the administrative county of Derbyshire use outdoor space, compared to 17.1% for England as a whole.

For more information take a look at the [Health & Wellbeing](#) section of the Derbyshire Observatory

Miss Karen Beavin  
South Derbyshire District Council  
Planning Policy, Planning Services  
Civic Offices Civic Way  
Swadlincote  
Derbyshire  
DE11 0AH

**Our ref:** LT/2006/000236/OR-  
08/PO1-L01

**Your ref:**

**Date:** 25 September 2020

Dear Miss Beavin

## **Hilton, Marston, and Hoon Neighbourhood Plan (Regulation 16)**

Thank you for consulting the Environment Agency on the Hilton, Marston and Hoon neighbourhood plan.

### **Proposed Development**

We note that there are two new proposed housing allocations within the neighbourhood plan. Both of the sites are not situated in flood zones 2 and 3 are situated in flood zone 1 and therefore we have no detailed comments to make on this site.

### **Policy E1 Green Spaces**

We welcome that this policy requires new development to enhance and improve green infrastructure.

### **Policy E4 Nature Corridors**

We welcome the inclusion of this policy with particular reference to creating new habitats and providing green wildlife corridors. We would ask that this is broadened to include river corridors where development is proposed next to watercourses.

### **Policy E5 Biodiversity**

We welcome that there is a policy for biodiversity within the neighbourhood plan with the aim for development to provide biodiversity net gain.

### **Policy F1 Flood Mitigation**

We note that the neighbourhood plan includes this policy for flood mitigation. The emphasis of the policy is on matters relating to surface water. Parts of the neighbourhood plan are situated in areas of flood zones 2 and 3. It may be beneficial to reference the relevant flood risk policy within South Derbyshire's adopted Local Plan as well as the flood risk requirements of the national planning policy framework (NPPF). If development is to be proposed in areas of flood risk then it will need to ensure the development is safe for its lifetime and does not increase flood risk to the site and to others.

Yours sincerely

**Mr Joseph Drewry**  
**Planning Specialist**

Direct dial [REDACTED]

Direct e- [REDACTED]

Environment Agency  
Trent Side North, West Bridgford, Nottingham, NG2 5FA.  
Customer services line: 03708 506 506

[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

Cont/d..



## Representation Form

South Derbyshire District Council Regulation 16 publicity:

Hilton, Marston on Dove and Hoon Neighbourhood Development Plan

19<sup>th</sup> October 2020

### Part A – Your Contact Details

Name

Organisation

Hallam Land Management Limited

Address (including postcode)

c/o Planning and Design Group (UK) Limited  
Pure Offices  
Lake View Drive  
Sherwood Park  
Nottingham  
NG15 0DT  
  
FAO David Peck

Telephone number

E-mail address

### Part B – Your Representation

To which part of the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan do your comments relate?

Policy Number:

N1

Page:

Other:

**Comment:**

On behalf of Hallam Land Management Limited (HLML) we object to Policy N1 'Noise mitigation'.

HLML has interests in land to the east of Sutton Lane, Hilton, being adjacent to the A50. The land has been identified by HLML as being suitable for residential development. Plans showing same have been considered by the Local Planning Authority through the preparation of the South Derbyshire Local Plan and related evidence base (see enclosed indicative masterplan). No technical issues were identified that would preclude development of the site, any potential constraints being capable of being addressed. At the time of preparation of the Local Plan, other sites were however preferred for allocation to meet housing needs as identified at that time. This included the allocation of adjacent land, being 'Derby Road, Hilton' under Policy 23C of the Local Plan. This part of Hilton has therefore been confirmed as being suitable in principle for residential development. HLML remains of the firm view that land to the east of Sutton Lane, Hilton remains suitable for residential development and should remain to be considered as an opportunity site.

Policy N1 as proposed would significantly limit the development opportunity presented by land to the east of Sutton Lane. Such limitation is however without reasonable basis or justification.

Proposed Policy N1 'Noise mitigation' fails to meet the basic tests and as such should be deleted from the Neighbourhood Plan. It is clear that Policy N1:

- is not consistent with the National Planning Policy Framework
- would not contribute to achieving sustainable development

We set out our concerns in respect of the above in further detail below.

Policy N1 seeks to establish a '*200 metre wide exclusion zone along the length of the A50.. [to] be kept free from any housing development*'. The Neighbourhood Plan (NP) provides no evidence to support the imposition of a '200 metre exclusion zone'. It is entirely arbitrary. The NP presents no evidence that '200 metres' would be effective or appropriate. Indeed, the NP presents no evidence as to how effective (or not) any 'exclusion zone' would be in addressing noise issues of concern.

The NP makes no reference to or acknowledgment of other options that are available for the mitigation of noise, such options being reasonable, effective and commonly deployed as part of residential development.

The NP presents no assessment of how any 'exclusion zone' might impact the reasonable consideration of options for meeting local development needs. As such, it would not contribute to effective or efficient decision making. On that basis, it would not contribute to efforts to achieve sustainable development. Indeed, Policy N1 would preclude reasonable development opportunities, blighting land and negating opportunities for achieving sustainable development. Consequently, Policy N1 does not have regard to the NPPF.

The consideration of the impact of noise on residential development is already considered by policy within the Local Plan. It is not necessary, efficient or effective to seek to impose additional controls through the NP, as set out by Policy N1.

For the above reasons, Policy N1 as proposed should not form part of the NP.

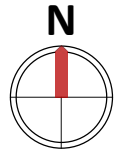
**Future notification:** I wish to be notified of the decision following the examination of the

Hilton, Marston on Dove and Hoon Neighbourhood Development Plan: YES:





Scale = 1:2500 at A3



- A** Existing allotment gardens.
- B** Vehicular access from Sutton Lane.
- C** Potential footpath/cycle links on to Sutton Lane.
- D** Central open space, incorporating existing mature trees.
- E** Public open space for both formal and informal recreation to the east of the development, incorporating links to existing public footpath network. Potential to also create wetland and meadow habitats for bio-diversity enhancement.
- F** Sustainable Drainage System - attenuation basins provided within the open space for periodic water attenuation and public amenity.
- G** Equipped play area (LEAP) within the public open space.
- H** Existing public right of way into development (Hilton FP11).
- I** An allotment garden could be incorporated into the development and made available for use by residents.
- J** Small car park provided for people wishing to use the allotment facility.
- K** Existing trees and hedgerows retained as an integral part of the proposals. Enhanced with native tree planting where required.
- L** New structural planting along the northern boundary of the development, incorporating existing hedgerow to create a landscape buffer and incidental open space.



Our ref:  
Your ref:

Planning Policy  
South Derbyshire District Council  
Civic Offices  
Civic Way  
Swadlincote  
Derbyshire  
DE11 0AH  
via Email: [planning.policy@southderbyshire.gov.uk](mailto:planning.policy@southderbyshire.gov.uk)

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

13 October 2020

Dear Sir / Madam,

### **Consultation on Hilton, Marston, and Hoon Neighbourhood Development Plan**

Highways England welcomes the opportunity to comment on the Hilton, Marston, and Hoon Neighbourhood Development Plan which covers the period of 2020 to 2035. It is noted that the document provides a vision for the future of the area and sets out a number of key objectives and planning policies which will be used to help determine planning applications.

Highways England has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth. In relation to the Hilton, Marston, and Hoon Neighbourhood Plan, Highways England's principal interest is in safeguarding the A50 which routes through the Plan area and the A38 which routes approximately 3km to the east.

We understand that a Neighbourhood Development Plan is required to be in conformity with relevant national and Borough-wide planning policies. Accordingly, the Neighbourhood Development Plan for Hilton, Marston, and Hoon is required to conform with the South Derbyshire District Council Local Plan, which is acknowledged in the document.

Highways England were most recently consulted on the draft version of the Hilton, Marston, and Hoon Neighbourhood Plan last year, providing a response in December 2019.

The December response noted that the Neighbourhood Plan had identified two potential housing allocation sites totalling 28 dwellings under Policy H1. It was highlighted that the smaller of the two sites for 8 dwellings would be of primary interest to Highways England

as it was located adjacent to the A50 boundary. We advised that should this land be brought forward for development, supporting evidence should be provided to demonstrate the physical implications along this shared boundary with the highway.

We noted that no land had been allocated for employment, however small-scale and micro-businesses would be encouraged through conversion of existing buildings. These employment policies were supported.

We also noted that Policy T2 detailed the aspiration for improved pedestrian and cycle crossing at the A50 junction 5 slip roads to be proposed by any forthcoming developers. We advised that such developers would be required to consult with Highways England on such matters in the interest of safety and to ensure proposals meet design standards.

No further housing, employment or transport policies related to the SRN have been proposed since the draft version reviewed in the previous consultation, and as such our previous position as set out above remains unchanged.

We understand that Policy N1 is proposing to mitigate noise across the Neighbourhood Plan area by creating a 200m wide exclusion zone along the length of the A50 and by encouraging the planting of trees and hedgerows within this zone. Please note that Highways England should be consulted on any proposed works which have the potential to impact on the highway boundary.

We have no further comments to provide and trust the above is useful in the progression of the Hilton, Marston, and Hoon Neighbourhood Development Plan.

Yours sincerely,

[REDACTED]

Steve Freek  
Midlands Operations Directorate  
Email: [REDACTED]

**Jessica Cheadle**

---

**From:** clerk@hiltonparishcouncil.org.uk  
**Sent:** 19 October 2020 08:04  
**To:** Planning Policy  
**Subject:** Hilton Marston Hoon Neighbourhood Plan Reg 16 Petition  
**Attachments:** Hilton Marston Hoon ND Reg 16 Petition.pdf

Hi

Please find attached a petition that has been held to seek resident support for the Hilton, Marston and Hoon NDP, and for inclusion in the pack of responses to the Reg 16 consultation.

Can you please confirm receipt and that the petition has been included in the consultation responses?

Thanks

Russell Pollard (Cllr)

Hilton Parish Council  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

\*\*\*\*\*  
Please consider the effect on the environment before printing this email.

Disclaimer: The views expressed are personal and may not reflect those of Hilton Parish Council, unless explicitly stated otherwise. The information contained herein is strictly private and confidential and may also be subject to legal privilege. It is intended for the addressee only. Anyone reading this e-mail, other than the addressee, is hereby notified that any unauthorised disclosure or copying of its contents is strictly prohibited.

If the email has come to you in error you must take no action based on it, nor must you copy or show them to anyone; please reply to this e-mail and highlight the error.

We aim to respond to emails as soon as possible but within 20 working days



Planning Policy Team  
South Derbyshire District Council

Direct Dial: 0121 625 6870

Our ref: PL00714322  
21 September 2020

Dear Planning Policy Team

### **Neighbourhood Plan for Hilton, Marston on Dove and Hoon**

Thank you for consulting Historic England about this Neighbourhood Plan.

The area covered by the Neighbourhood Plan includes a number of important designated heritage assets. In line with national planning policy, it will be important that the strategy for this area safeguards those elements which contribute to the significance of these assets so that they can be enjoyed by future generations of the area.

If you have not already done so, we would recommend that you speak to the planning and conservation team at your local planning authority together with the staff at the county council archaeological advisory service who look after the Historic Environment Record. They should be able to provide details of the designated heritage assets in the area together with locally-important buildings, archaeological remains and landscapes. Some Historic Environment Records may also be available on-line via the Heritage Gateway ([www.heritagegateway.org.uk](http://www.heritagegateway.org.uk) <<http://www.heritagegateway.org.uk>>). It may also be useful to involve local voluntary groups such as the local Civic Society or local historic groups in the production of the Neighbourhood Plan.

Historic England has produced advice which the community might find helpful in helping to identify what it is about the area which makes it distinctive and how they might go about ensuring that the character of the area is retained. These can be found at:-

[<https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>](https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/)

The advice in "*Planning for the Environment at the Neighbourhood Level*" may also be useful. This has been produced by Historic England, Natural England, the Environment Agency and the Forestry Commission. As well as giving ideas on how you might improve the local environment, it also contains some useful further sources of information. This can be downloaded from:

[<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-](http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-)



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TF

Telephone 0121 625 6888  
[HistoricEngland.org.uk](http://HistoricEngland.org.uk)





Historic England

[agency.gov.uk/LIT\\_6524\\_7da381.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/65247da381.pdf)

If new housing allocations are envisioned in the plan, we refer you to our published advice available on our website, "Housing Allocations in Local Plans" as this relates equally to neighbourhood planning. This can be found at <https://content.historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/hea074-he-and-site-allocation-local-plans.pdf>

If you have any queries about this matter or would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely,

Clive Fletcher  
Principal Adviser, Historic Places



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TF

Telephone 0121 625 6888  
[HistoricEngland.org.uk](http://HistoricEngland.org.uk)



*Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.*

## Representation Form

### South Derbyshire District Council Regulation 16 publicity:

### Hilton, Marston on Dove and Hoon Neighbourhood Development Plan

**Please submit a separate form for each representation you wish to make.**

The Hilton, Marston on Dove and Hoon Draft Neighbourhood Development Plan and accompanying documents can be found at: [www.southderbyshire.gov.uk/HiltonReg16](http://www.southderbyshire.gov.uk/HiltonReg16)

**All comments should be submitted by 5pm, 19<sup>th</sup> October 2020.**

Please return this representation form to South Derbyshire District Council:

Email: [planning.policy@southderbyshire.gov.uk](mailto:planning.policy@southderbyshire.gov.uk)

Post: Planning Policy, Planning Services, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH

### Part A – Your Contact Details

*If you are an agent, please specify the name of the organisation you are representing.*

#### Name

Nicholas Mills

#### Organisation

Lichfields on behalf of Taylor Wimpey UK Limited

#### Address (including postcode)

[Redacted address]

#### Telephone number

[Redacted telephone number]

#### E-mail address

**Part B – Your Representation**

***Please use a separate form for each representation you wish to make.***

To which part of the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan do your comments relate?

Policy Number:  Page:  Other:



**Comment:**

Please see the attached representations letter for details.

*(Continue on a separate sheet if necessary)*

**Future notification**

I wish to be notified of the decision following the examination of the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan:

YES:

NO:

## Privacy Notice

### How is your information used?

Your representation will be forwarded in full to the Examiner.

Representations may be made available in hard copy, on the examination webpage and/or on the Council's website following the close of the consultation, however, personal details (address, signature and contact details) will NOT be made publicly available but will be kept in a secure database and used to notify you of the Plan's progress as requested.

### Who has access to your information?

South Derbyshire District Council Planning Services. This information is not shared with any other department or agency, will not be sold and will not be used for any other purpose.

*For further information, please visit our Privacy section of our website at [www.southderbyshire.gov.uk/privacy](http://www.southderbyshire.gov.uk/privacy) where you can see a full copy of our privacy notice. Alternatively, you can request a hard copy by telephoning 01283 595752.*

Planning Policy  
South Derbyshire District Council  
Civic Offices  
Civic Way  
Swadlincote  
DE11 0AH

**Date:** 16 October 2020  
**Our ref:** 50743/05/CM/NMi/18894157v2  
**Your ref:**

**By email:** [planning.policy@southderbyshire.gov.uk](mailto:planning.policy@southderbyshire.gov.uk)

Dear Sir/Madam

## **Hilton, Marston on Dove and Hoon Neighbourhood Plan – Regulation 16 Consultation**

The following representations have been prepared by Lichfields on behalf of Taylor Wimpey UK Limited [Taylor Wimpey] in relation to the Hilton, Marston on Dove and Hoon Neighbourhood Plan Regulation 16 Consultation [the Neighbourhood Plan].

These representations are accompanied by a completed representation form.

The representations are made in the context of Taylor Wimpey's land interests at Egginton Road, Etwall. The plan attached at Annex 1 shows the location of the Egginton Road site. The boundary of Neighbourhood Area covered by the Neighbourhood Plan includes land in the western part of our client's site.

Taylor Wimpey is seeking the allocation of the Egginton Road site for residential development in the next iteration of the South Derbyshire Local Plan and representations supporting the allocation of the site were submitted through the Council's Call for Sites in December 2019.

The Framework<sup>1</sup> states that:

*“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies”.*

The Planning Practice Guidance<sup>2</sup> [Practice Guidance] states that only a draft Neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to

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<sup>1</sup> National Planning Policy Framework §29

<sup>2</sup> Practice Guidance - Reference ID: 41-065-20140306

neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:

- 1 having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
- 2 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. This applies only to Orders.
- 3 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. This applies only to Orders.
- 4 the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
- 5 the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- 6 the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
- 7 prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

We consider the NPS against these requirements below. Specifically, the submission provides representations in relation to the policies and parts of the Plan listed below:

#### 1 Policy N1: Noise Mitigation

As the Neighbourhood Plan has now reached the formal consultation stage, we have considered these basic conditions in our responses to the document.

### **Policy N1: Noise Mitigation**

Policy N1 states that a 200 metre wide exclusion zone along the length of the A50 as it passes through the Designated Area will be kept free from any housing development. In addition, the planting of trees and hedgerows within this zone will be encouraged to mitigate the noise outside of the exclusion zone.

### **Consideration of Policy**

Whilst Taylor Wimpey recognises the importance of protecting residential amenity it wishes to object in the strongest possible terms to Policy N1 for the reasons set out below.

The policy does not clarify whether there would be a 200m exclusion zone either side of the A50 or whether the A50 would run through the centre of it (i.e. with an exclusion zone of 100m to either side). In addition, no plan is provided to confirm this. It is not therefore possible to confirm the extent of land which would be affected by the exclusion. However, either way, it would partially cover the part of our client's site which falls within the Neighbourhood Area boundary.

The Framework<sup>3</sup> notes that planning policies and decisions should ensure that new development is appropriate for its location "*taking into account the likely effects*" on health, living conditions and the

---

<sup>3</sup> National Planning Policy Framework §180

natural environment. The Neighbourhood Plan fails to provide the appropriate evidence required to establish the likely effects of noise in this location to justify the policy proposed.

The explanatory text to the policy states that the major source of noise in the Designated Area is from the A50. However, no evidence has been provided to support this view. The supporting documents to the Neighbourhood Plan do not include any specific noise survey data along the length of the A50 to justify an exclusion zone. No evidence is provided to demonstrate that noise within the exclusion zone would have an adverse impact upon residential development in this area to the extent that it is not suitable for this use. In addition, no evidence is provided to justify the size of the exclusion zone proposed and the 200m wide zone suggested appears to be an arbitrary figure.

The only document in the supporting documents relating to noise appears to be an Environmental Noise Assessment prepared by Entran for a proposed residential development of 61 dwellings at Lucas Lane, Hilton (directly to the south of the A50). This site is identified in the Neighbourhood Plan as a potential residential development site (Policy H1B) and the policy seeks to restrict development to 8 dwellings in the southern part of the site only as it is considered that the northern and eastern parts of the site are unsuitable for development due to noise from the A50. However, the Entran assessment concludes that the noise levels across the site are deemed to be suitable and provided sufficient mitigation measures are employed (e.g. acoustic air bricks, trickle ventilation and mechanical ventilation) the proposed development will comply with the identified criteria. This assessment does not therefore support the exclusion zone proposed in Policy N1. We also note that outline planning permission for 57 dwellings was granted on the Lucas Lane site on 23<sup>rd</sup> September 2020 [Ref: DMPA/2019/1143]. The illustrative layout plan submitted with that application also includes dwellings in the northern and eastern parts of the site, adjacent to the A50. Policy N1 is therefore considered to be completely unjustified and does not align with the recent planning permission issued by South Derbyshire Council on the Lucas Lane site which would fall within the exclusion zone.

In addition, the South Derbyshire Local Plan does not identify any requirement for a noise exclusion zone in this location. Local Plan Policy SD1 (Amenity and Environmental Quality) indicates that the Council will consider the need for strategic buffers between conflicting land uses; but this is in the context of mitigation to be provided on individual development proposals, which would be secured through conditions or planning obligations as part of the planning application process, based on the appropriate evidence.

The policy proposed is completely unjustified and not supported by any evidence. It could have a detrimental impact upon the aims of the Framework by precluding sustainable residential development in locations which are not adversely affected by noise or where such development may be perfectly acceptable subject to appropriate mitigation measure being implemented.

Any issues relating to noise should be dealt with through the planning application process rather than a policy which places a blanket restriction on development. This will allow the impacts upon the development in question to be properly examined and any appropriate mitigation measures to be applied.

### **Basic Conditions Test**

We consider that the Policy N1 fails to meet the Basic Conditions because:

- 1 The policy does not have regard to national policies and advice contained in guidance issued by the Secretary of State:** The Neighbourhood Plan fails to provide the appropriate evidence required to establish the likely effects of noise in this location to justify the exclusion zone proposed.

- 2 **The policy will not contribute to the achievement of sustainable development:** It could preclude residential development in sustainable locations locations where development may be perfectly acceptable subject to appropriate noise mitigation measures being implemented.
- 3 **The policy is not in general conformity with the strategic policies contained in the development plan:** The South Derbyshire Local Plan does not identify any requirement for a noise exclusion zone in this location and the policies within the Local Plan do not support the establishment of such an exclusion zone in this location.

### **Recommended Change**

For the reasons set out above, Taylor Wimpey objects in the strongest possible terms to Policy N1 and it is considered that the policy should be deleted.

Should it be determined that the policy is to be retained, the wording of the policy should be amended to make clear that the restriction on development would apply to the construction of dwellings only and allow any ancillary development such as landscape buffers, informal open space and balancing ponds etc., to be provided within the exclusion zone.

We trust that the above representations will be passed on to the independent examiner for consideration. Should it be determined that an examination hearing is required in order to consider the Neighbourhood Plan, we reserve the right to appear at the hearing sessions.

Please can you confirm receipt of this representation by return.

Please can you also ensure that we are notified of any further progress and consultation on the Neighbourhood Plan going forward.

Yours faithfully



**Nicholas Mills**  
Senior Planner

Copy  
Cherry Ryan-Bloor – Taylor Wimpey UK Limited

## Representation Form

### South Derbyshire District Council Regulation 16 publicity:

### Hilton, Marston on Dove and Hoon Neighbourhood Development Plan

**Please submit a separate form for each representation you wish to make.**

The Hilton, Marston on Dove and Hoon Draft Neighbourhood Development Plan and accompanying documents can be found at: [www.southderbyshire.gov.uk/HiltonReg16](http://www.southderbyshire.gov.uk/HiltonReg16)

**All comments should be submitted by 5pm, 19<sup>th</sup> October 2020.**

Please return this representation form to South Derbyshire District Council:

Email: [planning.policy@southderbyshire.gov.uk](mailto:planning.policy@southderbyshire.gov.uk)

Post: Planning Policy, Planning Services, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH

### Part A – Your Contact Details

*If you are an agent, please specify the name of the organisation you are representing.*

#### Name

Andrew Gore (on behalf of [REDACTED])

#### Organisation

Marrons Planning

#### Address (including postcode)

[REDACTED]

#### Telephone number

[REDACTED]

#### E-mail address

[REDACTED]

## Part B – Your Representation

***Please use a separate form for each representation you wish to make.***

To which part of the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan do your comments relate?

Policy Number:

Page:

Other:

### Comment:

*Please see separate representations.*

*(Continue on a separate sheet if necessary)*



## Future notification

I wish to be notified of the decision following the examination of the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan:

YES:

NO:

## Privacy Notice

### How is your information used?

Your representation will be forwarded in full to the Examiner.

Representations may be made available in hard copy, on the examination webpage and/or on the Council's website following the close of the consultation, however, personal details (address, signature and contact details) will NOT be made publicly available but will be kept in a secure database and used to notify you of the Plan's progress as requested.

### Who has access to your information?

South Derbyshire District Council Planning Services. This information is not shared with any other department or agency, will not be sold and will not be used for any other purpose.

*For further information, please visit our Privacy section of our website at [www.southderbyshire.gov.uk/privacy](http://www.southderbyshire.gov.uk/privacy) where you can see a full copy of our privacy notice. Alternatively, you can request a hard copy by telephoning 01283 595752.*

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# HILTON, MARSTON ON DOVE AND HOON NEIGHBOURHOOD PLAN 2020-2035

## REPRESENTATIONS ON BEHALF OF MR BARNETT

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### 1. INTRODUCTION

- 1.1 This representation has been prepared on behalf of our client, [REDACTED], in relation to his land interests at 'Land at Elm Tree Farm, Hilton'.
- 1.2 In accordance with Part 5 Regulation 15 of the Neighbourhood Planning General Regulations 2012 as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015 (The Regulations), the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan (NP) has been submitted to South Derbyshire District Council and the consultation period runs until the 19th October 2020.
- 1.3 These representations are intended to help shape the Neighbourhood Plan and ensure it meets the basic conditions as set out in 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).
- 1.4 These representations conclude that, in its current form, the NP fails to meet some of the basic conditions required for the Neighbourhood Plan to proceed to referendum including-
- having regard to national policies and advice contained in guidance issued by the Secretary of State;
  - pursuing a housing requirement which severely limits the amount of homes and fails to significantly boost the supply of homes; and
  - contributing to the achievement of sustainable development.

### 2. NATIONAL PLANNING POLICY FRAMEWORK

- 2.1 Paragraph 13 of the National Planning Policy Framework (NPPF) says that Neighbourhood Plans should support the delivery of strategic policies contained in Local Plans or spatial development strategies; and should shape and direct development that is outside of these

strategic policies.

- 2.2 Paragraph 14 NPPF provides guidance on how the presumption in favour of sustainable development (at paragraph 11d) should be engaged and, in essence, reduces the supply of land required for a plan to be considered up to date from five years down to three where the Neighbourhood Plan contains policies and allocations to meet its identified housing requirement.
- 2.3 The amount of housing required in an area is a strategic matter (paragraph 20 NPPF) although non-strategic policies can be used by communities through Neighbourhood Plans to set out more detailed policies for specific areas, neighbourhoods or types of development and also for allocating sites (Paragraph 28 NPPF). Importantly, neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies (Paragraph 29 NPPF).
- 2.4 Once a Neighbourhood Plan has been brought into force, the policies it contains take precedence over the existing non-strategic policies set out in a local plan covering the area (Paragraph 30).
- 2.5 Paragraph 31 NPPF confirms that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.
- 2.6 Paragraph 33 says that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and that relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly.
- 2.7 Paragraph 59 NPPF recognises the Government's objective of significantly boosting the supply of homes and paragraph 60 says to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance.
- 2.8 The National Planning Practice Guidance says that 'where strategic policies do not already set out a requirement figure, the National Planning Policy Framework expects an indicative figure to be provided to neighbourhood planning bodies on request. However, if a local planning authority is unable to do this, then the neighbourhood planning body may exceptionally need to determine a housing requirement figure themselves, taking account of relevant policies, [including] the existing and emerging spatial strategy' (paragraph: 105 Reference ID: 41-105- 20190509 – emphasis added).

### 3. SOUTH DERBYSHIRE LOCAL PLAN

- 3.1 The development plan for South Derbyshire consists of the Local Plan Part 1 (LPP1) which was adopted in June 2016 and the Local Plan Part 2 (LPP2) which was adopted in November 2017.
- 3.2 The Housing Requirement for South Derbyshire is set out in the LPP1. Policy S4 confirms that South Derbyshire District Council (SDDC) will make provision for at least 12,618 additional dwellings over the plan period 2011-2028. The policy goes on to state that the dwellings will be split between the LPP1 and LPP2. Strategic sites allocated in the LPP1 will accommodate the majority of the housing target and 600 dwellings will be allocated across non-strategic sites in the LPP2.
- 3.3 Hilton is identified as a 'Key Service Village' in the settlement hierarchy set out in LPP1 Policy H1. The policy states that development of all sizes within the settlement boundaries of Key Service Villages will be considered appropriate and sites adjacent to settlement boundaries as an exception or cross subsidy site as long as they are not greater than 25 dwellings.
- 3.4 Marston on Dove is identified as a 'Rural Village' in the settlement hierarchy, where development will be limited in nature. Development will be allowed; i) within the settlement boundary where applicable or adjacent to as an exception or cross subsidy site as long as not greater than 15 dwellings, ii) or of limited infill and conversions of existing buildings where no settlement boundary.
- 3.5 LPP1 Policy H7 allocates 'Land at Hilton Depot, Hilton' for around 485 dwellings. LPP2 Policy H23 (Non-Strategic Housing Allocations) allocates housing development at 'Derby Road, Hilton' (S/0299) for around 43 dwellings.

### 4. SOUTH DERBYSHIRE LOCAL PLAN REVIEW

- 4.1 SDDC are undertaking a Local Plan review. The most recent stage of the process was a 'Call for Sites' consultation which was carried out between 3rd October and 12th December 2019 and will inform the Strategic Housing and Economic Land Availability Assessment (SHELAA). The SHELAA will look to find additional land for housing.

### 5. HILTON, MARSTON ON DOVE AND HOON NEIGHBOURHOOD PLAN 2020-2035

- 5.1 The vision for Neighbourhood Development Plan area is set out on pg. 58 of the NP and states –

*'As our village and neighbourhood develops, that development will be shaped by us, its*

*residents. We will ensure that infrastructure, services and amenities are driven by the needs of this community, not by commercial or political imperatives and take into account the impact on the wider environment. The Neighbourhood Development Plan will ensure that Hilton and its environs retain their semi-rural identity and remain a safe and sustainable village in which people in every stage and from every walk of life can enjoy living. A place we are proud to call our home’.*

5.2 The Neighbourhood Plan states that to address the specific housing needs of Hilton and the surrounding area, a population forecast has been developed to assess the objective housing need of the area. Worryingly, we note that a Housing Policy Paper (undated) on the Neighbourhood Plan Steering Group website concludes that ‘It does not seem unreasonable, as the residents judged, that there should be a moratorium on house building whilst [an] amenity deficit is addressed.’ There is no precedent for such an approach in national policy or guidance. Indeed, an express objective of the planning system is to ‘boost, significantly, the supply of housing’ (paragraph 59, NPPF).

5.3 Two potential sites within the settlement boundary are being proposed. Policy H1 (Housing delivery) states that proposals for residential development at ‘The Mease’ (Policy H1A) and ‘Lucas Lane’ (H1B) will be supported.

5.4 The Mease is a mixed use site and is to be supported if the development includes-

- A minimum of ten and maximum of 20 sheltered bungalows of which a minimum of 25% must be M4 (3)\* standard.
- A Residential Care Home of up to a maximum of 40 beds.
- A minimum of seven ground floor retail units with one or two-bed affordable accommodation above ground floor level.

5.5 The Lucas Lane site will be supported if the development includes-

- Low density housing of up to 8 dwellings along the southern boundary of the site consistent with policies H3, H4, H5 and H6.
- Allotments, a community orchard, woodland and a community farm based on the existing farm buildings consistent with Policy E3.

5.6 Policy H1 confirms that elsewhere in the neighbourhood area, residential development will be restricted to that which is already allocated for residential development in the Local Plan and any additional unidentified brownfield sites within the settlement boundary as defined in the current Local Plan.

5.7 Paragraph 3.12 of the NP Basic Conditions Statement notes that the NP has been developed to be in general conformity with the strategic (and other) policies contained in

the adopted SDDC Local Plan. Therefore the housing requirement contained in Policy S4 of the adopted LPP1 has informed Policy H1 (Housing delivery) in the NP.

5.8 The NPPG is clear that local planning authorities and qualifying bodies should work closely together to produce complementary neighbourhood and Local Plans:

*‘Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.*

*Where a neighbourhood plan is brought forward before an up-to-date local plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:*

- the emerging neighbourhood plan*
- the emerging local plan (or spatial development strategy)*
- the adopted development plan’ (Paragraph: 009 Reference ID: 41-009-20190509)*

5.9 We consider the analysis of housing need is based on an unstable footing. The figure of 12,618 homes (742 homes annually) set by the LPP1 was adopted in 2016 and flows from evidence produced in 2014/15 for the preparation of that plan. Crucially, the figure does not flow from the standard housing method and, furthermore, will be five years old in June 2021. The standard housing method figure is almost certain to take effect before the Neighbourhood Plan is examined and a referendum held. Given this, it is essential that Neighbourhood Plans for individual communities do not attempt to restrict growth.

5.10 The difficult position this puts the Neighbourhood Plan in is appreciated. It is attempting to rely on a housing requirement which will be imminently out of date. Notwithstanding that a neighbourhood planning body may exceptionally need to determine a housing requirement figure themselves (PPG paragraph: 105 Reference ID: 41- 105- 20190509) it should be noted that the amount of housing required in an area is a strategic matter (paragraph 20 NPPF) and that Neighbourhood Plans should support the delivery of strategic policies contained in Local Plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies (paragraph 13 NPPF). Therefore it is wholly improper for a Neighbourhood Plan to seek to limit the housing requirement for an area in the manner undertaken here.

## 6. NEIGHBOURHOOD PLAN – ALLOCATIONS

6.1 The NP allocates 'The Mease' (Policy H1A) and 'Lucas Lane' (H1B). The NP recognises that the Lucas Lane site is constrained by the A50 and the associated noise levels and air quality issues. The Mease is a mixed use designation which are often more complex and slower to deliver than a single function scheme because of the difficulty of negotiating the planning and technical approval stages.

6.2 Our client has significant concerns that both allocations are not deliverable and there is no evidence to satisfy the tests set out in the NPPF or NPPG.

6.3 The definition of 'deliverable' is provided within the Glossary of the NPPF. It states that to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

6.4 Furthermore, the National Planning Practice Guidance confirms (Paragraph: 007 Reference ID: 68-007-20190722) that robust, up to date evidence needs to be available to demonstrate five years' worth of deliverable housing sites:

- current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;
- firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates;
- firm progress with site assessment work; or

- clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.

6.5 Furthermore it is unclear whether there has been a site assessment or sustainability appraisal undertaken for the Neighbourhood Plan. The Strategic Environmental Assessment and Habitat Regulations Assessment Screening Determination (April 2020) says that *'the development proposed in the village up to 2028 through the South Derbyshire Local Plan has been subject to Sustainability Appraisal (including SEA). And whilst this document does seek to make further allocations in Hilton to cover the period 20120-35 these are small scale and in a location where development is already acceptable in principle by virtue of being supported through the Local Plan'*. If a sustainability appraisal has not been undertaken, the likely environmental impacts of H1A and H1B will not have been fully considered. Issues relating to biodiversity, landscape and heritage may be significant.

6.6 It is considered that NP should reflect the emerging housing figures which will form the basis of the SDDC Local Plan review in accordance with NPPG Paragraph: 009 Reference ID: 41-009- 20190509. Therefore the NP is not in conformity with the emerging Local Plan Review and would not contribute towards sustainable development.

## 7. LAND AT ELM TREE FARM, HILTON

7.1 The site extends to approximately 2.8 hectares of agricultural land located on the eastern side of Hilton. The site is generally flat with landscape features, for the most part, confined to hedgerows and trees along the site boundaries. The site is adjacent to the Elm Tree Farm and Elm Tree Cottage. Agricultural land is located to the north and east of the site. Existing residential properties are located to the west and Hargate Lodge lies to the south.

7.2 The site is well located, situated outside of but directly adjoining the settlement boundary as illustrated in the NP. Hilton contains a good range of local services and facilities including Hilton Primary School, Wellbrook Medical Centre, Hilton Dental Care, Grace Church, Hilton Methodist Church, a pharmacy, a post office, Aldi, Tesco Express and a number of shops, restaurants and pubs. All these are within walking distance of the site. The site is located with good access to bus stops, the closest being located on Mulberry Way (an 8 minute walk from the site). Bus route 403 route provides access to Etwall, Mickleover and Darley Abbey and is operational during weekdays.

7.3 There are no insurmountable technical issues in the development control sense that should prevent development coming forward at this site-



- The site is situated within Flood Zone 1 and therefore at very low risk of flooding from rivers/sea, as illustrated by the Environment Agency Flood Map for Planning;
- The site is not located within any sensitive landscape or nature designations (Natural England Mapping Service);
- There are no Tree Preservation Orders located within the site boundary or in close proximity;
- The site is not located within a Conservation Area or within the immediate setting of a Listed Building or Scheduled Ancient Monument. Grade II Listed Hargate House Farmhouse is the closest historic asset, located over 220 meters away to the south;
- According to the Derbyshire County Council's online mapping service, there are no formal public footpaths or bridleways that affect the site.

7.4 Any future development at the site would be designed to be in context with the surrounding area and provide an attractive and distinctive housing development scheme with high quality landscaping, particularly at the perimeter of the site. Safe and suitable vehicular access can be provided via Lucas Lane to the west, an adopted public highway that is capable of accommodating the additional development traffic without adverse impact. In addition a footpath runs parallel to Lucas Lane providing excellent access for pedestrians and cyclists to the rest of Hilton.

7.5 The site is considered to be readily available and our client is fully committed to delivering homes at the site which is especially important when considered in the context of Annex 2 the NPPF. As such the Neighbourhood Plan settlement boundary should be amended to include 'Land at Elm Tree Farm, Hilton' and the site should be taken forward as a housing allocation in the NP. It is considered that the site could deliver approximately 90-100 dwellings (circa 35 dwellings per hectare).

## 8. CONCLUSIONS

8.1 Our client supports the preparation of Neighbourhood Plans which meet the basic conditions as set out in 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).

8.2 The difficulties of the strategic policy context are acknowledged. Our clients primary concerns with the NP in its current form are: a) it does not reflect the emerging SDDC Local Plan review as the housing requirement is based on the adopted LPP1 and therefore does not flow from the standard housing method and would not contribute towards the delivery of sustainable development b) that the proposed allocations are not deliverable.

- 8.3 It is considered that NP has not determined its own housing requirement in an appropriate manner, ignoring the emerging strategy and seeking to restrict development to an unreasonable level having regard to Hilton's position in the settlement hierarchy (Key Service Village).
- 8.4 As a consequence, the NP does not currently accord with paragraph 13 and 20 NPPF. Our clients are also mindful of the advice in paragraph 14 NPPF and, for these reasons, consider that this plan does not meet the basic conditions set out at paragraph 1.3 of this representation.
- 8.5 We consider that in order to pass examination, proceed to referendum and be 'made', the Neighbourhood Plan should re-assess the level of housing required and be re-drafted with policies and allocations that align with the emerging identified housing requirement.
- 8.6 There are also significant concerns about the allocations proposed, 'The Mease' (Policy H1A) and 'Lucas Lane' (H1B). Insufficient evidence has been provided, failing to demonstrate that both allocations are deliverable and satisfy the tests set out in the NPPF and NPPG.
- 8.7 Land at Elm Tree Farm is considered to be suitable for development. Our client wishes to work positively with Hilton Parish Council and the local community with a view of the site being allocated to meet the need for homes and support a Neighbourhood Plan which is capable of passing examination and referendum and ultimately be made by South Derbyshire District Council.
- 8.8 In light of the above, this representation should be read as an objection to the NP albeit we are hopeful that amendments can be made in order to allow the Neighbourhood Plan to meet the basic conditions and proceed to referendum. In the absence of any amendments our client must, regrettably, maintain an objection and will ultimately wish to have that heard by the Examiner with a view to preventing the Neighbourhood Plan from being made due to a failure to meet the basic conditions set out in 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).

Land at Elm Tree Farm, Lucas Lane, Hilton



Our Ref: MV/ 15B901605

13 October 2020

South Derbyshire District Council  
[planning.policy@southderbyshire.gov.uk](mailto:planning.policy@southderbyshire.gov.uk)  
via email only

Dear Sir / Madam

**Hilton, Marston on Dove and Hoon Neighbourhood Plan Regulation 16  
Consultation  
September – October 2020  
Representations on behalf of National Grid**

National Grid has appointed Avison Young to review and respond to Neighbourhood Plan consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

**About National Grid**

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network operators across England, Wales and Scotland.

National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

National Grid Ventures (NGV) is separate from National Grid's core regulated businesses. NGV develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States.

**Proposed development sites crossed or in close proximity to National Grid assets:**

An assessment has been carried out with respect to National Grid's electricity and gas transmission assets which include high voltage electricity assets and high-pressure gas pipelines.

National Grid has identified that it has no record of such assets within the Neighbourhood Plan area.

National Grid provides information in relation to its assets at the website below.

- [www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/](http://www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/)



[avisonyoung.co.uk](http://avisonyoung.co.uk)

Please also see attached information outlining guidance on development close to National Grid infrastructure.

**Distribution Networks**

Information regarding the electricity distribution network is available at the website below:  
[www.energynetworks.org.uk](http://www.energynetworks.org.uk)

Information regarding the gas distribution network is available by contacting:  
[plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com)

**Further Advice**

Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our assets. We would be grateful if you could add our details shown below to your consultation database, if not already included:

**Matt Verlander, Director**

[Redacted signature block for Matt Verlander]

**Spencer Jefferies, Town Planner**

[Redacted signature block for Spencer Jefferies]

If you require any further information in respect of this letter, then please contact us.

Yours faithfully,

[Redacted signature block]

**Matt Verlander MRTPI  
Director**

[Redacted signature block]

**For and on behalf of Avison Young**



## Guidance on development near National Grid assets

National Grid is able to provide advice and guidance to the Council concerning their networks and encourages high quality and well-planned development in the vicinity of its assets.

### Electricity assets

Developers of sites crossed or in close proximity to National Grid assets should be aware that it is National Grid policy to retain existing overhead lines in-situ, though it recognises that there may be exceptional circumstances that would justify the request where, for example, the proposal is of regional or national importance.

National Grid's 'Guidelines for Development near pylons and high voltage overhead power lines' promote the successful development of sites crossed by existing overhead lines and the creation of well-designed places. The guidelines demonstrate that a creative design approach can minimise the impact of overhead lines whilst promoting a quality environment. The guidelines can be downloaded here: <https://www.nationalgridet.com/document/130626/download>

The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.

National Grid's statutory safety clearances are detailed in their 'Guidelines when working near National Grid Electricity Transmission assets', which can be downloaded here: [www.nationalgridet.com/network-and-assets/working-near-our-assets](http://www.nationalgridet.com/network-and-assets/working-near-our-assets)

### Gas assets

High-Pressure Gas Pipelines form an essential part of the national gas transmission system and National Grid's approach is always to seek to leave their existing transmission pipelines in situ. Contact should be made with the Health and Safety Executive (HSE) in respect of sites affected by High-Pressure Gas Pipelines.

National Grid have land rights for each asset which prevents the erection of permanent/ temporary buildings, or structures, changes to existing ground levels, storage of materials etc. Additionally, written permission will be required before any works commence within the National Grid's 12.2m building proximity distance, and a deed of consent is required for any crossing of the easement.

National Grid's 'Guidelines when working near National Grid Gas assets' can be downloaded here: [www.nationalgridgas.com/land-and-assets/working-near-our-assets](http://www.nationalgridgas.com/land-and-assets/working-near-our-assets)

### How to contact National Grid

If you require any further information in relation to the above and/or if you would like to check if National Grid's transmission networks may be affected by a proposed development, please contact:

- National Grid's Plant Protection team: [plantprotection@nationalgrid.com](mailto:plantprotection@nationalgrid.com)

Cadent Plant Protection Team  
Block 1  
Brick Kiln Street  
Hinckley  
LE10 0NA  
0800 688 588

or visit the website: <https://www.beforeyoudig.cadentgas.com/login.aspx>

Date: 15 September 2020  
Our ref: 327103  
Your ref: Hilton, Marston on Dove and Hoon Neighbourhood Plan



Karen Beavin  
South Derbyshire District Council  
planning.policy@southderbyshire.gov.uk

Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

**BY EMAIL ONLY**

T [REDACTED]

Dear Ms Beavin,

**Hilton, Marston on Dove and Hoon Neighbourhood Development Plan – Regulation 16**

Thank you for your consultation on the above dated 07 September 2020

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

**Natural England does not have any specific comments on this neighbourhood plan.**

For any further consultations on your plan, please contact: [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely,

Ben Jones  
Consultations Team

## **Annex - Generic advice for local planning authorities from Natural England on the natural environment impacts and opportunities of development proposals**

**This advice may also be useful for neighbourhood planning bodies and developers.**

### **Sites of Special Scientific Interest (SSSIs)**

Local authorities have responsibilities for the conservation of SSSIs under s28G of the Wildlife and Countryside Act 1981 (as amended). The [National Planning Policy Framework \(NPPF\)](#) (paragraph 175c) states that development likely to have an adverse effect on SSSIs should not normally be permitted. Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).

### **Biodiversity duty**

The local planning authority has a duty to have regard to conserving biodiversity as part of planning decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is [available](#) here.

### **Biodiversity Net Gain**

Development provides opportunities to secure a net gain for biodiversity, in line with the NPPF (paragraphs 174 and 175) and Planning Practice Guidance. Biodiversity net gain can be calculated using the biodiversity metric. We advise local planning authorities to follow the mitigation hierarchy, as set out in paragraph 175 of the NPPF, and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. This may include creating new ponds, planting native trees and plants and incorporating green roofs into the design of new buildings. Where onsite measures are not possible, consideration should be given to off-site measures.

### **Protected Species**

Natural England has produced standing advice to help local planning authorities understand the impact of particular developments on protected species. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

### **Local sites and priority habitats and species**

Local planning authorities should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geo-conservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. The list of priority habitats and species can be found [here](#). Natural



England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land- see further information in the [open mosaic habitats inventory](#).

### **Ancient woodland, ancient and veteran trees**

Local planning authorities should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

### **Protected landscapes**

For developments within or within the setting of a National Park or Area of Outstanding Natural Beauty (AONB), we advise local planning authorities to apply national and local policies, together with local landscape expertise and information to determine the proposal. The NPPF (paragraph 172) provides the highest status of protection for the landscape and scenic beauty of National Parks and AONBs. It also sets out a 'major developments test' to determine whether major developments should be exceptionally be permitted within the designated landscape. We advise local planning authorities to consult the relevant AONB Partnership or Conservation Board or relevant National Park landscape or other advisor who will have local knowledge and information to assist in the determination of the proposal. The statutory management plan and any local landscape character assessments may also provide valuable information.

Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Heritage Coasts are protected under paragraph 173 of the NPPF. Development should be consistent the special character of Heritage Coasts and the importance of its conservation.

### **Landscape**

Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. Local planning authorities may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. Please see the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

### **Best and most versatile agricultural land and soils**

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website.

Guidance on soil protection is available in the Defra *[Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#)*, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

### **Access and Recreation**

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

### **Rights of Way, Access land, Coastal access and National Trails**

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer.

### **Environmental gains**

The NPPF (paragraphs 72, 102, 118 and 170) encourages developments to seek wider environmental gains, in addition to biodiversity net gain. Developers and local planning authorities could consider how the proposed development can enhance the wider environment, help adapt to the impacts of climate change and implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in the area. Opportunities for environmental gains, including nature based solutions to help adapt to climate change, might include:

- Identifying opportunities for new multi-functional green and blue infrastructure
- Managing existing and new public spaces to be more wildlife friendly (e.g. by sowing wild flower strips) and climate resilient
- Planting trees, including street trees, characteristic to the local area to make a positive contribution to the local landscape
- Improving access and links to existing greenspace, identifying improvements to the existing public right of way network or extending the network to create missing footpath or cycleway links
- Restoring neglected environmental features (e.g. a hedgerow or stone wall or clearing away an eyesore)
- Designing lighting to encourage wildlife

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### Part A – Your Contact Details

*If you are an agent, please specify the name of the organisation you are representing.*

**Name**

**Organisation**

**Address (including postcode)**

**Telephone number**

**E-mail address**

## Part B – Your Representation

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To which part of the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan do your comments relate?

Policy Number:

Page:

Other:

The Neighbourhood  
Development Plan generally

**Comment:**

*See detailed representations provided in supporting representations document*

*(Continue on a separate sheet if necessary)*

## Future notification

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YES:

NO:

## Privacy Notice

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Policy Number:

H1

Page:

Other:

**Comment:**

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Policy Number:

H2

Page:

Other:

**Comment:**

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*(Continue on a separate sheet if necessary)*

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YES:

NO:

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## Part B – Your Representation

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Policy Number:

H3

Page:

Other:

**Comment:**

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Policy Number:

H4

Page:

Other:

**Comment:**

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Policy Number:

H6

Page:

Other:

**Comment:**

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*(Continue on a separate sheet if necessary)*

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To which part of the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan do your comments relate?

Policy Number:

N1

Page:

Other:

**Comment:**

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YES:

NO:

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To which part of the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan do your comments relate?

Policy Number:

T3

Page:

Other:

**Comment:**

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*(Continue on a separate sheet if necessary)*

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YES:

NO:

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To which part of the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan do your comments relate?

Policy Number:

E5

Page:

Other:

**Comment:**

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To which part of the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan do your comments relate?

Policy Number:

L1

Page:

Other:

**Comment:**

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*(Continue on a separate sheet if necessary)*

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## Representation Form

### South Derbyshire District Council Regulation 16 publicity:

### Hilton, Marston on Dove and Hoon Neighbourhood Development Plan

**Please submit a separate form for each representation you wish to make.**

The Hilton, Marston on Dove and Hoon Draft Neighbourhood Development Plan and accompanying documents can be found at: [www.southderbyshire.gov.uk/HiltonReg16](http://www.southderbyshire.gov.uk/HiltonReg16)

**All comments should be submitted by 5pm, 19<sup>th</sup> October 2020.**

Please return this representation form to South Derbyshire District Council:

Email: [planning.policy@southderbyshire.gov.uk](mailto:planning.policy@southderbyshire.gov.uk)

Post: Planning Policy, Planning Services, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH

### Part A – Your Contact Details

*If you are an agent, please specify the name of the organisation you are representing.*

#### Name

#### Organisation

#### Address (including postcode)

#### Telephone number

#### E-mail address

## Part B – Your Representation

***Please use a separate form for each representation you wish to make.***

To which part of the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan do your comments relate?

Policy Number:

L2

Page:

Other:

**Comment:**

*See detailed representations provided in supporting representations document*

*(Continue on a separate sheet if necessary)*

## Future notification

I wish to be notified of the decision following the examination of the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan:

YES:

NO:

## Privacy Notice

### How is your information used?

Your representation will be forwarded in full to the Examiner.

Representations may be made available in hard copy, on the examination webpage and/or on the Council's website following the close of the consultation, however, personal details (address, signature and contact details) will NOT be made publicly available but will be kept in a secure database and used to notify you of the Plan's progress as requested.

### Who has access to your information?

South Derbyshire District Council Planning Services. This information is not shared with any other department or agency, will not be sold and will not be used for any other purpose.

*For further information, please visit our Privacy section of our website at [www.southderbyshire.gov.uk/privacy](http://www.southderbyshire.gov.uk/privacy) where you can see a full copy of our privacy notice. Alternatively, you can request a hard copy by telephoning 01283 595752.*

**Hilton, Marston-on-Dove and Hoon**  
Neighbourhood Development Plan

**Regulation 16**

**Draft**

**October 2020**

**Representations by Planning Prospects Ltd on behalf  
of St Modwen Developments Ltd**

**October 2020**



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# 1 INTRODUCTION

## 1.1 Context

- 1.1.1 Planning Prospects are a planning, development and regeneration consultancy who are actively involved in a range of projects throughout the country, promoting development across a wide variety of sectors. From this experience, we understand the need for the planning system to deliver the homes, jobs and thriving local places that the country needs.
- 1.1.2 These representations are submitted on behalf of St Modwen Developments Ltd ('St Modwen') to the Regulation 16 consultation draft of the Hilton, Marston-on-Dove and Hoon Neighbourhood Plan ('the Neighbourhood Plan') following submission of the draft Plan to South Derbyshire District Council for formal consultation.
- 1.1.3 St Modwen have a strong record of delivering sustainable development including homes, employment and community facilities in Hilton, most notably at the former Hilton Depot site.
- 1.1.4 Through these representations, we provide an analysis of the Neighbourhood Plan and the policies being promoted within the Regulation 16 draft of the Plan. Comments made through these representations are provided in consideration of the Neighbourhood Plan's suite of policies and its ability to fulfil the Neighbourhood Plan Basic Conditions as established by paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended) and supported by the Neighbourhood Plan chapter of the national Planning Practice Guidance (PPG)<sup>1</sup>.
- 1.1.5 In accordance with the Neighbourhood Plan Basic Conditions referred to above, Neighbourhood Plan policies should align with the requirements of the National Planning Policy Framework ('the Framework') and the wider strategic policies for the area set out in the Local Planning Authority's adopted Development Plan. Neighbourhood Plans should provide a policy framework that complements and supports the requirements set out in these higher-order documents, setting out further locally-specific requirements that will be applied to development proposals coming forward.
- 1.1.6 The Neighbourhood Plan should only be progressed if it meets the Neighbourhood Plan Basic Conditions, supported by a robust and proportionate evidence base.
- 1.1.7 The Framework is clear that Neighbourhood Plans cannot introduce policies and proposals that would prevent sustainable development opportunities from going ahead. They are required to plan positively for new development, enabling sufficient growth to take place to meet the development needs for the area and assist local planning authorities to deliver full

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<sup>1</sup> Section ID: 41

housing needs. Policies that are not clearly worded or intended to place an unjustified constraint on further sustainable development from taking place are not consistent with the requirements of the Framework or the Neighbourhood Plan Basic Conditions.

- 1.1.8 The Neighbourhood Plan should not seek to include policies that have no planning basis or are inconsistent with national and local policy obligations. Proposals should be appropriately justified by the findings of a supporting evidence base and must be sufficiently clear to be capable of being interpreted by applicants and decision makers. Policies and proposals contained in the Neighbourhood Plan should be designed to add value to existing policies and national guidance, as opposed to replicating their requirements.

## **2 LEGAL REQUIREMENTS, NATIONAL PLANNING POLICY & GUIDANCE**

### **2.1 Legal Requirements**

2.1.1 Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The Basic Conditions that the Neighbourhood Plan must meet include:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, 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 is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- f) The making of the order does not breach, and is otherwise compatible with, EU obligations.
- g) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

### **2.2 The National Planning Policy Framework and Planning Practice Guidance**

#### **National Planning Policy Framework**

2.2.1 The Framework sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of Neighbourhood Plans within which locally-prepared plans for housing and other development can be produced.

2.2.2 In 2018, the Ministry of Housing, Communities & Local Government (MHCLG) introduced the first revision of the Framework which brought about fundamental changes to the planning system. It was superseded by a further updated Framework published on the 19th February 2019 ( 'the Framework') which makes further changes to clarify the revised NPPF's application, including for example updating paragraph 177 regarding the application of the presumption in favour where appropriate assessments are required on a habitats site and the definition of 'deliverable' at its Annex 2 for five year housing supply calculations.

2.2.3 In relation to the preparation of Neighbourhood Plans, paragraph 13 of the Framework states:

*"The application of the presumption [the Framework's presumption in favour of sustainable development] has implications for the way communities engage in*

*neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.”*

- 2.2.4 Further guidance on how the Framework’s presumption interacts with Neighbourhood Plans is provided in paragraph 14 of the Framework.
- 2.2.5 The NPPF also sets out how neighbourhood planning gives communities the power to develop a shared vision for their area in order to shape, direct and help deliver sustainable development. However, the Framework is clear that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies contained in higher order documents.
- 2.2.6 In particular, Paragraph 65 of the Framework sets out that within their overall requirement, strategic policy making authorities should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. Once the strategic policies have been adopted, these figures should not need re-testing at a neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement. Paragraph 66 continues and states that where it is not possible to provide a requirement figure for a neighbourhood area<sup>2</sup>, a local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

### **Planning Practice Guidance**

- 2.2.6 It is clear from the requirements in the Framework that neighbourhood plan policies should be prepared in general conformity with the strategic requirements for the wider area, as confirmed in an adopted Development Plan. The requirements set out in the Framework are also supplemented by the Government’s online suite of Planning Practice Guidance (PPG). In relation to the preparation of the Hilton, Marston-on-Dove and Hoon Neighbourhood Plan, the PPG on Neighbourhood Planning is of particular relevance.
- 2.2.7 The PPG sets out that;

*“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has*

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<sup>2</sup> Because a neighbourhood area is designated at a late stage in the strategic policy making process or after strategic policies have been adopted; or in instances where strategic policies for housing are out of date

*been prepared<sup>3</sup>.*

2.2.8 With regard to housing policies, the PPG emphasises that;

*“...blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence”*

2.2.9 With further emphasis that;

*“... All settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence<sup>4</sup>”.*

2.2.10 To support the Framework’s paragraphs 65 and 66 as referenced above, the PPG adds;

*“The National Planning Policy Framework expects most strategic policy-making authorities to set housing requirement figures for designated neighbourhood areas as part of their strategic policies. While there is no set method for doing this, the general policy making process already undertaken by local authorities can continue to be used to direct development requirements and balance needs and protections by taking into consideration relevant policies such as the spatial strategy, evidence such as the Housing and economic land availability assessment, and the characteristics of the neighbourhood area, including its population and role in providing services. In setting requirements for housing in designated neighbourhood areas, plan-making authorities should consider the areas or assets of particular importance (as set out in paragraph 11, footnote 6), which may restrict the scale, type or distribution of development in a neighbourhood plan area<sup>5</sup>.”*

2.2.11 In addition, PPG sets out;

*“Proactive engagement with neighbourhood plan-making bodies is important as part of this process, in order for them to understand how the figures are reached. This is important to avoid disagreements at neighbourhood plan or local plan examinations, and minimise the risk of neighbourhood plan figures being superseded when new strategic policies are adopted<sup>6</sup>.”*

2.2.12 Neighbourhood plans are not obliged to contain policies addressing all types of development. However, PPG sets out that where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need. In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-

<sup>3</sup> Paragraph: 041 Reference ID: 41-041-20140306

<sup>4</sup> Paragraph: 101 Reference ID: 41-101-20190509

<sup>5</sup> Paragraph: 101 Reference ID: 41-101-20190509

<sup>6</sup> Paragraph: 102 Reference ID: 41-102-20190509



making<sup>7</sup>.

- 2.2.13 Where neighbourhood planning bodies have decided to make provision for housing in their plan, the housing requirement figure and its origin are expected to be set out in the neighbourhood plan as a basis for their housing policies and any allocations that they wish to make. Neighbourhood planning bodies are encouraged to plan to meet their housing requirement, and where possible to exceed it. A sustainable choice of sites to accommodate housing will provide flexibility if circumstances change, and allows plans to remain up to date over a longer time scale.
- 2.2.14 Any neighbourhood plan policies on the size or type of housing required will need to be informed by the evidence prepared to support relevant strategic policies, supplemented where necessary by locally-produced information.
- 2.2.15 When strategic housing policies are being updated, neighbourhood planning bodies may wish to consider whether it is an appropriate time to review and update their neighbourhood plan as well. This should be in light of the local planning authority's reasons for updating, and any up-to-date evidence that has become available which may affect the continuing relevance of the policies set out in the neighbourhood plan<sup>8</sup>.
- 2.2.16 Where strategic policies do not already set out a requirement figure, the Framework expects an indicative figure to be provided to neighbourhood planning bodies on request. However, if a local planning authority is unable to do this, then the neighbourhood planning body may exceptionally need to determine a housing requirement figure themselves, taking account of relevant policies, the existing and emerging spatial strategy, and characteristics of the neighbourhood area. The neighbourhood planning toolkit on housing needs assessment may be used for this purpose. Neighbourhood planning bodies will need to work proactively with their local planning authority through this process, and the figure will need to be tested at examination of the neighbourhood plan, as neighbourhood plans must be in general conformity with strategic policies of the development plan to meet the 'basic conditions'<sup>9</sup> (our emphasis underlined).
- 2.2.17 Accordingly, the Framework and supporting PPG are clear that the Neighbourhood Plan must ensure that it takes into account the latest guidance issued by the Government so that it can be found to meet basic conditions (a) and (d) (in particular) and the Neighbourhood Plan Group needs to work closely with the Local Planning Authority to establish its latest housing needs if the Neighbourhood Plan includes housing supply policies.

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<sup>7</sup> Paragraph: 040 Reference ID: 41-040-20160211

<sup>8</sup> Paragraph: 103 Reference ID: 41-103-20190509

<sup>9</sup> Paragraph: 105 Reference ID: 41-105-20190509

## **3 SOUTH DERBYSHIRE DEVELOPMENT PLAN**

### **3.1 Adopted Development Plan**

3.1.1 To meet the requirements of the Framework and the neighbourhood plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.

3.1.2 The adopted Development Plan relevant to the preparation of the Neighbourhood Plan is the South Derbyshire District Council Local Plan. Part 1 of the Local Plan was adopted in June 2016 to set the long-term vision, objectives and strategy for the spatial development in South Derbyshire; and Part 2 was adopted in November 2017 and proposes non-strategic housing allocations and detailed development management policies. Taken together, the South Derbyshire Local Plan covers the period 2011 to 2028.

### **3.2 Emerging Local Plan**

3.2.1 The Framework sets out that strategic policies must be reviewed at least every five years and then updated as necessary, including if the authority's Local Housing Need (LHN) figure has changed significantly (albeit earlier review is required if its LHN is expected to change significantly in the near future). To determine the number of homes needed, the Framework<sup>10</sup> sets out that strategic policies should be informed by a Local Housing Need assessment conducted using the Standard Method in national planning guidance (PPG) – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the Local Housing Need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing planned for.

3.2.2 Reflective of its Development Plan being 5 years old in June 2021, the District Council has begun to update its evidence base in support a Local Plan Review. For example, to inform an updated Strategic Housing Land Availability Assessment (SHLAA), the District Council undertook a 'Call for Sites' exercise at the end of 2019 to identify potential development sites to meet its housing needs over the Local Plan Review period (to 2041).

3.2.3 Additionally, the District Council published a Strategic Housing Market Assessment (SHMA) prepared by GL Hearn (January 2020). The January 2020 SHMA reviews the implications of the Government's Standard Method to calculate Local Housing Need as required by the Framework – and with this in mind, the housing needs figure relevant to the Neighbourhood Plan is discussed in greater detail below, in response to draft Neighbourhood Plan Policy H1.

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<sup>10</sup> Paragraph 60

## **4 HILTON, MARSTON-ON-DOVE AND HOON NEIGHBOURHOOD PLAN**

### **4.1 Context**

4.1.1 These representations are made by St Modwen in response to the Regulation 16 draft of the Hilton, Marston-on-Dove and Hoon Neighbourhood Plan (2020 to 2035) – the ‘Neighbourhood Plan’.

4.1.2 This section highlights the key points that St Modwen wish to raise with regard to content of the Neighbourhood Plan as currently drafted and also suggests modifications required in order for some of the draft policies to meet the Neighbourhood Plan Basic Conditions.

4.1.3 However, with regard to the Neighbourhood Plan’s housing supply policies, for the reasons set out below, St Modwen consider that the Plan is not capable of meeting the Basic Conditions without fundamental amendment and consideration of new evidence:

- The housing proposals and mix set out in the draft Neighbourhood Plan are inaccurate and they do not reflect current needs. As such, the Neighbourhood Plan’s draft Policies are likely to result in much needed residential housing development in Hilton being stifled, which is contrary to the Framework’s objective to boost significantly the supply of housing and also contrary to the South Derbyshire Local Plan’s Spatial Strategy which identifies Hilton as a Key Service Village required to deliver housing growth. Its draft Policies therefore need to be more flexible to support sustainable new housing developments to meet Hilton, and South Derbyshire’s, ongoing housing needs.
- The Neighbourhood Plan’s severe restriction on new residential development as set out in its draft Policy H1 is contrary to Neighbourhood Plan Basic Conditions A), D) and E) in particular by undermining the District Council’s strategic policies and the national policy drive to deliver significantly more homes than have been delivered to date.
- To ensure the longevity of the Neighbourhood Plan, St Modwen consider that the Neighbourhood Plan must take a more positive approach and provide for significantly more flexibility, by supporting significantly more residential development. Only taking this approach will to avoid policies of the Neighbourhood Plan being out of date now and further superseded under Section 38(5) of the Planning and Compulsory Purchase Act 2004 when the District’s Local Housing Need and the Local Plan Review’s housing requirement is confirmed.

4.1.4 A more detailed consideration of these points is set out in the remainder of this section.

## 4.2 Neighbourhood Plan Policies

- 4.2.1 This section of St Modwen's representation to the Regulation 16 draft Neighbourhood Plan is made in response to its wider considerations, as well as its draft policies, which need to be addressed and amended through modification and/or deleted to meet the Neighbourhood Plan Basic Conditions. This is required to facilitate a flexible and positive approach consistent with the requirements of the Framework and PPG. For the avoidance of doubt, St Modwen's representations only respond to the Neighbourhood Plan and its policies of principal relevance to St Modwen's land interests in Hilton.
- 4.2.2 At the outset, St Modwen note that the draft Neighbourhood Plan sets out that Hilton's residents were given the opportunity to express their opinion on the delivery of housing for the period 2028 to 2035, as the District Local Plan only extends to 2028. The Neighbourhood Plan sets out that the response from residents was emphatic, that there should be no more house building in this timescale.
- 4.2.3 From the outset, this suggests that the Plan is being progressed to stifle otherwise sustainable residential development in Hilton and in that regard is contrary to national planning policy which sets out to boost significantly the supply of homes in support of the Government's objective to do so. It is also contrary to the Framework's presumption in favour of sustainable development. The PPG is clear that neighbourhood plans must not constrain the delivery of important national policy objectives<sup>11</sup>.

### ***Policy H1 (Housing Delivery)***

- 4.2.4 The South Derbyshire Local Plan Part 1 outlines the District's Settlement Hierarchy in its Policy H1. The Policy defines Hilton as a 'Key Service Village' making it one of the principal settlements (second tier), albeit it should be noted that Hilton is the District's second largest settlement behind only Swadlincote (the only first tier settlement). Commensurate with its status, Hilton benefits from a range of services and facilities, including shops, community uses, sports and leisure provision, employment provision, education provision (including two primary schools), childcare provision and medical provision (including medical centre with dental and pharmacy provision). It is a highly sustainable settlement and is identified by the District Council to make an important contribution to meeting the District's needs as part of its wider Spatial Strategy.
- 4.2.5 The Neighbourhood Plan's draft Policy H1 (Housing Delivery) sets out support for proposals for residential development at two sites in Hilton, with additional detail provided in its policies H1A and H1B. However, the supported proposals amount to just a maximum of 20 sheltered bungalows, a care home with a maximum of 40 beds and a low-density housing scheme of

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<sup>11</sup> Paragraph: 069 Reference ID: 41-069-20140306

up to 8 dwellings.

4.2.6 The policy's supporting text sets out that the Neighbourhood Plan also incorporates the allocation of the number of houses set out in the District Local Plan Parts 1 and 2. The result is that just the two limited potential sites within the settlement boundary are supported in the Neighbourhood Plan (2020 to 2035) over and above the sites already allocated by the District Council to deliver homes up to 2028. The Neighbourhood Plan adds that its intention is that these proposals will help to provide facilities identified in the residents' survey as being needed in Hilton, either directly or through S106 funding.

4.2.7 In response to this Policy, St Modwen first point to the District Council's Committee Report prepared ahead of the Regulation 16 consultation of the Neighbourhood Plan (see Appendix 1). This sets out that one of two recommendations by the District Council's officers (to the Committee) was to endorse the District Council's proposed response to the Regulation 16 consultation albeit in doing so:

*"setting out the outstanding concerns regarding the Neighbourhood Plan as proposed, specifically including where the NDP [sic] is not in accordance with the strategic policies of the Council's adopted Local Plan, together with the requirements of the National Planning Policy Framework (NPPF)" (our emphasis underlined).*

and ultimately concluding that:

*"It is of great importance that the neighbourhood plan at Hilton is amended in line with the District Council's comments in the appendix, in order to allow choices to be made about new development locations beyond 2028."*

4.2.8 This follows the District Council's officers raising numerous concerns at the Regulation 14 stage of the Neighbourhood Plan's drafting (see Appendix 2), which remain outstanding. The District Council's Committee Report adds that whilst the Neighbourhood Plan has been amended following the Regulation 14 consultation, a number of the identified concerns remain, in particular:

*"The NDP's express intention to prevent new housing development within Hilton until 2035 and to reduce the density of housing on the Lucas Lane site. This approach is contrary to national policy and guidance regarding the purpose and content of NDPs"*

*"...The adopted Local Plan runs until 2028. South Derbyshire's housing requirement beyond 2028, which the next local plan will need to accommodate, is not yet known; the Government is due to publish a revised standard methodology on which the housing requirement will be based. It is not tenable for the Council to express support for a NDP which is seeking a moratorium on housing development into the next plan period."*

4.2.9 Representations submitted by the District Council to the Regulation 14 draft of the

Neighbourhood Plan refer to a Hilton (South Derbyshire) Housing Needs Assessment (HNA) – June 2019, which suggests that the Housing Needs Figure over the plan period (2016 - 2035) is 839 dwellings for the Neighbourhood Area. The District Council's Regulation 14 representations and the Neighbourhood Plan's subsequent response refer to a residual housing need of around 242 dwellings once commitments (Local Plan allocations and planning permissions) in the Neighbourhood Area are deducted.

4.2.10 The Neighbourhood Plan Group's response to the District Council's Regulation 14 comments confirm that *'The NPSG did not consider the Housing Needs Assessment [of AECOM] to meet the requirement of paragraph 14 of the NPPF in providing 'objectively assessed needs' despite paragraph 65 of the Framework setting out that strategic policy making authorities should set out a housing requirement for designated neighbourhood areas as they can identify a figure that reflects the overall strategy for the pattern and scale of development and any relevant allocations in their area.*

4.2.11 To add further context to the District's overall housing requirement, the District Council's more recent January 2020 Strategic Housing Market Assessment (SHMA) sets out that the Government's current Standard Method to calculate Local Housing Need indicates that a minimum 552 homes are needed in South Derbyshire per annum. The January 2020 SHMA confirms that the Council will take a positive step to housing delivery in the District by maintaining the adopted annual housing requirement (742 dwellings per annum) as set out in the current Local Plan over the 2011 to 2028 period. The District Council consider that this approach is compliant with PPG as it encourages local authorities to exceed the minimum Local Housing Need calculated using the Standard Method based on taking unmet need from neighbouring authorities. At Paragraph 10, the PPG (Reference ID: 2a-010-20190220) suggests when it might be appropriate to plan for a higher level of housing need than the Standard Method, stating:

*"the standard method for assessing local housing need provides a minimum starting point ... there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates... circumstances where this may be appropriate include...an authority agreeing to take on unmet need from neighbouring authorities" [sic].*

4.2.12 Further, since publication of the January 2020 SHMA, the Government's latest publication ('Changes to the Current Planning System'<sup>12</sup>) sets out its proposed changes to its Standard Method to calculate Local Housing Need, and the latest method suggests a figure of 1,209 dwellings per annum for South Derbyshire. If this method of calculation is taken forward into PPG then this would mean that the District's needs are significantly higher than its adopted Plan and the figure set out in the January 2020 SHMA.

4.2.13 In recognition of the fluid state of its Local Housing Needs figure, albeit recognising that

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<sup>12</sup> Consultation ran between 1 August 2020 to 1 October 2020

regardless of which figure is taken forward Hilton is going to accommodate significantly more homes than anticipated in the draft Neighbourhood Plan, the District Council's Committee Report concludes that:

*“Although the District Council could seek to argue through its own local plan examination that further development is needed in Hilton (or elsewhere) beyond 2028 to have such an argument would undermine the purpose of neighbourhood planning which is to provide locally specific policies consistent with principles of shaping new development but not preventing it. It is of great importance that the neighbourhood plan at Hilton is amended in line with the District Council's comments in the appendix, in order to allow choices to be made about new development locations beyond 2028. It is currently envisaged that the Local Plan review in South Derbyshire will cover a period to 2041 and it is not considered to be tenable to have one the Key Service Villages in the District unavailable to include for decisions on new housing allocations for a period of 13 years.”*

- 4.2.14 St Modwen generally support the thrust of the District Council's comments because, whilst the District's housing need for the period to 2035 (or 2041) is not currently known, the District Council has provided a housing needs figure to the Neighbourhood Plan Group based on its current evidence. Moreover, and whilst District's figure is likely to change, all evidence points to additional housing being needed in its Key Service Villages including Hilton, the District's second largest settlement, in particular and certainly of a significantly greater level than currently supported in the Neighbourhood Plan.
- 4.2.15 PPG encourages neighbourhood plan bodies to meet their housing requirement and where possible exceed it; and whilst the true extent of Hilton's housing needs is currently in a state of flux, PPG sets out that if the District's Housing Needs are updated (as anticipated in South Derbyshire) the Neighbourhood Plan may wish to review its policies as well – so any suggestion that the Neighbourhood Plan should can support a restricted figure in the interim is unfounded and contrary to national planning policy and guidance.
- 4.2.16 In addition to meeting the identified housing needs, the Neighbourhood Plan refers to there being a number of businesses in Hilton, bringing in trade and traffic (NP page 13) and to Hilton having a *'facilities deficit'*. However, residential led development can help to alleviate both of these issues as well.
- 4.1.1 Each of the important considerations raised above highlights that the continued growth of Hilton at a scale reflective of its status in South Derbyshire is necessary both at a local and a District level. The Neighbourhood Plan recognises that as a result of the redevelopment of the former MoD 'Depot' site *'drawing to a close...attention is now passing to the use of green field sites in and around Hilton'*, such that to deliver Hilton's required growth, identification of additional green field sites of a suitable scale is needed.
- 4.1.2 Additionally, to secure optimum funding from Section 106 obligations, as supported by the



Neighbourhood Plan, only larger scale housing development has the ability to provide numerous wider benefits for the community. The Framework supports this approach at its paragraph 72, highlighting that “*the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as...significant extensions to existing villages and towns...*”.

4.1.3 Paragraph 56 of the Framework sets out that planning obligations must only be sought where they meet all of its tests which are (that they are):

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to development; and
- c) Fairly and reasonably related in scale and kind to the development.

The Neighbourhood Plan’s support for only very limited residential development will result in only housing development that is of insufficient scale to justify funding of a level required to deliver the local community’s identified projects.

4.1.4 In addition, the District Council’s response to the Regulation 14 draft Neighbourhood Plan indicates a lack of need for sheltered bungalows and an oversupply of Care Homes in the District, which in turn indicates that the type of housing supported by the Neighbourhood Plan will not contribute to meeting the strategic housing needs or reflect the strategic level policies of the District. Ultimately this also indicates that the Neighbourhood Plan will not result in sustainable development being achieved and therefore fails to meet a key objective that lies at the heart of the Framework.

4.1.5 The Neighbourhood Plan’s proposed severe restriction on new residential development as set out in its draft Policy H1 is contrary to Neighbourhood Plan Basic Conditions A), D) and E) in particular. It will undermine the District’s strategic policies and the national policy drive to deliver significantly more homes than have been delivered to date.

4.1.6 For these reasons, and to ensure the longevity of the Neighbourhood Plan, St Modwen consider that the Neighbourhood Plan must take a more positive approach and provide for significantly more flexibility, by supporting significantly more residential development. Only taking this approach will to avoid policies of the Neighbourhood Plan being out of date now and further superseded under Section 38(5) of the Planning and Compulsory Purchase Act 2004 when the District’s Local Housing Need and the Local Plan Review’s housing requirement is confirmed.

### ***Policy H2 (Housing Mix)***

4.1.7 As set out previously, the PPG sets out that any neighbourhood plan policies on the size or type of housing required will need to be informed by the evidence prepared to support relevant



strategic policies, supplemented where necessary by locally-produced information<sup>13</sup>.

- 4.1.8 Draft Policy H2 sets out that development of five or more dwellings, including in the Local Plan planned development, should conform to the proportions of dwelling types it sets out, albeit adds that exceptions will be considered on a case by case basis.
- 4.1.9 St Modwen highlight and agree with the District Council's response to the Regulation 14 draft of the Neighbourhood Plan, which sets out that the Neighbourhood Plan's suggested housing mix is not supported by evidence including that provided in the District's Housing Needs Assessment.
- 4.1.10 Whilst there is a degree of flexibility in the draft Policy by setting out "*exceptions will be considered on a case by case basis*", St Modwen suggest an even more flexible approach is needed through amended wording to the policy, to ensure that it is responsive to changing needs. With this in mind, Policy H2 should be less prescriptive in requiring conformity with a specific mix that is subject to change. St Modwen's suggested text is set out below:

*"All new residential developments of five or more units, having regard to location, site size and scheme viability, should contain a mix of types and sizes of market housing. The mix will be informed by the latest Strategic Housing Market Assessment or other local evidence, for example Parish Surveys, Parish Plans or developers' assessments."*

- 4.1.11 In summary regarding the Neighbourhood Plan's draft housing policies, the housing proposals and mix set out in the draft Neighbourhood Plan are inaccurate in that they do not reflect current needs and its draft Policies are likely to result in much needed residential housing development in Hilton being stifled, which is contrary to the Framework's objective to boost significantly the supply of housing and also contrary to the South Derbyshire Local Plan's Spatial Strategy. Its draft Policies therefore need to be more flexible to support sustainable new housing developments to meet Hilton, and South Derbyshire's, ongoing housing needs.

***Policy N1 (Noise Mitigation)***

- 4.1.12 Draft Policy N1 requires a 200m wide exclusion zone along the length of the A50, as it passes through the Neighbourhood Plan Designated Area, to be kept free from any housing development. St Modwen consider that where the south and west of Hilton is constrained by flood plain and higher risk flood zones, the north and east of the settlement is the most suitable for future residential development to meet Hilton, and South Derbyshire's, ongoing needs. A 200m wide exclusion zone along the length of the A50 will unnecessarily stifle residential development in Hilton. A distance of 200m appears to be arbitrary and fails to acknowledge that mitigation can ensure a suitable noise environment for residential development here – subject to detailed and site-specific analysis, in line with national and District wide noise standards.

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<sup>13</sup> Paragraph: 103 Reference ID: 41-103-20190509

4.1.13 For example, St Modwen have undertaken their own assessment of the noise environment for the land to the south of the A50 within their control and this suggests that, with appropriate mitigation in place, a buffer significantly smaller than 200m can achieve levels appropriate for a residential environment.

4.1.1 With this in mind, Policy N1 is not necessary to contribute to the achievement of sustainable development and goes beyond Local Plan policy and other legislation. Moreover, Policy N1 would unnecessarily sterilise much of Hilton from future development which is contrary to the South Derbyshire Local Plan Spatial Strategy.

***Policy H3 (Requirements of housing: Residential Car Parking)***

4.1.2 The draft Policy requires that new residential development must provide the following levels of permanently available off-road car parking:

- 1 bedroom = 1+ space
- 2 bedroom = 2+ space
- 3 bedroom = 3+ space

The draft Policy adds that a garage will not count towards this requirement as they are not permanently available for parking.

4.1.3 St Modwen highlight and agree with the District Council's Regulation 14 response to this draft Policy. The draft Policy goes beyond the District and County Council's car parking 'standard' requirements including those of the Local Plan and the 6C's Design Guide standards, which generally only require 3+ spaces for homes with 4 or more bedrooms and do not discount counting garages subject to those meeting the required dimensions. Importantly, the Design Guide sets out that variations may be considered and also highlights that the standards are subject to review in the light of any further national guidance or research.

4.1.4 With this in mind, Policy H3's absolute requirement is not necessary and will not contribute to the achievement of sustainable development. Moreover, the draft Policy is contrary to strategic policies and guidance which suitably deal with this matter and do not need to be duplicated, or contradicted, in the Neighbourhood Plan.

***Policy H4 (Requirements of housing: Homes Designed for Energy Efficiency)***

4.1.5 Draft Policy H4 sets out that new development and significant extensions should demonstrate a high level of sustainable design and construction and be optimised for energy efficiency, targeting zero carbon emissions. It then lists a number of measures required by the Policy.

4.1.6 Whilst acknowledging the merits of sustainable design and construction, St Modwen consider that this Policy is unnecessary and imprecise in its current form. Sustainable design and

construction is a requirement of Building Regulations and also of the District Council's Design Guidance and Development Plan policies generally. Furthermore, not all of the measures set out in the draft Policy will be relevant, practicable or deliverable in all instances and the imprecision of the wording will exacerbate this – for example, there is no definition of what constitutes a “significant extension” or what constitutes “unnecessary external lighting” .

- 4.1.7 St Modwen consider that Policy H4 is unnecessary and will not contribute to the achievement of sustainable development. The policy goes beyond the requirements of the Local Plan and South Derbyshire Design Guidance.

#### ***Policy H6 (Housing Design)***

- 4.1.1 Draft Policy H6 is difficult to follow as currently drafted but appears to include a bulleted list of design requirements for all residential development. Whilst acknowledging the merits of good design, St Modwen consider that this is a national policy requirement and this draft Policy is unnecessary and imprecise in its current form. Furthermore, not all of the measures set out in the draft Policy will be relevant, practicable or deliverable in all instances and the imprecision of the wording will exacerbate this.

- 4.1.2 With this in mind, St Modwen consider that Policy H6 will not contribute to the achievement of sustainable development and will unnecessarily duplicate, or contradict, South Derbyshire (and National) Design Guidance.

#### ***Policy T3 (Cycle paths and cycle parking)***

- 4.1.3 St Modwen highlight the District Council's Regulation 14 comments in response to draft Policy T1 (Active Travel). The District Council suggested some textual edits to improve that policy by making it more precise and only applicable where necessary. St Modwen consider that similar wording is needed for Policy T3 so provision is only required where necessary, viable and where cycle routes are available. Suggested text is set out below:

*“Development proposals, where necessary and viable, should contribute to the creation and improvement of a safe, direct and convenient cycle route network between homes and local destinations, and the wider cycle network where a connection is available.”*

#### ***Policy E5 (Biodiversity)***

- 4.1.4 St Modwen highlight and agree with the District Council's Regulation 14 comments responding to this draft Policy. The first two sentences of the draft Policy require the same outcome – that proposals must not result in a net loss to biodiversity and should achieve a net gain. This is a national policy requirement and is also anticipated to form part of the Environment Bill when passed by Government. That said, further clarity is needed in reference to the Framework's paragraph 170 part d) which requires *‘minimising impacts on and providing net gains for biodiversity’*.

4.1.5 St Modwen also highlight and agree with the second point made by the District Council in response to this draft Policy. The Hilton Nature Reserve is a SSSI which is of national importance and whilst a Local Wildlife Site is also a statutorily defined area it is of County level importance. To assist further, St Modwen point to paragraph 170 part a) of the Framework which sets out to protect and enhance sites of biodiversity value in a manner commensurate with their statutory status or identified quality in the development plan – rather than protecting them from development in absolute terms. The District Council’s comments also point to Framework paragraph 175 which sets out the principles that should apply when determining planning applications where biodiversity is a material consideration.

4.1.6 St Modwen therefore suggest that additional text is added to the draft Neighbourhood Plan Policy to ensure that it does not rule out development through application of a blanket restriction but applies a criteria based assessment and in doing so is reflective of national policy in this regard.

**Policy L1 (Recreational Facilities) and Policy L2 (Healthcare Facilities)**

4.1.7 St Modwen highlight and agree with the points made by the District Council in their Regulation 14 response. Planning obligations must only be sought where they meet all of the tests set out at paragraph 56 of the Framework, namely that they are:

- a) Necessary to make the development acceptable in planning terms
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

4.1.8 Notwithstanding the Neighbourhood Plan Group’s response to the District’s comments, that this is *‘Noted but it is a given that all policies will comply with the law’* the policies themselves must be clear and precise to avoid any ambiguity in their application. As such, only development proposals that directly impact recreational facilities and require a contribution to be made through a Section 106 agreement to make them acceptable in planning terms should be subject of such obligations, and those obligations must be directly related to the development and fair and reasonable in scale and kind to that development. Requiring all new residential developments to fund sports and play facilities through Section 106 contributions may not always be necessary as onsite provision may be proposed or existing provision is capable of accommodating the additional demand that arises from the development and in some instances it may be unviable.

4.1.9 Similarly, not all residential developments will have an impact on healthcare provision or an impact that cannot be accommodated within existing provision. As such, any requests for contributions should be sought from the relevant providers supported by clear evidence and in accordance with the District Council’s Development Plan policies.

- 4.1.10 St Modwen consider that these Neighbourhood Plan policies should therefore be amended to refer to the relevant Local Plan policy(ies) and to offer support for such provision, or contributions towards them, but not to require them without evidence to confirm that they are necessary, directly related to the development and fairly and reasonably related to the scale and kind of the development.

### **Summary**

- 4.1.11 St Modwen have raised a number of concerns with regard to the content of the Neighbourhood Plan as currently drafted.

- 4.1.12 In some instances, St Modwen have suggested modifications that it considers are needed to some of the drafted policies in order for those to meet the Neighbourhood Plan Basic Conditions.

- 4.1.13 For example, St Modwen consider that:

- Policy N1 would arbitrarily sterilise much of Hilton from future development and in doing so is contrary to the South Derbyshire Local Plan Spatial Strategy and Framework's presumption in favour of sustainable development.
- Policy H3's absolute requirement is not necessary and will not contribute to the achievement of sustainable development. Moreover, the draft Policy is contrary to strategic policies and guidance which suitably deal with this matter and do not need to be duplicated in the Neighbourhood Plan.
- Policies H4, H6, E5 and L1 are unnecessary and will not contribute to the achievement of sustainable development. The policies cover matters that are suitably dealt with by, albeit the Neighbourhood Plan goes beyond the requirements of, the Local Plan and the District Council's Design Guidance.
- Policy T3 is imprecise and not relevant to all development. With this in mind, St Modwen have suggested alternative wording for this policy.

- 4.1.14 However, with regard to the Neighbourhood Plan's housing supply policies, St Modwen consider that the Plan is not capable of meeting the Basic Conditions without fundamental amendment and consideration of new evidence.

## 5 SITE SUBMISSION

- 5.1.1 St Modwen have a strong record of delivering much needed homes and community facilities in Hilton. For example, through its ongoing redevelopment of the former MoD Depot site, which is allocated in the South Derbyshire District Local Plan for mixed uses (Part 1 Policies H7 and E1B), St Modwen has delivered new homes, new employment provision and infrastructure improvements. St Modwen have also delivered a new primary school for Hilton (The Mease Spencer Academy – which opened in September 2019) and is close to completing over 12 ha of publicly accessible (strategic) open space, which includes areas of retained and managed woodland, following grant of outline planning permission in March 2015 for mixed use development there (reference 9/2013/1044). The Neighbourhood Plan also refers to earlier redevelopment of the former MoD site by St Modwen since its acquisition in 1992, highlighting their provision of housing, shops, a doctors surgery, a pub and road infrastructure for the village for example.
- 5.1.2 As referred to above, all indicators point to additional housing being needed in Hilton South Derbyshire's second largest settlement, and of a significantly greater level than supported in the currently drafted Neighbourhood Plan.
- 5.1.3 The Neighbourhood Plan recognises that redevelopment of the former Depot site is generally understood and accepted as being the best use of that large brown field but acknowledges that this phase of Hilton's development is drawing to a close such that attention is now passing to the use of green field sites in and around Hilton to deliver its ongoing needs.
- 5.1.4 The draft Neighbourhood Plan also indicates that, in addition to provision at the former Depot site, additional facilities and services are needed in Hilton going forward. To secure optimum funding from Section 106 obligations, only larger scale housing development has the ability to provide numerous wider benefits for the community. The NPPF (paragraph 56) sets out that planning obligations must only be sought where they meet all of its tests which are (that they are):
- a) Necessary to make the development acceptable in planning terms;
  - b) Directly related to development; and
  - c) Fairly and reasonably related in scale and kind to the development.
- 4.1.14 The Neighbourhood Plan's severe restriction on new residential development does not meet the national policy drive to deliver significantly more homes than have been delivered to date and will not deliver the facilities or the homes needed in Hilton.
- 4.1.15 With this in mind, St Modwen have submitted land north of Egginton Road and east of Lucas Lane, Hilton for residential led development (see Site Location Plan at Appendix 3) through the District Council's recent Call for Sites exercise.

- 4.1.16 The District Council's latest published (2012) SHLAA confirms that the site has no technical constraints to its future development for residential use. Moreover, the site ultimately forms a logical extension of Hilton and represents the most suitable site in Hilton to deliver strategic scale residential development needed in Hilton going forward.
- 4.1.17 The site is readily accessible from the centre of Hilton and there are numerous services and facilities within walking and cycling distance of the site. It is sustainably located in terms of good access to bus and rail provision, and the strategic road network, in and around Hilton.
- 4.1.18 Unlike the whole of the south and west of Hilton which is covered by flood plain and high risk flood zones, the site is almost entirely within Flood Zone 1. The site can also accommodate residential development without causing wider spread landscape and visual effects. Any effects would be further reduced by retaining and enhancing existing hedgerows and by planting additional woodland and trees, especially around the south eastern, eastern and northern edges of the site. In addition, given the extent of the site and the nature and location of features of biodiversity interest within it, development of the site could minimise impacts on, and offer opportunities for gains to, habitat enhancement and biodiversity such that net gains could be realised in this regard in line with national planning policy and the Neighbourhood Plan's ambitions. Unlike other sites to the north of Hilton (outside of the flood plain and higher risk flood zones) St Modwen's site will not impact the Hilton Nature Reserve SSSI.
- 5.1.5 Careful consideration can be given to the site's landscape and visual context, its location on the edge of the village, the relationship of proposed development to existing properties, existing trees and landscape infrastructure as well as opportunities to enhance connectivity in order to create a well-considered and high quality development. New public open space and improved footpath and cycleway connections within the proposed development and into the wider network will benefit new and existing residents.
- 5.1.6 As such, residential development here will accord with the importance attached to the design of the built environment by the Government and supported within the draft Neighbourhood Plan.
- 5.1.7 The benefits of residential development of the site are considerable. It can make a significant positive contribution towards affordable housing provision and in doing so can provide much needed affordable homes for the local area. The development proposals can also make a meaningful contribution towards maintaining and enhancing the viability and vitality of Hilton, including through provision of and contributions towards the facilities needed in Hilton, through positive engagement with the community and Neighbourhood Plan Group.
- 5.1.8 In addition to the delivery of housing, the site can also deliver a number of associated economic benefits such as the New Homes Bonus, construction jobs, an increased employment pool and additional expenditure for local businesses and services.

- 5.1.9 Land to the north of Egginton Road and east of Lucas Lane represents a sustainable housing led development site that can secure a number of benefits for Hilton and its wider area including for Hilton's existing community, and can build on St Modwen's unparalleled experience in delivering large-scale residential led development and associated facilities in Hilton.



## 6 CONCLUSIONS

- 6.1.1 St Modwen recognise the Government's ongoing commitment to neighbourhood planning and the role that Neighbourhood Plans have as a tool for local people to shape the development of their local community. However, it is clear from national policy and guidance that neighbourhood plans must be consistent with national planning policy and must take account of up-to-date evidence of Local Housing Needs. They must also be consistent with up-to-date strategic policies of the Local Planning Authority.
- 6.1.2 Through this submission we have set out, on behalf of St Modwen, why significantly more flexibility is needed and a more positive approach is required within the Hilton, Marston-on-Dove and Hoon Neighbourhood Plan to meet the Neighbourhood Plan Basic Conditions.
- 6.1.3 In particular, the Neighbourhood Plan is deficient with regard to its effective moratorium on residential development, and more specifically on residential development of the scale needed in Hilton, reflective of Hiltons' status in South Derbyshire, during the current and future South Derbyshire Plan periods. In this regard the Neighbourhood Plan fails to meet national policy objectives to deliver significantly more homes or to apply a presumption in favour of sustainable development, and fails to deliver the homes needed in Hilton reflective of its status within South Derbyshire's Spatial Strategy generally. As such the Neighbourhood Plan also conflicts with the District's Strategic Policy requirements.
- 6.1.4 Further, a number of the policies contained within the plan do not accord with the requirements of the Framework and some require modifications in order to meet the Basic Conditions. For example, St Modwen consider that:
- Policy N1 would arbitrarily sterilise much of Hilton from future development and in doing so is contrary to the South Derbyshire Local Plan Spatial Strategy and Framework's presumption in favour of sustainable development.
  - Policy H3's absolute requirement is not necessary and will not contribute to the achievement of sustainable development. Moreover, the draft Policy is contrary to strategic policies and guidance which suitably deal with this matter and do not need to be duplicated in the Neighbourhood Plan.
  - Policies H4, H6, E5 and L1 are unnecessary and will not contribute to the achievement of sustainable development. The policies cover matters that are suitably dealt with by, albeit the Neighbourhood Plan goes beyond the requirements of, the Local Plan and the District Council's Design Guidance.
  - Policy T3 is imprecise and not relevant to all development. With this in mind, St Modwen have suggested alternative wording for this policy.
- 6.1.5 However, with regard to the Neighbourhood Plan's housing supply policies, St Modwen consider that the Plan is not capable of meeting the Basic Conditions without fundamental amendment and consideration of new evidence.

- 6.1.6 St Modwen submit that land to the north of Egginton Road and east of Lucas Lane, Hilton should be allocated for residential development within the Neighbourhood Plan. This site presents an opportunity to create a sustainable, high quality residential led development in a logical and sustainable location, that can deliver homes and facilities needed in Hilton over the Neighbourhood Plan, Local Plan and Local Plan Review periods.
- 6.1.7 St Modwen trust that these representations are helpful and will be taken into consideration but if there are any questions please do contact us.

## **APPENDIX 1 – SDDC Regulation 16 Committee Report**

<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 7</b>
<b>DATE OF MEETING:</b>	<b>13<sup>th</sup> AUGUST 2020</b>	<b>CATEGORY: (See Notes) DELEGATED or RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>ALLISON THOMAS</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>STEFFAN SAUNDERS <a href="mailto:steffan.saunders@southderbyshire.gov.uk">steffan.saunders@southderbyshire.gov.uk</a> 01283 595743</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>HILTON, MARSTON ON DOVE AND HOON NEIGHBOURHOOD DEVELOPMENT PLAN REGULATION 16 CONSULTATION</b>	
<b>WARD(S) AFFECTED:</b>	<b>HILTON, MARSTON ON DOVE AND HOON</b>	<b>TERMS OF REFERENCE: EDS 03</b>

## **1.0 Recommendations**

- 1.1 That the Committee authorises the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan Regulation 16 Consultation to be conducted in accordance with as much of the adopted Statement of Community Involvement as practicable, allowing for the restrictions due to COVID-19.
- 1.2 That the Committee approves the outstanding matters from the Council's Regulation 14 comments (at Appendix 1) to be made on behalf of the Council to the Regulation 16 Consultation.

## **2.0 Purpose of the Report**

- 2.1 Firstly, to enable the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan (NDP) to proceed to the publicity consultation in accordance with Regulation 16 of the Neighbourhood Planning Regulations (2012) (as amended) notwithstanding that full compliance with the Council's Statement of Community Involvement would not be possible due to the current, and continually changing, restrictions in place due to COVID-19.
- 2.2 Secondly, to endorse the proposed Council response to the Regulation 16 consultation, setting out the outstanding concerns regarding the Neighbourhood Plan as proposed, specifically including where the NDP is not in accordance with the strategic policies of the Council's adopted Local Plan, together with the requirements of the National Planning Policy Framework (NPPF).

### **3.0 Executive Summary**

- 3.1 The Council's Statement of Community Involvement (SCI) includes a requirement that hard copies of documents (Listed in the Appendices) are made available in the Council Offices and in libraries within the District. Given the Covid-19 restrictions which are likely to remain in place for time, it is unlikely the Council will be able to comply to the letter with this aspect of the SCI. It will be possible for appointments to be made for members of the public to inspect the documents at the Council offices, but, in terms of Libraries, there may be restrictions in place over the coming months. However, this can be mitigated by additional online publicity targeted at residents and businesses in Hilton, and in the current circumstances with Covid-19, additional online publicity to the consultation will mitigate for any lack of availability of hard copies of documents.
- 3.2 The Council provided comments to the Parish Council at the draft Neighbourhood Plan Consultation stage (Regulation 14). These comments are attached at Appendix 1. The Parish Council's responses to these comments are included at Appendix 5.

### **4.0 Detail**

- 4.1 The Hilton, Marston on Dove and Hoon Neighbourhood Area was formally designated by this Committee in March 2018. Following this designation, Hilton Parish Council, in consultation with the local community, prepared a draft NDP for consultation in accordance with Regulation 14 of the Neighbourhood Planning Regulations. Under the Town and Country Planning Act 1990 (as amended) the Council has a statutory duty to assist communities in the development of NDPs and as such officers have advised Hilton Parish Council in drafting the NDP so as to facilitate a successful examination, referendum and ultimately a 'made' NDP.
- 4.2 The Regulation 14 consultation commenced in October 2019 and closed on 9 December 2019. The prescribed statutory bodies were consulted, including the Council and the County Council, together with local residents and other organisations. Summaries of the consultation responses, together with how these comments have been addressed in the submitted NDP, have been compiled by the Parish Council; these are referred to in the Consultation Statement and will, for ease of reference, be included as appendices in the Regulation 16 consultation.
- 4.3 In advising Hilton Parish Council in the drafting of their NDP officers have sought to shape the NDP so that it complies with all the relevant policy and legislation. At the Regulation 14 consultation stage various concerns remained outstanding and these were set out to the Parish Council. Whilst the NDP has been amended following the Regulation 14 consultation a number of these concerns remain, in particular, the NDP's express intention to prevent new housing development within Hilton until 2035 and to reduce the density of housing on the Lucas Lane site. This approach is contrary to national policy and guidance regarding the purpose and content of NDPs; paragraph 13 of the NPPF states: *"The application of the presumption [that is, the presumption in favour of sustainable development] has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies."*
- 4.4 The adopted Local Plan runs until 2028. South Derbyshire's housing requirement beyond 2028, which the next local plan will need to accommodate, is not yet known;

the Government is due to publish a revised standard methodology on which the housing requirement will be based. It is not tenable for the Council to express support for a NDP which is seeking a moratorium on housing development into the next plan period.

- 4.5 If this were accepted, then regrettably it is likely that other Parishes in South Derbyshire would seek to impose their own moratoriums on new development beyond 2028. Although the District Council could seek to argue through its own local plan examination that further development is needed in Hilton (or elsewhere) beyond 2028 to have such an argument would undermine the purpose of neighbourhood planning which is to provide locally specific policies consistent with principles of shaping new development but not preventing it. It is of great importance that the neighbourhood plan at Hilton is amended in line with the District Council's comments in the appendix, in order to allow choices to be made about new development locations beyond 2028. It is currently envisaged that the Local Plan review in South Derbyshire will cover a period to 2041 and it is not considered to be tenable to have one the Key Service Villages in the District unavailable to include for decisions on new housing allocations for a period of 13 years.
- 4.6 A NDP attains the same status as a Local Plan following approval at referendum; at this point it comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

## **5.0 Financial Implications**

- 5.1 The financial cost of conducting a Regulation 16 consultation will be covered by existing budgets.

## **6.0 Corporate Implications**

### **Employment Implications**

- 6.1 A Neighbourhood Plan amended in line with the comments in the appendix will have beneficial impacts as it will improve the attractiveness of Hilton as a great place to live, visit and invest.

### **Legal Implications**

- 6.2 The Neighbourhood Plan will be subject to an independent examination during which compliance with the Neighbourhood Planning regulations will be assessed.

### **Corporate Plan Implications**

- 6.3 The Neighbourhood Plan contains a number of policies consistent with the Corporate Plan. These include:
- to enhance biodiversity across the District (Our Environment)
  - to improve public spaces to create an environment for people to enjoy. (Our Environment)
  - Promote health and wellbeing across the District. (Our People)

Provided the requested amendments are also made included in the appendix then the Neighbourhood Plan will also be consistent with the following aspects of the Corporate Plan.

- To influence the improvement of infrastructure to meet the demands of growth. (Our Future)

- Enable the delivery of housing across all tenures to meet Local Plan targets (our Future)

### **Risk Impact**

6.4 None.

## **7.0 Community Impact**

### **Consultation**

7.1 None

### **Equality and Diversity Impact**

7.2 None

### **Social Value Impact**

7.3 The NDP has been prepared by Hilton Parish Council involving volunteers from the local community. This community involvement is encouraged by the 2011 Localism Act.

### **Environmental Sustainability**

7.4 Beneficial with the required amendments to the Plan

## **8.0 Conclusions**

8.1 The Hilton NDP has been subject of a great deal of work led by the Parish Council. Provided the outstanding comments of the District Council are addressed through the examination process then the Neighbourhood Plan will be a valuable addition to the Planning Policy framework applicable to Hilton.

## **9.0 Background Papers**

Appendix 1 – South Derbyshire District Council Regulation 14 consultation response to Hilton, Marston on Dove and Hoon NDP

Appendix 2 – Submission Hilton, Marston on Dove and Hoon Neighbourhood Development Plan 2020 – 2035

Appendix 3 – Basic Conditions Statement

Appendix 4 – Consultation Statement

Appendix 5 – Consultation Statement Appendices

Appendix 6 – Strategic Environmental Assessment and Habitat Regulations Assessment Screening Determination for Hilton, Marston on Dove and Hoon NDP

**Notes:**

- \* Category – Please see the Committee Terms Of Reference in [Responsibility for Functions - Committees](#). This shows which committee is responsible for each function and whether it has delegated authority to make a decision, or needs to refer it elsewhere with a recommendation.
- \*\* Open/Exempt - All reports should be considered in the open section of the meeting, unless it is likely that exempt information would be disclosed. Please see the [Access to Information Procedure Rules](#) for more guidance.
- \*\*\* Committee Terms Of Reference in [Responsibility for Functions - Committees](#).



## **APPENDIX 2 – SDDC Regulation 14 Comments**

## Regulation 14 Consultation:

### Hilton, Marston and Hoon Neighbourhood Development Plan – Draft Plan

#### General comment

The plan period needs to be clarified and stated within the Plan itself: Page 13 of the Plan states that residents were given the opportunity to express their opinion for housing delivery for the period 2028 to 2035, however the Plan does not specifically set out the plan period. The AECOM Housing Needs Assessment states that the Neighbourhood Development Plan (NDP) period is 2016 – 2035, therefore the comments below are made on this basis.

#### Policy H1

The Hilton (South Derbyshire) Housing Needs Assessment (HNA) – June 2019 states that the Housing Needs Figure over the plan period (2016 -2035) is 839 dwellings for the Neighbourhood Area.

The HNA references housing completions within the neighbourhood plan area from 1 April 2011 to 31 March 2017. South Derbyshire's Local Plan (from hereon called the Local Plan) allocates two housing sites within the Neighbourhood Area, Land at Hilton Depot (Policy H7) for 485 dwellings and Derby Road, Hilton (Policy H23C) for around 43 dwellings. By the end of March 2017, 35 dwellings had been completed on housing allocation H7; Derby Road (H23C) has consent for 45 dwellings.

Whilst the draft Hilton NDP allocates two sites to include housing, H1A and H1B, these proposed allocations, taken together with the two Local Plan housing allocations, will not provide sufficient housing to meet the identified need of 839 dwellings by 2035 set out in the HNA. Subtracting the 45 new build completions during 2016/17 leaves 794 dwellings needed in the NA by 31 March 2035. Subtract the 8 dwellings proposed by draft policy H1B, the 45 dwellings permitted at H23C, and remainder of the H7 Local Plan allocation and the residual need is 291 dwellings, which will clearly be in excess of what would come forward on the proposed H1A allocation. If the above calculation is worked through using the 57 dwellings currently proposed by way of a planning application on H1B (Lucas Lane), the unmet need figure drops to 242 dwellings.

The National Planning Policy Framework states at paragraph 13 that *“Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.”* Basic condition (d) as highlighted in the Planning Practice Guidance requires that *“the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.”* For the Hilton NDP to extend beyond the Local Plan period requires the NDP to meet the identified housing need for that period in order for it to be fit for purpose and comply with the basic conditions.

A further basic condition, basic condition (e), requires that any NDP must be in general conformity with the strategic policies of the development plan. The draft NDP policy H1 restricts new residential development to that which has been allocated within the Local Plan, proposed allocations H1A and H1B or is a brownfield site within the settlement boundary (defined in the Local Plan). However, policies H1 and SDT1 of the Local Plan, both strategic policies, allow greenfield

development within settlement boundaries (subject to other Local Plan policies) and Policy H1 allows exception or cross-subsidy sites up to 25 dwellings outside of settlement boundaries within Key Service Villages, of which Hilton is one. Exception or cross-subsidy sites can be located on greenfield land. As such, draft NDP policy H1 is not in general conformity with the Local Plan's strategic policies.

### **Policy H1A**

Policy H1A requires the provision of specialist accommodation along with retail units. The National Planning Practice Guidance for Neighbourhood Planning states:

*"Neighbourhood plans may also contain policies on the contributions expected from development, but these and any other requirements placed on development should accord with relevant strategic policies and not undermine the deliverability of the neighbourhood plan, local plan or spatial development strategy. Further [guidance on viability](#) is available."* Paragraph: 005 Reference ID: 41-005-20190509.

Draft policy H1A requires a minimum of 10 and maximum of 20 sheltered bungalows to be built on the Mease site. It is unclear whether these bungalows are required as affordable dwellings or whether they are for the private sector. Demand for sheltered bungalows within the existing Council stock has reached equilibrium; a small number of bungalows within developments may be supported on sites, but 20 in one locality would be difficult to let if they were a rented product.

The Independent Examiner appointed to examine the NDP may query the viability of the proposed policy, to ensure that the policy is realistic, together with the basis for the specifying of a minimum of seven ground floor units.

The requirement of a minimum of 25% of sheltered bungalows complying to M4 (3) standard, goes beyond the requirements of building regulations and would require viability testing. The emerging Strategic Housing Market Assessment for the District would indicate that this percentage is too high; the evidence will recommend 5-10% where viable.

With regard to the residential care home of up to 40 beds, this is contrary to the Derbyshire Accommodation Strategy, adopted by the Council's Housing Committee, which shows an oversupply of care homes within the District. It appears that the NDP bases the need for the residential care home on the neighbourhood survey, however the evidence from AECOM's HNA shows a need for specialist accommodation, including sheltered housing and extra care, with no mention of a need for care home placements. Evidence suggests a need for 77 units of specialist accommodation (sheltered and extra-care) but notes this does not need to be within the Neighbourhood Area.

It should be noted that whilst the HNA sets out that affordable housing split includes entry level market homes, starter homes and entry level market rent, these are not in line with the Affordable Housing SPD which only supports affordable/social rent and shared ownership.

### **Policy H1B**

The draft NDP policy H1B requires a low density housing development of up to 8 dwellings along with the provision of allotments, a community orchard, woodland and a community farm based on

the existing farm buildings. The National Planning Policy Framework states that planning policies should “*support development that makes efficient use of land*” taking into account a list of criteria (paragraph 122). The current planning application on the Lucas Lane site is for up to 57 dwellings and it is queried therefore whether the density proposed in Policy H1B is the most appropriate for the site in question.

### **Policy H2: Housing Mix**

Page 55 of the HNA states: “*Currently, the supply of homes in terms of size and demand for homes are in broad alignment. However, due to significant demographic shifts that are forecast over the Plan period, an appropriate policy response is needed to support the delivery of smaller dwellings of 2-3 habitable rooms.*” Therefore the evidence in the HNA does not appear to support the proposed policy.

The need to focus on delivering 2-3 bedroom homes is strengthened by the evidence found in the Hilton Area Neighbourhood Development Plan survey. Furthermore, a greater focus is needed on delivering 1-bedroom homes, although the majority of homes delivered should still be 2 or 3 bedroom homes. An appropriate housing split, as supported by the HNA, would be as follows:

1 bedroom: 10%

2 bedrooms: 30%

3 bedrooms: 50%

4+ bedrooms: 10%”

As drafted, policy H2 provides a different housing split to that recommended in the HNA. The difference in approach will need to be justified, particularly the percentage of 4+ bedrooms proposed within the policy compared to that within the HNA. Similarly, the expectation that 25% of all housing developments of five or more should be bungalows needs to be justified.

### **Policy H3: Requirements of housing: Residential car parking**

The policy goes beyond the requirements of the Local Plan and 6C’s Design Guide standards.

### **Policy T1: Active Travel**

A suggestion for strengthening this policy would be: New development should, where available, link up to existing walking and cycling routes and public transport.

### **Policy T2: Access to schools**

Is the intention for this policy to apply to *all* new developments, or all new *housing* developments?

### **Policy E1: Green Spaces**

As drafted, policy E1 is not in conformity with Policy BNE8 in the Local Plan, nor the emerging Local Plan policies in the Local Green Spaces Plan. These Local Plan policies, together with the NPPF, do not restrict all development within Local Green Spaces.

It is unclear whether the second sentence of policy E1 is in regard to Local Green Spaces or referring to all new development outside of Green Spaces.

### **Policy E2: Retaining Village Identity**

The Local Plan contains policies detailing the circumstances in which development outside of settlement boundaries within Rural Areas will be granted.

### **Policy E3: Community Land**

To which development proposals is this policy intended to apply? Perhaps the following policy wording would meet the NDP's intention: "The provision of community gardening, orchards and allotments will be supported."

### **Policy E5: Biodiversity**

The first two sentences of the policy appear to state the same requirement – no net loss of biodiversity.

The Hilton Nature Reserve is a SSSI; a nationally important site. Local Wildlife Sites are sites of County importance. Paragraph 175 of the NPPF sets out principles to be applied when determining applications where proposals could affect habitats and biodiversity.

### **Policy L1: Recreational facilities**

The requirement for infrastructure and developer contributions is set out within Policy INF1 of the Local Plan. The proposed policy L1 requires that developer contributions will be sought on new residential developments to fund sport and play facilities. South Derbyshire 'Section 106 Agreements: Guide for developers' requires that developer contributions will be sought from residential development exceeding 4 dwellings and sets out the amount of contribution required.

'Section 106 Agreements: Guide for developers' requires that contributions are collected for three types of recreation; open space, outdoor facilities and built facilities. It is not fully clear from drafted policy what type of contributions will be required. The first and last paragraph appears to differ in meaning; the first paragraph requires that developer contributions will be sought from new residential development to fund sport and play facilities, whereas the last paragraph states, "...provision for a range of outdoor activities and sports will be encouraged".

### **Policy L2: Healthcare facilities**

The requirement for infrastructure and developer contributions is set out within Policy INF1 of the Local Plan. Proposed policy L2 requires that developer contributions will be sought "to improve the quality and accessibility of health and social facilities including integrated community health facilities". South Derbyshire 'Section 106 Agreements: Guide for developers' requires that developer contributions will be sought from residential development exceeding 4 dwellings. When this threshold has been met, the NHS Derby and Derbyshire Clinical Commissioning Group would then be consulted to establish the required contribution from the development.

Planning obligations can only be sought to assist in mitigating the impact of unacceptable development to make it acceptable in planning terms (PPG Planning Obligations Paragraph: 002 Reference ID: 23b-002-20190901). It would therefore be beyond the law to collect contributions from all development where proposals do not impact upon healthcare provision.

**Policy L3: Hilton Village shopping centre development**

The specific policy requirements may hinder potential development opportunities. The developments supported by the policy can be supported in principle, thereby allowing, for example, for a retail proposal of six units.

**Policy B1: Business Units**

The first sentence states the phrase “within the existing settlement area”. Does this mean within the settlement boundary?

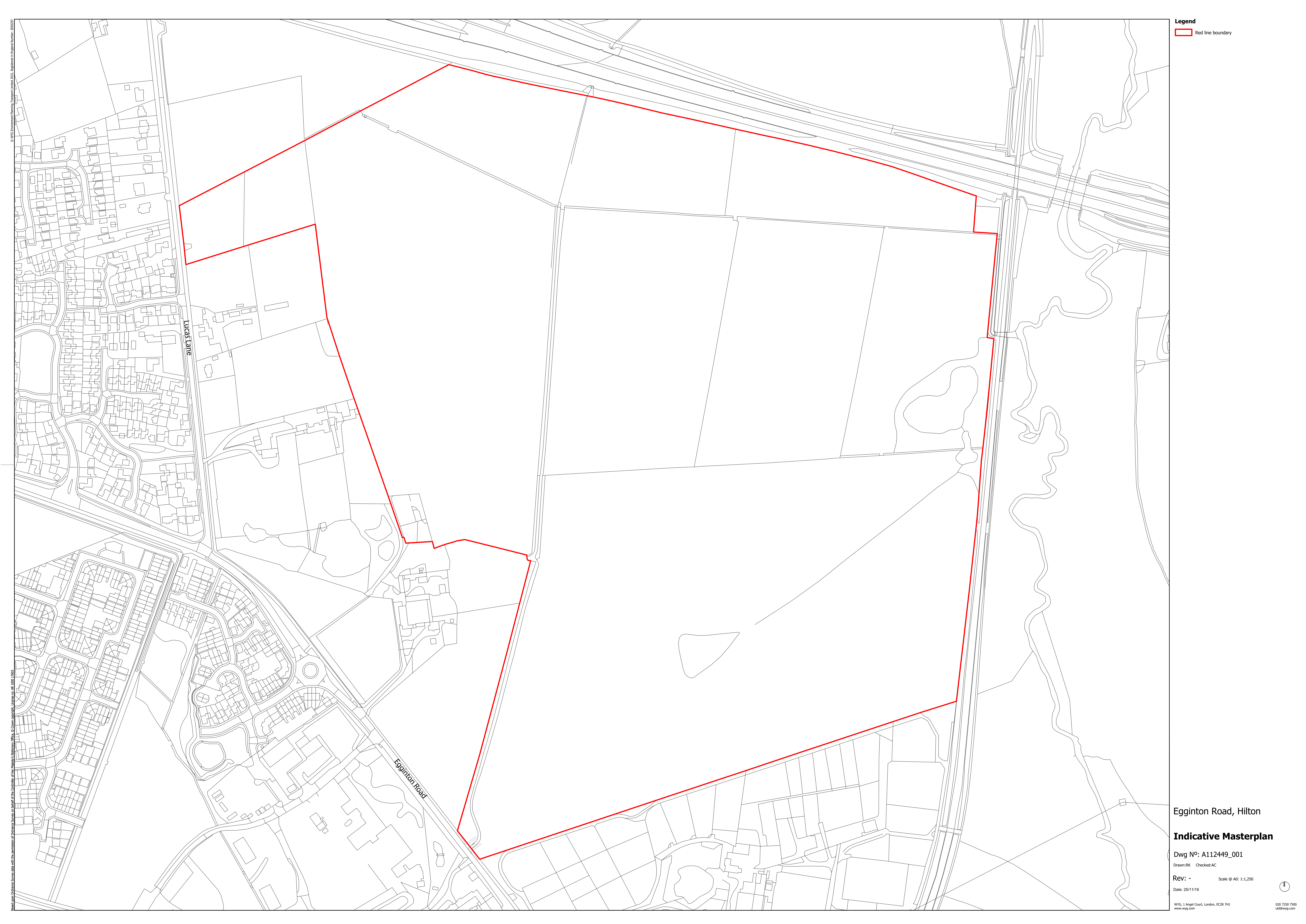
It would be helpful to define to which B use classes is the policy intended to apply.

**Policy B4: Broadband**

Suggested policy wording: Where practicable, new development should be supported by full fibre broadband connections.

## **APPENDIX 3 – Site Location Plan**





**Legend**  
Red line boundary

Eginton Road, Hilton

**Indicative Masterplan**

Dwg N°: A112449\_001

Drawn:RK Checked:AC

Rev: -

Scale @ A0: 1:1,250

Date: 25/11/19



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## Representation Form

### South Derbyshire District Council Regulation 16 publicity:

### Hilton, Marston on Dove and Hoon Neighbourhood Development Plan

**Please submit a separate form for each representation you wish to make.**

The Hilton, Marston on Dove and Hoon Draft Neighbourhood Development Plan and accompanying documents can be found at: [www.southderbyshire.gov.uk/HiltonReg16](http://www.southderbyshire.gov.uk/HiltonReg16)

**All comments should be submitted by 5pm, 19<sup>th</sup> October 2020.**

Please return this representation form to South Derbyshire District Council:

Email: [planning.policy@southderbyshire.gov.uk](mailto:planning.policy@southderbyshire.gov.uk)

Post: Planning Policy, Planning Services, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH

### Part A – Your Contact Details

*If you are an agent, please specify the name of the organisation you are representing.*

#### Name

Dr Robert Wickham on behalf of Howard Sharp & Partners LLP

#### Organisation

Providence Land Limited

#### Address (including postcode)

[Redacted]

#### Telephone number

[Redacted]

#### E-mail address

[Redacted]

## Part B – Your Representation

***Please use a separate form for each representation you wish to make.***

To which part of the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan do your comments relate?

Policy Number:

H1

Page:

16-19

Other:

**Please see attached separate sheets setting out Providence Land Ltd.'s objections to Policy H1.**

**Comment:**

**Future notification**

I wish to be notified of the decision following the examination of the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan:

YES:

NO:

**Privacy Notice**

**How is your information used?**

Your representation will be forwarded in full to the Examiner.

Representations may be made available in hard copy, on the examination webpage and/or on the Council's website following the close of the consultation, however, personal details (address, signature and contact details) will NOT be made publicly available but will be kept in a secure database and used to notify you of the Plan's progress as requested.

**Who has access to your information?**

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# HOWARD SHARP & PARTNERS

Limited Liability Partnership  
Chartered Surveyors  
Chartered Town Planners



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Registered in England No. OC304268  
Registered at the Westminster office

ON BEHALF OF:



PROVIDENCE  
LAND

## South Derbyshire District Council Regulation 16 publicity: Hilton, Marston on Dove and Hoon Neighbourhood Development Plan

### Comments on Policy H1 of the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan

#### **1. Policy H1 fails the basic conditions required of a Neighbourhood Plan.**

- 1.1. The main part of this policy does not meet the basic conditions – It fails the first condition of having regard to national policies. This is because the Plan explicitly restricts development rather than guides it in direct conflict with the National Planning Policy Framework (NPPF). Paragraph 29 of the Framework states:

*“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.”*

- 1.2. The first sentence in the Neighbourhood Plan Foreword reveals the issue at the heart of the Plan – that the Neighbourhood Plan Steering Group (NPSG) would prefer not to see any further development after the “influx” over the past 25 years.
- 1.3. The basic conditions which the Plan needs to meet are set out in the Introduction of the Plan. It fails three out of five of the conditions for the following reasons:

*i. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.*

**The Plan conflicts with the National Planning Policy Framework and national guidance issued in relation to neighbourhood plans. The departures from national policy relate to lack of evidence; incompatibility with the development plan; inefficient use of land, and undeliverability.**

*ii) The making of the neighbourhood plan contributes to the achievement of sustainable development.*

**It does not, because the Plan places a moratorium on development. No contribution to sustainable development will be achieved because the Plan sets out to prevent development.**

*iii) The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of authority (South Derbyshire District Council).*

**It is not in conformity. South Derbyshire have raised concerns on this point which have been dismissed. It promotes less development than set out in the Local Plan's strategic policies.**

## **2. The housing policy is restrictive and conflicts with the presumption in favour of sustainable development.**

2.1. Policy H1 states development will be restricted to that which is already allocated for residential development and any additional brownfield sites within the settlement. So there is effectively a presumption against development save for limited exceptions. This is in conflict with the NPPF's presumption in favour of development. It also conflicts with the South Derbyshire Local Plan which not only allocates sites but provides a framework for development to occur in sustainable locations such as Hilton. The Local Plan Part 1 Policy S2 carries the Presumption in Favour of Sustainable Development through from the NPPF and so this negatively worded Policy H1 in the Neighbourhood Plan undermines the objectives of both the NPPF and South Derbyshire Policy S2.

2.2. Policy H1 seems to prejudice development of greenfield land within the settlement boundary, in conflict with the Local Plan Part 2 which has set out the settlement boundary in order to guide development – Policy SDT1 is clear that proposals within settlement boundaries will be supported if they are in accordance with the local plan in other respects. Policy H1 of the Neighbourhood Plan conflicts with this Local Plan policy and so requires significant change.

## **3. The evidence supporting the housing policy is confused and inconsistent**

3.1. The evidence submitted with the Neighbourhood Plan on housing is contradictory. The 'Housing Policy Evidence Paper' combines selected data from the AECOM Housing Needs Assessment (HNA) with a housing survey undertaken by the NPSG

and comments on issues in the village attributed to its growth over the years. The Paper states: *“It does not seem unreasonable, as the residents judged, that there should be a moratorium on house building whilst the amenity deficit is addressed.”*

- 3.2. South Derbyshire District Council have objected at the Regulation 14 stage in relation to Policy H1. They stated that to fulfil Hilton’s Objectively Assessed Need (OAN) of 839 homes there remains an outstanding housing requirement of 242 homes after taking account of completions, permissions (including 57 at Lucas Lane) and allocations. The Basic Conditions Statement records their objection that, in summary, the Neighbourhood Plan promotes less housing than required and fails two basic conditions. The response from the NPSG is not to alter the Policy to be compliant but instead to state a disagreement with the District Council’s consideration of a strategic policy and to say that they considered AECOM’s HNA did not represent OAN and they had produced their own OAN. Despite this claim, the Steering Group have published AECOM’s HNA as part of the evidence base for the Plan. It is not clear what the NPSG’s alternative OAN is; there are only surveys of what a small proportion of the village want to see, which is no further development in the village.
- 3.3. The first survey of residents had 928 respondents, and approximately 68% were aged at least 40 years. The second survey had a reduced respondent rate of 731 people, around 72% of whom were at least 40 years of age. In 2011 the village had a population of 7714 but the Steering Group’s Policy Paper states there is a population of 8333 and that *“The age profile of the residents is very much skewed to the younger population”*, with a graph showing nearly 60% of residents are aged 39 or younger. The implication is that the survey response rate is between just 9% and 11% and that the age profile is not representative of the reality of the village, with a disproportionate response from older residents.
- 3.4. The Housing Policy Evidence Paper produced by the NPSG does not replace the AECOM HNA, which was commissioned and published by the NPSG as evidence anyway. The outstanding housing requirement set out in AECOM’s assessment has been ignored and indeed would be suppressed by the proposed Policy H1B.

#### **4. Policy H1B Lucas Lane is undeliverable as written and is not justified.**

- 4.1. The second part of this policy, H1B, concerns the land at Lucas Lane promoted by Providence Land Limited and now the subject of an outline planning permission for up to 57 dwellings (DMPA/2019/1143).
- 4.2. The policy favours development of the site, but unfortunately Policy H1B includes criteria which fail the basic conditions for a Neighbourhood Plan and that Providence Land object to. The proposed policy is not supported by appropriate evidence.

*Noise – no evidence to prevent development*

- 4.3. Policy H1B refers to a development of up to 8 dwellings along the southern boundary. The justification for the policy explains this is on the basis of noise levels on the site. The justification text states:

*“The Lucas Lane site is most unsuitable for complete redevelopment as a housing estate as the Northern and Eastern parts of the site are close to the A50 resulting in an excessive noise level which is above the accepted levels...”*

- 4.4. This statement is shown to be false by the Neighbourhood Plan’s own evidence on noise. The NPSG commissioned an assessment by Entran for the land off Lucas Lane which considers a scheme of 61 dwellings, it refers to an earlier assessment submitted with Providence Land’s planning application for the site:

*“The calculated noise levels in this assessment are lower than those in the existing assessment, with both reports concluding that the site is likely to be suitable for the proposed development. The conclusions of the assessments are consistent, with similar propagation of noise across both sets of noise contours.*

*“Both assessments indicate that the noise levels across the site are deemed to be suitable. Provided sufficient mitigation measures are employed, the proposed development will comply with the identified criteria.” (underlining added).*

- 4.5. The Planning Practice Guidance states at paragraph 41 that a policy in a neighbourhood plan should be clear and unambiguous and supported by appropriate evidence. The noise evidence for Policy H1B states the opposite of what the justification wording claims. The resulting policy is therefore not supported by appropriate evidence. We have commented separately on Policy N1, which is devoid of any justification.

*Density – not compliant with NPPF*

- 4.6. The development proposed in the Neighbourhood Plan of 8 dwellings would be a density of 4 dwellings per hectare. Such a development would be in conflict with the NPPF’s requirement to make efficient use of land (paragraph 22)
- 4.7. As well as ourselves, South Derbyshire District Council have objected on this point, as recorded on the Neighbourhood Plan website. The NPSG’s stated response is that they are protecting a community asset. No community asset exists as most of the land is part of a private farm and the remainder is part of a private garden.

*Various list of uses in H1B not appropriate or deliverable*

- 4.8. The policy is neither sound nor deliverable. The land is not available for most of the uses described in Policy H1B such as a community farm. There is no evidence

provided with the Plan in terms of a need for such a facility or how it might be run and by what organisation. The land at Lucas Lane is available for residential development, for which it has outline planning permission.

5. The problems with Policy H1 are manifold and complete removal from the Plan will be necessary, with any replacement needing to respond to existing objections from various interested parties as well as the local authority. It will need to take account of evidence on housing need by AECOM and on noise by Entran, which after all were commissioned and published by the Parish Council/NPSG. However, this proposed policy is at the heart of the Neighbourhood Plan, the majority of which is framed around an open-ended moratorium on development which goes beyond even the Local Plan period. The government is clear that Neighbourhood Plans should not be used as a tool to prevent development, and this is set out in the NPPF at paragraph 29. For these reasons Providence Land doubts that the Plan can proceed any further without either the removal or the wholesale revision of the housing strategy.



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### Hilton, Marston on Dove and Hoon Neighbourhood Development Plan

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**All comments should be submitted by 5pm, 19<sup>th</sup> October 2020.**

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### Part A – Your Contact Details

*If you are an agent, please specify the name of the organisation you are representing.*

#### Name

Dr Robert Wickham on behalf of Howard Sharp & Partners LLP

#### Organisation

Providence Land Limited

#### Address (including postcode)

[Redacted address]

#### Telephone number

[Redacted telephone number]

#### E-mail address

[Redacted e-mail address]

## Part B – Your Representation

***Please use a separate form for each representation you wish to make.***

To which part of the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan do your comments relate?

Policy Number:

Page:

Other:

**Comment:**

Policy N1 states:

Policy N1 concerns noise mitigation and states:

*“A 200 metre wide exclusion zone along the length of the A50 as it passes through the Designated Area will be kept free from any housing development...”*

The 200 metre exclusion zone is without any justification. It is unclear what evidence has led to this policy – there appears to be none whatsoever. In fact, the only apparent supporting information relating to noise would suggest that such a zone is entirely inappropriate. A noise assessment by Entran was commissioned by the Neighbourhood Plan Steering Group Council and is published on their website. It relates specifically to the housing site at Lucas Lane Hilton and considers the land suitable for development in terms of noise. This directly contradicts the premise of Policy N1 and show that housing development is appropriate within 200m of the A50.

It is pertinent that an outline planning application for 57 homes at Lucas Lane within 200m of the A50 has been approved. A noise assessment by Mayer Brown surveyed noise levels which informed an illustrative layout designed to minimise noise spread and result in a reduction in the noise reaching existing nearby residents. The issue of noise was thoroughly considered through the application and the site was considered suitable. The Entran noise assessment commissioned by the Parish concurred with the assessment commissioned by Providence Land. It states: *“The calculated noise levels in this assessment are lower than those in the existing [Mayer Brown] assessment, with both reports concluding that the site is likely to be suitable for the proposed development. The conclusions of the assessments are consistent, with similar propagation of noise across both sets of noise contours”* Policy N1 is therefore without any grounds.

It is surprising that this policy has been retained in the Regulation 16 draft when the only relevant part of the evidence base so clearly disproves the need for such an exclusion zone. Policy N1 should be removed in its entirety. In terms of the second part of the policy, whilst tree planting along the A50 is a worthy aim, a vague encouragement of this does not merit a policy in a Neighbourhood Plan. It should be noted that the outline proposals for the land at Lucas Lane will include tree planting as well as a layout designed to reduce noise for existing residents in the vicinity as well as the new occupiers.

*(Continue on a separate sheet if necessary)*

## Future notification

I wish to be notified of the decision following the examination of the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan:

YES:

NO:

## Privacy Notice

### How is your information used?

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09 December 2019

Our ref: Hilton, Marston & Hoon NDP

Dear Sir/Madam

## Hilton, Marston on Dove & Hoon Neighbourhood Development Plan

Thank you for the opportunity to comment on your consultation. We have summarised our comments in this document for your viewing. Please keep us informed when your plans are further developed when we will be able to offer more detailed comments and advice.

### **Policy H1A The Mease mixed use site**

Based on the size and current proposals of the site being mixed use and likely used for a small bungalow complex we do not envisage this site coming forward posing an issue to the existing sewerage infrastructure.

### **Policy H1B Lucas Lane potential development site**

We appreciate the other constraints with developing this site regarding its location on Greenfield and in close proximity to the A50.

Without having much detail around the scale of proposals we're currently unable to offer much of a response in relation to this site.

For both of these potential development sites we would ask that surface water is kept separate from foul/wastewater and is disposed of sustainably to either the ground (infiltration/soakaway), a brook course or a designated surface water sewerage system. Please note the later sections around utilising Sustainable Urban Drainage Systems to help minimise the impact of planned development and avoid increasing existing flood risk.

We also encourage developers to make contact with us when developing more detailed proposals using our developer enquiry process. This can be used to guide drainage proposals and connection strategies ensuring any issues are discussed and resolved prior to the formal planning process.

For your information we have set out some general guidelines that may be useful to you.

### **Position Statement**

As a water company we have an obligation to provide water supplies and sewage treatment capacity for future development. It is important for us to work collaboratively with Local Planning Authorities to provide relevant assessments of the impacts of future developments. For outline proposals we are able to provide general comments. Once detailed developments and site specific

locations are confirmed by local councils, we are able to provide more specific comments and modelling of the network if required. For most developments we do not foresee any particular issues. Where we consider there may be an issue we would discuss in further detail with the Local Planning Authority. We will complete any necessary improvements to provide additional capacity once we have sufficient confidence that a development will go ahead. We do this to avoid making investments on speculative developments to minimise customer bills.

## **Sewage Strategy**

Once detailed plans are available and we have modelled the additional capacity, in areas where sufficient capacity is not currently available and we have sufficient confidence that developments will be built, we will complete necessary improvements to provide the capacity. We will ensure that our assets have no adverse effect on the environment and that we provide appropriate levels of treatment at each of our sewage treatment works.

## **Surface Water and Sewer Flooding**

We expect surface water to be managed in line with the Government's Water Strategy, Future Water. The strategy sets out a vision for more effective management of surface water to deal with the dual pressures of climate change and housing development. Surface water needs to be managed sustainably. For new developments we would not expect surface water to be conveyed to our foul or combined sewage system and, where practicable, we support the removal of surface water already connected to foul or combined sewer.

We believe that greater emphasis needs to be paid to consequences of extreme rainfall. In the past, even outside of the flood plain, some properties have been built in natural drainage paths. We request that developers providing sewers on new developments should safely accommodate floods which exceed the design capacity of the sewers.

To encourage developers to consider sustainable drainage, Severn Trent currently offer a 100% discount on the sewerage infrastructure charge if there is no surface water connection and a 75% discount if there is a surface water connection via a sustainable drainage system. More details can be found on our website

<https://www.stwater.co.uk/building-and-developing/regulations-and-forms/application-forms-and-guidance/infrastructure-charges/>

## **Water Quality**

Good quality river water and groundwater is vital for provision of good quality drinking water. We work closely with the Environment Agency and local farmers to ensure that water quality of supplies are not impacted by our or others operations. The Environment Agency's Source Protection Zone (SPZ) and Safe Guarding Zone policy should provide guidance on development. Any proposals should take into account the principles of the Water Framework Directive and River Basin Management Plan for the Severn River basin unit as prepared by the Environment Agency.

## **Water Supply**

When specific detail of planned development location and sizes are available a site specific assessment of the capacity of our water supply network could be made. Any assessment will involve carrying out a network analysis exercise to investigate any potential impacts.

We would not anticipate capacity problems within the urban areas of our network, any issues can be addressed through reinforcing our network. However, the ability to support significant development in the rural areas is likely to have a greater impact and require greater reinforcement to accommodate greater demands.

### **Water Efficiency**

Part G of Building Regulations specify that new homes must consume no more than 125 litres of water per person per day. We recommend that you consider taking an approach of installing specifically designed water efficient fittings in all areas of the property rather than focus on the overall consumption of the property. This should help to achieve a lower overall consumption than the maximum volume specified in the Building Regulations.

We recommend that in all cases you consider:

- Single flush siphon toilet cistern and those with a flush volume of 4 litres.
- Showers designed to operate efficiently and with a maximum flow rate of 8 litres per minute.
- Hand wash basin taps with low flow rates of 4 litres or less.
- Water butts for external use in properties with gardens.

To further encourage developers to act sustainably Severn Trent currently offer a 100% discount on the clean water infrastructure charge if properties are built so consumption per person is 110 litres per person per day or less. More details can be found on our website

<https://www.stwater.co.uk/building-and-developing/regulations-and-forms/application-forms-and-guidance/infrastructure-charges/>

We would encourage you to impose the expectation on developers that properties are built to the optional requirement in Building Regulations of 110 litres of water per person per day.

We hope this information has been useful to you and we look forward in hearing from you in the near future.

Yours sincerely

Strategic Catchment Planner

[growth.development@severntrent.co.uk](mailto:growth.development@severntrent.co.uk)



16 October 2020

Dear Mr Saunders,

### **Hilton, Marston on Dove and Hoon Neighbourhood Development Plan – Regulation 16 Consultation**

I am writing as Chair of South Derbyshire District Council's Environmental and Development Services Committee, following the resolution made at its meeting on 13 August 2020 with respect to the above consultation and this Council's response to it. I recognise the work the Parish Council and the local community has put into the plan and officers and members of the Council value their opinion.

In advising Hilton Parish Council in the drafting of their Neighbourhood Development Plan (NDP) the Council's officers have sought to shape the NDP so that it complies with all the relevant policy and legislation. At the Regulation 14 consultation stage various concerns remained outstanding including the need to bring the Neighbourhood Plan fully in line with the strategic policies of the Council's Local Plan and these were set out to the Parish Council.

Whilst the NDP has been amended following the Regulation 14 consultation, a number of the Council's concerns remain; the Consultation Statement (CS) appendices, referred to in the CS as [Footnote G](#) (available on Hilton Parish Council's Your Village, Your Voice website), sets out which of the Council's comments have been actioned in the submitted NDP. I have attached the Council's comments at the Regulation 14 stage for information.

Of the outstanding comments, the Council remains particularly concerned over the NDP's express intention to prevent new housing development within Hilton until 2035 and to reduce the density of housing on the Lucas Lane site. This approach is contrary to paragraph 13 of the National Planning Policy Framework and associated practice guidance regarding the purpose and content of NDPs. The District Council are determined to work constructively with the Parish Council to remedy this.

Yours sincerely





Cllr. A MacPherson  
Chair of Environmental and Development Services Committee  
Enc.

## Regulation 14 Consultation:

### Hilton, Marston and Hoon Neighbourhood Development Plan – Draft Plan

#### General comment

The plan period needs to be clarified and stated within the Plan itself: Page 13 of the Plan states that residents were given the opportunity to express their opinion for housing delivery for the period 2028 to 2035, however the Plan does not specifically set out the plan period. The AECOM Housing Needs Assessment states that the Neighbourhood Development Plan (NDP) period is 2016 – 2035, therefore the comments below are made on this basis.

#### Policy H1

The Hilton (South Derbyshire) Housing Needs Assessment (HNA) – June 2019 states that the Housing Needs Figure over the plan period (2016 -2035) is 839 dwellings for the Neighbourhood Area.

The HNA references housing completions within the neighbourhood plan area from 1 April 2011 to 31 March 2017. South Derbyshire's Local Plan (from hereon called the Local Plan) allocates two housing sites within the Neighbourhood Area, Land at Hilton Depot (Policy H7) for 485 dwellings and Derby Road, Hilton (Policy H23C) for around 43 dwellings. By the end of March 2017, 35 dwellings had been completed on housing allocation H7; Derby Road (H23C) has consent for 45 dwellings.

Whilst the draft Hilton NDP allocates two sites to include housing, H1A and H1B, these proposed allocations, taken together with the two Local Plan housing allocations, will not provide sufficient housing to meet the identified need of 839 dwellings by 2035 set out in the HNA. Subtracting the 45 new build completions during 2016/17 leaves 794 dwellings needed in the NA by 31 March 2035. Subtract the 8 dwellings proposed by draft policy H1B, the 45 dwellings permitted at H23C, and remainder of the H7 Local Plan allocation and the residual need is 291 dwellings, which will clearly be in excess of what would come forward on the proposed H1A allocation. If the above calculation is worked through using the 57 dwellings currently proposed by way of a planning application on H1B (Lucas Lane), the unmet need figure drops to 242 dwellings.

The National Planning Policy Framework states at paragraph 13 that *“Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.”* Basic condition (d) as highlighted in the Planning Practice Guidance requires that *“the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.”* For the Hilton NDP to extend beyond the Local Plan period requires the NDP to meet the identified housing need for that period in order for it to be fit for purpose and comply with the basic conditions.

A further basic condition, basic condition (e), requires that any NDP must be in general conformity with the strategic policies of the development plan. The draft NDP policy H1 restricts new residential development to that which has been allocated within the Local Plan, proposed allocations H1A and H1B or is a brownfield site within the settlement boundary (defined in the Local Plan). However, policies H1 and SDT1 of the Local Plan, both strategic policies, allow greenfield

development within settlement boundaries (subject to other Local Plan policies) and Policy H1 allows exception or cross-subsidy sites up to 25 dwellings outside of settlement boundaries within Key Service Villages, of which Hilton is one. Exception or cross-subsidy sites can be located on greenfield land. As such, draft NDP policy H1 is not in general conformity with the Local Plan's strategic policies.

### **Policy H1A**

Policy H1A requires the provision of specialist accommodation along with retail units. The National Planning Practice Guidance for Neighbourhood Planning states:

*“Neighbourhood plans may also contain policies on the contributions expected from development, but these and any other requirements placed on development should accord with relevant strategic policies and not undermine the deliverability of the neighbourhood plan, local plan or spatial development strategy. Further [guidance on viability](#) is available.”* Paragraph: 005 Reference ID: 41-005-20190509.

Draft policy H1A requires a minimum of 10 and maximum of 20 sheltered bungalows to be built on the Mease site. It is unclear whether these bungalows are required as affordable dwellings or whether they are for the private sector. Demand for sheltered bungalows within the existing Council stock has reached equilibrium; a small number of bungalows within developments may be supported on sites, but 20 in one locality would be difficult to let if they were a rented product.

The Independent Examiner appointed to examine the NDP may query the viability of the proposed policy, to ensure that the policy is realistic, together with the basis for the specifying of a minimum of seven ground floor units.

The requirement of a minimum of 25% of sheltered bungalows complying to M4 (3) standard, goes beyond the requirements of building regulations and would require viability testing. The emerging Strategic Housing Market Assessment for the District would indicate that this percentage is too high; the evidence will recommend 5-10% where viable.

With regard to the residential care home of up to 40 beds, this is contrary to the Derbyshire Accommodation Strategy, adopted by the Council's Housing Committee, which shows an oversupply of care homes within the District. It appears that the NDP bases the need for the residential care home on the neighbourhood survey, however the evidence from AECOM's HNA shows a need for specialist accommodation, including sheltered housing and extra care, with no mention of a need for care home placements. Evidence suggests a need for 77 units of specialist accommodation (sheltered and extra-care) but notes this does not need to be within the Neighbourhood Area.

It should be noted that whilst the HNA sets out that affordable housing split includes entry level market homes, starter homes and entry level market rent, these are not in line with the Affordable Housing SPD which only supports affordable/social rent and shared ownership.

### **Policy H1B**

The draft NDP policy H1B requires a low density housing development of up to 8 dwellings along with the provision of allotments, a community orchard, woodland and a community farm based on

the existing farm buildings. The National Planning Policy Framework states that planning policies should “*support development that makes efficient use of land*” taking into account a list of criteria (paragraph 122). The current planning application on the Lucas Lane site is for up to 57 dwellings and it is queried therefore whether the density proposed in Policy H1B is the most appropriate for the site in question.

### **Policy H2: Housing Mix**

Page 55 of the HNA states: “*Currently, the supply of homes in terms of size and demand for homes are in broad alignment. However, due to significant demographic shifts that are forecast over the Plan period, an appropriate policy response is needed to support the delivery of smaller dwellings of 2-3 habitable rooms.*” Therefore the evidence in the HNA does not appear to support the proposed policy.

The need to focus on delivering 2-3 bedroom homes is strengthened by the evidence found in the Hilton Area Neighbourhood Development Plan survey. Furthermore, a greater focus is needed on delivering 1-bedroom homes, although the majority of homes delivered should still be 2 or 3 bedroom homes. An appropriate housing split, as supported by the HNA, would be as follows:

1 bedroom: 10%

2 bedrooms: 30%

3 bedrooms: 50%

4+ bedrooms: 10%”

As drafted, policy H2 provides a different housing split to that recommended in the HNA. The difference in approach will need to be justified, particularly the percentage of 4+ bedrooms proposed within the policy compared to that within the HNA. Similarly, the expectation that 25% of all housing developments of five or more should be bungalows needs to be justified.

### **Policy H3: Requirements of housing: Residential car parking**

The policy goes beyond the requirements of the Local Plan and 6C’s Design Guide standards.

### **Policy T1: Active Travel**

A suggestion for strengthening this policy would be: New development should, where available, link up to existing walking and cycling routes and public transport.

### **Policy T2: Access to schools**

Is the intention for this policy to apply to *all* new developments, or all new *housing* developments?

### **Policy E1: Green Spaces**

As drafted, policy E1 is not in conformity with Policy BNE8 in the Local Plan, nor the emerging Local Plan policies in the Local Green Spaces Plan. These Local Plan policies, together with the NPPF, do not restrict all development within Local Green Spaces.

It is unclear whether the second sentence of policy E1 is in regard to Local Green Spaces or referring to all new development outside of Green Spaces.

### **Policy E2: Retaining Village Identity**

The Local Plan contains policies detailing the circumstances in which development outside of settlement boundaries within Rural Areas will be granted.

### **Policy E3: Community Land**

To which development proposals is this policy intended to apply? Perhaps the following policy wording would meet the NDP's intention: "The provision of community gardening, orchards and allotments will be supported."

### **Policy E5: Biodiversity**

The first two sentences of the policy appear to state the same requirement – no net loss of biodiversity.

The Hilton Nature Reserve is a SSSI; a nationally important site. Local Wildlife Sites are sites of County importance. Paragraph 175 of the NPPF sets out principles to be applied when determining applications where proposals could affect habitats and biodiversity.

### **Policy L1: Recreational facilities**

The requirement for infrastructure and developer contributions is set out within Policy INF1 of the Local Plan. The proposed policy L1 requires that developer contributions will be sought on new residential developments to fund sport and play facilities. South Derbyshire 'Section 106 Agreements: Guide for developers' requires that developer contributions will be sought from residential development exceeding 4 dwellings and sets out the amount of contribution required.

'Section 106 Agreements: Guide for developers' requires that contributions are collected for three types of recreation; open space, outdoor facilities and built facilities. It is not fully clear from drafted policy what type of contributions will be required. The first and last paragraph appears to differ in meaning; the first paragraph requires that developer contributions will be sought from new residential development to fund sport and play facilities, whereas the last paragraph states, "...provision for a range of outdoor activities and sports will be encouraged".

### **Policy L2: Healthcare facilities**

The requirement for infrastructure and developer contributions is set out within Policy INF1 of the Local Plan. Proposed policy L2 requires that developer contributions will be sought "to improve the quality and accessibility of health and social facilities including integrated community health facilities". South Derbyshire 'Section 106 Agreements: Guide for developers' requires that developer contributions will be sought from residential development exceeding 4 dwellings. When this threshold has been met, the NHS Derby and Derbyshire Clinical Commissioning Group would then be consulted to establish the required contribution from the development.

Planning obligations can only be sought to assist in mitigating the impact of unacceptable development to make it acceptable in planning terms (PPG Planning Obligations Paragraph: 002 Reference ID: 23b-002-20190901). It would therefore be beyond the law to collect contributions from all development where proposals do not impact upon healthcare provision.

**Policy L3: Hilton Village shopping centre development**

The specific policy requirements may hinder potential development opportunities. The developments supported by the policy can be supported in principle, thereby allowing, for example, for a retail proposal of six units.

**Policy B1: Business Units**

The first sentence states the phrase “within the existing settlement area”. Does this mean within the settlement boundary?

It would be helpful to define to which B use classes is the policy intended to apply.

**Policy B4: Broadband**

Suggested policy wording: Where practicable, new development should be supported by full fibre broadband connections.

## Jessica Cheadle

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**From:** [REDACTED]  
**Sent:** 17 September 2020 09:32  
**To:** Planning Policy  
**Subject:** Hilton, Marston on Dove and Hoon Neighbourhood Development Plan

Thank you for consulting Sport England on the above neighbourhood plan.

Government planning policy, within the **National Planning Policy Framework (NPPF)**, identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process. Providing enough sports facilities of the right quality and type in the right places is vital to achieving this aim. This means that positive planning for sport, protection from the unnecessary loss of sports facilities, along with an integrated approach to providing new housing and employment land with community facilities is important.

It is essential therefore that the neighbourhood plan reflects and complies with national planning policy for sport as set out in the NPPF with particular reference to Pars 96 and 97. It is also important to be aware of Sport England's statutory consultee role in **protecting playing fields** and the presumption against the loss of playing field land. Sport England's playing fields policy is set out in our Playing Fields Policy and Guidance document.

[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy)

Sport England provides guidance on **developing planning policy** for sport and further information can be found via the link below. Vital to the development and implementation of planning policy is the evidence base on which it is founded.

[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning\\_applications](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications)

Sport England works with local authorities to ensure their Local Plan is underpinned by robust and up to date evidence. In line with Par 97 of the NPPF, this takes the form of **assessments of need and strategies for indoor and outdoor sports facilities**. A neighbourhood planning body should look to see if the relevant local authority has prepared a playing pitch strategy or other indoor/outdoor sports facility strategy. If it has then this could provide useful evidence for the neighbourhood plan and save the neighbourhood planning body time and resources gathering their own evidence. It is important that a neighbourhood plan reflects the recommendations and actions set out in any such strategies, including those which may specifically relate to the neighbourhood area, and that any local investment opportunities, such as the Community Infrastructure Levy, are utilised to support their delivery.

Where such evidence does not already exist then relevant planning policies in a neighbourhood plan should be based on a proportionate assessment of the need for sporting provision in its area. Developed in consultation with the local sporting and wider community any assessment should be used to provide key recommendations and deliverable actions. These should set out what provision is required to ensure the current and future needs of the community for sport can be met and, in turn, be able to support the development and implementation of planning policies. Sport England's guidance on assessing needs may help with such work.

<http://www.sportengland.org/planningtoolsandguidance>

If **new or improved sports facilities** are proposed Sport England recommend you ensure they are fit for purpose and designed in accordance with our design guidance notes.

<http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

Any **new housing** developments will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then planning policies should look to ensure that new sports facilities, or improvements to existing sports facilities, are secured and delivered. Proposed actions to meet the demand should accord with any approved local plan or neighbourhood plan policy for

social infrastructure, along with priorities resulting from any assessment of need, or set out in any playing pitch or other indoor and/or outdoor sports facility strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and its Planning Practice Guidance (Health and wellbeing section), links below, consideration should also be given to how **any new development**, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing planning policies and developing or assessing individual proposals.

Active Design, which includes a model planning policy, provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity. The guidance, and its accompanying checklist, could also be used at the evidence gathering stage of developing a neighbourhood plan to help undertake an assessment of how the design and layout of the area currently enables people to lead active lifestyles and what could be improved.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/activedesign>

*(Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.)*

If you need any further advice, please do not hesitate to contact Sport England using the contact details below.

Yours sincerely,

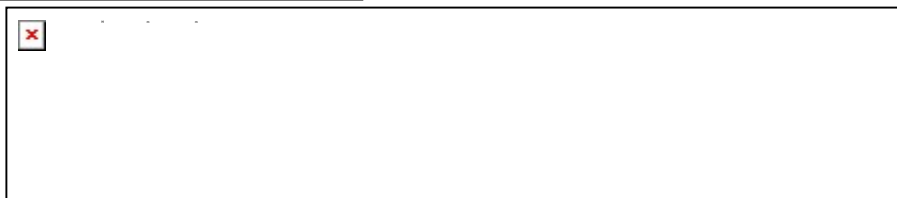
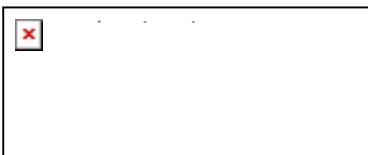
Planning Administration Team  


**PLEASE NOTE, Sport England offices are now CLOSED. We currently have no access for the foreseeable future due to Covid 19.**


**Please send any planning applications/strategic consultations & planning general enquiries via email only to:**

**[Planning.central@sportengland.org](mailto:Planning.central@sportengland.org)**

**We will endeavor to respond within our usual timescales. We thank you for your patience.**







We have updated our Privacy Statement to reflect the recent changes to data protection law but rest assured, we will continue looking after your personal data just as carefully as we always have. Our Privacy Statement is published on our [website](#), and our Data Protection Officer can be contacted by emailing [Louise Hartley](#)

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