

**SOUTH DERBYSHIRE
DISTRICT COUNCIL
PART 2 LOCAL PLAN
REVIEW
ISSUES AND OPTIONS**

November 2025

Contents

Introduction	3
Chapter 1 Background	3
Changes to the Planning System	3
Changes to the National Planning Policy Framework	3
Local Government Reorganisation	4
Chapter 2 Approach to the Local Plan	4
Housing Allocations	6
The Strategy	6
Location of New homes.....	6
Housing supply and need.....	7
Existing supply of sites for new homes.....	7
The shortfall	8
The type of housing required.....	8
Five-year Housing Land Supply	9
Smaller Site Delivery	9
Other sources of housing	9
Looked after children	10
Accelerating Housing Delivery.....	10
Strategic Sites delivering beyond the plan period.....	10
Settlement boundaries	11
Retail and Economic Development.....	12
Swadlincote Town Centre	13
Defining retail areas outside of Swadlincote	13
Changes to Retail	14
Green Belt	14
Gypsies and Travellers	18
Requirement	18
Overall Supply	19
Five Year Supply.....	19
Development Management Policies	20
Infrastructure.....	21

Other Issues	21
Appendix 1: Settlement Boundary Assessment Principles	22
Appendix 2: Analysis of other policies in the adopted Local Plan Part 2	23

Introduction

South Derbyshire District Council has begun work on reviewing the adopted Local Plan Part 2 which sets the non-strategic policies and allocations against which future planning applications will be determined.

Consultation is a key part of the local plan process, and this Issues and Options (Regulation 18) consultation is the first public consultation on what a new Local Plan should include and how the district should change up to 2041. The consultation seeks views on key issues and options for addressing them.

Chapter 1 Background

Changes to the Planning System

The planning system is currently in a state of flux with recent and imminent expected changes to the National Planning Policy Framework and reforms to the planning system introduced by the Levelling Up and Regeneration Act and the emerging Planning and Infrastructure Bill. A new system of Local Plan making is being introduced for plans that have not been submitted for Examination by December 2026, the new system will consist of a single plan aimed to be more standardised, digital and streamlined. In addition, a suite of National Development Management Policies, which have the authority to ‘trump’ local policies in decision-making, are expected to be published for consultation by the Government by the end of 2025. Reforms are also expected to the existing Sustainability Appraisal process, but the details of the replacement Environmental Outcomes Report are unknown.

The government is also progressing a new Planning and Infrastructure Bill with the ambition to speed up delivery of housing and associated infrastructure primarily through planning at a more strategic scale. The Bill proposes to introduce a Spatial Development Strategy requirement for combined authorities. Spatial Development Strategies would set housing and distribution requirements against which all subsequent Local Plans would need to be in conformity. The East Midlands Combined County Authority currently exists for our area and covers the whole of Derbyshire and Nottinghamshire.

Changes to the National Planning Policy Framework

In December 2024 the government published a revised National Planning Policy Framework (NPPF). Annex 1 of the updated NPPF sets out the transitional arrangements whereby Local Plan that were sufficiently progressed against the previous iteration of the NPPF (2023) could continue to be Examined against the previous version. South Derbyshire District Council met these transitional arrangements and therefore the emerging Local Plan Part 1 Review will be assessed against the NPPF 2023.

Any subsequent Local Plans (including the Local Plan which is the subject of this consultation) will be assessed against the 2024 NPPF or any further amendments. Any planning applications submitted to the Council will need to be in compliance with the Local Plan(s) and the newer version of the NPPF.

Local Government Reorganisation

In March 2025 Derbyshire's eight district and borough councils submitted a joint interim proposal to government with the proposal to create two Councils to serve the whole of Derbyshire (one in the north and one in the south). In the summer of 2025, the Councils consulted upon 3 different geographic options on how this could work in practice (with Amber Valley either included in the north, included in the south or split in half between the northern and southern Councils). The outcome of the consultation will be submitted to government in November 2025. It is expected that these changes would then be implemented in 2027 with new Councils operating from April 2028.

It should be noted that South Derbyshire currently shares a Housing Market Area (HMA) with Derby City and Amber Valley¹. The three authorities continue to work closely on plan production under the legal Duty to Cooperate.

Chapter 2 Approach to the Local Plan

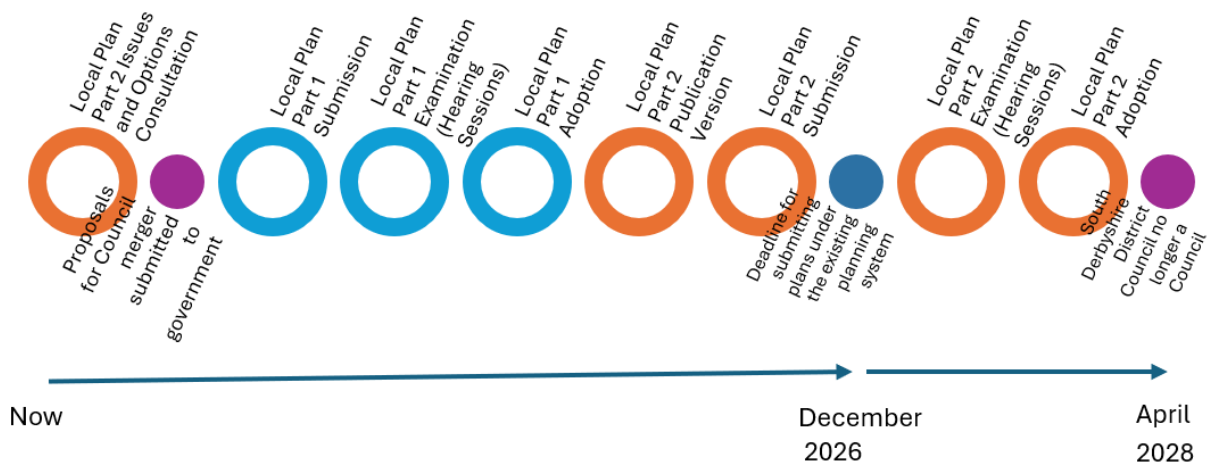
The adopted Local Plan for South Derbyshire has been prepared in two parts, the first part Local Plan Part 1 contains the strategic policies and allocations, and the second part (Local Plan Part 2) contains the non-strategic policies and allocations. Part 1 and Part 2 of the adopted Local Plan should be read as a whole.

The existing Local Plan Part 1 was adopted in June 2016 but is currently under review and the next step is for it to be submitted for Examination by the Planning Inspectorate. When adopted, the Local Plan Part 1 Review will replace the existing adopted Local Plan Part 1.

Meanwhile the Council is, considering how to proceed with the review of the Local Plan Part 2 which, which was adopted in November 2017.

The Council is keen to have full Local Plan coverage (i.e. an adopted Local Plan Part 1 Review and an adopted Local Plan Part 2 Review) prior to Council reorganisation (detailed above). It is considered that this would support a plan-led approach to development, would help secure a robust long term housing supply significantly exceeding minimum requirements and as such would help to resist un-planned speculative development, and it would be consistent with the HMA Councils in the new combined Authority in line with the agreed Statement of Common Ground. If this approach is followed the plan would need to include flexibility to enable the housing and employment requirements to be delivered potentially under a new local government framework. To achieve this the Council would need to follow an ambitious timeline to conclude this consultation, consider the responses and draft a Local Plan, carry out further consultation and then submit the plan for Examination by December 2026.

¹ In May 2019 the [Derby Housing Market Area Boundary Study](#) was produced, which confirmed that South Derbyshire, Amber Valley and Derby City are located within the same Housing Market Area.



Another option available to the Council would be to temporarily pause Local Plan production in respect of the Local Plan Part 2 Review and focus resources on getting the Local Plan Part 1 Review adopted and then undertaking a whole plan review, combining the part 1 and part 2 Local Plan into a single plan under the new system when uncertainties regarding the new planning system and devolution have been resolved. This could create efficiencies in the process and would ensure that the Council's Local Plan is reflective of emerging changes. However, if the Council was to undertake a single plan review, this would not be completed prior to Local Government Reorganisation and is likely to lead to significant delays in Local Plan preparation. This consequently could leave the district vulnerable to unplanned speculative development particularly if a new Local Plan couldn't be delivered at pace as a new larger authority. There would not be the same ability to quickly address issues around housing supply or any other matter in the event of preparing a single Local Plan as part of the new local government structure. Realistically with local government reorganisation to occur in the late 2020's the adoption of a new Local Plan, would not be feasible before 2030 or potentially later.

If the Council were to review the plan as a whole then all policies and allocations could be reviewed, if the Council were to undertake a Local Plan Part 2 then issues dealt with under the Local Plan Part 1 could not be revisited. Some Local Plan Part 2 issues are considered in more detail throughout the rest of this document.

Question 1: Should the Council produce a Local Plan Part 2 Review under the existing planning system, or should a single full Local Plan Review be undertaken under the new system? (please tick one)

- **Produce a Local Plan Part 2 Review under the existing system**
- **Produce a single Full Local Plan under the new system**
- **Other**

(Please provide a reason for your answer)

Housing Allocations

The Strategy

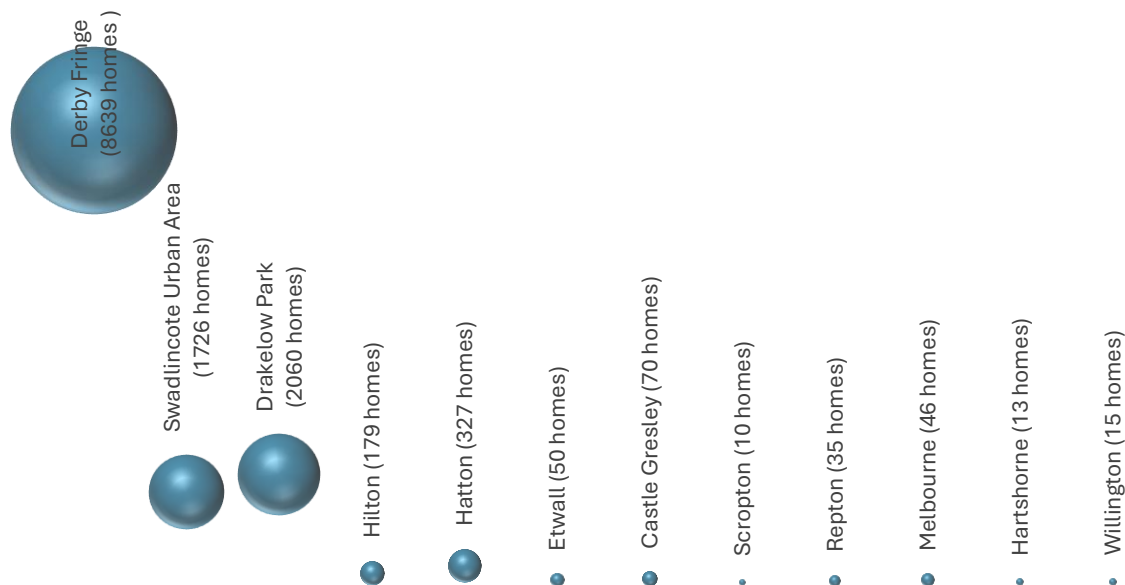
As previously mentioned, South Derbyshire shares a Housing Market Area with Derby City and Amber Valley (Derby HMA). Councils comprising a HMA are to cooperate with each other and other bodies, when preparing or supporting the preparation of policies which address strategic matters, including unmet need. The Derby Capacity Study identified a capacity within the Derby administrative area of 12,500 homes over the plan period. The Derby HMA has produced [evidence base documents](#) which have helped guide the distribution of Derby's unmet need and proposed strategy for the Local Plan Part 1 Review. This was explained in [a Statement of Common Ground](#) to assist with the Amber Valley Local Plan Examination.

The Local Plan Part 1 Review sets a requirement to deliver at least 14,500 dwellings to be provided within the district between 2022 and 2041 (the plan period). 9633 dwellings will meet the needs of SDDC and the remainder will be to help to meet Derby City's need, to reflect the high level of housing delivery experienced in South Derbyshire in recent years, to provide flexibility in regard to site delivery and to help match affordable housing need with delivery as closely as possible.

Location of New homes

The Local Plan Part 1 Review allocates two new housing-led strategic sites (defined as those that could accommodate 1,000 or more homes) located on the Derby urban fringe, which evidence indicates is the most appropriate place given the level of need arising from Derby City. In accordance with the Settlement Hierarchy, and as shown in chart 1 below, the location of the new homes in the supply follows the most sustainable strategy for development (i.e. guiding development towards larger settlements). This is supported by evidence which has informed the Local Plan Part 1 Review such as the Housing Market Area Sustainability Appraisal, SDDC specific Sustainability Appraisals and the Sequential Test which are available in the Local Plan Evidence base on the [Council's website](#).

Chart 1: Proportion of homes allocated in each settlement



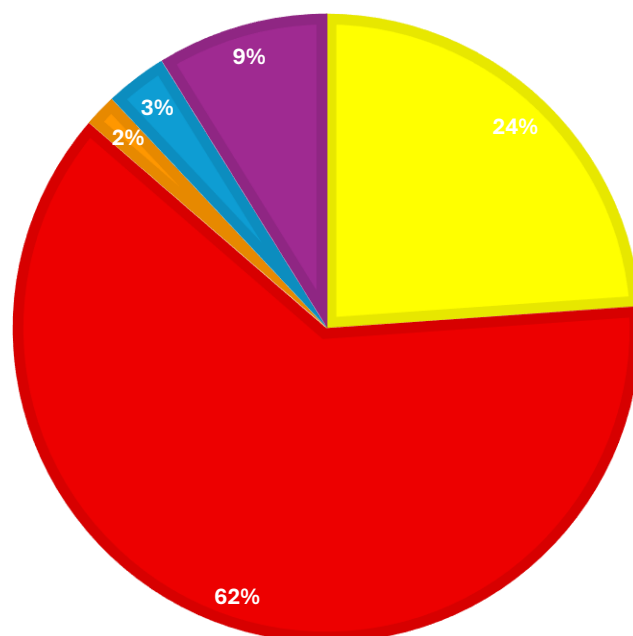
Housing supply and need

Existing supply of sites for new homes

The Local Plan Part 1 Review allocates two new housing-led strategic sites which are expected to deliver 3,450 homes by 2041 supported by the necessary strategic infrastructure. In addition there are a 9,020 homes on sites which were previously allocated in the last Local Plan Part 1 which have been carried forwards, 242 homes remaining to be built on allocations in the adopted Local Plan Part 2, 458 homes on unallocated sites with planning permission and an allowance of 1,273 homes over the plan period for sites that are currently not identified but will come forwards during the plan period (known as windfall sites) which all contribute towards meeting the overall requirement, an allowance has also been factored in for losses (which for the purposes of the chart below have been deducted from the windfall allowance). The composition of the supply is shown in chart 2.

Chart 2: The composition of the supply

■ Strategic Allocations (STRA1 & STRA2) ■ Local Plan Part 1 Allocations
■ Local Plan Part 2 Allocations ■ Other sites with planning permission
■ Windfall Allowance



The shortfall

Based on the above there is a current shortfall of 57 homes over the plan period to meet the minimum plan requirement. The requirement figure is a minimum amount and so the Local Plan should allocate enough sites to ensure flexibility in the supply so that if some sites don't deliver at the time expected or there are unforeseen reasons why a site cannot be delivered as expected the overall requirement will still be met. The shortfall will need to be addressed through new allocations and/or other policies.

The type of housing required

Whilst the overall number of new homes may be nearly addressed, there may be circumstances where additional homes are needed to address a shortfall of a specific type (e.g. bungalows), or there may be the need to address a specific need in an area (e.g. affordable housing or specialist accommodation for the elderly or disabled). A small amount of development in some settlements (including those who have had very little in the past) may be required to ensure the settlement remains sustainable in both social and economic terms.

The Council commissioned a [Settlement Growth Study](#) in 2024 to consider the overall housing need for individual settlements within the district (excluding the Derby urban fringe and areas identified as 'Rural Areas' in the Local Plan). This study found that in many areas the population aged 75 years and over is projected to rise. Specialist older persons accommodation may be required in some settlements to allow existing residents to remain in suitable accommodation. An aging population will have different accommodation and infrastructure requirements.

Development within settlements is supported in line with the Settlement Hierarchy detailed in Policy H1 of the Local Plan. For development outside the settlement boundaries, Rural Exception sites (subject to location within the settlement hierarchy) allow limited development for specialist Affordable Housing (as defined by the NPPF) subject to set criteria being met.

There may be a need to make additional allocations to meet location specific needs.

Five-year Housing Land Supply

In addition to meeting the overall plan requirement the Council must also maintain a five-year supply of deliverable sites (calculated annually). This means that there should always be sites that are available, suitable and achievable coming forwards for development throughout the plan period. Based on the trajectory in Appendix 5 of the [Local Plan Part 1 Review](#) it is expected that, as a result of high delivery (above the annual requirement) during the beginning of the plan period, there will be lower delivery (below the annual requirement) towards the end of the plan period (from 2032 onwards) as the allocated sites build out.

It is a key component of the Local Plan Part 1 strategy that both housing needs of South Derbyshire and the Councils constrained neighbour of Derby are fully met. This entails close cooperation with Derby and Amber Valley Council's and the allocation of large strategic sites closest to where the need arises (Derby). The Councils have been working collaboratively on Design Review, Transport modelling and Sustainability Appraisal evidence in order to achieve the delivery of the necessary infrastructure at the time it is needed, to make these allocations of the highest design quality, and fully sustainable. The evidence in the Sustainability Appraisal work is that these benefits cannot be realised to the same extent with a selection of smaller sites not so well related to the Urban Area of Derby.

There is a requirement for the Council to review its adopted Local Plan at least every five years. The Local Plan Part 1 Review policy REV1 requires the commencement of Local Plan preparation immediately upon adoption with submission for Examination within five years. Therefore, it is expected that a new Local Plan would be adopted by the time there was a dip in the five-year housing land supply.

The Council may however want to allocate additional sites to deliver in the middle/latter part of the plan period to ensure that there is a consistent land supply exceeding minimum requirements and in doing this to provide protection from speculative development.

Smaller Site Delivery

The National Planning Policy Framework (NPPF) recognises that small and medium sized sites make an important contribution to meeting the housing requirement as they can often build-out relatively quickly. Paragraph 73 of the NPPF says that Councils should identify 10% of their housing requirement on sites no larger than 1 hectare.

Other sources of housing

Ensuring that the district has enough employment land is important to support economic prosperity, to provide sufficient jobs for residents, to attract inwards investment and to support existing businesses to grow. Notwithstanding this, there are some sites that have been allocated for employment use that are currently vacant and have not been developed for employment purposes and the Council has historically protected employment land from redevelopment for other purposes. At the Local Plan base date of 2022, the Derby and South

Derbyshire Employment Land Review found that the Council has a surplus of employment land, in quantitative terms, of 6.97 hectares. There are a number of reasons why having a surplus is considered to be beneficial, these are detailed in the subtext to the Local Plan Part 1 Review S5 policy. Notwithstanding this, one option available to the Council is to re-consider this position and re-allocate employment allocations for residential development.

Looked after children

The NPPF 2024 (paragraph 63) has introduced a new requirement for Local Plans to consider the needs of looked after children. It should be recognised that SDDC is not the responsible authority for social care for adults and children. There has however, been a national rise in recent years in the number of planning applications for small scale children's care homes. It is important that there is sufficient appropriate accommodation for children who are in care. The new Local Plan will need to contain a policy for the provision of children's homes (Use Class C2), the Council expects that this will be a criteria-based policy.

Question 2: Where should the housing needs be met? Please provide site details including projected delivery timescales and the specific need being met.

Question 3: Are there other mechanisms that the plan should consider to securing housing delivery in addition to allocating specific sites (e.g. identifying indicative broad locations/areas for future growth adjacent to existing settlements, extending settlement boundaries, supporting certain Changes of Use)? Yes/No Please provide a reason for your answer

Question 4: Are there any other issues that the Council should consider when ensuring the timely delivery of the right homes in the right places (e.g. policy criteria for looked after children, re-allocating unimplemented employment allocations)? Yes/No Please provide a reason for your answer

Question 5: What specific accommodation needs should the Local Plan address through allocations (e.g. extra care accommodation for older people, care home provision for looked after children etc.)? Please provide details

Accelerating Housing Delivery

Strategic Sites delivering beyond the plan period

Both of the new housing-led [Local Plan Part 1 Review](#) strategic allocations (STRA1 and STRA2) are expected to continue delivering housing beyond 2041 i.e. after the end of the Local Plan period. Delivery of housing on these sites is informed by realistic assessments of the delivery of required infrastructure, local evidence of past delivery, discussions with the landowners, statutory consultees and other third parties. Speeding up delivery of these sites could reduce the pressure for development elsewhere.

The Local Plan Part 1 Review has also identified an area of land South of Mackworth (FLG1) as an area for potential housing development, delivering up to 250 homes outside of the plan period. This future of location for growth would be delivered in conjunction with land off Brun Lane that Amber Valley Borough Council has identified for future residential development in their Local Plan. It is however possible that by providing additional road frontage to the site within South Derbyshire development could occur in this location faster than previously anticipated (within the plan period), and that this could occur from south to north, with phase 1 of the development taking place in South Derbyshire, without comprising the principles of coordinated delivery, provision of infrastructure and high quality design, which are key aspirations for the delivery of the strategic location as a whole SDDC would need to work closely with Amber Valley Borough Council to ensure that development to the south supported/facilitated development to the north within Amber Valley and that appropriate infrastructure was provided at the appropriate time.

Question 6: What could the Council do to speed up delivery on strategic allocations?

Please provide details

Question 7: Should the Council allocate land South of Mackworth for development within the plan period? Yes / No Please provide a reason for your answer

Question 8: Are there other steps that the Council could take to accelerate housing delivery on other sites? Yes/No Please provide a reason for your answer

Settlement boundaries

Settlement boundaries define the built limits of a settlement and distinguish between the main built form of a settlement and the countryside. These settlement limits have shown to be effective in securing the delivery of the necessary housing to meet adopted Local Plan requirements within settlement limits and on allocated sites, at the same time as protecting the countryside from inappropriate development. Outside of settlement boundaries in the Rural Areas more limited range of development is acceptable. The current settlement boundaries are shown in Appendix A of the [adopted Local Plan Part 2](#). The settlement boundaries cover the areas shown in table 1.

The Council considers that the settlement boundaries may need to be reviewed again and if so it is considered appropriate to update them in line with a set of principles (shown in Appendix 1) to ensure that they are logical and reflect what is on the ground.

At the current time, the main urban area of Derby, Drakelow and Stanton do not have defined settlement boundaries. Therefore, when a site is allocated in these areas in the Local Plan the site remains outside a settlement boundary. The Council therefore considers that these areas could have a defined settlement boundary.

Table 1: Settlements with defined settlement boundaries within the current Adopted Local Plan Part 2

Urban Area:	Swadlincote including Woodville		
Key Service Villages:	Aston on Trent	Etwall	
	Hatton	Hilton	
	Linton	Melbourne	
	Overseal	Repton	
	Shardlow	Willington	
Local Service Villages:	Coton in the Elms	Findern	
	Hartshorne	Mount Pleasant (Castle Gresley)	
	Netherseal	Newton Solney	
	Rosliston	Ticknall	
	Weston on Trent		
Rural Villages:	Barrow upon Trent	Burnaston	Caldwell
	Church Broughton	Coton Park	Egginton
	Kings Newton	Lees	Long Lane
	Lullington	Milton	Scropton
	Smisby	Stanton by Bridge	Sutton on the Hill
	Swarkestone	Walton on Trent	

Question 9: Do you agree that settlement boundaries should be drawn around the urban edge of Derby, Drakelow and Stanton and any new allocations? Yes/No Please provide a reason for your answer

Question 10: Do you agree with the principles for assessing the settlement boundaries, as set out in Appendix 1? Yes/No Please provide a reason for your answer

Question 11: What issues regarding the settlement boundaries should the Council consider? Please provide a comment

Retail and Economic Development

The retail hierarchy (shown in table 2) establishes where new shopping development should be directed to maintain and improve the range of goods and services offered. This currently identifies Swadlincote as the primary town centre. The existing retail hierarchy will need to be reviewed against an agreed methodology to ensure that the hierarchy reflects the most recent position in terms of services available within each centre.

Table 2: Existing Retail Hierarchy

1. Town Centre				
Swadlincote				
2. Local Centres				
<u>Existing</u>				
Castleton Park	Church Gresley	Newhall	High Street, Woodville	
<u>Proposed</u>				
Boulton Moor	Chellaston Fields	Drakelow	West of Mickleover	
Wragley Way	Highfields Farm			
3. Other Centres in Key and Local Service Villages				
Aston-on-Trent	Etwall	Hatton	Hilton	Melbourne
Overseal	Repton	Shardlow	Willington	Linton
Coton in the Elms	Findern	Hartshorne	Mount Pleasant	Netherseal
Newton Solney	Rosliston	Ticknall	Weston-on-Trent	

Swadlincote Town Centre

The current Local Plan Part 2 identified 5 locations within Swadlincote Town Centre for redevelopment that would enhance the vitality and viability of the town centre. The Civic Centre was one of the locations identified for redevelopment and the Council has subsequently taken the decision to vacate its existing Council Offices and Leisure Centre on Civic Way and relocate elsewhere. The Council is preparing a masterplan for the town centre to ensure that coordinated, cohesive redevelopment is achieved.

Defined retail centres are having to offer a wider range of services and uses (including residential accommodation) to attract footfall and stay viable. The evening economy and leisure are all becoming important for the vitality of retail centres. In addition, flexibility to change uses within retail centres is required so that they can adapt to changing needs and reduce vacancy rates.

Defining retail areas outside of Swadlincote

Away from Swadlincote Town Centre, the retail provision within identified small scale local shopping facilities helps ensure that residents have convenient access to a reasonable range and choice of facilities while helping to reduce travel and car use and secure a more sustainable environment.

At the current time, local and other retail centres outside of Swadlincote Town Centre do not have a specifically defined high street / retail area. This means that there is flexibility to allow retail anywhere within those identified centres providing it meets the criteria set out in the policy. This can also mean that there is uncertainty about where retail development would be

acceptable. Defining established retail centres would mean that future retail development would be directed towards these areas as a priority, which could help to protect their vitality and viability, allowing them to perform to their maximum potential in meeting the needs of the residents and visitors. Main town centre uses outside the newly defined areas would need to pass a sequential test which would have to demonstrate that there were no existing retail centre sites available, suitable or viable before alternative locations were considered.

Changes to Retail

Since the last Local Plan Part 2 was adopted in 2017 the Government has introduced radical changes to the planning Use Class Order. Retail uses which previously fell within Use Classes Order A1 (Shops), A2 (Financial and professional services), A3 (Food and drink), have now been consolidated into a new Class E (Commercial, Business and Services). Office, research and development and light industrial uses which were in Use Classes B1 (Business) and medical and health services, creche, day nursery and day centre uses (Class D1), and indoor sports, recreation and fitness uses which were in Class D2 (Assembly and leisure) are also consolidated into the new Class E. This means units within Class E can switch to another use within Class E without the need for planning permission with a view that this makes the high street more adaptive to change (thus reducing vacancy rates). However, the NPPF definition of 'main town centre uses' which should be located within the town centres does not align directly with the uses within Use Class E.

Question 12: Do you agree with the retail hierarchy? Yes/No Please provide a reason for your answer

Question 13: Should the Council redefine the retail centre in Swadlincote as a commercial centre which would allow for a wider range of uses? Yes/No Please provide a reason for your answer

Question 14: What issues regarding Swadlincote Town Centre redevelopment should the Council consider? Please provide details

Question 15: Should the Council define the boundaries of all of the retail areas within the District? Yes/No Please provide a reason for your answer

Green Belt

SDDC has two areas of Green Belt that fall within the District's boundary. The larger of these is a part of the Nottingham-Derby Green Belt which covers the northeast corner of the district including the villages of Elvaston, Thulston, Ambaston and to the edge of Shardlow (shown in map 1 below). The other is the Burton – Swadlincote Green Belt the majority of which covers predominantly greenfield land with some built up ribbon development at Stanton along the A444 and Bretby along the A511 (shown in map 2). The NPPF makes it clear that Green Belt should be protected from development unless exceptional circumstances exist.

It was determined through the Local Plan Part 1 Review site selection process that the authority did not need to allocate land within the Green Belt for housing or employment needs as development needs could be met on land which was not designated. Exceptional

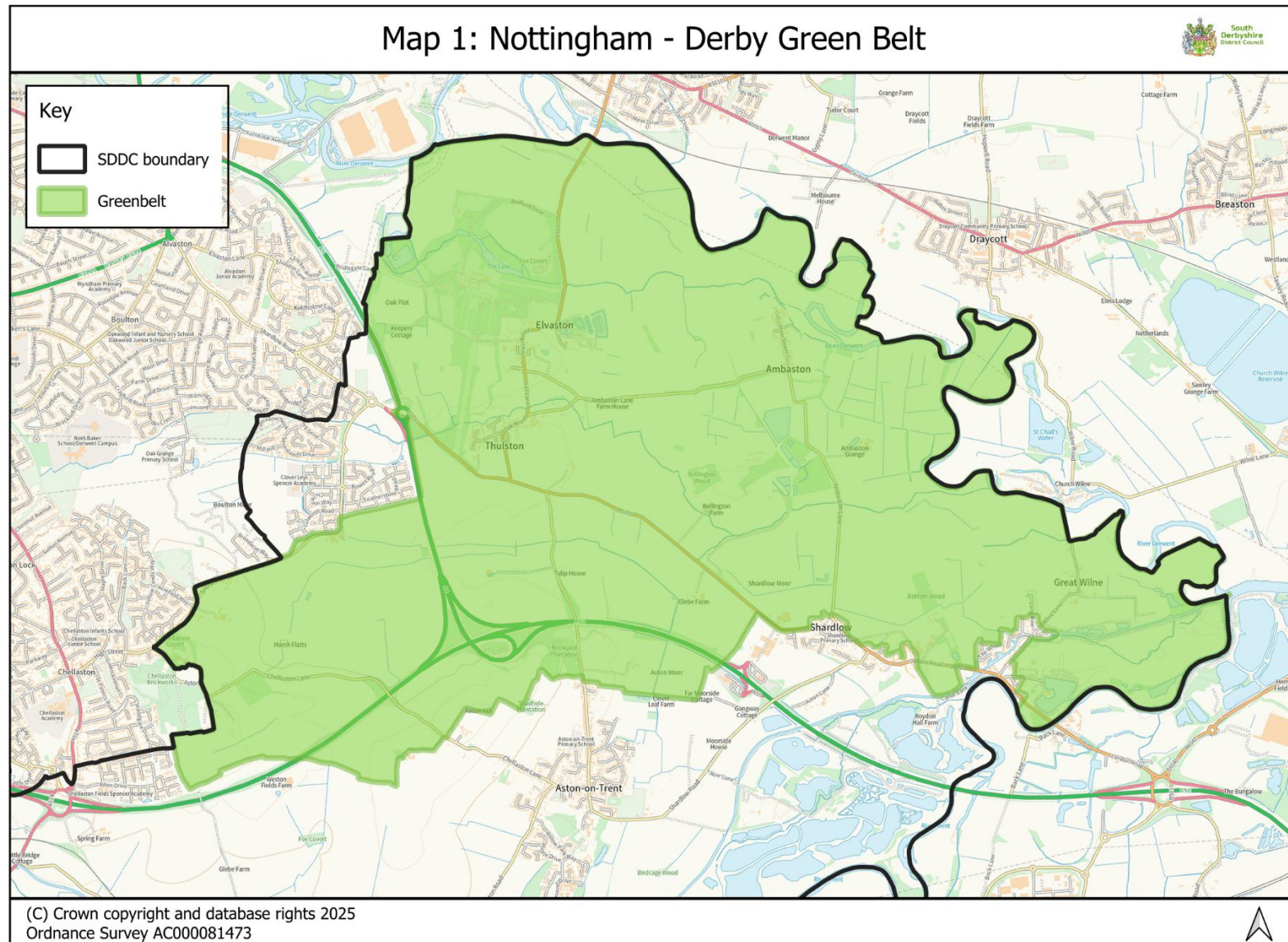
circumstances do not exist to change the Green Belt Boundaries in the District and as a result a Green Belt boundary review has not been undertaken.

When the Council receives planning applications for land within the Green Belt it currently determines them in line with the Green Belt policy set out in the NPPF. Paragraph 154 of the NPPF states that there are some exceptions to development which is considered inappropriate in the Green Belt. These include extensions or alterations to a building providing that it is not disproportionate to the original building, the replacement of a building providing that it is the same use and not materially larger than the one it replaces and limited infilling in villages. The existing Local Plan does not include definitions for 'disproportionate' or 'limited infilling' and so currently officer judgement is used on a case by case basis, but it may help avoid uncertainty by having these defined.

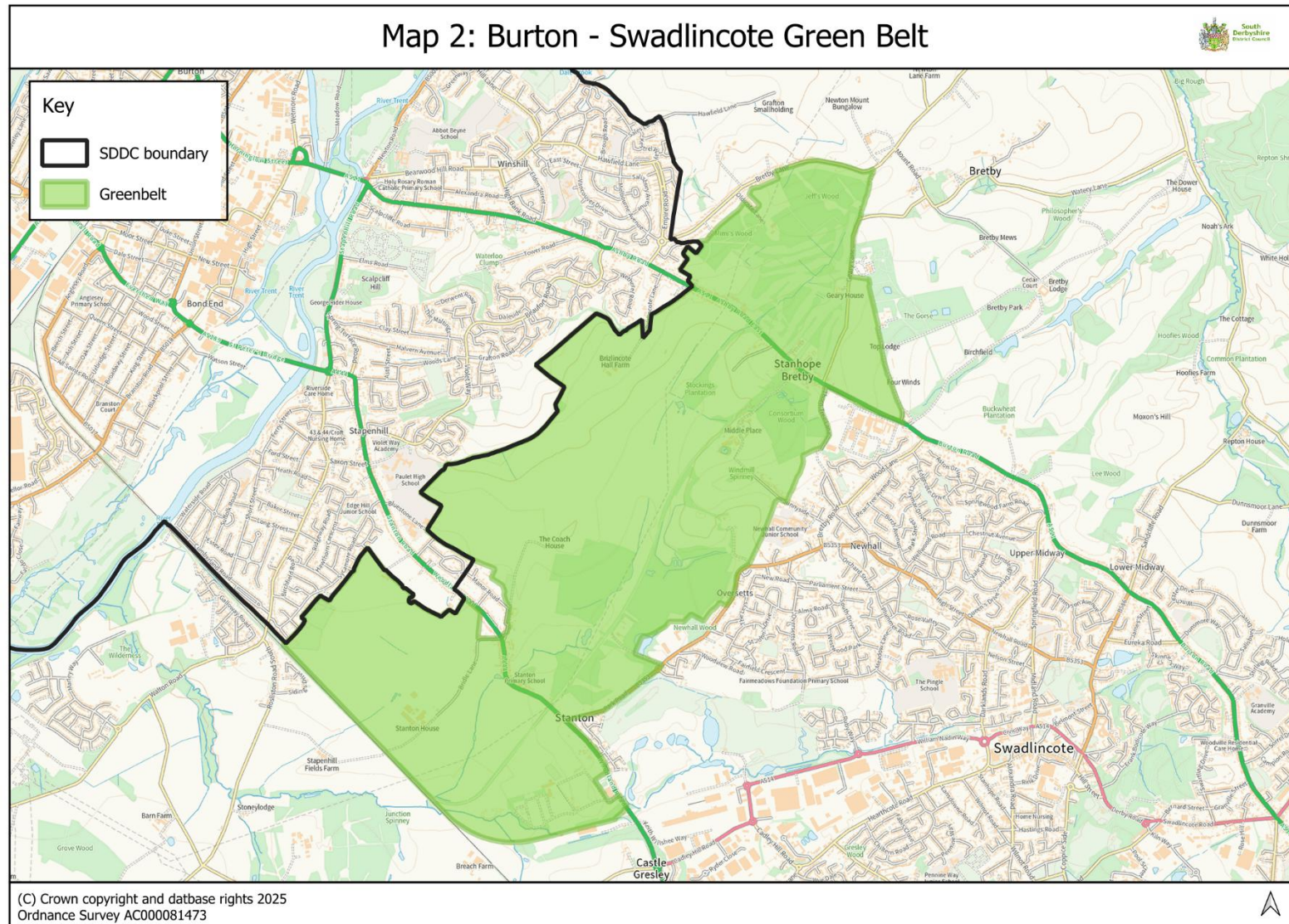
The new NPPF includes a new provision of 'Grey Belt' which is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of the purposes of checking the unrestricted sprawl of large built-up areas, preventing neighbouring towns merging into one another, or preserving the setting and special character of historic towns. 'Grey belt' excludes land where the application of the policies relating to habitats sites and/or designated as Sites of Special Scientific Interest, Local Green Space, a National Landscape, a National Park, irreplaceable habitats, designated heritage assets, non-designated heritage assets of archaeological interest and areas at risk of flooding would provide a strong reason for refusing or restricting development.

In line with the NPPF development on Grey Belt should not be considered inappropriate, subject to certain criteria. At the current time the Council is not able to determine if Grey Belt exists within the District because a review of the Green Belt has not been undertaken since the new provision was introduced by the NPPF

Map 1: Nottingham-Derby Green Belt



Map 2: Burton – Swadlincote Green Belt



Question 16: Should the Council include a locally specific Green Belt policy (beyond the NPPF policy) that defines what appropriate development is within the context of ‘disproportionate’ and ‘limited infilling’? Yes/No Please provide a reason for your answer

Question 17: If you answered yes to question 16, what should the policy consider?

Question 18: Should the Council undertake a Green Belt review with a specific objective of identifying what, if any, Grey Belt exists within the district? Yes/No Please provide a reason for your answer

Gypsies and Travellers

Under the Public Sector Equalities Duty the Council is required to ensure that there is sufficient suitable accommodation for gypsies and travellers. In December 2024 the government published [Planning policy for traveller sites](#) to be read in conjunction with the National Planning Policy Framework. The policy states that each local planning authority should assess the need for sites to accommodate Gypsies and Travellers in its area. If it identifies a local need, a local planning authority should set targets for the number of Gypsy and Traveller sites and identify land suitable for these sites.

In addition, if local planning authorities are unable to demonstrate a five-year supply of specific, deliverable sites, the government states that they should grant planning permission to sites that come forward unless the land is protected.

Requirement

The Council has worked in partnership with other planning authorities within the area to produce a joint evidence document that assesses the need for gypsy and traveller accommodation within the district. The [Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment \(GTAA\) \(July 2023\)](#) identified a need for 59² new gypsy and traveller pitches³ between 2020 – 2040.

Table 3: Gypsy and Traveller accommodation need identified by the GTAA within South Derbyshire

Period	Number
2020 – 2025	20
2025 – 2030	12
2030 – 2035	13
2035 – 2040	14
Total	59

² The government have confirmed that in accordance with domestic and European Court judgments the definition that includes those who live in bricks and mortar (ethnic definition) should be used when determining need.

³ The DCLG Designing Gypsy and Traveller Sites (2008) (now withdrawn), states there is not one size fits all measurement of a pitch. However, suggests that an average family pitch must be capable of accommodation an amenity building, a larger trailer and touring caravan (or two trailers, drying space for clothes, a lockable shed for bicycles, wheelchair storage etc), parking space for two vehicles.

Overall Supply

Policy H22 in the Local Plan Part 1 Review aims to deliver gypsy and traveller pitches through the strategic allocations at Infinity Graden Village (STRA1) and Land South of Mickleover (STRA2) at a ratio of 5 serviced pitches per 1000 dwellings up to a maximum of 15 pitches. Therefore, the Council is expecting up to a maximum of 20 pitches to be provided from strategic allocations, however, it is not expected that pitches will be provided until 2029/30 at the very earliest and there may be an issue of the infrastructure keeping pace.

The Council has approved 1 additional pitch within the District since 2020 above that which was already included in the supply. For clarity the two pitches in lieu of one approved at Acresford Road was included in the supply figures. There are also a number of planning applications being considered by the Council which would contribute towards meeting the need if they were to be granted (shown in table 4). Even with identified potential supply there is a shortfall in provision which the Council needs to address. A past 'call for sites' did not generate sufficient sites suitable for gypsy and traveller accommodation.

Table 4: Gypsy and Traveller supply of potential pitches

	Number of pitches
Gypsy and Traveller pitches granted planning permission	1
Planning applications pending a decision	10
Total	11

Five Year Supply

Table 5 shows that annualised requirement for gypsy and traveller pitches, this is based on the requirement set out in the GTAA (table 3 above).

Table 5: Annualised Gypsy and Traveller Need

Annualised Gypsy and Traveller Need	
Year	Number of pitches per year
2020-2021	20/5 = 4
2021-2022	20/5 = 4
2022-2023	20/5 = 4
2023-2024	20/5 = 4
2024-2025	20/5 = 4
2025-2026	12/5 = 2.4
2026-2027	12/5 = 2.4
2027-2028	12/5 = 2.4
2028-2029	12/5 = 2.4
2029-2030	12/5 = 2.4
2030-2031	13/5 = 2.6
2031-2032	13/5 = 2.6
2032-2033	13/5 = 2.6
2033-2034	13/5 = 2.6
2034-2035	13/5 = 2.6
2035-2036	14/5 = 2.8
2036-2037	14/5 = 2.8
2037-2038	14/5 = 2.8

2038-2039	14/5 = 2.8
2039-2040	14/5 = 2.8
Total 2020-40	59

The Council is not able to demonstrate a five year supply of gypsy and traveller pitches. The current position is that the Council is significantly behind where it should be in identifying sites for gypsy and traveller provision.

Table 6: Gypsy and Traveller Five Year Supply 2026 - 2031

Requirement 2026/27 - 2030/31 ((2.4 x 4) + 2.6)	12.2
Shortfall from previous years*	21.4
Total Requirement	33.6
Projected Completions 2026/27 to 2030/31	0
Five-Year Supply	0 years

*Including a shortfall of 7 pitches from the period 2020-2022 which is before the Local Plan period

More gypsy and traveller sites will be required in the short and long term to ensure that the needs are met. If sites do not become available for allocation the Council will need to consider alternative options for ensuring that the need is met.

Question 19: What other sites and/or options should the Council consider for providing Gypsy and Traveller accommodation? Please provide details

Question 20: Are there any other issues that the Council should consider when meeting the needs of Gypsies and Travellers? Please provide details

Development Management Policies

The policies contained in the Local Plan Part 2 which have not been discussed within this document are included for reference in Appendix 2. It should also be noted that the [October 2022 Issues and Options Consultation](#) raised various Issues and questions, relating to the Local Plan Review as a whole.

The Council is conscious of the National Development Management policies that are expected to be published for consultation by the government imminently. The purpose of these policies is to streamline the planning system and remove the need for duplication at a local level and this is likely to affect the contents of the Local Plan.

Question 21: Are there any additional policies/other issues that the Local Plan should address? Yes/No Please provide a reason for your answer

Question 22: Are there any amendments required to the existing policies to reflect implemented changes to national planning policy, policy guidance or Regulations? Yes/No Please provide a reason for your answer

Infrastructure

The Local Plan Part 1 Review sets out the strategic and site-specific infrastructure requirements for the strategic allocations. The Council also has an adopted Planning Obligations Supplementary Planning Document (SPD) which sets out the types of contributions the Council intends to seek from developments, to assist in mitigating the impact of proposed development and make it acceptable in planning terms.

The Levelling up and Regeneration Act 2023 has introduced new 'Supplementary Plans' as a replacement for SPDs. As a result, the Council has paused production of all new SPDs and needs to consider how to ensure that the required infrastructure is delivered in the future.

Non-strategic infrastructure will still be necessary to secure sustainable development in support of policies and additional development contained within a Local Plan Part 2. Historically the management and maintenance responsibility of open space could have been given to the Council along with a commuted sum to fund this. The Council is aware that, where management companies have taken on the long-term management / maintenance responsibility for such things, this has sometimes resulted in high annual fees for homeowners.

Question 23: Are there better/alternative mechanisms that the Council should use to secure the required infrastructure? Yes/No Please provide a reason for your answer

Question 24: Where there is the potential need for long-term management / maintenance of open space, SUDS or other infrastructure, should the Council introduce a policy requiring these to be adopted by a public authority unless there is clear evidence that this is not feasible. Yes/No Please provide a reason for your answer

Other Issues

The Council hopes that the questions throughout this document have enabled you to fully express your views on local planning policy and allocations. However, if you have any further comments regarding issues that the Council should consider when drafting the Local Plan please provide them here.

Question 25: Do you have any further/additional comments? Please provide details

Appendix 1: Settlement Boundary Assessment Principles

Principle 1: Where practical settlement boundaries will be drawn tightly following defined physical features, such as walls, fences, hedges, roads etc.

Principle 2: Settlement boundaries do not always need to be continuous. In some instances it may be more appropriate to define more than one element of a settlement, due to a settlement's nature and form.

Principle 3: Settlement boundaries will include

(a) Housing allocations: Sites which are allocated for housing within the Local Plan Part 1 and 2 will be included within settlement boundaries.

(b) Existing housing and employment commitments, (i.e. unimplemented planning permissions and implemented planning permissions) which are physically/functionally related to the settlement

The review will be undertaken against a snap-shot in time. This provides a cut-off date for existing commitments to be included within the settlement boundary review. Any planning permissions granted after this date will not have been taken into account.

(c) Curtilage of buildings or other land which closely relate to the character of the built form

(d) Undeveloped land allocated within the 1998 adopted local plan, which relates closely to the character of the built form of the settlement.

(e) Employment allocations: Sites which are located for employment within the Local Plan Part 1 will be included within settlement boundaries.

Principle 4: Settlement boundaries will exclude:

(a) Curtilage of buildings (e.g. large gardens) or other areas, which if included or are developed have the capacity to detrimentally impact upon the form and character of a settlement

(b) Curtilage of buildings (e.g. large gardens), or other areas which relate more to the open countryside than the settlement

(c) Development which is physically or visually detached from the settlement. This can include singular houses or small areas of development which are not adjacent to the settlement.

(d) Important gaps: For example if a settlement is fragmented, it may be necessary to protect the open gaps from development to protect the settlement's character.

(e) Existing caravan sites on the edge of a settlement where they are detached from or periphery to the main built-up area.

(f) Playing fields and areas of open space at the edge of settlements. This may include buildings if related to education land.

(g) Agricultural buildings and land at the edge of a built form which relate more to the open countryside.

Appendix 2: Analysis of other policies in the adopted Local Plan Part 2

Policy	Keys points of the policy	Officer comments
H24: Replacement Dwellings in Rural Areas	Allows for the replacement of existing dwellings in the countryside as long as the design of the new dwelling meets specific design limitations (form, bulk, size, impact on landscape and siting) and that the existing dwelling is not of historical importance.	
H25: Rural Workers' Dwellings	The policy is split into provision for permanent and temporary need. The policy allows for the provision of new dwellings in the countryside as long as a specific need is being met. The criteria to demonstrate the need is included in the policy alongside design requirements and future occupancy restrictions. The policy also includes criteria against which the occupancy restriction will be lifted.	The existing policy has no requirement for the removal of the structure.
Policy H26: Residential Gardens within Rural Areas	Policy to allow for the change of use of land to residential within the countryside subject to limitations on affecting the character and appearance of the landscape.	
Policy H27: Residential Extensions and other Householder Development	Policy setting the limitations to development to residential properties based upon design and amenity of neighbouring properties including conditions relating to annex in residential gardens.	
H28: Residential Conversions	Policy supporting conversion of buildings in the	Since the policy was adopted permitted development

	countryside to residential subject to certain conditions.	rights have altered and this policy has largely been superseded.
BNE5: Development in Rural Areas	Policy to support certain development in the countryside subject to conditions relating to use, need, scale and impact on the environment/ landscape.	
BNE6: Agricultural Development	Policy to support agricultural development subject to use, scale, design, siting and landscape mitigation.	
BNE7: Trees, Woodland and Hedgerows	Policy intended to protect trees, woodland and hedgerows for their amenity, ecological, landscape and historic value and support the planting of appropriate native species.	Net gain requirements in part C have been superseded by 10% national requirement.
BNE8: Local Green Space	Policy to protect Local Green Space from development except in specified circumstances (buildings associated with outdoor recreation/sport and engineering operations).	
BNE9: Advertisements and Visual Pollution	Policy to support development provided that amenity and safety issues are addressed.	
BNE10: Heritage	Policy to protect heritage assets.	Superseded by a more detailed policy BNE2 in the Local Plan Part 1 Review.
BNE11: Shopfronts	Policy setting out design criteria that new shopfronts should adhere to.	
BNE12: Former Power Station Land	Policy to support the redevelopment of the former Drakelow and Willington Power stations for employment and/or energy provision.	Drakelow Power Station element of the policy has been superseded by policy STRA3 in the Local Plan Part 1 Review.
INF11: Telecommunications	Policy to support the delivery of telecommunications development subject to certain criteria.	

INF12: Provision of Secondary Education Facilities	Policy to ensure the provision of a new secondary school as part of the Infinity Garden Village allocation (INF13).	Superseded by STRA1 allocation in the Local Plan Part 1 Review.
INF13: Southern Derby Area and Infinity Garden Village	Policy to ensure the comprehensive and coordinated cross-boundary development of the Infinity Garden Village.	Superseded by STRA1 allocation in the Local Plan Part 1 Review.