



**South  
Derbyshire**  
District Council  
Community and  
Planning Services

# Schedule of Main Modifications to South Derbyshire Submission Local Plan Part 2



**July 2017**

South Derbyshire Changing for the better

## **Main Modifications**

### **South Derbyshire District Council Submission Local Plan Part 2**

This document details the Council's proposed main modifications to the South Derbyshire Submission Local Plan Part 2. These modifications seek to improve the clarity and presentation.

The modifications are proposed in light of the hearings that have taken place and also the representations received during the Pre-Submission Local Plan Part 2 consultation, together with information arising since the document's submission.

The proposed modifications are listed in the order they appear in the Submission version of the Plan. For each amendment, information on the proposed change and the reason for the change is given. Where new text is proposed it is shown in bold, where text is proposed for removal it has been struck through, and any comments are in italics.

- **Insertion of text**
- ~~Removal of text~~
- *For information*

## Main Modifications

Modification Ref.	Document Page No.	Policy/ Paragraph	Modified text (deleted text shown as <del>struck through</del> , additional text shown as <b>bold</b> and SDDC comments shown in <i>italics</i> )	Reasons for modification
Settlement Development				
MM1	3	2.1	<p>Settlement boundaries define the built limits of a settlement and distinguish between the main built form of a settlement and the countryside. Areas outside of settlement boundaries <del>and allocated sites are considered to be countryside</del> <b>comprise the Rural Areas of the district as defined in Policy H1. In principle, development will be supported</b> <del>There is a presumption in favour of development (subject to other material considerations)</del> within settlement boundaries. <del>whereas in the countryside</del> <b>Outside of settlement boundaries in the Rural Areas</b> other policies <b>will</b> apply, in particular Policy BNE5 which <b>defines the more limited range of development that will be acceptable within the Rural Areas.</b></p>	To ensure consistency with the spatial strategy in the SDLPP1 (Policy H1) and effectiveness in achieving sustainable development in areas outside settlement boundaries and allocated sites.

MM2		SDT1	<p>Policy SDT1 Settlement Boundaries and Development</p> <p>Settlement boundaries define the built limits of a settlement. <del>and distinguish between the built form of a settlement and the countryside. Outside of settlement boundaries land will be considered as countryside</del></p> <p>Within settlement boundaries as defined on the policies map <b>and in Appendix A</b>, development will be permitted where it accords with the development plan.</p> <p><b>Outside of settlement boundaries and allocated sites, within the Rural Areas as defined in Policy H1, development will be limited to that considered acceptable inter alia by Policy BNE5.</b></p> <p>Settlement boundaries will be applied in the following settlements:  Urban Area:  Swadlincote including Woodville</p> <p>Key Service Villages:  Aston on Trent  Etwall  Hatton  Hilton  Linton  Melbourne  Overseal  Repton  Shardlow  Willington</p> <p>Local Service Villages:  Coton in the Elms</p>	<p>To ensure consistency with the spatial strategy in the SDLPP1 and effectiveness in achieving sustainable development.</p>
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			<p>Findern Hartshorne Mount Pleasant (Castle Gresley) Netherseal Newton Solney Rosliston Ticknall Weston on Trent</p> <p>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</p>	
MM3		2.2	Those settlements defined as Key Service Villages, Local Service Villages and Rural Areas Villages (as defined by Policy H1) where there is a compact group of dwellings within a settlement <b>exists will</b> have a settlement boundary.	To ensure consistency with Policy H1.
MM4		2.3	Inclusion of land within a settlement boundary would normally imply a presumption in favour of development <b>would be acceptable in</b>	To ensure consistency with national policy on sustainable development.

			<b>principle</b> , though other technical considerations will still be assessed.	
MM5		2.4	Land outside of settlement boundaries <b>and allocated sites</b> will be considered as <b>part of the Rural Areas countryside</b> , where other policies apply. Other than in the circumstances permitted by <b>policy BNE5 and other relevant</b> policies, development will not normally be permitted within the <b>Rural Areas countryside</b> .	To ensure consistency with national policy and the spatial strategy in the SDLPP1 and effectiveness in achieving sustainable development.
Housing				
MM6	5	H23	<p>Policy H23 Non-Strategic Housing allocations</p> <p><b>The following sites are allocated for housing development as shown on the Policies Map and in the site specific maps under Policies 23A-N:</b></p> <p>A Moor Lane, Aston (S/0271) - <del>up to</del> <b>around</b> 42 dwellings</p> <p>B Jacksons Lane, Etwall (S/0284) - <del>up to</del> <b>around</b> 50 dwellings</p> <p>C Derby Road, Hilton (S/0299) - <del>up to</del> <b>around</b> 43 dwellings</p> <p>D Station Road, Melbourne (S/0109 &amp; S/0256) - <del>up to</del> <b>around</b> 46 dwellings</p> <p>E Acresford Road, Overseal (S/0250) - <del>up to</del> <b>around</b> 70 dwellings</p> <p>F Valley Road, Overseal (S/0022) - <del>up to</del> <b>around</b> 64 dwellings</p> <p>G Milton Road, Repton (S/0101) – <del>up to</del> <b>around</b> 25 dwellings</p> <p>H Mount Pleasant Road, Repton (S/0088) - <del>up to</del> <b>around</b> 24 dwellings</p> <p>I Off Kingfisher Way, Willington (S/0266) - <del>up to</del> <b>around</b> 50 dwellings</p> <p>J Oak Close, Castle Gresley (S/0239) - <del>up to</del> <b>around</b> 55 dwellings</p>	For clarity and to ensure consistency with national policy and the spatial strategy in SDLPP1.

			<p>K Midland Road, Swadlincote (S/0133) - <del>up to</del> <b>around</b> 57 dwellings</p> <p>L Land north of Scropton Road, Scropton (S/0291) - <del>up to</del> <b>around</b> 10 dwellings</p> <p>M Montracon Site, Woodville (S/0292) – <del>up to</del> <b>around</b> 95 dwellings</p> <p>N Stenson Fields (S/0206) – <del>up to</del> <b>around</b> 70 dwellings</p>	
MM7	5 - 19	H23 A	<del>Up to</del> <b>Around</b> 42 dwellings	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM8		H23 B	<del>Up to</del> <b>Around</b> 50 dwellings	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM9		H23 C	<del>Up to</del> <b>Around</b> 43 dwellings	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM10		H23 C	<b>Consideration and mitigation, as necessary, of the impact of the housing development upon the notified interest features of the Hilton Gravel Pits Site of Special Scientific Interest</b>	To comply with national policy as suggested by Natural England.
MM11		H23 D	<del>Up to</del> <b>Around</b> 46 dwellings <del>on-site</del>	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM12		H23 E	<del>Up to</del> <b>Around</b> 70 dwellings	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM13		H23 F	<del>Up to</del> <b>Around</b> 64 dwellings	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM14		H23 G	<del>Up to</del> <b>Around</b> 25 dwellings	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM15		H23 H	<del>Up to</del> <b>Around</b> 24 dwellings	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM16		H23 I	<del>Up to</del> <b>Around</b> 50 dwellings <del>on-site</del>	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM17		H23 J	<del>Up to</del> <b>Around</b> 55 dwellings <del>on-site</del>	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM18		H23 K	<del>Up to</del> <b>Around</b> 57 dwellings <del>on-site</del>	To ensure consistency with national policy and

				with the spatial strategy in SDLPP1.
MM19		H23 L	<del>Up to</del> <b>Around</b> 10 dwellings <del>on-site</del>	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM20		H23 M	<del>Up to</del> <b>Around</b> 95 dwellings <del>on-site</del>	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM21		H23 N	<del>Up to</del> <b>Around</b> 70 dwellings <del>on-site</del>	To ensure consistency with national policy and with the spatial strategy in SDLPP1.
MM22		H24	<p>Policy H24 Replacement Dwellings in <b>Rural Areas</b> <del>the Countryside</del></p> <p>The replacement of a dwelling within the <b>Rural Areas</b> <del>countryside</del> will be permitted provided that:</p> <p>i) The form and bulk of the new dwelling does not substantially exceed that of the original dwelling* or that which could be achieved as permitted development; and</p> <p>ii) is not more intrusive in the landscape than that which it replaces; and</p> <p>iii) the new dwelling has substantially the same siting as the existing; and</p> <p>iv) the existing dwelling to be demolished is not of historic merit.</p> <p>*The term original dwelling means the house as it was first built or as it stood on 1 July 1948 (if it was constructed before this date).</p>	To ensure consistency with the spatial strategy in SDLPP1.
MM23		3.4	<p>New housing development in the <b>Rural Areas</b> <del>countryside</del> is restricted to protect the <del>intrinsic</del> character and beauty of the countryside. However, one circumstance in which residential development within the <b>Rural Areas</b> <del>countryside</del> can be acceptable is the replacement of an existing dwelling. Essentially it is 'new for old' development where no further dwellings are being added, so there is no net gain.</p>	To ensure consistency with the spatial strategy in SDLPP1.
MM24	20 -21	H25	<p>Policy H25 Rural Workers' Dwellings</p> <p>Permanent Rural Workers' Dwellings</p>	For clarity and consistency with Policy BNE5 as modified under MM36. Change to ensure policy is effective in achieving sustainable development.



			<p>A Outside settlement boundaries planning permission will be granted for a new permanent rural worker's dwelling where it can be demonstrated that:</p> <p>A i) There is an established existing essential need for an additional worker's dwelling <b>to support a rural based activity; and</b>  ii) The rural-based activity has been established, is <b>economically</b> sustainable and has the prospect of remaining so; and  iii) The essential need cannot be fulfilled by an existing dwelling within the locality.</p> <p>B Where the permanent need is <del>established</del> <b>demonstrated</b> the dwelling should whenever possible be well related to existing farm buildings or other dwellings, being designed as to minimise visual intrusion on the Landscape.</p> <p>C Where permission is granted under this policy a condition will be imposed which limits occupation of the dwelling to a person solely, mainly or last working in a local rural enterprise, or a widow, widower or resident dependants of such a person.</p> <p>D i) There is an essential need for a temporary dwelling for a worker <b>to support a rural based activity; and</b>  ii) The essential need cannot be fulfilled by an existing dwelling within the locality; and  iii) The enterprise in question has been planned on a sound financial basis and is capable of being carried on as such.</p> <p>E Where the temporary need is <del>established</del> <b>demonstrated</b>, the dwelling should whenever possible be well related to existing farm buildings or other dwellings.</p> <p>F The removal of occupancy conditions will be supported where:</p>	
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			<p>i) The dwelling is genuinely surplus to the current and foreseeable future <b>rural based activity</b> <del>agricultural needs</del> of the holding; and</p> <p>ii) There is no evidence of a continuing need for housing for persons employed or last employed in <b>a rural based activity</b> <del>agriculture</del> in the locality; and</p> <p>iii) The dwelling has been widely marketed on terms reflecting its occupancy condition, normally for at least 12 months or an appropriate period as agreed with the Local Planning Authority, and no interest in occupation has been indicated.</p>	
MM25		3.8	<p>There are circumstances when a new dwelling (permanent or temporary) within the <b>Rural Areas</b> <del>countryside</del> is required to enable farm or other workers employed in a rural-based activity, to live at or in the vicinity of their work. It is anticipated that agriculture or forestry would be the main area of employment concerned, however there may be other rural enterprises that necessitate the need for a rural worker's dwelling.</p>	To ensure consistency with the spatial strategy in SDLPP1.
MM26		H26	<p>Policy H26 Residential Gardens within <b>Rural Areas</b> <del>the Countryside</del></p> <p>Change of use <b>of land</b> to residential garden will be permitted where it would not result in detrimental domestication of the countryside <b>within the Rural Areas</b>.</p>	For clarity and consistency with the spatial strategy in SDLPP1.
MM27	23	3.13	<p>The change of use of land to residential garden can provide useful additional private amenity space. However, it can also result in the <del>detrimental</del> domestication of land <b>which could be detrimental to the character and appearance of the</b> <del>in a rural landscape</del>. <b>This could occur where boundary treatments are not in keeping with the rural surroundings or where domestic paraphernalia such as washing lines, pergolas or children's play equipment that would be unreasonable to control by condition would be unduly prominent in the landscape.</b> It is therefore essential that such proposals are controlled in order to protect the character and openness of the countryside and the character and form of settlements. Extensions to residential curtilages should reflect the pattern of development and</p>	For clarity and to ensure Policy H26 is effective in guiding decision making.

			<p>should not unduly intrude or encroach into the countryside. In addition, extensions to residential curtilages within the Green Belt can conflict with the aim and purposes of the designation, as set out within the NPPF. Furthermore, to help protect the amenity and character of the landscape, conditions may be imposed on any permission granted to remove permitted development rights.</p>	
MM28		H27	<p>Policy H27 Residential Extensions and Other Householder Development</p> <p>Extensions and alterations to dwellings or the erection or alteration of outbuildings, annexes, structures and boundary treatments within residential gardens, will be permitted provided that the proposals:</p> <ul style="list-style-type: none"> <li>i) Are of a scale and character in keeping with the property; and</li> <li>ii) Are not unduly detrimental to the <del>amenities</del> <b>living conditions</b> of adjoining properties or the general character <b>and appearance</b> of the area.</li> </ul> <p><b>Where annexe accommodation is granted permission, a condition will be imposed which prevents the severing of the annexe to a separate dwelling without the requirement for further planning consent.</b></p>	For clarity and to ensure Policy H27 is effective in guiding decision making.
MM29		3.14	<p>Additional space created by an extension to a dwelling and the erection or alteration of outbuildings/structures, are recognised as acceptable means of meeting changes in household space requirements. Normally such development should be designed so as to fit in with the original dwelling and the street scene in general, minimise the landscape and visual impact <del>on the countryside</del> and <b>is designed without causing unacceptable harm to the living conditions of the occupiers of nearby dwellings such as</b> <del>creating an overbearing effect or a loss of privacy.</del> <b>Further guidance can be found in the Design SPD.</b> In addition, outbuildings and structures should be of a size proportionate to the dwelling they serve and sympathetically related to the main dwelling.</p>	For clarity and to ensure Policy H27 is effective in guiding decision making.

MM30		3.15	Proposals for annexe accommodation will be treated as separate dwellings and determined using other policies, unless it can be demonstrated that there is a functional dependency on the main dwelling. Proposals for annexe accommodation should be of a scale proportionate to the original dwelling, no larger than functionally required and in particular in the countryside well related in location to the original dwelling. <del>Where annexe accommodation is granted permission, a condition will be imposed which restricts the severing of the annexe to a separate dwelling without the requirement of further planning consent.</del>	For clarity and to ensure Policy H27 is effective in guiding decision making.
MM31		H28	<p>Policy H28 Residential Conversions</p> <p>A Outside settlement boundaries the conversion of a building to provide residential accommodation will be permitted provided the building: is</p> <ul style="list-style-type: none"> <li>i) is of a permanent and substantial construction and</li> <li>ii) is suitable for conversion without extensive alteration, rebuilding and/or extension; or</li> <li>iii) <del>B In addition to the above, in isolated locations the conversion of a building to provide residential accommodation will be permitted provided it constitutes the re-use of a suitable redundant or disused building or would secure the future use of a heritage asset.</del></li> </ul> <p><del>C Any conversion will</del> <b>All conversions should result in the lead to an enhancement of the building's immediate setting.</b></p>	To ensure consistency with national policy and that the policy is effective in guiding decision making.
MM32		3.17	The buildings within <del>the</del> South Derbyshire countryside are part of <del>its</del> <b>the character of the Rural Areas</b> . The conversion of buildings can allow change to be assimilated without being detrimental to the existing character. The utilisation of buildings in this way can also bring environmental benefits and provide a source of housing accommodation without releasing new land for development and can also protect heritage assets.	To ensure consistency with the spatial strategy in SDLPP1.
MM33		3.18	National Policy supports the reuse of rural buildings for residential uses, however states that they should lead to an enhancement to the	To ensure consistency with national policy

			<p>immediate setting. When assessing the proposal's impact on the immediate setting, the proposed change to the building itself, the change of use of land to garden, parking arrangements and the proposed erection of boundary treatments will be considered. Furthermore, proposals must not display the characteristics of an isolated new dwelling in the countryside.</p>	
MM34		3.19	<p>Where a residential conversion is granted, permitted development rights that normally apply to dwellings <del>could</del> <b>may</b> be withdrawn as a condition of the approval. <b>This could arise where further alterations or additions to a dwelling could be detrimental to the character and appearance of the building and/or its setting within the countryside, which would warrant an assessment through a planning application.</b></p>	For clarity and to ensure Policy H28 is effective in guiding decision making.
Built and Natural Environment				
MM35		4.1	<p>National planning policy requires that an appropriate balance is struck between supporting a prosperous rural economy and conserving and enhancing the natural environment. The policies in this section seek to provide the appropriate safeguards to ensure that development which must take place in <b>Rural Areas</b> <del>the countryside</del> does not lead to unacceptable environmental effects <b>on the countryside</b>.</p>	To ensure consistency with the spatial strategy in the SDLPP1.
MM36	25	BNE5	<p>Policy BNE5 Development in <b>Rural Areas</b> <del>the Countryside</del></p> <p>Outside of settlement boundaries (as defined in policy SDT1), <del>land will be considered as countryside.</del> <b>within the Rural Areas of the district A</b> planning permission will be granted <del>in the countryside</del> where the development is:</p> <p>i) <b>allowed for by policies H1, H22, E7, INF10, H24, H25, H26, H27 or H28; or</b></p> <p>ii) <del>appropriate for its location in the countryside</del> <b>otherwise essential to a rural based activity; or</b></p> <p>iii) <b>unavoidable outside settlement boundaries; or</b></p> <p>iv) considered to be infill that is in keeping with the character of the locality and represents the infilling of a small gap for not normally more than two dwellings, within small groups of housing; <b>and</b></p>	To ensure consistency with the spatial strategy in the SDLPP1 and the effectiveness of the Plan in achieving sustainable development within the Rural Areas

			<p><del>B If considered inappropriate by section A then planning permission will be granted in the countryside where it can be demonstrated that the development:</del></p> <p>i) <del>v)</del> will not unduly impact on: landscape character <b>and quality</b>, biodiversity, best and most versatile <b>agricultural land, and historic heritage</b> assets;. and</p> <p>ii) <del>is well related to a settlement or settlements; and</del></p> <p>iii) <del>is not a valued landscape.</del></p>	
MM37		4.2 – 4.5	<p>4.2 In order to support <del>the principle of sustainable development, and</del> preserve and protect the countryside including the best agricultural land, development <del>in the countryside in the Rural Areas of the district</del> requires control. This policy aims to balance preserving the character of the countryside with supporting development and the rural communities within it.</p> <p>4.3 <del>Proposals will be required to demonstrate that they are appropriate in the countryside. Examples of appropriate development in the countryside</del> <b>Development considered to be acceptable in principle in the Rural Areas includes exception or cross subsidy sites for housing on the edge of settlements listed in Policy H1, sites for gypsies and travellers accommodation subject to Policy H22, rural employment and tourism development within the terms set out Policies E7 and INF10, replacement dwellings in the countryside (Policy H24), rural worker's dwellings subject to the criteria in Policy H25, and residential gardens, extensions and conversions as defined in Policies H26, H27 and H28. In addition development will be supported that provides facilities essential to rural based activities, which includes forestry, agriculture, equestrianism and outdoor recreation and development allowed by other policies within the plan such as E7 and INF10 in Part 1 and H24, H25, H27 and H28 in Part 2.</b> There may be other unforeseen <b>circumstances</b> development that</p>	To ensure consistency with the spatial strategy in the SDLPP1 and the effectiveness of the Plan in achieving sustainable development within the Rural Areas.

			<p>could constitute <b>unavoidable</b> appropriate development <b>within the Rural Areas at points in time such as the council being unable to demonstrate a deliverable housing and employment land supply.</b></p> <p><del>4.4 Should the development be considered as inappropriate within the countryside, then a further test will be applied through section B of the policy that considers the development's impact on a number of factors. The relationship to a settlement or settlements is important, as the Council want to avoid isolated unsustainable developments in the countryside.</del></p> <p>4.4 In all cases however, it is necessary to ensure that development within <b>the Rural Areas</b> <del>the countryside</del> should be integrated into the landscape <b>as</b> sympathetically as possible with minimal impact. The design, layout <b>(including density)</b> and materials of the development should reflect the character of the <b>area</b> <del>countryside</del>. In determining proposals for infill development, consideration will be given to whether the proposed scheme would result in the loss of an important gap between groups of housing.</p> <p><b>4.5 Where appropriate</b> <del>the</del> the consideration of <del>valued</del> landscape <b>character and quality</b> will be undertaken by using the factors set out in the GLVA 3<sup>rd</sup> Edition (or further editions) which form the basis of an LVIA:</p> <ul style="list-style-type: none"> <li>• Landscape quality (condition)</li> <li>• Scenic quality</li> <li>• Rarity</li> <li>• Representativeness</li> <li>• Conservation interest</li> <li>• Recreation value</li> <li>• Perceptual aspects</li> <li>• Cultural Associations</li> </ul>	
MM38		4.6	Agricultural uses constitute a large part of the South Derbyshire	For clarity, consistency with the spatial

			<p>landscape and the Council appreciates the value and importance of the agricultural industry. In valuing and protecting the countryside and <b>its</b> landscape character, there is a responsibility to site necessary <b>agricultural development in the Rural Areas</b> in such a way as to minimise its effect on the surrounding landscape. Prudent siting, design, construction and choice of materials with appropriate landscape measures such as land formation and/or planting, if considered necessary will be expected to ensure the right balance is struck. <b>Further guidance can be found in the Council's Design SPD.</b> This will assist in protecting the countryside whilst allowing agricultural development.</p>	<p>strategy in the SDLPP1 and to ensure Policy BNE6 is effective in guiding decision making.</p>
MM39		BNE7	<p>Policy BNE7 Trees, Woodland and Hedgerows</p> <p>A Where development is proposed that could affect trees, woodland and/or hedgerows <b>which are important in terms of their amenity, ecological, landscape or historic</b> high value, developers will be expected to demonstrate that:</p> <ul style="list-style-type: none"> <li>i) the layout and form of development have been informed by an appropriate arboricultural and/or hedgerow surveys; and</li> <li>ii) development would not suffer from undue shading either now or in the future; and</li> <li>iii) appropriate measures are secured to ensure adequate root protection and buffers around trees, woodland and hedgerows.</li> </ul> <p>B The felling of protected trees, groups of trees or woodland and/or removal of important hedgerows, will <b>be considered in accordance with the relevant national guidance and regulations, taking account in particular of their amenity, ecological, landscape and historic value</b> <del>only be permitted in exceptional circumstances</del>. Where protected trees and/or hedgerows are subject to felling or removal, a replacement of an appropriate number, species, size and in an appropriate location will normally be required.</p>	<p>For clarity and to ensure consistency with national policy and guidance on trees and hedgerows</p>



			<p>C Development proposals which will have a detrimental effect on <b>important</b> trees, and woodland of high value or <b>important</b> hedgerows must satisfactorily demonstrate how the impact on biodiversity has been minimised and, wherever possible, a net biodiversity gain delivered through appropriate mitigation, compensation or offsetting, including through new planting or improved management of retained trees and hedgerows. New planting will be expected to be adequately managed to reach full maturity.</p> <p>D Where new planting is proposed on development sites, principal consideration should be given to planting tree species which are in keeping with the urban or rural character of the area. However, where appropriate, wider environmental or amenity benefits including improvements to local air quality, erosion control, land drainage or shading should be considered.</p>	
MM40		4.8	<p>The character of many settlements in South Derbyshire is enhanced by hedgerows and single, as well as groups of trees. They are a vital element of the landscape and of great importance to nature conservation. The Authority is keen to protect the most important trees, woodland and hedgerows from loss or damage. Where development is proposed that could affect <b>important</b> trees, woodland, and /or hedgerows of high value, or significant numbers of trees or large areas of hedgerow, the Council will seek to ensure that decisions are underpinned by a proportionate survey in order that the full effects of development can be understood. In determining whether trees, woodland and hedgerows are of high value <b>important</b>, regard will be had to amenity, ecology, historic origins and their impact on <b>the</b> landscape.</p>	For clarity and to ensure consistency with national policy and guidance on trees and hedgerows

MM41		BNE8	<p>Policy BNE8 Local Green Space</p> <p>Local Green Spaces will be protected from development <b>except in very special circumstances or for the following limited types of development where they preserve the openness of the Local Green Space and do not harm the purpose for its designation:</b></p> <p><b>i) the construction of a new building providing essential facilities for outdoor sport, outdoor recreation, cemeteries, allotments or other uses of the open land;</b></p> <p><b>ii) the carrying out of an engineering or other operation.</b>  <del>unless the development proposed would clearly enhance the area for the purpose it was designated.</del></p> <p>Designations of Local Green Spaces will be made through a separate Development Plan Document <b>or Neighbourhood Development Plan.</b>  <b>The Council will work to enhance the biodiversity, heritage, recreation and tranquillity value and where possible the public accessibility of Local Green Spaces through appropriate site management.</b></p>	To ensure consistency with national policy in paragraphs 76 and 78 of the NPPF and that the policy is effective in guiding decision making.
MM42		4.15	<p>Local Green Spaces are only designated where the area is well related to the community it serves, is special to the community and is local in character. <b>Guidance on the designation of Local Green Spaces can be seen in the Local Green Space Topic Paper.</b> It is expected that the Local Green Space will remain undeveloped over the plan period, <b>except where there are very special circumstances to justify a development which clearly outweighs the harm that may be caused or for certain limited forms of development related to the use of the green space and which would not harm the openness or character of the space.</b> Consultation with the local community would be expected should a development be proposed <b>on a Local Green Space.</b></p>	To ensure consistency with national policy in paragraphs 76 and 78 of the NPPF and that Policy BNE8 is effective in guiding decision making.

			Collaborative working with private landowners of Local Green Spaces for the improvement of such areas will be taken where the opportunity arises.	
MM43		BNE9	<p>Policy BNE9 Advertisements and Visual Pollution</p> <p>Proposals for advertisement consent, street furniture, telecommunications cabinets and other items that could contribute to visual pollution within the public realm, will only be permitted where the following amenity and public safety matters have been addressed, including consideration of their cumulative impact:</p> <p>i) That there is no adverse impact on the character or <b>appearance of the area and its setting</b> of the area and its visual amenity; and</p> <p>ii) That pedestrian and vehicular movements are not inhibited nor highway users' attention distracted; visibility should not be obscured or confused, nor public safety adversely affected; and</p> <p>iii) That proposals <del>are in keeping with</del> <b>respect</b> their setting <b>and surroundings</b> in terms of size, design, illumination, materials and colour; and</p> <p>iv) That together with existing signs and street furniture in the area, <del>there the proposals will not be</del> <b>result in visual</b> clutter or excessive advertising.</p>	To ensure the clarity and effectiveness of Policy BNE9 in guiding decision making.
MM44	30-31	BNE10	<p><del>Development that affects any</del> <b>Applications for development that affects any heritage assets, as defined in Policy BNE2, will be determined in accordance with national policy for conserving and enhancing the historic environment</b> need to ensure that development proposals contribute positively to the character of the built, historic and natural environment.</p> <p><del>The heritage assets and their settings include:</del></p> <p>i) Conservation Areas</p> <p>ii) Scheduled Monuments</p>	To ensure Policy BNE10 is consistent with national policy and effective in the management of development affecting heritage assets.

			<p>iii) Listed Buildings iv) Registered historic parks and gardens v) Undesignated heritage assets</p> <p>This will be achieved in <b>In particular</b> the following ways will apply:</p> <ul style="list-style-type: none"> <li>• All applications being <b>should be</b> accompanied by a proportionate heritage assessment, <b>prepared with the appropriate expertise, to a level of detail proportionate to the asset's significance. The assessment which should</b> describes an the asset's significance, identifies the impacts of the proposed <b>work development</b> and provides clear justification for the works. Where appropriate, the Council may also require historical research and archaeological recording to be undertaken before works to a heritage asset commence.</li> <li>• <del>Seeking to maintain local distinctiveness by sensitively contributing to the creation of places with high architectural and built quality using traditional materials and techniques where appropriate.</del></li> <li>• <del>Requiring proposed De</del>developments affecting a heritage asset or its setting, including alterations and extensions to existing buildings, <b>will be required</b> to demonstrate how the proposal has taken account of design, form, scale, mass, <del>use of traditional materials and detailing,</del> siting and <del>views away from and towards</del> <b>setting</b> of the heritage asset, in order to ensure that the <b>proposed</b> design is sympathetic and minimises harm to the asset.</li> <li>• <b>The loss of buildings and features which make a positive contribution to the character or heritage of an area should be avoided through preservation or appropriate reuse, including enabling development.</b></li> <li>• Any proposed development which impacts on archaeological remains will be required to be accompanied by an archaeological evaluation of the site and a statement demonstrating how it is intended to overcome the archaeological constraints of the site.</li> </ul>	
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MM45		BNE11	<p>Policy BNE11 Shopfronts</p> <p>Shopfronts should:</p> <p>i) be well proportioned and reflect the quality and architectural contribution of any existing historic shopfront; and</p> <p>ii) have regard to the <del>proportions and</del> relationship between the</p>	To ensure the clarity and effectiveness of Policy BNE11 in guiding decision making

			<p>shopfront, <del>the</del> <b>its host</b> building and <del>it's</del> <b>the surrounding</b> context; and</p> <p>iii) use high quality and sympathetic <del>traditional</del> materials and detailing; and</p> <p>iv) include signage <del>only</del> in appropriate locations and in proportion to the shopfront; <b>and</b></p> <p><b>v) consider security without the use of external shutters; and</b></p> <p><b>vi) not include inappropriately illuminated signage.</b></p> <p><del>The District Council will resist external shutters and inappropriately illuminated signage.</del></p>	
MM46		4.21 – 4.22	<p>4.21 Shopfronts, <b>both modern and historic</b> play an important role within settlements in adding to the District's distinctiveness and character and can contribute significantly to the attractiveness and quality of the street scene <b>across all settlements</b>. Heritage assets which include <b>original or traditional</b> shopfronts make an important contribution and provide a sense of place to the many different communities in South Derbyshire. <del>Shopfronts are also found in historic buildings which are not designated assets but are of local interest and add to the character and sense of place; such shopfronts are included within the policy.</del> <b>Traditional architectural materials, details and proportions that are hidden, neglected or lost can be reinstated and revitalised and can help enhance the character of the building and local area, and add value to the shopping experience. The Council seeks to promote good design, in keeping with the character of the heritage assets, to preserve and enhance the appearance of South Derbyshire.</b></p> <p>4.22 <del>Traditional architectural materials, details and proportions that are hidden, neglected or lost can be reinstated and revitalised and can help enhance the character of the building and local area, and add value to the shopping experience. The Council seeks to promote good design, in keeping with the character of the heritage assets, to preserve and enhance the appearance of South Derbyshire. Therefore</del> <b>necessary</b> modifications <del>necessary</del> should be sympathetic to the</p>	To ensure the clarity and effectiveness of Policy BNE11 in guiding decision making

			<p>original design of the building.</p> <p>Security measures should be internal to limit their visual impact.</p> <p>External shutters are not normally acceptable and internal shutters should be perforated to enable visibility into the shop. To enliven frontages and enable passive surveillance, shopfronts should provide visibility and not be blanked out. Lighting should be the minimum necessary and internal illumination of signage is not acceptable. Any light fittings should have a minimal impact on the appearance of the shopfront and provide a warm light. <b>Further guidance can be found for Swadlincote in the Conservation Area Management Plan and for the rest of District in Historic South Derbyshire.</b></p>	
MM47		BNE12	<p>Policy BNE12 Former Power Station Land</p> <p><del>A An agreed development framework document between the developer(s) and the Council will be submitted with any major planning application made on the following sites:</del></p> <p><b>The Council will support development on the former Drakelow and Willington power station sites as shown on the Policies Map in accordance with that set out in Policies E1, H6 and SD6, to include the following:</b></p> <p><del>B</del> Former Drakelow Power Station  Development <del>will be supported</del> for Use Class B1, B2, B8 and for energy purposes to assist in the regeneration of the previously developed land. The existing Drakelow Nature Reserve will be retained to its current extent along with the creation of a buffer zone.</p> <p><del>C</del> Former Willington Power Station  Proposals for energy related development and any other uses considered appropriate to contribute to the regeneration of the previously developed land <del>will be supported.</del></p>	To ensure the clarity and effectiveness of Policy BNE12 in guiding decision making on the former power station sites.

			Development framework documents will be agreed between the developer(s) and the Council and be submitted with any major planning application made on the sites to guide their future development.	
Retail				
MM48	37-38	RTL1	<p>Policy RTL1 Retail Hierarchy</p> <p>A Applications for new main town centre uses outside of the following centres will be subject to the sequential test:</p> <ol style="list-style-type: none"> <li>1. Town Centre <ul style="list-style-type: none"> <li>• Swadlincote</li> <li>•</li> </ul> </li> <li>2. Local Centres <p>Existing</p> <ul style="list-style-type: none"> <li>• Castleton Park</li> <li>• Church Gresley</li> <li>• Newhall</li> <li>• High Street, Woodville</li> </ul> <p>Proposed</p> <ul style="list-style-type: none"> <li>• Boulton Moor</li> <li>• Chellaston Fields</li> <li>• Drakelow</li> <li>• West of Mickleover</li> <li>• Wragley Way</li> <li>• Highfields Farm</li> </ul> </li> <li>3. Other Centres in Key and Local Service Villages <del>(as defined in the policy H1).</del> <ul style="list-style-type: none"> <li>• <b>Aston on Trent</b></li> <li>• <b>Etwall</b></li> <li>• <b>Hatton</b></li> </ul> </li> </ol>	For clarity and to ensure Policy RTL1 is consistent with national policy.



			<ul style="list-style-type: none"> <li>• <b>Hilton</b></li> <li>• <b>Melbourne</b></li> <li>• <b>Overseal</b></li> <li>• <b>Repton</b></li> <li>• <b>Shardlow</b></li> <li>• <b>Willington</b></li> <li>• <b>Linton</b></li> <li>• <b>Coton in the Elms</b></li> <li>• <b>Findern</b></li> <li>• <b>Hartshorne</b></li> <li>• <b>Mount Pleasant</b></li> <li>• <b>Netherseal</b></li> <li>• <b>Newton Solney</b></li> <li>• <b>Rosliston</b></li> <li>• <b>Ticknall</b></li> <li>• <b>Weston on Trent</b></li> </ul> <p>The existing and proposed Local Centres <del>can be found</del> <b>are identified on the Policies Map and</b> on Maps 1,2 and 3.</p> <p><b>B Swadlincote</b> Town Centre  <b>Primary Frontage</b>  i) Within the primary frontage of Swadlincote town centre as shown on Map 4, <b>other than those allowed under permitted development rights</b>, changes of use at ground floor level from Use Classes A1, A2, A3 and A4 to other uses will not normally be permitted.</p> <p>ii) Planning applications for change of use at first floor level and above to office or residential use will be permitted, provided that <b>a good standard of the amenity of</b> for existing and prospective occupants would be maintained.</p>	
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			<p><b>Remainder of Town Centre</b></p> <p><b>iii) All main town centre uses as defined by national policy will be supported within the remainder of Swadlincote town centre outside of the primary frontages.</b></p> <p>C Local Centres</p> <p>Retail Development <b>within Use Classes A1, A2, A3, A4 and A5</b> will be permitted provided that:</p> <p>i) It is appropriate with the scale and function of the centre; and</p> <p>ii) It is well related to existing retail units in the Local Centre</p> <p>D Other Centres in Key and Local Service Villages</p> <p>Retail Development <b>within Use Class A1, A2, A3, A4 and A5</b> will be permitted provided that:</p> <p>i) It is appropriate with the scale and function of the Centre; and</p> <p>ii) It would not lead to unsustainable trip generation or undermine the vitality and viability of a neighbouring centre; and</p> <p>iii) It does not adversely impact on neighbouring properties</p> <p><b>E Outside of Centres</b></p> <p><b>All retail proposals over 1,000 square metres gross will be required to submit a detailed retail impact assessment to measure the impact of the proposal on the vitality and viability of nearby centres and on committed and planned investment in those centres.</b></p> <p><b>E F Loss of Retail</b></p> <p>Loss of retail units in centres will be permitted where:</p> <p>i) The current use can be demonstrated to be no longer viable; and</p> <p>ii) The unit has been sufficiently and actively marketed for a range of retail uses over a 6 month period; and</p> <p>iii) The impacts arising from the resulting use do not cause an adverse effect on amenity, parking needs or highway safety.</p>	
MM49		5.12	There is a need to maintain a core of retail activity in the town centre,	For clarity and to ensure Policy RTL1 is

			<p>but other complementary uses, during the day and evening, can reinforce the town centre's attractiveness to local residents. The primary frontage, shown on Map 4, has therefore been identified, with the intention that these are retained as the main core of town centre activity (Use classes A1, A2, A3 and A4 at ground floor level). In the remainder of the town centre a more flexible approach will be applied, recognising that a much wider variety of uses can be accommodated <b>including office, leisure and residential uses (B1(a), D1, D2 and C Use Classes)</b>. <b>The Council also supports maintaining the vitality of existing Local Centres and those centres in key and local service villages to protect the retail offer in those locations. The Council will require a full retail impact assessment for any out-of-centre schemes above 1,000 square metres gross floorspace that is commensurate with the scale and nature of the proposal. Many of the 'discount' supermarkets have stores of around this scale and it considered that such stores would have the capability to compete directly with stores of a similar scale, or which offer a similar function, within defined centres.</b></p>	consistent with national policy.
MM50		RTL2	<p>Policy RTL2 Swadlincote Town Centre Potential Redevelopment Locations</p> <p>The Council will promote the redevelopment of the following sites, as identified on Map 4, for uses that would enhance the viability and vitality of Swadlincote town centre:</p> <ul style="list-style-type: none"> <li>1 Civic Centre, Civic Way</li> <li>2 Land between Midland Road / Belmont Street</li> <li>3 The Delph Block</li> <li>4 Sharpes Estate</li> <li>5 Land between West Street / Market Street</li> </ul> <p>Where appropriate, <b>development briefs will be prepared by the Council to guide the redevelopment of these sites. will be in accordance with a development brief prepared by the Council.</b></p>	To ensure Policy RTL2 is consistent with national policy

Infrastructure				
MM51		INF12	<p>Policy INF12 Provision of Secondary Education Facilities</p> <p>Land at <del>Thulston Fields and Southern Derby Area/Infinity Garden Village Lower Farm</del> (shown on Map 5) is allocated for secondary education provision. The site(s) will <b>be identified through the provisions of Policy INF13. The school will provide for:</b></p> <ul style="list-style-type: none"> <li>i) A minimum 800 pupil place secondary school(s); and</li> <li>ii) Of a minimum of 10 hectares; and</li> <li><b>iii) Served directly from a principal road access; and</b></li> <li><del>iii) iv)</del> <b>Be designed and laid out so as to minimise any undue impacts on surrounding land uses and the wider environment; and</b></li> <li><b>iv) Include assessment and any necessary mitigation of transport impact on the surrounding road network and pedestrian and cycle links.</b></li> </ul>	To ensure the policy complies with national policy on inappropriate development in the Green Belt and is effective for the delivery of new secondary education facilities.
MM52		6.6 – 6.8	<p>6.6 Due to the recent and anticipated population growth in South Derbyshire, not just in this plan period but beyond 2028, it has become evident that at least one new secondary school will be required in the District. There are currently four secondary schools within the District, three in Swadlincote and one in Etwall. As well as these schools within the District, parts also have normal (catchment) areas covering them from Derby City, East Staffordshire and Erewash schools.</p> <p>6.7 In order to progress a new secondary school, the starting point is the notification of <del>a sites</del> through the Local Plan process. Derbyshire County Council as the statutory Authority for education provision in the District have undertaken this process and <del>selected two sites and have notified the</del> Council to allocate <del>these</del> <b>this</b> sites. <del>The allocation of these sites will continue until the Local Plan is reviewed or education need is re-assessed.</del></p>	

			<p>6.8 The allocated sites on Map 5 show the entire site (as proposed in the SHLAA) whereas only part of the site would be required for education provision as noted in the criteria of the policy. The exact location of the school <b>within the Southern Derby Area/Infinity Garden Village is to be determined through the development framework that is required as part of Policy INF13. The required area is set out in the criteria of the policy and it is known that it will be on the eastern side of the village. Collaboration between the site promoter and the on the site and whether both sites are required will be determined by the Local Education Authority or other statutory provider will continue</b> as the process <b>moves</b> continues towards the development of a new secondary school <b>in a location that is deliverable from both a planning and educational stance.</b></p>	
MM53			<p><b>Policy INF 13 Southern Derby Area and Infinity Garden Village</b></p> <p><b>Development proposals and cross boundary collaboration will be supported in the Southern Derby Area as shown on Map 5 for a mix of uses as part of the Infinity Garden Village development.</b></p> <p><b>In order to implement this development comprehensively and support the required infrastructure delivery, a joint development framework document will be prepared to guide the development and cross boundary collaboration between the Council, Derby City Council, Derbyshire County Council and developers.</b></p> <p><b>The development framework document once approved will guide the delivery of the following development in support of the Infinity Garden Village proposal:</b></p> <p><b>Policy H15 Wragley Way (LP1)</b></p>	<p>Recent discussions with Derby City, Derbyshire County Council, Highways England and developers have made clear the benefit in producing a development framework document to deliver the proposals in the Southern Derby Area in an aligned manner.</p>

			<p><b>Policy E4 Infinity Park Extension (LP1)</b></p> <p><b>The South Derby Integrated Transport Link (LP1 Policy INF4)</b></p> <p><b>A new Local Shopping Centre (LP1 Policy H15 vii)</b></p> <p><b>Green and Blue Infrastructure (LP1 Policy H15 ix) across the Southern Derby Area with consideration to Derby City's Green Wedge policy</b></p> <p><b>New secondary school (LP2 Policy INF12), the location of which is to be defined by the development framework document</b></p> <p><b>An A50 junction at Deepdale Lane to serve the Southern Derby Area proposals (LP1 Policy H15 iii)</b></p> <p><b>Until the development framework document is approved, any necessary infrastructure required to deliver the comprehensive approach will be supported.</b></p> <p><b>Explanation</b></p> <p><b>This policy is supported by the allocation of Wragley Way (H15) and Land at Sinfin Moor (E4) in the Local Plan Part 1 and the continued growth of Infinity Park in Derby City. In the interests of aligning and agreeing phasing for the upcoming development opportunities to support the Infinity Garden Village proposal it is important that consideration is given to the development in both administrative areas. This will be undertaken through an agreed framework document that can fully consider all the constraints and opportunities on the site and guide the delivery of the Southern Derby Area comprehensively. The Development Framework document will be produced in collaboration with Derby City,</b></p>	
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			<b>Derbyshire County Council, relevant developers and landowners and Highways England. However due to the pressing need to plan for and deliver a new secondary school all parties will need to expedite the joint development framework.</b>	
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