

## Groves Richard

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**From:** [REDACTED]  
**Sent:** 17 August 2017 10:14  
**To:** Planning Policy  
**Cc:** Karen.Beavan@south-derbys.gov.uk  
**Subject:** South Derbyshire Local Plan Part 2 : Main Modifications - Public Consultation (07 July 2017 - 18 August 2017)  
**Attachments:** \*EXTERNAL: Scanned from a Xerox multifunction device

FAO Karen Beavin  
Planning Policy Team Leader

Ref : MMLP

Greetings

I refer to your correspondence dated 04 July 2017 surrounding the above.

Thank you for informing me about the publication of the Main Modifications to the South Derbyshire Local Plan Part 2 and inviting comments.

Please find attached a Formal Submission made by Barratt David Wilson Homes in relation to the following Main Modifications embracing Policies, Supporting Text and Maps :

1. MM51; Infrastructure : Policy INF12 – Provision of Secondary Education Facilities;
2. MM52; Infrastructure : Paragraphs 6.6 – 6.8;
3. MM53; Infrastructure : Policy INF13 – Southern Derby Area and Infinity Garden Village;
4. PM5; Map 5 : INF12 and INF13 – Southern Derby Area and Infinity Garden Village;

The four Representations are framed in the 'positive' and should be seen in the (triple) context of : Southern Derby Area; Infinity Garden Village; and, in particular, **Lowes Farm, Derby** given the Company's legal interest and our continued promotion of the site through the Local Plan process on behalf of the Landowners.

I trust the above commentary and attachments are of assistance and should be grateful if you could acknowledge receipt.

Please contact me should you wish to discuss the Formal Submission and I look forward to hearing from you.

Finally, please retain my details on your data base and inform me of subsequent stages of the emerging Local Plan Part 2 together with any future publications surrounding the Adopted South Derbyshire Local Plan Part 1.

Best Wishes

Robert

Robert Galij BA (Hons) BTP MRTPI  
Planning Director





www.barratthomes.co.uk | www.dwh.co.uk

**Barratt & David Wilson Homes North Midlands**

2 Horizon Place | Mellors Way | Nottingham Business Park | Nottingham | NG8 6PY



**BARRATT**  
HOMES



**DAVID WILSON HOMES**

WHERE QUALITY LIVES

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## South Derbyshire District Council Local Plan Part 2

### Main Modifications Representation Form

Please submit a separate form for each Main Modification that you wish to comment on. Comments should only relate to the identified Main Modifications and/or the Sustainability Appraisal. The Main Modifications and Sustainability Appraisal documents can be found at: [www.south-derbys.gov.uk/modsconsultation](http://www.south-derbys.gov.uk/modsconsultation)

**All comments should be submitted by 18<sup>th</sup> August 2017 at 5pm.**

Please return this questionnaire to South Derbyshire District Council:

Email: [planning.policy@south-derbys.gov.uk](mailto:planning.policy@south-derbys.gov.uk)

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

### Part A – Your Contact Details

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

**Name**

Robert Galij BA (Hons) BTP MRTPI

**Organisation**

Barratt David Wilson Homes

**Address (including postcode)**

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**Telephone number**

--	--



E-mail address

### Part B – Your Representation

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

**Q1) To which main Modification does this representation relate?**

Infrastructure : MM51; Policy INF12 Provision of Secondary Education Facilities

### Legal Compliance and soundness

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Justified	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Positively Prepared	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Consistent with national policy	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

**Q3) Please specify the reasons for your answer**

The revised wording of Policy INF12 (as now proposed under Modification MM51) and the District Council's reason for the changes are both endorsed.

Clarity is provided on the "Provision" of this proposed facility through the latest amendments and the requirements which need to be met. In this regard, the interlinkage with Policy INF13 is welcomed.

*(Continue on a separate sheet if necessary)*

**Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

*(Continue on a separate sheet if necessary)*

**Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

*(Continue on a separate sheet if necessary)*

**Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

**Yes** ☒

**No** ☐



## South Derbyshire District Council Local Plan Part 2

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### Part A – Your Contact Details

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

#### Name

Robert Galij BA (Hons) BTP MRTPI

#### Organisation

Barratt David Wilson Homes

#### Address (including postcode)

<div></div>	<div></div>

#### Telephone number

<div></div>	<div></div>
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E-mail address

## Part B – Your Representation

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

**Q1) To which main Modification does this representation relate?**

Infrastructure : MM52; Paragraphs 6.6 – 6.8

### Legal Compliance and soundness

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)    Yes    ☒    No    ☐

Justified    Yes    ☒    No    ☐

Positively Prepared    Yes    ☒    No    ☐

Consistent with national policy    Yes    ☒    No    ☐



**Q3) Please specify the reasons for your answer**

The proposed changes to Paragraphs 6.7 and 6.8 are supported. The necessity for a new secondary school in South Derbyshire District is acknowledged and notification by Derbyshire Council, as Local Education Authority, of a site to be allocated through the Local Plan process is endorsed.

Although the precise location has not been specified, its location "within the Southern Area/Infinity Garden Village" and, in particular, "on the eastern side of the village" is welcomed. In this regard, interlinkage with and cross reference to Policy INF13 is endorsed particularly the preparation of a "development framework" which will 'define' the site and ensure 'deliverability' through "Collaboration" between relevant parties.

*(Continue on a separate sheet if necessary)*

**Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

*(Continue on a separate sheet if necessary)*

**Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

*(Continue on a separate sheet if necessary)*

**Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

**Yes**

☒

**No**

☐



## South Derbyshire District Council Local Plan Part 2

### Main Modifications Representation Form

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### Part A – Your Contact Details

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

#### Name

Robert Galij BA (Hons) BTP MRTPI

#### Organisation

Barratt David Wilson Homes

#### Address (including postcode)

--	--

#### Telephone number

--	--

E-mail address

### Part B – Your Representation

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

**Q1) To which main Modification does this representation relate?**

Infrastructure : MM53; Policy INF13 Southern Derby Area and Infinity Garden Village

### Legal Compliance and soundness

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)    Yes    ☒    No    ☐

Justified    Yes    ☒    No    ☐

Positively Prepared    Yes    ☒    No    ☐

Consistent with national policy    Yes    ☒    No    ☐



**Q3) Please specify the reasons for your answer**

The proposed new wording of Policy INF13, the supporting explanatory text and the reason for the Proposed Modification are all endorsed.

Cross reference to : “Map 5”; “new secondary school (LP2 Policy INF12)” ; and “a joint development framework document”; are all welcomed.

The revised Policy provides an appropriate basis for “delivery” of “required infrastructure” through cooperation and “collaboration” between all relevant parties thereby ensuring a comprehensive approach towards development across two administrative areas.

*(Continue on a separate sheet if necessary)*

**Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

*(Continue on a separate sheet if necessary)*

**Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

*(Continue on a separate sheet if necessary)*

**Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

Yes ☒

No ☐



## South Derbyshire District Council Local Plan Part 2

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### Part A – Your Contact Details

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

**Name**

Robert Galij BA (Hons) BTP MRTPI

**Organisation**

Barratt David Wilson Homes

**Address (including postcode)**

--	--

**Telephone number**

--	--



E-mail address

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## Part B – Your Representation

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

**Q1) To which main Modification does this representation relate?**

PM5; Map 5 : INF12 and INF13 : Southern Derby Area and Infinity Garden Village
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### Legal Compliance and soundness

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Justified	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Positively Prepared	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Consistent with national policy	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>



**Q3) Please specify the reasons for your answer**

Updated Map 5 with the inclusion of Policy INF13, interlinkage with Policy INF12 and the depiction of Education Facilities in the Southern Derby Area and Infinity Garden Village are all welcomed.

The additional/modified text and the District Council's Reasons for the Proposed Modification are endorsed.

*(Continue on a separate sheet if necessary)*

**Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

*(Continue on a separate sheet if necessary)*

**Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

*(Continue on a separate sheet if necessary)*

**Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

**Yes** ☒

**No** ☐

**LICHFIELDS**

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

**Date:** 16 August 2017  
**Our ref:** 50105/08/MW/NMi/14643796v1  
**Your ref:**

By email [planning.policy@south-derbys.gov.uk](mailto:planning.policy@south-derbys.gov.uk) and post

Dear Sir/Madam

## **South Derbyshire Local Plan Part 2: Main Modifications Consultation**

I refer to the above consultation.

Lichfields is instructed by Commercial Estates Group [CEG] to make representations to the South Derbyshire Pre-Submission Local Plan Part 2 Main Modifications. This response supplements the attached representation forms.

CEG considers that the changes to the policy text proposed by the following Main Modifications address the soundness concerns raised by CEG in our previous submissions to the Local Plan Part 2 consultation and they are therefore supported:

- 1 **Main Modification MM39** which relates to Policy BNE7: Trees, Woodland and Hedgerows
- 2 **Main Modification MM44** which relates to Policy BNE10: Heritage

Please can you confirm receipt of these representations by return.

Yours faithfully

Senior Planner

Copy  
R Burke – CEG  
R Wain – Hawksmoor  
J Cook – Walton & Co.

**South Derbyshire District Council Local Plan Part 2****Main Modifications Representation Form**

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**Part A – Your Contact Details**

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

**Name****Organisation****Telephone number****E-mail address**

## Part B – Your Representation

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

**Q1) To which main Modification does this representation relate?**

MM39

### **Legal Compliance and soundness**

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Justified	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Positively Prepared	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Consistent with national policy	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

**Q3) Please specify the reasons for your answer**

The modification addresses the soundness concerns raised on behalf of CEG in our previous submissions to the Local Plan Part 2 consultation.

*(Continue on a separate sheet if necessary)*

**Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

N/A

*(Continue on a separate sheet if necessary)*

**Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

N/A

*(Continue on a separate sheet if necessary)***Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

Yes

☒

No

☐

## South Derbyshire District Council Local Plan Part 2

### Main Modifications Representation Form

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**All comments should be submitted by 18<sup>th</sup> August 2017 at 5pm.**

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

### Part A – Your Contact Details

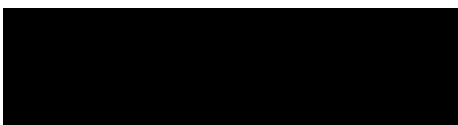
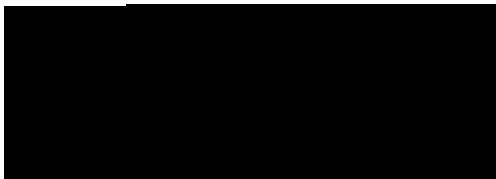
*If you are an agent, please specify the name of the organisation you are representing.*

**Name**

Nicholas Mills

**Organisation**

Commercial Estates Group [CEG]



## Part B – Your Representation

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

**Q1) To which main Modification does this representation relate?**

MM44

### **Legal Compliance and soundness**

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)    Yes    ☒    No    ☐

Justified    Yes    ☒    No    ☐

Positively Prepared    Yes    ☒    No    ☐

Consistent with national policy    Yes    ☒    No    ☐

**Q3) Please specify the reasons for your answer**

The modification addresses the soundness concerns raised on behalf of CEG in our previous submissions to the Local Plan Part 2 consultation.

*(Continue on a separate sheet if necessary)*

**Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

N/A

*(Continue on a separate sheet if necessary)*

**Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

N/A

*(Continue on a separate sheet if necessary)***Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

Yes

☒

No

☐

Mr Stuart Batchelor  
Head of Community and Planning Services  
Civic Offices  
Civic Way  
Swadlincote  
Derbyshire  
DE11 0AH

Telephone: [REDACTED]  
Our Ref: PM/SB/Local Plans/South Derbyshire/Part2  
Your Ref:  
Date: 18 August 2017

**For the Attention of Karen Beavin**

Dear Mr Batchelor

**Localism Act – Strategic Planning Comments****Schedule of Main Modifications to South Derbyshire Local Plan Part 2**

Thank you for consulting Derbyshire County Council (DCC) on the Schedule of Main Modifications to the South Derbyshire Local Plan Part 2 (MM). The Officer comments on the MM set out below are made in the context of:

- DCC's responses on the South Derbyshire Draft Local Plan Part 2 (DLP2) dated 12 August 2016 and South Derbyshire Pre-Submission Local Plan Part 2 (PSLP2) dated 7 December 2016; and
- The Statement submitted by DCC to the Inspector on Matter 7a: Provision of Secondary School Sites, prior to the commencement of the Local Plan Hearing Sessions.

**Member Comments**

Local County Councillors with electoral divisions in South Derbyshire District have been consulted on the MM but no comments have been received.

**Officer Comments****MM47: Policy BNE12: Former Power Station Land**

In its comments on the PSLP2, DCC's Officer comments supported the inclusion in Policy BNE13 of the former Willington Power Station site (in addition to the Drakelow Power Station site) and the indication in the Policy that the District Council was supportive of energy related development on the site. The inclusion of the Willington Power Station site within this policy was considered to be justified as planning permission was granted in 2011 for the development of up to a 2,000 MW Combined Cycle Gas Turbine Power Plant and 400 MW of Open Cycle Gas Turbine Power Plant on the site.

The wording changes in MM47 to the Policy are supported and considered to be justified as they provide more clarity, particularly the cross references with Policies E1, H6 and SD6, which will provide for a more effective application of Policy BNE12 in guiding decision making on these former power station sites.

**MM48: Pages 37 – 38: Policy RTL1: Retail Hierarchy and MM49: paragraph 5.12**

In its comments on the PSLP2, DCC's Officer comments expressed fundamental concerns that important elements of the retail impact test that were previously incorporated in Policy RTL1 of the DLP2 had not been carried forward into this Policy in the PSLP2 and as such, the Policy was not compliant with the provisions of paragraph 26 of the National Planning Policy Framework (NPPF). DCC's Officer comments, therefore, recommended the reinstatement of those elements of the Policy set out in the DLP2 relating to the need for large retail proposals outside Swadlincote town centre to be supported by a retail impact assessment to demonstrate that there would be no adverse impact on the vitality and viability of Swadlincote Town Centre and other centres within the catchment area of the proposal, including those located in neighbouring local authorities.

In the context of the above, in verbal evidence provided to the Inspector at the Hearing Session on Matter 6: Retail and Town Centre Development, DCC's Officer supported the District Council's proposals for a locally set threshold of 1,000 sq m to be included within the Policy, above which a retail impact assessment would be required to assess the impact of a retail proposal on the vitality and viability of nearby centres. DCC's Officer considered that a threshold of 1,000 sq m was justified as many of the discount food store operators were proposing new stores of around this scale, which had the capability to compete with stores of a similar scale within town centres and be likely to impact on the vitality and viability of those centres.

In the context of the above, MM48 and the inclusion of new Policy Criterion E) Outside of Centres and the supporting justification in MM49, are fully supported and justified, which indicates that outside town centres, all retail proposals over 1,000 sq m 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. This will ensure consistency with national policy in the NPPF and satisfactorily addresses the County Council's concerns on this issue.

**MM51: Policy INF12: Provision of Secondary Education Facilities**

In its response on the PSLP2, DCC's Officer comments expressed full support for Policy INF12: Provision of Secondary Education Facilities, the supporting background text in paragraphs 6.6 to 6.8, and the accompanying Proposals Map 5 which proposed the allocation of two sites at Thulston Fields and Lowes Farm, Chellaston for new secondary school provision to meet the needs of proposed large scale housing growth in South Derbyshire and Derby City. The Officer comments particularly welcomed and supported the fact that the County Council's

Officer comments that were agreed with the District Council on this policy in the DLP2 had been taken into account in Policy INF12, which aimed to ensure that:

*Land at Thulston Fields and Lowes Farm (shown on Map 5) is allocated for secondary education provision. The site(s) will provide:*

- i) A minimum 800 pupil place secondary school(s);*
- ii) A minimum of 10 hectares; and*
- iii) Be designed and laid out so as to minimise any undue impacts on surrounding land uses and the wider environment."*

DCC's Officer comments on the PSDL2 made particular reference to the fact that the County Council's Cabinet had agreed a report on 20 September 2016, which recommended that two sites at Thulston Fields and Lowes Farm, Chellaston should be safeguarded in the South Derbyshire Local Plan Part 2 for the provision of new secondary schools to meet the housing growth needs of South Derbyshire and Derby City. The report noted that DCC had been developing a Strategy for Secondary School Provision in South Derbyshire since 2015, which had considered a range of potential sites in the District which could accommodate new secondary schools. The conclusion of this analysis was that Thulston Fields was the preferred site for a new school and should be notified in the South Derbyshire Local Plan Part 2. However, it was also concluded that a site at Lowes Farm should also be notified, as this site could provide the location for a new school in the event that a scheme at Thulston Fields, which is located within the Green Belt, should not gain planning approval, or in the event that the extensions to existing secondary schools assumed in the assessment process did not go ahead.

DCC's Officers submitted a further Statement on this issue under Matter 7a: Provision of Secondary School Sites, which was considered at the Local Plan Hearing Session on 27 April 2017. DCC's Officer also appeared at the Hearing Session to provide further clarification on the County Council's position and to set out its case that there was a clear justification for the identification of two secondary school sites within the Local Plan Part 2.

In the context of the above, it is welcomed and supported that the Modifications to Policy INF12 confirm that land at Southern Derby Area/Infinity Garden Village (which includes the Lowes Farm site) is allocated for secondary education provision and that the site will be identified through the provision of (new) Policy INF13 (see comments below). It is also welcomed and supported that the Modifications to the supporting text in paragraph 6.8, indicate that the exact location of the school within the Southern Derby Area / Infinity Garden Village will be determined through the development framework that is required as part of Policy INF13; and that collaboration between the site promoter and the Local Education Authority will continue as the process moves towards the development of the new secondary school in a location that is deliverable from both a planning and education stance.

However, the County Council is disappointed that land at Thulston Fields has not been confirmed in the Modifications as an additional school site and has been

deleted from the Policy. At the Hearing Session on this matter, the County Council's Officer made the Inspector aware that there were emerging difficulties with the ability of a number of secondary schools within the southern Derby area to expand to accommodate the additional pupil places that had been assumed as part of the County Council's public consultation exercise in 2015 on its Southern Derby Secondary Education Strategy. Since the Hearing Session the situation has become more acute as all three of the secondary schools assumed to be able to expand to accommodate additional pupils (around 1,500 places across the three schools) are currently unable to do so. In particular, John Port Secondary school has very recently been placed in special measures by the Regional Schools Commissioner following its recent Ofsted inspection.

In the context of the above, the need for two school sites to be identified in South Derbyshire to accommodate the secondary school place needs arising from the scale of housing growth being proposed on the southern fringe of Derby in both the Adopted South Derbyshire Local Plan Part 1 and Adopted Derby City Local Plan Part 1 Core Strategy has become even more important and pressing. It is unfortunate, therefore, that the site at Thulston Fields has not been confirmed as an additional school site in the Main Modifications.

Notwithstanding the above, the County Council acknowledges and accepts the views of the Local Plan Inspector in his letter to the District Council on 8 May 2017, that the site at Thulston Fields lies within the Green Belt, where the development of a new school would constitute 'inappropriate development' under paragraph 89 of the NPPF; and that if land was to be allocated for the site at Thulston Fields, then the Green Belt boundary would need to be amended, which would need to take place as part of a wider strategic review of Green Belt boundaries around the Thulston Fields and Boulton Moor areas in a future review of the Local Plan. The County Council noted, however, that the Inspector acknowledged the case put forward by both the County and District Councils to justify the need for both sites and his views that the 'very special circumstances' to justify the development of the Thulston Fields site could only be tested by means of a planning application, when all the evidence would be available to allow for the harm to the Green Belt to be weighed against other considerations in the context of the policies in the NPPF.

From an education planning point of view, the County Council's Officers are concerned to ensure that the master planning process and production of a development framework document that is proposed for the Infinity Garden Village site under Policy INF13 is carried out in a timely manner that does not delay the identification of a suitable location for the new secondary school and its early delivery. Depending on the outcome of this process and likely timescales, there may be a need for the County Council give further consideration to the submission of a planning application for a new secondary school on the Thulston Fields site.

#### Highways Issues

It is noted that MM51 includes an additional criterion iii), which requires the new secondary school on the Southern Derby Area / Infinity Garden Village site to be '*served directly from a principal road access*'.

Legally, a 'principal' road is a motorway or A-class road that is maintained by a local highway authority. In other words, if the Modification were to be adopted the Highway Authority would be committed to ensuring that the access be an A class road constructed to the relevant specification in the Design Manual for Road and Bridges. It is suggested, therefore, that the word 'principal' be substituted with either 'collector' or 'distributor'. A collector road or distributor road is a low-to-moderate-capacity road which serves to move traffic from local streets to arterial roads which would be a more appropriate term to use in the context of the provision of the new school.

It is supported that MM51 includes an additional criterion iv) to Policy INF12, which requires the provision of a new school on the site to be subject to assessment and any necessary mitigation of transport impact on the surrounding road network and pedestrian and cycle links.

### **MM53: New Policy INF13: Southern Derby Area and Infinity Garden Village**

The inclusion of the new Policy INF13 under MM53 is supported, which indicates that development proposals and cross boundary collaboration will be supported in the Southern Derby Area for a mix of uses as part of the Infinity Garden Village development; and that 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 District Council, Derby City Council, Derbyshire County Council and developers. As appropriately noted in the Reasoned Justification for MM53, discussions between the District, City and County Councils, Highways England and the site promoters have established that the delivery of the development proposals for the Southern Derby Area / Infinity Garden Village would be implemented more effectively and comprehensively with the production of a development framework document.

In the context of the Officer comments above on MM51 and Policy INF12, it is welcomed and supported that the Policy indicates that the development framework document will guide the delivery of a new secondary school (under policy INF12) on the site, the location of which is to be defined by the development framework document. Given the urgent need for the delivery of new secondary school to serve the scale of housing growth being proposed in the Adopted South Derbyshire Local Plan Part 1 and Adopted Derby City Local Plan Part 1 Core Strategy, it is particularly welcomed that the supporting explanation under MM52 indicates that due to the pressing need for a new secondary school all parties will need to expedite the joint development framework.

I hope these comments are of assistance. If you wish to discuss the comments further, please contact me on [REDACTED] or email [REDACTED]

Yours sincerely

Steve Buffery  
Team Leader Policy and Monitoring

## Consultation on the Main Modifications to the South Derbyshire Local Plan Part 2 - Submission Version

### Submission on behalf of Summix Burton Developments LLP – August 2017

#### Land at Sales Lane, Burton-upon-Trent

- 1) An objection is made to Policy H23 on the basis that the Local Plan does not provide realistic evidence that delivery of 600 dwellings as required by Policy S4 in Part 1 of the Local Plan can be achieved within the Plan period.
- 2) The Part 2 of the Local Plan states at paragraph 3.1:

*‘Policy S4 in Part 1 of the Plan requires 600 dwellings to be allocated as non-strategic sites as part of the overall housing target of 12,618 dwellings.’*
- 3) Part C of Policy S4 is a subset to the underlying purpose of Policy S4 which is to ensure the actual delivery of at least 12,618 additional dwellings over the Plan period.
- 4) It is hence necessary for Policy H23 Non-Strategic Housing Allocation in the Part 2 of the Local Plan to ensure that at least 600 dwellings will be delivered on the housing sites within the Plan period.
- 5) Whilst Policy H23 seeks to deliver ‘around’ 698 dwellings, Policy H23 does not provide adequate evidence that this level of development can realistically be achieved or even that the identified sites are suitable for the scale of development ascribed to individual sites. In each case the policy makes reference to an ‘around’ number of dwellings.
- 6) No explanation is provided within the supporting text to explain how the assumed capacity of each site may have been derived at. The figures referred to under ‘Site Specifics’ do not have an evidence base to reveal how capacity has been formulated.
- 7) For these reasons it is submitted that Policy H23 has failed to provide robust and compelling evidence to substantiate that 600 dwellings can be delivered within the Plan period as required by Policy S4 on the Part 1 Plan.
- 8) It is submitted that the land edged red – described as Land at Sales Lane, Burton-upon-Trent – should be included within the list of sites under Policy H23.

- 9) The proposed development (subject to a current planning application 9/2017/0607) at Sales Lane would accommodate up to 100 new homes, 30% of which would be affordable dwellings. The development would provide a mix of 1 to 4 bedroom houses including some apartments. The site is located close to existing amenities, schools and bus routes.
- 10) The proposal retains the current field boundary pattern and reflects local character. It would provide play areas, footpaths through informal greenspace, sustainable drainage features and would allow enhancement of existing hedgerows and streamside vegetation.
- 11) The site access will be from Sales Lane via a new realignment at the southern site boundary. The access has been designed to ensure all traffic flows freely in and out of the site. The access road will be 6.7m wide to accommodate two-way traffic movements with 2m footways on both sides to link with the existing footway provision on Sales Lane.
- 12) Bus stops are located on Hawfield Lane with service 3/8 operating from Queens Hospital through Burton upon Trent to Swadlincote and service 9/9A operating from Burton through Swadlincote and Ashby to Coalville. Bus stops are also provided along Empire Road and Mill Hill Lane. All of the bus stops are within walking distances of the site and can be accessed via footway links from the site.
- 13) Technical surveys have provided information about the site and surroundings. The amount of built development proposed within the site has been arrived at by allowing for:
  - Existing hedgerows and trees (to be retained as far as possible);
  - Existing sewer and gas main easements;
  - Space for sustainable drainage features;
  - The nature of the local road network; and
  - The perception of development extending into the countryside, particularly in views from the south.
- 14) The proposed development would provide opportunities to:
  - Provide much needed housing in a sustainable location;
  - Provide new play space and informal greenspace;
  - Provide new footpaths to improve the connectivity of the local footpath network; and

- Improve biodiversity by creating wildlife corridors across the site (enhancing streamside vegetation and reconnecting remnant hedgerows).

- 15) The site does not lie within any areas designated for their landscape or visual value. The land is currently used for arable agriculture and contains hedgerows which mark the location of former strip fields. The site is enclosed by dense streamside vegetation along the southern, western and northern boundaries.
- 16) The site lies at the edge of the *Estate Farmlands* landscape character type, which comprises gently rolling mixed farmland with scattered red brick villages and occasional country houses. Small estate woodlands, watercourse and hedgerow trees give the area a wooded character. The site itself is influenced by the urban edge of Winshill. Electricity lines cross the site and houses and infrastructure in Winshill are visible, although views are filtered by vegetation around the site boundaries.
- 17) Visually the proposed development would be well contained by the landform. Views would be available from the eastern edge of Winshill and from footpaths near to the site, but trees and buildings would restrict views of the development.
- 18) It is submitted that this site would provide much need housing, in a sustainable location which benefits from nearby access to existing amenities. The site also provides the opportunity to enhance biodiversity through the creation of wildlife corridors across the site.

Attachments: Red line site plan

Land at Sales Lane, Burton-upon-Trent





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

(Representations submitted by email to [planning.policy@south-derbys.gov.uk](mailto:planning.policy@south-derbys.gov.uk))

18 August 2017

**Re: South Derbyshire Local Plan Part 2 (SDLPP2) – Consultation on Proposed Main Modifications and Sustainability Appraisal Update, July 2017**

Dear Sir/Madam,

Introduction

This letter is in response to the above consultation and provides Gladman Development Limited's representations on the Proposed Main Modifications to the South Derbyshire Local Plan Part 2. This follows our detailed submissions on the Pre-Submission consultation in December 2016 and our participation in the Examination Hearings that took place in April 2017.

Main Modification MM6

Gladman remain concerned that several allocations have been made based on a flawed Sustainability Appraisal (SA). Whilst it is noted that significant additions have been made to the SA as part of the main modifications consultation, it is suggested this could be seen as an attempt to justify pre-determined policy choices.

Main Modifications MM36 and MM37

It is noted that MM36 and MM37 proposes changes to Policy BNE5 and its supporting text to explain the manner in which development in the district's rural areas will be handled in the

context of the spatial strategy contained in the adopted South Derbyshire Local Plan Part 1 and its effectiveness in achieving sustainable development in rural areas.

The proposed MM36 introduces a new policy test (criterion iii) that would enable development in the countryside that is “unavoidable outside settlement boundaries” and proposed supporting text through MM37 to provide further details on the Council’s approach to supporting sustainable development in its rural areas. MM37 also seeks to explain circumstances whereby development will be considered ‘unavoidable outside settlement boundaries’.

Gladman welcome the intention that was discussed during the examination hearings to recognise that further flexibility is required within the Local Plan to enable development in sustainable locations within the rural area. However, we continue to be concerned with the reference in paragraph 4.2 (contained in MM37), which indicates an approach that seeks to ‘preserve and protect’ the countryside. This is inconsistent with the national policy that is set out in paragraph 17 of the National Planning Policy Framework (the Framework), which sets a core planning principle of “recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it” rather than its ‘preservation and protection’. To be considered consistent with national policy, local plans should enable the delivery of sustainable development in accordance with the policies of the Framework and it is therefore important that this clear conflict is addressed through a main modification to the Plan. Gladman would therefore request that the text at paragraph 4.2 within MM37 is amended as follows:

4.2 In order to support ~~the principle of~~ sustainable development **in rural areas, recognition must be given to the intrinsic character and beauty of** the countryside including the best agricultural land, development ~~in the countryside in the Rural Areas of the district therefore~~ requires **careful consideration** ~~control~~. This policy aims to balance preserving the character of the countryside ~~with~~ **against the need to supporting sustainable** development and ~~the rural communities within it.~~

MM37 also provides a proposed definition of what might constitute development that is ‘unavoidable outside settlement boundaries’ through paragraph 4.3, which is intended to assist in the interpretation of the associated proposed change to Policy BNE5 through MM36. Gladman are concerned that the wording of this proposed change within MM37 is not sufficiently explicit in explaining the circumstances in which sustainable development will be supported in the positive manner that is needed to be consistent with national policy.

We would therefore request that the following proposed wording within MM37:

There may be other unforeseen ~~circumstances development~~ that could constitute ~~unavoidable appropriate development~~ **within the Rural Areas at points in time such as the council being unable to demonstrate a deliverable housing and employment land supply.**

Is replaced in full with:

**“There are other circumstances that would result in unavoidable development within the Rural Areas. For example, the approval of proposals for development in locations beyond the settlement boundaries set by Policy SDT1 at points in time where the council is unable to demonstrate a deliverable housing or employment land supply.**

#### Main Modification MM38

Further to our comments above regarding paragraph 17 of the (the Framework) and the core planning principle of “recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it” rather than its ‘preservation and protection’ we would like to see a similar change to paragraph 4.6 as that set out above:

~~4.6... In valuing and protecting~~ **recognising the intrinsic character and beauty of the** countryside and its landscape character, there is a responsibility to site necessary agricultural development in the Rural Areas in such a way as to minimise its effect on the surrounding landscape...

I hope you have found these representations constructive, if you require any further information or wish to meet with one of the Gladman team then please do not hesitate to contact me.

Yours faithfully

Richard Crosthwaite  
Planning Policy Manager  
Gladman Developments Limited

## South Derbyshire District Council Local Plan Part 2

### Main Modifications Representation Form

Please submit a separate form for each Main Modification that you wish to comment on. Comments should only relate to the identified Main Modifications and/or the Sustainability Appraisal. The Main Modifications and Sustainability Appraisal documents can be found at: [www.south-derbys.gov.uk/modsconsultation](http://www.south-derbys.gov.uk/modsconsultation)

**All comments should be submitted by 18<sup>th</sup> August 2017 at 5pm.**

Please return this questionnaire to South Derbyshire District Council:

Email: [planning.policy@south-derbys.go.vuk](mailto:planning.policy@south-derbys.go.vuk)

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

### Part A – Your Contact Details

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

**Name**

Steve Lewis-Roberts

**Organisation**

f of Harworth Group PLC

ode)

**Telephone number**

**E-mail address**

## Part B – Your Representation

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

### Q1) To which main Modification does this representation relate?

PM6 – Appendix A (Swadlincote Settlement Boundary)

### Legal Compliance and soundness

#### Q2) Do you consider the Local Plan is ...

Legally Compliant (including Duty to co-operate)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Justified	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Positively Prepared	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Consistent with national policy	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

#### Q3) Please specify the reasons for your answer

Pegasus Group act on behalf of Harworth Group PLC in relation to their interests at Cadley Park, William Nadin Way, Swadlincote. Planning Committee (June 2015) resolved to grant planning permission, subject to conditions and a Section 106 agreement, for three Harworth Group applications at Cadley Park (Local Plan Part 2 Policy H2). The applications totalled 570 dwellings, 60 dwellings at Site A (application reference: 9/2014/0886), up to 110 dwellings at Site B (9/2014/0887) and up to 400 dwellings at Site C (9/2014/0888). Planning permission for Site B was granted in April 2016.

A Statement of Common Ground has been entered into between Harworth Group PLC and South Derbyshire District Council which set out the agreed position between both parties (at the April 2017 hearing statements), to amend the Swadlincote Settlement Boundary to include the allocated Site B and adjacent residential area. The approach is consistent with the other Part 1 Local Plan allocations being included within the proposed Settlement Boundary for Swadlincote (Policy SDTL1). Policy Map Modification 6 (PM6) proposes to amend the Swadlincote Urban Area (2) Settlement Boundary to include the land the subject of the consented Site B, and the adjacent existing residential properties, as per the April 2017 Statement of Common Ground.

Harworth Group submitted an outline planning application for an enlarged Site B (up to 135 dwellings), with the additional land located immediately to the east of the consented Site B, in June 2017 (planning application reference: 9/2017/0667). It is therefore considered appropriate that the Swadlincote Settlement Boundary is extended to include the enlarged Site B, as per the submitted Concept Layout Plan included at **Appendix 1**. It is logical and appropriate for the Settlement Boundary to

align with the boundary of the adjacent Country Park which is being brought forward by Harworth Group, along with the wider Cadley Park residential development, golf course, driving range and associated amenities. This approach was set out in our April 2017 hearing statement.

#### **Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

Swadlincote Urban Area (2) Settlement Boundary should be amended to include the enlarged Site B, now subject of an outline planning application for up to 135 dwellings.

#### **Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

No comments.

#### **Hearing session appearance**

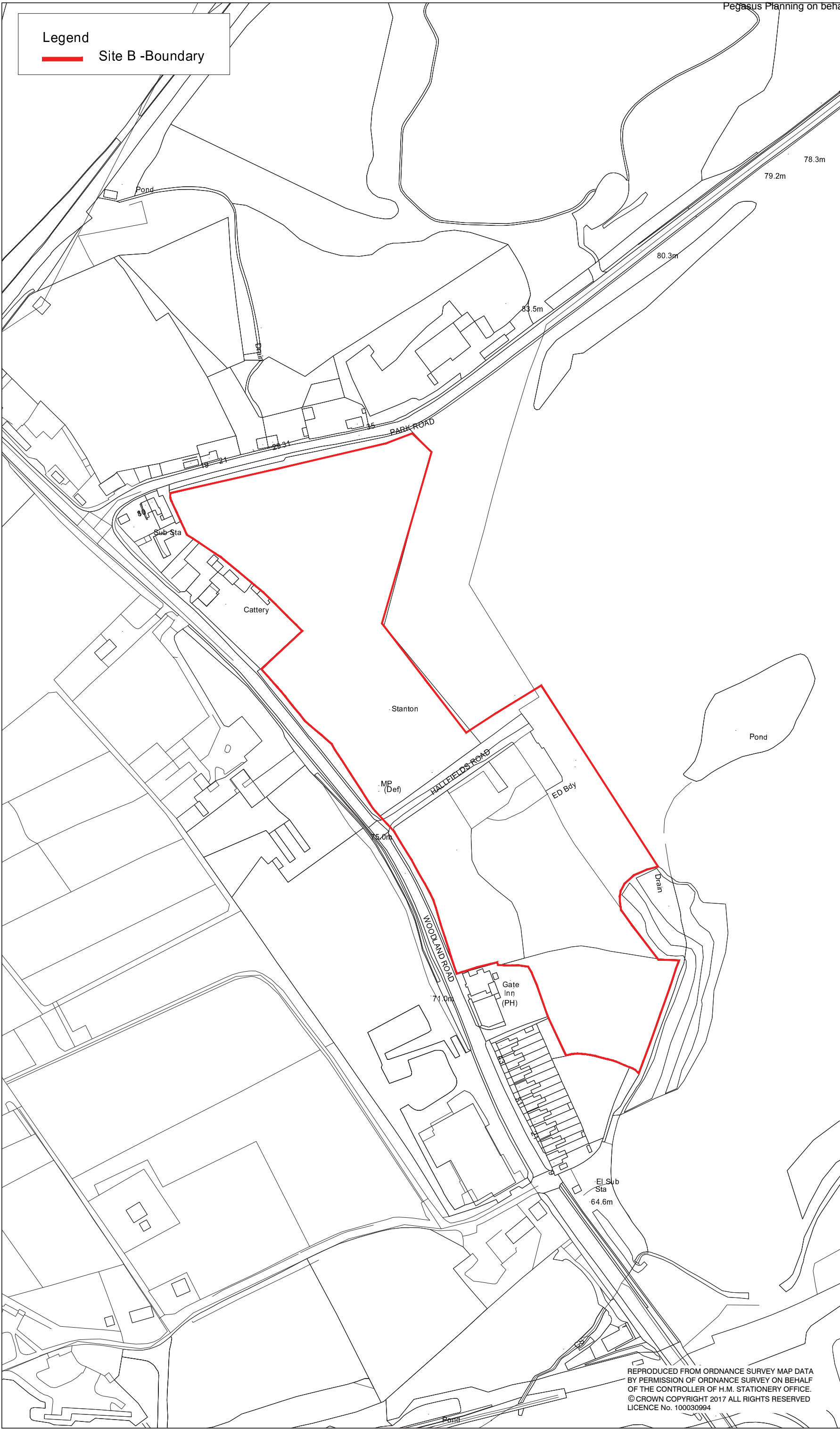
**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

Yes ☒

No ☐

Harworth Group has interests at Cadley Park, William Nadin Way, Swadlincote. If the Inspector considers it appropriate to reconvene examination hearing sessions, Pegasus Group on behalf of Harworth would wish to take part in the examination to address any issues in relation to this site, and specifically PM6 – Swadlincote Urban Area (2) Settlement Boundary.

## **Appendix 1: Site B Boundary Plan**



SITE NAME:- NADINS (SWADLINCOTE)			
TITLE:- SITE B BOUNDARY			
DEPT:- STRATEGIC LAND			
DRAWN	MR	CHKD	SA
DATE	24/02/2017	DATE	24/02/2017
<b>Harworth</b> Transforming Regenerating Revitalising harworthgroup.com			
© 2017 Harworth Group The copyrights within this drawing belong to Harworth Group and the drawing may not be reproduced without prior written consent.			
SCALE:- DRAWING No.		1:2500	
002/NAD/STR/A3		ACAD	
LAYOUT:- LAYOUT 1		A3	

REPRODUCED FROM ORDNANCE SURVEY MAP DATA  
BY PERMISSION OF ORDNANCE SURVEY ON BEHALF  
OF THE CONTROLLER OF H.M. STATIONERY OFFICE.  
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LICENCE No. 100030994

Our ref:  
Your ref:

Planning Policy Team  
via Email: [planning.policy@south-derbys.gov.uk](mailto:planning.policy@south-derbys.gov.uk)

  
10 August 2017

Dear Sir/Madam

## **CONSULTATION ON THE MAIN MODIFICATIONS TO THE SOUTH DERBYSHIRE LOCAL PLAN PART 2**

Highways England welcomes the opportunity to comment on the South Derbyshire Local Plan Part 2 (LPP2) Main Modifications Document which has been produced for public consultation. It is noted that the main modifications are proposed changes to the submitted LPP2 in order to make the Plan sound and legally compliant.

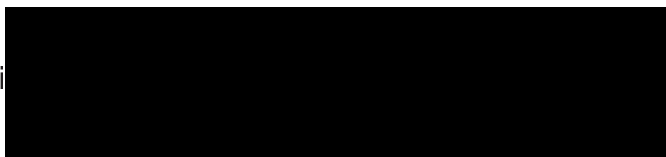
Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is the role of Highways England to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth. In relation to the LPP2, Highways England's principle interest is safeguarding the operation of the A50, A6 and the A38, which all route within the Local Plan area.

It is noted that a minimum of 600 dwellings will be delivered over the plan period up to 2028 across sites of no more than 100 dwellings. This scale of growth is unchanged from as previously set out in the Submission Version of the consultation document. It is noted that in order to implement development proposals in the Southern Derby area, that a joint development framework document will be prepared to guide development and cross boundary collaboration between the Council, Derby City Council, Derbyshire County Council and developers. It is expected that this will include guiding the development of the new A50 junction at Deepdale Lane to serve the Southern Derby Area proposals and this is welcomed by Highways England.

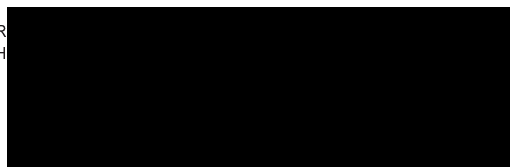
no further comments to provide and trusts the above is useful in  
outh Derbyshire Local Plan Part 2.

  
Adrian Chadha

Email



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H



ber 09346363



INVESTORS  
IN PEOPLE

**South Derbyshire District Council Local Plan Part 2****Main Modifications Representation Form**

Please submit a separate form for each Main Modification that you wish to comment on. Comments should only relate to the identified Main Modifications and/or the Sustainability Appraisal. The Main Modifications and Sustainability Appraisal documents can be found at: [www.south-derbys.gov.uk/modsconsultation](http://www.south-derbys.gov.uk/modsconsultation)

**All comments should be submitted by 18<sup>th</sup> August 2017 at 5pm.**

Please return this questionnaire to South Derbyshire District Council:

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

**Part A – Your Contact Details**

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

**Name**

Clare Orme

**Organisation**

Hilton Parish Council

**Address (including postcode)**

██████████

██████

██████████

██████████████████

**Telephone number**

██████████████████████████████████████

**E-mail address**

## Part B – Your Representation

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

**Q1) To which main Modification does this representation relate?**

MM39

### Legal Compliance and soundness

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Consistent with national policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

**Q3) Please specify the reasons for your answer**

Hilton still features historic hedgerows, dating back to the 18<sup>th</sup> century and may be earlier. With the proposed changes to the settlement boundary to the North of Hilton, which brings with it a development proposal and indeed any further development beyond in the future, these historic hedgerows will be subject to policy BNE 7. The national guidance on protection and removal of hedgerows is far from precise, but the change of wording in paragraph B would seem to weaken the possible protection. In the national guidance the onus is on the owner of a possibly protected hedgerow to inform the local authority of removal. If the owner (i.e. developer) decides the hedgerow does not meet the national guidance criteria then it would appear that removal is possible. If the words 'only permitted in exceptional circumstances' are left in BNE 7, then there is an extra 'test' for the developer to consider.

*(Continue on a separate sheet if necessary)*

**Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

In paragraph B, in addition to the wording of the main modification, the revision should incorporate the original wording to read: ‘...value and will only be permitted in exceptional circumstances’

*(Continue on a separate sheet if necessary)*

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

BNE7 is referred to throughout the Sustainability Appraisal Main report as detailed below. It would seem that the change proposed by the Main Modification will weaken an already weak position in trying to protect trees and hedgerows.

Hilton Parish Council



Pages 43 and 44 asserting that it 'will help ensure any conflicts...' between conserving landscape and promoting economic growth '... are appropriately addressed'. It would seem that the potential weakening of BNE7 will make this less likely.

Similarly, in addressing any conflicts between landscape and affordable housing, it is asserted that BNE7 '...will reduce the conflict between the Plan and the sustainability objectives'. It may be that the change to BNE7 will make conflict more likely.

Page 45 Table 5.3 states no alternative policy has been considered. The alternative is to include the original wording as proposed above.

Pages 53 and 54 Table 5.4 – Impact of settlement boundaries. BNE7 is again cited as supporting the protection of trees and hedgerows. However, it is clear from the site specifics of H23C that this has not been considered at all. The original wording as proposed above may help to ensure that BNE7 is effective in achieving the aim.

Likewise on page 56 BNE7 is referred to as helping protect features on a development site. Once again this absent from the site specifics of H23C.

Page 65 Table 5.5 Housing Apportionment. BNE7 is again referenced as 'minimising the loss of trees and hedgerows...'. Again H23 is cited, but as pointed out H23C site specifics do not reflect this.

Page 67 Table 5.5 – it is claimed that the housing apportionment policy will have a minor positive effect on improving the quality of new development. In particular BNE7 is again cited as '...help protect these features where they are present on development sites'. Specifically this is not the case for the site specifics of H23C. Similarly on page 75 and 77.

Page 104 paragraph 6.2.5 summarises the above and again stresses the importance of BNE7 in protecting trees and hedgerows.

Page 112 the table that assesses the land identified under H23C against the sustainability objectives and the commentary that follows – paragraphs 6.3.3.1 to 6.3.3.9 - makes no reference to BNE7, although historic trees and hedgerows are present on the proposed site.

In fact, the only site on the H23 list that references BNE7 is Repton. This seems to show the weakness of the policy as proposed.

Page 159 the assessment table of BNE7 – receives 'two ticks' for: 'avoiding damage ...enhancing biodiversity across the district'; 'improve the quality of new developments...' and 'conserve and enhance.....landscape...'. Not to mention one tick for improving health(?), managing flood risk, climate change etc. and 'conserve ...historic environment...'

How can this be true when BNE7 is not referenced in any of the H23 sites except Repton?

Similarly pages 159 and 160 paragraphs 6.11.1 to 6.11.6 assert the beneficial nature of the policy, but fails to mention that it is not referenced in any of the development sites in H23 except Repton.

Paragraph 8.6 considers the plan wide effects and again references BNE7 in paragraph 8.6.2, 8.6.15 and 8.6.27, but unless there is a stronger BNE7 as proposed above, it would appear that BNE7 as proposed by the Main Modifications will have no impact on the sites in H23 except Repton.

**Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

**Yes**

☒

**No**

☐

**South Derbyshire District Council Local Plan Part 2****Main Modifications Representation Form**

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Swadlincote, Derbyshire, DE11 0AH

**Part A – Your Contact Details**

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

**Name**

Clare Orme

**Organisation**

Hilton Parish Council

**Address (including postcode)**

[Redacted address information]

**Telephone number**

[Redacted telephone number]

**E-mail address**

## Part B – Your Representation

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

**Q1) To which main Modification does this representation relate?**

All changes in Sustainability Appraisal not referenced by Main Modifications.

### Legal Compliance and soundness

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Justified	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Positively Prepared	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Consistent with national policy	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

**Q3) Please specify the reasons for your answer**

There are many statements and assertions relating to Hilton in the Sustainability Appraisal that need modifying or need challenging.

*(Continue on a separate sheet if necessary)*

**Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

*(Continue on a separate sheet if necessary)*

**Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**



Page 6, 1<sup>st</sup> paragraph – Whilst there has been new infrastructure enabled through the development of the Hilton, it does not ‘meet the needs of ...’ the community. In particular, the existing school is ‘full’ and the provision of the new primary school is still two years away at best. The ability of the GP surgery to keep up with demand has been marginal and there is an ever increasing issue of traffic through the village.

Page 23 paragraph 3.3.3 states that there are 156 wildlife sites and only two ‘local nature reserves’. This is at best confusing but appears factually wrong. Derbyshire Wildlife Trust lists 6 Nature Reserves not including the two in the Sustainability Report but including the Nature Reserve at Hilton Gravel Pits. The paragraph needs amending.

Page 25 3.3.11 states that ‘Traffic counts taken on local roads by the Department of Transport indicate that traffic flows have remained broadly flat since 2009’. We are not aware of any traffic counts being taken in Hilton and the traffic flows certainly feel like they have increased with the substantial increase of housing and industry in the Village since 2009. There needs to be a specific traffic flow survey in Hilton.

Page 36 Population and Human Health Sustainability Topic. There is no specific target for the number of new or improved healthcare facilities delivered annually through development. (Whereas there is for sports pitches etc.!) A simple target of maintaining the ratio of GPs to the population would be better than nothing, particularly for Hilton.

Page 40 5.1.1. This paragraph implies that the objectives set out in the Sustainability Appraisal will take precedence over those in LP2 where there is a conflict. Is this correct?

Page 57 and page 58 to reduce and manage flood risk and surface water run-off. Surface water is an issue in Hilton for site H23C and some of the other sites identified as possible future developments. The mitigation overlooks the possibility that a new development may increase the surface water flooding on adjoining sites. This needs to be included.

Page 60 5.6.2 states ‘The Part 1 Local Plan set out a need to allocate a minimum of 600 homes through LP2 on non-strategic sites’. This is not the case. Policy S4 on page 20 of Local Plan Part 1 states: ‘...600 dwellings will be allocated across non-strategic sites (less than 100 dwellings)’ Inserting the word minimum would represent a change of policy not agreed as part of the LP1 process. Please delete the word ‘minimum’.

Page 61 5.6.4 asks for comments on the options identified for apportioning non-strategic housing across the District. None of the options reflect the Hilton situation and indeed the selected option is a recipe for development in Hilton to spread beyond the use of the brownfield site to urban sprawl on greenfield sites. The option for Hilton needs to recognise the rapid growth that has already taken place and that a period of consolidation should be seen as beneficial as the infrastructure catches up and adjusts.

Page 61 5.6.6 repeats the erroneous ‘minimum 600’. It asks the question of what would happen if LP2 was not adopted. For Hilton, this is a good question as it would mean the settlement boundary would not change.

Page 62 5.6.9 notes that the housing in LP2 ‘could make a notable contribution towards supporting housing provision in smaller communities’. This statement does not apply to Hilton where the St Modwen development of 485 houses has only completed just over 40. There are plenty of houses in the pipeline in Hilton.

Page 65 Table 5.5 As noted in the response to MM39, the last sentence of the mitigation 'To avoid damage ... enhance biodiversity..' is not reflected in H23C

Page 66 Table 5.5 Material Assets states: 'to make best use of existing infrastructure and reduce the need to travel and increase the opportunities for non-car travel...' The housing developments are assessed as having a 'minor to moderate positive effect'. For Hilton, H23C would most likely be a minor negative effect, as the infrastructure is already stretched and it is almost certain that the extra travel would be by car.

Page 68 Table 5.5 Soil, Water and Air. The mitigations for both 'to reduce water....' And 'to reduce and manage flood...' have non-main drains and on-site solutions to the issue of surface water. There must be a concern that the surface water will simply gravitate to neighbouring sites. This should be specifically addressed in the policy to ensure it does not happen.

Page 76 Table 5.6 Local Green Spaces. 'to reduce water, light ....' Is shown as a minor negative effect. Surely, the aim of a LGS is for it to have a positive effect. This needs changing.

Pages 89 to 100 5.9 and table 5.8. The whole of this section pays scant regard to the issue that the only school in the north of South Derbyshire is not only already too big (John Port has approximately 2000 pupils) but has now gone into special measures. The provision of good secondary education is of prime importance to Hilton. The policy needs to reflect that the infrastructure needs to catch up with the existing level of developments ( an extra 400 plus houses to be built in Hilton) before even more development is committed.

Pages 103 and 104 6.2.3 It is stated that a minor positive effect of Policy SDT1 is '.. reduce the need to travel'. The reality for Hilton is that it is almost inevitable that the on-going and further development will increase the car travel as the vast majority of new residents will be commuting to their place of work.

Pages 112 and 113. The Parish Council believe the assessment of the Derby Road site in Hilton to be largely wrong. See attached assessment made by the Parish Council.

Page 113 6.3.3.6 The adjustment to the boundary of the H23C site corrects an error by SDDC and brings it into line with that shown by the developer. Therefore there is no need for any change to the proposed 43 dwellings. This change should not be allowed.

Page 113 and 114 6.3.3.9 This paragraph does recognise that there will be an impact on the school and doctors' surgery in Hilton – contrary to the policy statement in H23. This statement needs to be reflected elsewhere in the Sustainability Appraisal.

Page 180 6.20.7 'Given the pressure on existing secondary school...further...provision will take place in the early to middle of the plan period' Hilton residents want to see this provision sooner rather than later. The statement does not seem to convey the urgency felt by prospective parents.

Page 195 S/0299 The site is the route of the historic turnpike and hence there could be archaeological interest. As noted above surface water flooding needs to be addressed so as not to exacerbate surface water issues on neighbouring sites.

Page 211 8.3.9 'further growth will come forward as windfalls within the Plan period' Again the Plan does not reflect the residents biggest concern on infrastructure so no windfall sites should be agreed until the infrastructure has caught up with existing developments. For information the 528 homes quoted does not include the Mandarin development that has already been given approval.



Page 211 8.3.10 This paragraph should be amended to reflect the historic hedgerows within and around the site and therefore should be retained. The southern edge of the site has surface water every year to varying degrees and this should be noted.

**Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

**Yes** ☒

**No** ☐

**South Derbyshire District Council Local Plan Part 2****Main Modifications Representation Form**

Please submit a separate form for each Main Modification that you wish to comment on. Comments should only relate to the identified Main Modifications and/or the Sustainability Appraisal. The Main Modifications and Sustainability Appraisal documents can be found at: [www.south-derbys.gov.uk/modsconsultation](http://www.south-derbys.gov.uk/modsconsultation)

**All comments should be submitted by 18<sup>th</sup> August 2017 at 5pm.**

Please return this questionnaire to South Derbyshire District Council:

Email: [planning.policy@south-derbys.go.vuk](mailto:planning.policy@south-derbys.go.vuk)

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

**Part A – Your Contact Details**

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

**Name**

Clare Orme

**Organisation**

Hilton Parish Council

**Address (including postcode)**

[Redacted address information]

**Telephone number**

[Redacted telephone number]

**E-mail address**

## Part B – Your Representation

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

**Q1) To which main Modification does this representation relate?**

Sustainability Appraisal Technical Appendices Part 4

### Legal Compliance and soundness

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Justified	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Consistent with national policy	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

**Q3) Please specify the reasons for your answer**

Varying erroneous comments and out of date map. Outlying areas dependent on Hilton for GP surgery, school and employment. The GP surgery and school infrastructure is stretched managing the developments within Hilton.

*(Continue on a separate sheet if necessary)*

**Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

*(Continue on a separate sheet if necessary)*

**Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

S/0023 – This appears to be the same as S/0299. The Map is out of date. The surface water risk is shown as moderate but this is an area where there is surface water every year. This is partly recognised in the words that refers to high but then on the basis of the revised boundary seems to suggest that it is not a problem.

Next page 'Other sites in Hilton' – again map out of date. Statements not exactly comforting on flood risk.

Next page Conclusions – again the concern is that the surface water risk will be pushed onto neighbouring land. No need for an Exceptions Test?

Implications of Modifications on Sustainability Appraisal – The proposal to amend 'up to' to 'around' is referred to. As noted elsewhere, this is not necessary. The boundary change is referred to as a minor amendment. However, this is a Main Modification required by the Inspector.

*(Continue on a separate sheet if necessary)*

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

**Yes**

☒

**No**

☐



EAST MIDLANDS OFFICE

Ms Karen Beavin  
South Derbyshire District Council  
Civic Offices  
Civic Way  
Swadlincote  
Derbyshire  
DE110 AH

Direct Dial: 01604 735460

Our ref: PL00019318

16 August 2017

Dear Karen

**RE: SOUTH DERBYSHIRE LOCAL PLAN PART 2 - SCHEDULE OF MAIN MODIFICATIONS**

Thank you for the consultation on the above information.

I am writing to advise that Historic England has no issues to raise in relation to the proposed modifications.

I hope this information is of use to you at this time.

Yours sincerely,

[REDACTED]  
Rosamund Worrall  
Historic Environment Planning Adviser  
[REDACTED]



**South Derbyshire District Council Local Plan Part 2****Main Modifications Representation Form**

Please submit a separate form for each Main Modification that you wish to comment on. Comments should only relate to the identified Main Modifications and/or the Sustainability Appraisal. The Main Modifications and Sustainability Appraisal documents can be found at: [www.south-derbys.gov.uk/modsconsultation](http://www.south-derbys.gov.uk/modsconsultation)

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Swadlincote, Derbyshire, DE11 0AH

**Part A – Your Contact Details**

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

**Name**

Alex Dalton

**Organisation**

Howard Sharp and Partners LLP

**Address (including postcode)**

[Redacted Address]

**Telephone number**

[Redacted Telephone Number]

**E-mail address**

[Redacted E-mail Address]

## Part B – Your Representation

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

**Q1) To which main Modification does this representation relate?**

MM6

### Legal Compliance and soundness

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)    Yes    ☒    No    ☐

Justified    Yes    ☒    No    ☐

Positively Prepared    Yes    ☒    No    ☐

Consistent with national policy    Yes    ☒    No    ☐

**Q3) Please specify the reasons for your answer**

Main Modification 6 is supported. The substitution of 'up to' for 'around' gives greater clarity and ensures consistency with national policy and the spatial strategy in Part 1 of the Local Plan.

*(Continue on a separate sheet if necessary)*

**Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

-

*(Continue on a separate sheet if necessary)*

**Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

-

*(Continue on a separate sheet if necessary)*

**Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

**Yes**

☒

**No**

☐

**South Derbyshire District Council Local Plan Part 2****Main Modifications Representation Form**

Please submit a separate form for each Main Modification that you wish to comment on. Comments should only relate to the identified Main Modifications and/or the Sustainability Appraisal. The Main Modifications and Sustainability Appraisal documents can be found at: [www.south-derbys.gov.uk/modsconsultation](http://www.south-derbys.gov.uk/modsconsultation)

**All comments should be submitted by 18<sup>th</sup> August 2017 at 5pm.**

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Swadlincote, Derbyshire, DE11 0AH

**Part A – Your Contact Details**

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

**Name**

Alex Dalton

**Organisation**

Howard Sharp and Partners LLP

**Address (including postcode)**

[Redacted Address]

**Telephone number**

[Redacted Telephone Number]

**E-mail address**

[Redacted E-mail Address]

## Part B – Your Representation

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

**Q1) To which main Modification does this representation relate?**

MM7

### **Legal Compliance and soundness**

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)    Yes    ☒    No    ☐

Justified    Yes    ☒    No    ☐

Positively Prepared    Yes    ☒    No    ☐

Consistent with national policy    Yes    ☒    No    ☐

**Q3) Please specify the reasons for your answer**

Main Modification 7 is supported. The substitution of 'up to' for 'around' gives greater clarity and ensures consistency with national policy and the spatial strategy in Part 1 of the Local Plan.

*(Continue on a separate sheet if necessary)*

**Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

-

*(Continue on a separate sheet if necessary)*

## **Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

It is noted that at paragraph 6.3.1, policy H23A does not include the modifications M9, M10, M11 and M12 from the January 2017 Schedule of Proposed Minor and Main Modifications to South Derbyshire Pre-Submission Local Plan Part 2.

This makes the Sustainability Appraisal inconsistent with the latest tracked changes version of the Local Plan Part 2.

For consistency, the Sustainability Appraisal should include all modifications to Policy H23A.

This should read:

Around 42 dwellings

Access to be from Manor Farm Road

Pedestrian access points to be made to south of site to join existing PROWs

A Landscape buffer to the east and west to be implemented and enhancement made to the south

An appropriate easement to be provided that is free of obstruction along the existing watercourse for maintenance

Public open space to be provided to the western part of the site

Use of 1.5 storey dwellings in close proximity to the southern boundary

*(Continue on a separate sheet if necessary)*

## **Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

Yes

☒

No

☐

**South Derbyshire District Council Local Plan Part 2****Main Modifications Representation Form**

Please submit a separate form for each Main Modification that you wish to comment on. Comments should only relate to the identified Main Modifications and/or the Sustainability Appraisal. The Main Modifications and Sustainability Appraisal documents can be found at: [www.south-derbys.gov.uk/modsconsultation](http://www.south-derbys.gov.uk/modsconsultation)

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

**Part A – Your Contact Details**

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

**Name**

Alex Dalton

**Organisation**

Howard Sharp and Partners LLP

**Address (including postcode)**

[Redacted Address]

**Telephone number**

[Redacted Telephone Number]

**E-mail address**

[Redacted E-mail Address]

## Part B – Your Representation

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

**Q1) To which main Modification does this representation relate?**

MM8

### **Legal Compliance and soundness**

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)    Yes    ☒    No    ☐

Justified    Yes    ☒    No    ☐

Positively Prepared    Yes    ☒    No    ☐

Consistent with national policy    Yes    ☒    No    ☐

**Q3) Please specify the reasons for your answer**

Main Modification 8 is supported. The substitution of 'up to' for 'around' gives greater clarity and ensures consistency with national policy and the spatial strategy in Part 1 of the Local Plan.

*(Continue on a separate sheet if necessary)*

**Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

-

*(Continue on a separate sheet if necessary)*

**Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

It is noted that at paragraph 6.3.2, policy H23B does not include the modifications M13 through to M17 from the January 2017 Schedule of Proposed Minor and Main Modifications to South Derbyshire Pre-Submission Local Plan Part 2.

This makes the Sustainability Appraisal inconsistent with the latest tracked changes version of the Local Plan Part 2.

For consistency, the Sustainability Appraisal should include all modifications to Policy H23B.

This should read:

Around 50 dwellings

Footpaths to be included that offer access to the allotments, Part 1 allocation to north and onto Jacksons Lane. In areas A and B the consideration of separated footpaths/cycleways.

Consideration of future noise impact on the site

Character area A – no more than 4 dwellings per hectare (gross)

Character area B – no more than 6 dwellings per hectare (gross)

Character area C – no more than 8 dwellings per hectare (gross)

A Landscape buffer implemented along the eastern boundary of the site

No more than 3 dwellings on the frontage of site to Egginton Road

No buildings to be in the area directly south of Etwall Grove

An off-site affordable housing contribution to be made

*(Continue on a separate sheet if necessary)*

**Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

**Yes** ☒

**No** ☐

**South Derbyshire District Council Local Plan Part 2****Main Modifications Representation Form**

Please submit a separate form for each Main Modification that you wish to comment on. Comments should only relate to the identified Main Modifications and/or the Sustainability Appraisal. The Main Modifications and Sustainability Appraisal documents can be found at: [www.south-derbys.gov.uk/modsconsultation](http://www.south-derbys.gov.uk/modsconsultation)

**All comments should be submitted by 18<sup>th</sup> August 2017 at 5pm.**

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

**Part A – Your Contact Details**

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

**Name**

Alex Dalton

**Organisation**

Howard Sharp and Partners LLP

**Address (including postcode)**

[Redacted Address]

**Telephone number**

[Redacted Telephone Number]

**E-mail address**

[Redacted E-mail Address]

## Part B – Your Representation

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

### Q1) To which main Modification does this representation relate?

MM12

### Legal Compliance and soundness

#### Q2) Do you consider the Local Plan is ...

Legally Compliant (including Duty to co-operate)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Justified	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Positively Prepared	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Consistent with national policy	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

#### Q3) Please specify the reasons for your answer

Main Modification 12 is supported. The substitution of 'up to' for 'around' gives greater clarity and ensures consistency with national policy and the spatial strategy in Part 1 of the Local Plan.

*(Continue on a separate sheet if necessary)*

**Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

-

*(Continue on a separate sheet if necessary)*

**Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

-

*(Continue on a separate sheet if necessary)*

**Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

Yes

☒

No

☐

## Groves Richard

---

**From:** [REDACTED]  
**Sent:** 15 August 2017 09:28  
**To:** Planning Policy; Beavin Karen  
**Subject:** RE: South Derbyshire Local Plan Part 2 Consultation

Dear Karen,

### **Planning Consultation:** Main Modifications to the South Derbyshire Local Plan Part 2

Thank you for consulting Natural England on the Main Modifications to the South Derbyshire Local Plan Part 2.

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

Natural England has provided comments on various drafts of the South Derbyshire Local Plan Part 2. We have no particular comments on the Main Modifications to the South Derbyshire Local Plan Part 2.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this email only please contact me on [REDACTED] For any new consultations, or to provide further information on this consultation please send your correspondences to [REDACTED]

Kind regards

Sean Mahoney

Lead Adviser

Sustainable Development

East Midlands Area Team

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

[REDACTED]

[REDACTED]

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

Natural England offers two chargeable services – The Discretionary Advice Service ([DAS](#)) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service ([PSS](#)) provides advice for protected species mitigation licence applications.

## South Derbyshire District Council Local Plan Part 2

### Main Modifications Representation Form

Please submit a separate form for each Main Modification that you wish to comment on. Comments should only relate to the identified Main Modifications and/or the Sustainability Appraisal. The Main Modifications and Sustainability Appraisal documents can be found at: [www.south-derbys.gov.uk/modsconsultation](http://www.south-derbys.gov.uk/modsconsultation)

**All comments should be submitted by 18<sup>th</sup> August 2017 at 5pm.**

Please return this questionnaire to South Derbyshire District Council:

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

### Part A – Your Contact Details

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

#### Name

Dominic Cooney, Planning & Design Practice Ltd.

#### Organisation

Representing: Talbot Turf / Talbot Farm Nursery / Talbot Farm Landscapes

#### Address (including postcode)

[Redacted Address]

#### Telephone number

[Redacted Telephone Number]

#### E-mail address

[Redacted E-mail Address]

## Part B – Your Representation

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

### Q1) To which main Modification does this representation relate?

PM7 Appendix A

Change to Hilton settlement boundary to reflect the boundary of allocation H23C – Land at Derby Road, Hilton

### Legal Compliance and soundness

#### Q2) Do you consider the Local Plan is ...

Legally Compliant (including Duty to co-operate)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Justified	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Positively Prepared	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Consistent with national policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

**Q3) Please specify the reasons for your answer**

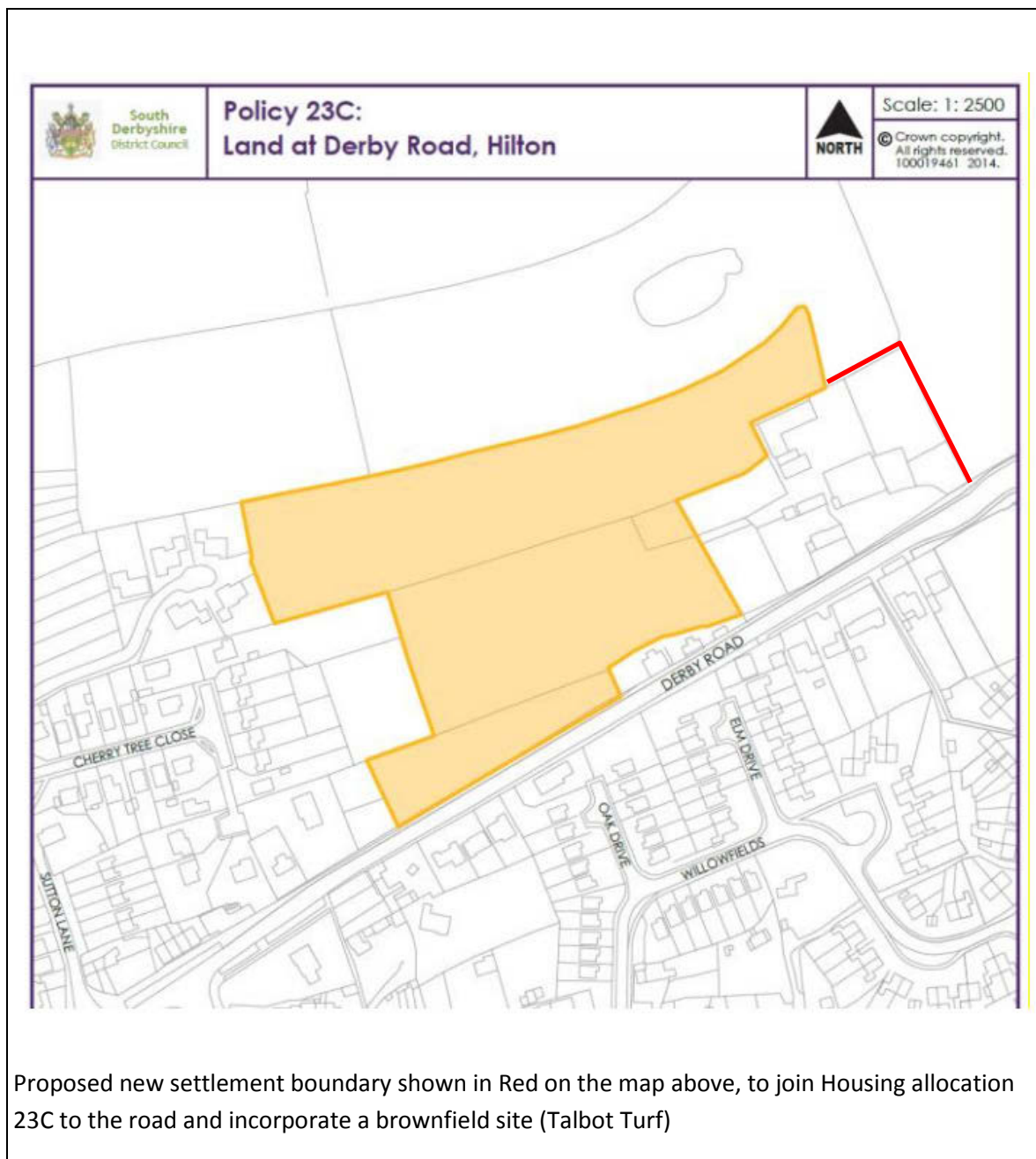
The reason for the proposed change to include the Housing Allocation H23 C in the settlement boundary for Hilton is obvious and acceptable, however a golden opportunity has been missed here:

The Talbot Turf site which is enclosed on 2 sides by this allocation, and fronts the road on the third side, is a brownfield site located in a highly sustainable location. Including this site in the settlement boundary would neatly square off the boundary line, and provide a clear opportunity for regenerating this previously developed land and by including it in the settlement boundary will provide more certainty for the land owner with respect to acceptability in principle for redevelopment of this site.

A proposed alteration to the boundary is shown on the map below.

**Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**



### **Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

*(Continue on a separate sheet if necessary)*

**Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

**Yes**

☒

**No**

☐

**South Derbyshire District Council Local Plan Part 2****Main Modifications Representation Form**

Please submit a separate form for each Main Modification that you wish to comment on. Comments should only relate to the identified Main Modifications and/or the Sustainability Appraisal. The Main Modifications and Sustainability Appraisal documents can be found at: [www.south-derbys.gov.uk/modsconsultation](http://www.south-derbys.gov.uk/modsconsultation)

**All comments should be submitted by 18<sup>th</sup> August 2017 at 5pm.**

Please return this questionnaire to South Derbyshire District Council:

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

**Part A – Your Contact Details**

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

**Name**

Jonathan Jenkin

**Organisation**

Planning and Design Practice Ltd

**Address (including postcode)**

[Redacted Address]

**Telephone number**

[Redacted Telephone Number]

**E-mail address**

[Redacted E-mail Address]

## Part B – Your Representation

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

### Q1) To which main Modification does this representation relate?

Amendments to Settlement Boundary of Lees Village

### Legal Compliance and soundness

#### Q2) Do you consider the Local Plan is ...

Legally Compliant (including Duty to co-operate)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Justified	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Positively Prepared	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Consistent with national policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

#### Q3) Please specify the reasons for your answer

See attached Statement

*(Continue on a separate sheet if necessary)*

**Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**



See attached statement

*(Continue on a separate sheet if necessary)*

**Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

*(Continue on a separate sheet if necessary)*

**Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

Yes

☐

No

☒

**A- Main Modifications MM2- Annexe A for Lees Village**

Local Plan Policy SDT1: Settlement Boundaries & Limits

Objection to Lees Village Plan Map

At the examination hearing held on Tuesday 25th April in Swadlincote, the Council in discussion with the Inspector and the landowner's agent agreed to the extension of Lees Village development boundary to the north from the property known as The School House to the property known as Grange View. The proposed extension includes the curtilage of the road side properties and areas of land between the properties which also front the highway.

We have received confirmation from the Head of Planning, Tony Sylvester that the boundary should have been extended as agreed at the public examination.

I enclose a map of the village with the proposed village extension. For completeness and given the recent planning approval for an infill plot between properties known as Hillsway and Tallant we suggest that these three properties should be included within the village confines.

The extension of the village boundary will allow the development of 3 "infill" plots on the eastern side of Main Road. These infill plots will be suitable for self-build and their inclusion within the Settlement Boundary will be consistent with National Policy.

The Self-Build and Custom Housebuilding Act 2015 places a duty on councils to keep a register of individuals and community groups locally who want to acquire land for self-build homes and to have regard to these registers in carrying out housing development.

This is in keeping with National Policy as it is stated that "the new registers are a fantastic example of our commitment to double the number of custom and self-build homes by 2020". The support of self-builds creates the ability to design a home to meet people's lifestyles, utilise innovative products and to create eco-friendly and sustainable properties.

**B- Main Modification MM36**

Policy BNE5 Development in Rural Areas

With regards to BNE5 (iv), we support both the pre-submission and MM36 of the policy:

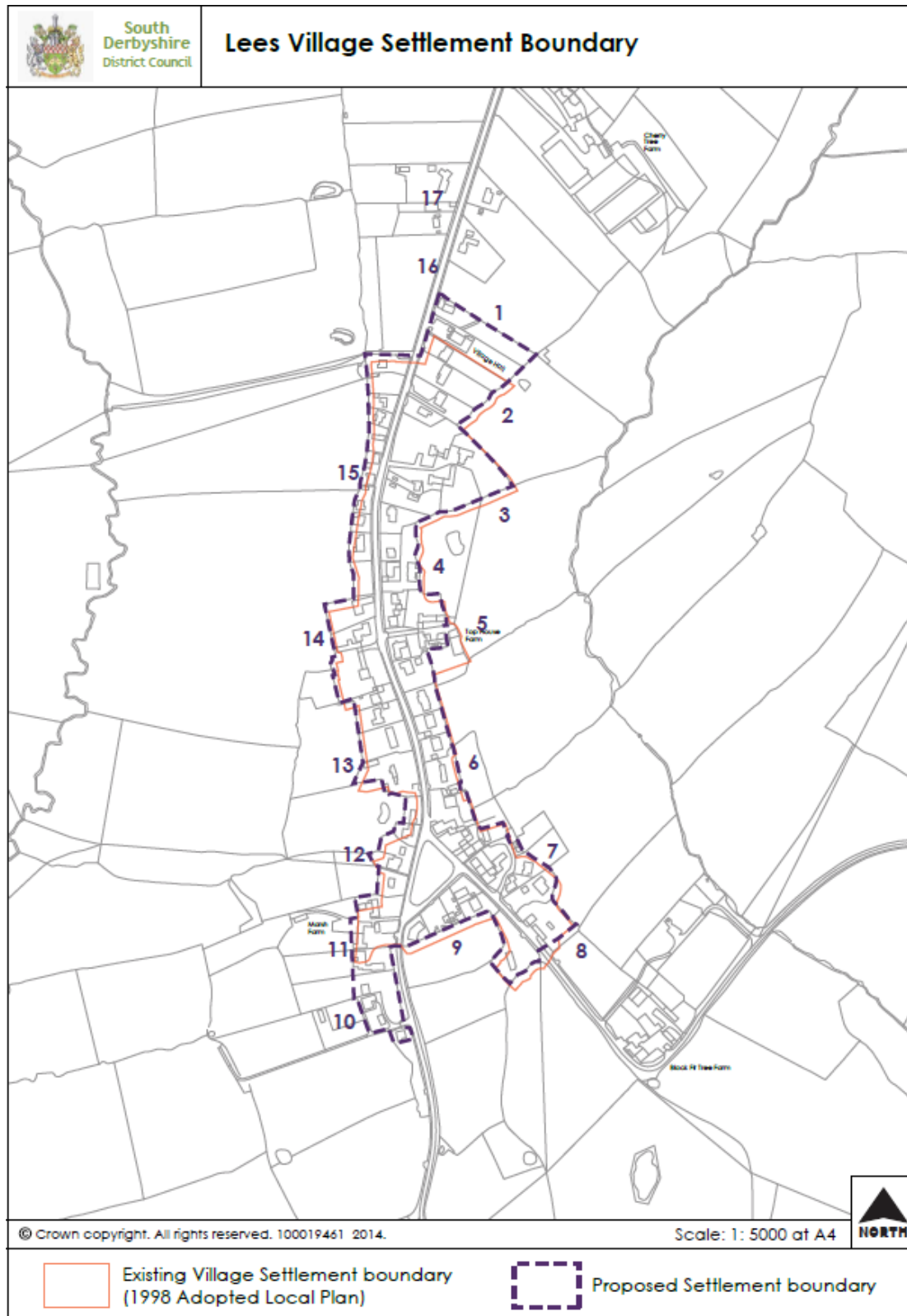
iv) considered to be infill that is in keeping with the character of the locality and represents the infilling of a small gap for not normally more than two dwellings, within small groups of housing.

Policy BNE5 which defines the more limited range of development that will be acceptable within the Rural Areas.

The sites are gaps in an otherwise built up frontage. We believe that this policy will allow small scale development across the District to maintain and enhance local services and facilities and allow for self-build and the benefits that arrive for local residents of South Derbyshire.

See Maps below

Local Plan Settlement Boundary:



Amendments to the settlement boundary (marked by the red line):



## South Derbyshire District Council Local Plan Part 2

### Main Modifications Representation Form

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Swadlincote, Derbyshire, DE11 0AH

### Part A – Your Contact Details

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

#### Name

Richard Pigott

#### Organisation

Planning & Design Practice Ltd

#### Address (including postcode)

██████████  
██████████  
██████  
██████████

#### Telephone number

██████████

#### E-mail address

██

## Part B – Your Representation

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

### Q1) To which main Modification does this representation relate?

Amendments to Settlement Boundary in Church Gresley

### Legal Compliance and soundness

#### Q2) Do you consider the Local Plan is ...

Legally Compliant (including Duty to co-operate)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Justified	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Positively Prepared	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Consistent with national policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

**Q3) Please specify the reasons for your answer**

See accompanying statement

*(Continue on a separate sheet if necessary)*

**Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**



See accompanying statement.

*(Continue on a separate sheet if necessary)*



**Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

N/a

*(Continue on a separate sheet if necessary)*

**Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

**Yes**

☐

**No**

☒

We represent G B Land Development Ltd who recently acquired a number of small sites on the edge of the Thorpe Downs Road estate in Church Gresley. On behalf of the company, we object to MM2 as we do not believe that the main modifications are positively prepared or consistent with national policy. Swadlincote is defined as an Urban Area and given the sustainable location of the site, it is well related to existing services and facilities which can be easily accessed by foot, bike and by using public transport.

The plot extends to approximately 840m<sup>2</sup> and is located at the eastern end of Deepdene Close. Access would be accessed via a private drive extending from the end of the existing cul-de-sac. It currently comprises open grassland.

The site is deemed deliverable and its inclusion will support the higher housing rates in the next 5 years as set out in the housing trajectory. The council has retained several legacy sites which will be very difficult to deliver and the inclusion of this plot and other smaller developable sites will help the council to meet its minimum housing targets.

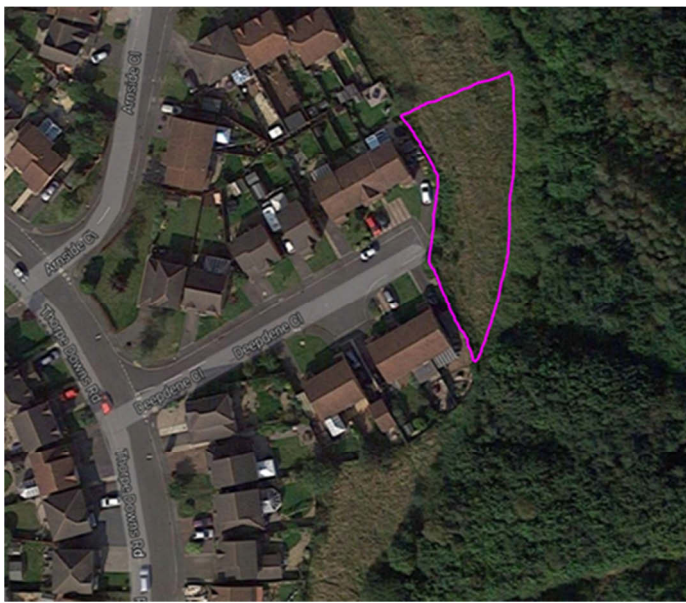
The site is highly deliverable and its impact on the landscape is minimal. The National Planning Policy Framework (NPPF) defines deliverable as:

“To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.”

The plot is large enough for 4-5 terraced or semi-detached dwellings. The site lies within the existing settlement boundary but outside the proposed settlement boundary. The reasoning for this is unclear as it would have made more sense to use the area of woodland to the east of the site as the edge of the settlement boundary. In practical terms, this is redundant land on the edge of a housing estate. Subject to suitable layout and design the development of the site for housing would not lead to any adverse impacts in planning terms.

### Reference to the Settlement Boundary Topic Paper

This topic paper establishes a set of criteria to examine, update and create settlement boundaries to ensure that each boundary is examined in a consistent manner. However, after evaluating the settlement boundary in Swadlincote, there appear to be some discrepancies. For example, **Principle 1** states:



*“Where practical settlement boundaries will be drawn tightly following defined physical features, such as walls, fences, hedges, roads etc.”*

With reference to our proposed site, there is a clear gap between the housing settlement and the hedges to the east. Therefore, to comply with principle 1, the settlement boundary should be extended to the east to open up the area of grassland for housing development.

**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 settlements 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.

As none of the following criteria relate to our site, we believe that the plot should be included in the settlement boundary, as it was in the previous Local Plan.

See accompanying statement (add maps and photographs to end of statement)

Proposed settlement boundary in Local Plan Part 2:

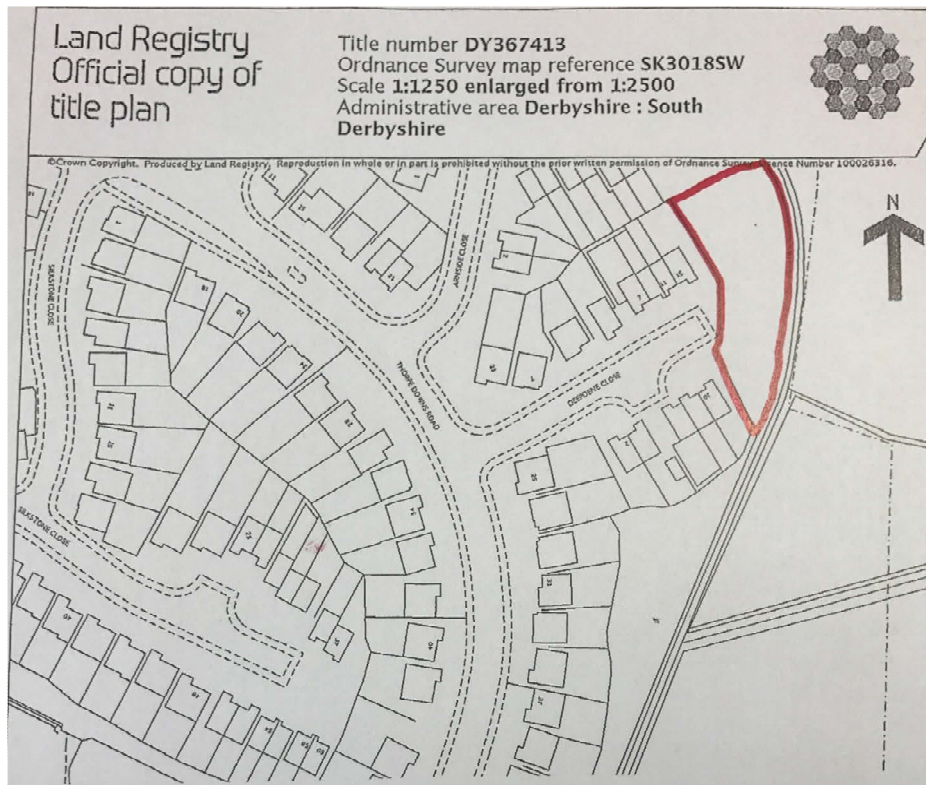


Suggested change to the settlement boundary:



Aerial image of the site edged in pink:

OS map of the site:



Hi Karen

There are a number of residents that oppose the boundary expansion in the Moor Lane area of Aston on Trent and would still wish to object to this.....

Best regards

Rich Benham

[REDACTED]  
[REDACTED]

**South Derbyshire District Council Local Plan Part 2****Main Modifications Representation Form**

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**All comments should be submitted by 18<sup>th</sup> August 2017 at 5pm.**

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**Part A – Your Contact Details**

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

**Name**

Alban Henderson

**Organisation**

idland Land Portfolio Ltd

**Telephone number**

**E-mail address**

**Part B – Your Representation**

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

**Q1) To which main Modification does this representation relate?**

MM6, MM8, M14, M15, M16, M17 and M18

**Legal Compliance and soundness**

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)    Yes    ☒    No    ☐

Justified    Yes    ☒    No    ☐

Positively Prepared    Yes    ☒    No    ☐

Consistent with national policy    Yes    ☒    No    ☐

**Q3) Please specify the reasons for your answer**

Severn Trent Water and Midlands Land Portfolio consider that the proposed modifications to the wording of Policy H23B (which relates to the allocation of their land) are made for reasons of consistency with national policy, clarity and correction and reflect the constructive discussions between Providence Land and planning officers regarding proposals on this site.

*(Continue on a separate sheet if necessary)*

**Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

No change is suggested.

(Continue on a separate sheet if necessary)

## Sustainability Appraisal

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

No comment is made on the updated SA

*(Continue on a separate sheet if necessary)*

## Hearing session appearance

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

Yes

☒

No

☐



The Coal  
Authority

## South Derbyshire Local Plan Part 2 - Main Modifications

Consultation Deadline – 18 August 2017

### Contact Details

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted] [Redacted]  
[Redacted] [Redacted]

### Date

11 August 2017

### South Derbyshire Local Plan Part 2 - Main Modifications

Thank you for notification received on the 6 July 2017 in respect of the above consultation.

I have reviewed the document and can confirm that we have no specific comments to make on the Main Modifications proposed.

Thank you

Regards

[Redacted]

**Melanie Lindsley** BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI  
**Planning Liaison Manager**

## South Derbyshire District Council Local Plan Part 2

### Main Modifications Representation Form

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### Part A – Your Contact Details

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

Tom Armfield

#### Organisation

er Homes

code)

#### Telephone number

## Part B – Your Representation

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

**Q1) To which main Modification does this representation relate?**

MM1

### **Legal Compliance and soundness**

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Justified	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Positively Prepared	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Consistent with national policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

**Q3) Please specify the reasons for your answer**

Defining all that outside a settlement boundaries as within the 'Rural Areas' presents specific connotations for the land, which may not be provide the best description for all sites outside a settlement boundary. For example sites on the edge of urban areas will most likely be of an 'urban fringe' character as opposed to rural character.

Miller Homes controls land (Site Ref: S0134) within the urban fringe of Repton and to refer to this location as the 'Rural Area' does not reflect the true character of this area and site.

Whilst it is recognised that the policy has been modified to remove reference to countryside for 'Rural Area', and this modification is welcomed it is considered that the policy could be modified further and the term 'Rural Area' replaced with 'out of settlement boundaries'.

The proposed amendment will ensure that the policy provides a basis for the assessment of the benefits of a proposed development, as required by the NPPF. The proposed changed will ensure that the policy is justified and consistent with national policy.

*(Continue on a separate sheet if necessary)*

**Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

The text should be **replaced** with the following:

*“Settlement boundaries distinguish between the main built form of a settlement and the area outside the settlement boundary. In principle, development will be supported within settlement boundaries. Outside of settlement boundaries development proposals will be assessed on their individual merits. Planning permission will be granted where if it can be demonstrated that the proposals would deliver sustainable development that is well designed, appropriate in nature and scale; and preserves or enhances the character and appearance of out of settlement boundary locations.”*

*Continue on a separate sheet if necessary)*

**Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

N/A

*(Continue on a separate sheet if necessary)*

**Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

**Yes**

☒

**No**

☐

## South Derbyshire District Council Local Plan Part 2

### Main Modifications Representation Form

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### Part A – Your Contact Details

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

Tom Armfield

#### Organisation

er Homes

code)

#### Telephone number

#### E-mail address

## Part B – Your Representation

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

**Q1) To which main Modification does this representation relate?**

MM2

### **Legal Compliance and soundness**

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Justified	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Positively Prepared	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Consistent with national policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

**Q3) Please specify the reasons for your answer**

The policy does not provide sufficient flexibility to provide for choice and competition in the housing market and boost significantly housing supply (this is the case that Turley made in our previous hearing statements and at the Examination). The Policy is inconsistent with national policy and specifically paragraph 47 of the National Planning Policy Framework.

*(Continue on a separate sheet if necessary)*

**Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

The policy should be **amended** as follows:

*"Settlement boundaries define the built limits of a settlement.*

*Within settlement boundaries as defined on the policies map and in Appendix A, development will be permitted where it accords with the development plan.*

*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.~~*

***development proposals will be assessed on their individual merits. Planning permission will be granted where if it can be demonstrated that the proposals would deliver sustainable development that is well designed, appropriate in nature and scale; and preserves or enhances the character and appearance of out of settlement boundary locations.***

*Settlement boundaries will be applied in the following settlements: (...)"*

*(Continue on a separate sheet if necessary)*

**Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

N/A

*(Continue on a separate sheet if necessary)*

**Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

Yes

☒

No

☐



## South Derbyshire District Council Local Plan Part 2

### Main Modifications Representation Form

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### Part A – Your Contact Details

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

Tom Armfield

#### Organisation

Homes

de)

#### Telephone number

#### E-mail address

## Part B – Your Representation

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

**Q1) To which main Modification does this representation relate?**

MM5

### **Legal Compliance and soundness**

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Justified	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Positively Prepared	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Consistent with national policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

**Q3) Please specify the reasons for your answer**

As currently drafted the supporting text is inconsistent with national policy.

*(Continue on a separate sheet if necessary)*

**Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

As currently drafted the supporting text is inconsistent with national policy.

The supporting text should be **replaced** with the following:

*“Development proposals for land outside of settlement boundaries and allocated sites will be assessed on their individual merits. Planning permission will be granted where it can be demonstrated that the proposals would deliver sustainable development that is well designed, appropriate in nature and scale; and preserves or enhances the character and appearance of out of settlement boundary locations.”*

*(Continue on a separate sheet if necessary)*

**Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

N/A

*(Continue on a separate sheet if necessary)*

**Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

**Yes**

☒

**No**

☐



## South Derbyshire District Council Local Plan Part 2

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### Part A – Your Contact Details

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

Tom Armfield

#### Organisation

Miller Homes

postcode)

#### Telephone number

#### E-mail address

## Part B – Your Representation

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

**Q1) To which main Modification does this representation relate?**

MM37

### **Legal Compliance and soundness**

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Justified	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Positively Prepared	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Consistent with national policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

**Q3) Please specify the reasons for your answer**

In order to ensure choice and flexibility in the housing market and for the policy to be in line with national planning policy it is recommended that the current draft policy is **replaced** with the wording provided in response to question 4.

*(Continue on a separate sheet if necessary)*

**Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

The current draft policy is **replaced** with the following wording:

***“In order to support sustainable development, and preserve and protect the countryside including the best and most versatile land, development outside settlement boundaries requires appropriate management. This policy aims to balance preserving the character of the areas outside settlement boundaries with supporting development and the rural communities within it.***

***4.3 Development considered to be acceptable in principle in areas outside settlement boundaries 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 of Policies E7 and INF10, replacement dwellings in the countryside (Policy H24), rural worker’s dwelling 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. There may be unforeseen circumstances that could constitute unavoidable development outside settlement development boundaries at points in time such as the council being unable to demonstrate a deliverable housing and employment land supply.***

***4.4 Should the development be considered as inappropriate outside settlement boundaries, then a further test will be applied that considers the developments impact on a number of factors.***

**Test A:**

***Through the presumption in favour of sustainable development in the NPPF and the policy in Part 1 of the plan sites will be considered favourable where it can be demonstrated that the benefits of development would significantly and demonstrably outweigh the harm.”***

***4.5 Where appropriate the consideration of landscape character and quality will be undertaken by using the factors set out in the GLVA 3<sup>rd</sup> Edition (or further additions) which form the basis of an LVIA:***

- Landscape quality (condition)***
- Scenic quality***
- Rarity***
- Representativeness***
- Conservation interest***
- Recreation value***
- Perceptual aspects***
- Cultural associations”***

**Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

N/A

*(Continue on a separate sheet if necessary)*

**Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

Yes

☒

No

☐

## South Derbyshire District Council Local Plan Part 2

### Main Modifications Representation Form

Please submit a separate form for each Main Modification that you wish to comment on. Comments should only relate to the identified Main Modifications and/or the Sustainability Appraisal. The Main Modifications and Sustainability Appraisal documents can be found at: [www.south-derbys.gov.uk/modsconsultation](http://www.south-derbys.gov.uk/modsconsultation)

**All comments should be submitted by 18<sup>th</sup> August 2017 at 5pm.**

Please return this questionnaire to South Derbyshire District Council:

Email: [planning.policy@south-derbys.go.vuk](mailto:planning.policy@south-derbys.go.vuk)

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

### Part A – Your Contact Details

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

Tom Armfield

#### Organisation

omes

de)

#### Telephone number

#### E-mail address

## Part B – Your Representation

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

**Q1) To which main Modification does this representation relate?**

MM6

### **Legal Compliance and soundness**

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Justified	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Positively Prepared	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Consistent with national policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

**Q3) Please specify the reasons for your answer**

It is recommended that site S0134 is identified as a non-strategic site within Policy H23 and allocated for residential development. Site S0134 is in a sustainable location, located to the western extent of Repton. Repton is a well-established settlement with a wide range of facilities and services for local residents. Furthermore, a regular bus service (No.V3) is within a short walking distance of the site providing access to Derby, Burton and Swadlincote, and associated employment opportunities.

Allocating the site will provide choice and flexibility in the housing market and will ensure that the policy is consistent with national policy.

*(Continue on a separate sheet if necessary)*

**Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

The following text should be **inserted** in the policy:

***“O Burton Road, Repton (S0134) – around 184 dwellings.”***

*(Continue on a separate sheet if necessary)*

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

*(Continue on a separate sheet if necessary)*

**Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

Yes

☒

No

☐



## South Derbyshire District Council Local Plan Part 2

### Main Modifications Representation Form

Please submit a separate form for each Main Modification that you wish to comment on. Comments should only relate to the identified Main Modifications and/or the Sustainability Appraisal. The Main Modifications and Sustainability Appraisal documents can be found at: [www.south-derbys.gov.uk/modsconsultation](http://www.south-derbys.gov.uk/modsconsultation)

**All comments should be submitted by 18<sup>th</sup> August 2017 at 5pm.**

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### Part A – Your Contact Details

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

Tom Armfield

#### Organisation

Miller Homes

postcode)

#### Telephone number

#### E-mail address

## Part B – Your Representation

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

**Q1) To which main Modification does this representation relate?**

MM36

### **Legal Compliance and soundness**

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Justified	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Positively Prepared	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Consistent with national policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

**Q3) Please specify the reasons for your answer**

As currently drafted the policy does is inflexible and is inconsistent with planning policy.

*(Continue on a separate sheet if necessary)*

### Suggested Change

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

The draft policy should be **replaced** with the following wording:

***“Outside of settlement boundaries (as defined in policy SDT1) planning permission will be granted where:***

***i) allowed for by policies H1, H22, E7, INF10, H24, H25, H26, H27 or H29; or***

***ii) otherwise essential to a rural based activity; or***

***iii) unavoidable outside settlement boundaries; or***

***iv) considered to be infill that it 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; or***

***v) will not unduly impact on: landscape character and quality, biodiversity, best and most versatile agricultural land, and heritage assets.***

***Should the development be considered as inappropriate outside settlement boundaries, then a further test will be applied that considers the developments impact on a number of factors.***

***Test A:***

***Through the presumption in favour of sustainable development in the NPPF and the policy in Part 1 of the plan sites will be considered favourable where it can be demonstrated that the benefits of development would significantly and demonstrably outweigh the harm.”***

*(Continue on a separate sheet if necessary)*

### Sustainability Appraisal

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

*(Continue on a separate sheet if necessary)*

**Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

**Yes**

☒

**No**

☐

## South Derbyshire District Council Local Plan Part 2

### Main Modifications Representation Form

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### Part A – Your Contact Details

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

**Name**

Kathryn Young

**Organisation**

Hallam Land Management

**Postcode)**

**Telephone number**

**E-mail address**

## Part B – Your Representation

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

**Q1) To which main Modification does this representation relate?**

MM1

### **Legal Compliance and soundness**

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)

Yes

☒

No

☐

Justified

Yes

☐

No

☒

Positively Prepared

Yes

☐

No

☒

Consistent with national policy

Yes

☐

No

☒

**Q3) Please specify the reasons for your answer**

To define the land outside of settlement boundaries as 'Rural Areas' presents specific connotations for the land, which may not be true of all sites in these locations. For instance sites on the edge of urban areas will most likely be of an 'urban fringe' character as opposed to rural.

Hallam Land Management controls land (Site Ref: S0089) within the urban fringe of Repton and to refer to this location as the 'Rural Area' does not reflect the true character of this area and site.

Whilst it is recognised that the policy has been modified to remove reference to countryside for 'Rural Area' it is considered that the policy could be modified further and the term 'Rural Area' replaced with 'out of settlement boundaries'. The text should be **replaced** with the following:

*"Settlement boundaries distinguish between the main built form of a settlement and the area outside the settlement boundary. In principle, development will be supported within settlement boundaries. Outside of settlement boundaries development proposals will be assessed on their individual merits. Planning permission will be granted where if it can be demonstrated that the proposals would deliver sustainable development that is well designed, appropriate in nature and scale; and preserves or enhances the character and appearance of out of settlement boundary locations."*

The proposed amendment will ensure that the policy provides a basis for the assessment of the benefits of a proposed development, as required by the NPPF. The proposed changed will ensure that the policy is justified and consistent with national policy.

### **Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

The text should be **replaced** with the following:

*“Settlement boundaries distinguish between the main built form of a settlement and the area outside the settlement boundary. In principle, development will be supported within settlement boundaries. Outside of settlement boundaries development proposals will be assessed on their individual merits. Planning permission will be granted where if it can be demonstrated that the proposals would deliver sustainable development that is well designed, appropriate in nature and scale; and preserves or enhances the character and appearance of out of settlement boundary locations.”*

### **Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

Not applicable.

*(Continue on a separate sheet if necessary)*

**Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

**Yes**

☒

**No**

☐

## South Derbyshire District Council Local Plan Part 2

### Main Modifications Representation Form

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

### Part A – Your Contact Details

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

**Name**

Kathryn Young

**Organisation**

Hllam Land Management

**tcode)**

**Telephone number**

**E-mail address**

## Part B – Your Representation

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

**Q1) To which main Modification does this representation relate?**

MM2

### **Legal Compliance and soundness**

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)

Yes

☒

No

☐

Justified

Yes

☐

No

☒

Positively Prepared

Yes

☐

No

☒

Consistent with national policy

Yes

☐

No

☒

**Q3) Please specify the reasons for your answer**

As currently drafted the policy is unjustified and inconsistent with national policy. The policy does not provide sufficient flexibility to provide for choice and competition in the housing market and boost significantly housing supply (this is the case that Turley made in our previous hearing statements and at the Examination).

The policy should be amended as follows:

*"Settlement boundaries define the built limits of a settlement.*

*Within settlement boundaries as defined on the policies map and in Appendix A, development will be permitted where it accords with the development plan.*

*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.~~ development proposals will be assessed on their individual merits. Planning permission will be granted where if it can be demonstrated that the proposals would deliver sustainable development that is well designed, appropriate in nature and scale; and preserves or enhances the character and appearance of out of settlement boundary locations.*

*Settlement boundaries will be applied in the following settlements: (...)"*

### Suggested Change

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

The policy should be **amended** as follows:

*"Settlement boundaries define the built limits of a settlement.*

*Within settlement boundaries as defined on the policies map and in Appendix A, development will be permitted where it accords with the development plan.*

*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.~~*

***development proposals will be assessed on their individual merits. Planning permission will be granted where if it can be demonstrated that the proposals would deliver sustainable development that is well designed, appropriate in nature and scale; and preserves or enhances the character and appearance of out of settlement boundary locations.***

*Settlement boundaries will be applied in the following settlements: (...)"*

### Sustainability Appraisal

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

Not applicable.

*(Continue on a separate sheet if necessary)*

**Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

**Yes**

☒

**No**

☐

## South Derbyshire District Council Local Plan Part 2

### Main Modifications Representation Form

Please submit a separate form for each Main Modification that you wish to comment on. Comments should only relate to the identified Main Modifications and/or the Sustainability Appraisal. The Main Modifications and Sustainability Appraisal documents can be found at: [www.south-derbys.gov.uk/modsconsultation](http://www.south-derbys.gov.uk/modsconsultation)

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### Part A – Your Contact Details

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

**Name**

Kathryn Young

**Organisation**

am Land Management

code)

**Telephone number**

**E-mail address**

## Part B – Your Representation

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

**Q1) To which main Modification does this representation relate?**

MM5

### **Legal Compliance and soundness**

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Justified	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Positively Prepared	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Consistent with national policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

**Q3) Please specify the reasons for your answer**

As currently drafted the supporting text is inconsistent with national policy.

The supporting text should be **replaced** with the following:

*“Development proposals for land outside of settlement boundaries and allocated sites will be assessed on their individual merits. Planning permission will be granted where it can be demonstrated that the proposals would deliver sustainable development that is well designed, appropriate in nature and scale; and preserves or enhances the character and appearance of out of settlement boundary locations.”*

*(Continue on a separate sheet if necessary)*

### **Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

The supporting text should be **replaced** with the following:

*“Development proposals for land outside of settlement boundaries and allocated sites will be assessed on their individual merits. Planning permission will be granted where it can be demonstrated that the proposals would deliver sustainable development that is well designed, appropriate in nature and scale; and preserves or enhances the character and appearance of out of settlement boundary locations.”*

*(Continue on a separate sheet if necessary)*

### **Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

Not applicable.

*(Continue on a separate sheet if necessary)*

**Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

**Yes**

☒

**No**

☐

## South Derbyshire District Council Local Plan Part 2

### Main Modifications Representation Form

Please submit a separate form for each Main Modification that you wish to comment on. Comments should only relate to the identified Main Modifications and/or the Sustainability Appraisal. The Main Modifications and Sustainability Appraisal documents can be found at: [www.south-derbys.gov.uk/modsconsultation](http://www.south-derbys.gov.uk/modsconsultation)

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### Part A – Your Contact Details

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

**Name**

Kathryn Young

**Organisation**

Hallam Land Management

**stcode)**

**Telephone number**

**E-mail address**

## Part B – Your Representation

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

**Q1) To which main Modification does this representation relate?**

MM6

### **Legal Compliance and soundness**

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)

Yes

☒

No

☐

Justified

Yes

☐

No

☒

Positively Prepared

Yes

☐

No

☒

Consistent with national policy

Yes

☐

No

☒

**Q3) Please specify the reasons for your answer**

The site known as S0089 should be allocated for residential development and identified as a named site in Policy H23.

Site S0089 is in a sustainable location, located to the south east of Repton. The Council recently granted planning permission (Ref: 9/2014/1093 and 9/2015/1159) for the development of land to the north east of Mount Pleasant Road. This demonstrates that the Council accepts development to the south east of the village as a sustainable location for future growth at Repton.

Repton is a well-established settlement with a wide range of facilities and services for local residents. A regular bus service (No.V3) is within a short walking distance of the site providing access to Derby, Burton and Swadlincote, and associated employment opportunities.

In respect of the key considerations identified under Policy H23, the delivery of site S0089 for residential development would not give rise to detrimental impacts on transport, landscape/townscape, flood risk, designated and non-designated heritage assets and biodiversity. Furthermore, as a result of the recently consented schemes highway improvements have been consented to Mount Pleasant Road.

The site would make a significant contribution to the delivery of housing across the District and in light of the improvements to Mount Pleasant Road (consented through application ref: 9/2014/1093 and 9/2015/1159) would not need significant infrastructure to enable development to proceed.

The following text should be **inserted** in the policy:

***“O Adjacent Mount Pleasant Public House (S0089) – around 70 dwellings.”***

*(Continue on a separate sheet if necessary)*

### **Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

The following text should be **inserted** in the policy:

***“O Adjacent Mount Pleasant Public House (S0089) – around 70 dwellings.”***

### **Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

Not applicable.

*(Continue on a separate sheet if necessary)*

**Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

**Yes**

☒

**No**

☐

## South Derbyshire District Council Local Plan Part 2

### Main Modifications Representation Form

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### Part A – Your Contact Details

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

**Name**

Kathryn Young

**Organisation**

Hllam Land Management

**tcode)**

**Telephone number**

**E-mail address**

## Part B – Your Representation

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

**Q1) To which main Modification does this representation relate?**

MM36

### **Legal Compliance and soundness**

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)

Yes

☒

No

☐

Justified

Yes

☐

No

☒

Positively Prepared

Yes

☐

No

☒

Consistent with national policy

Yes

☐

No

☐

**Q3) Please specify the reasons for your answer**

In order to ensure choice and flexibility in the housing market and for the policy to be in line with national planning policy the current draft policy should be **replaced** with the following wording:

***“Outside of settlement boundaries (as defined in policy SDT1) planning permission will be granted where:***

***i) allowed for by policies H1, H22, E7, INF10, H24, H25, H26, H27 or H29; or***

***ii) otherwise essential to a rural based activity; or***

***iii) unavoidable outside settlement boundaries; or***

***iv) considered to be infill that it 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; or***

***v) will not unduly impact on: landscape character and quality, biodiversity, best and most versatile agricultural land, and heritage assets.***

***Should the development be considered as inappropriate outside settlement boundaries, then a further test will be applied that considers the developments impact on a number of factors.***

***Test A:***

***Through the presumption in favour of sustainable development in the NPPF and the policy in Part 1 of the plan sites will be considered favourable where it can be demonstrated that the benefits of development would significantly and demonstrably outweigh the harm.”***

### **Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

The draft policy should be **replaced** with the following wording:

***“Outside of settlement boundaries (as defined in policy SDT1) planning permission will be granted where:***

- i) allowed for by policies H1, H22, E7, INF10, H24, H25, H26, H27 or H29; or***
- ii) otherwise essential to a rural based activity; or***
- iii) unavoidable outside settlement boundaries; or***
- iv) considered to be infill that it 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; or***
- v) will not unduly impact on: landscape character and quality, biodiversity, best and most versatile agricultural land, and heritage assets.***

***Should the development be considered as inappropriate outside settlement boundaries, then a further test will be applied that considers the developments impact on a number of factors.***

**Test A:**

***Through the presumption in favour of sustainable development in the NPPF and the policy in Part 1 of the plan sites will be considered favourable where it can be demonstrated that the benefits of development would significantly and demonstrably outweigh the harm.”***

*(Continue on a separate sheet if necessary)*

### **Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

Not applicable.

*(Continue on a separate sheet if necessary)*

**Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

**Yes**

☒

**No**

☐

## South Derbyshire District Council Local Plan Part 2

### Main Modifications Representation Form

Please submit a separate form for each Main Modification that you wish to comment on. Comments should only relate to the identified Main Modifications and/or the Sustainability Appraisal. The Main Modifications and Sustainability Appraisal documents can be found at: [www.south-derbys.gov.uk/modsconsultation](http://www.south-derbys.gov.uk/modsconsultation)

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

### Part A – Your Contact Details

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

**Name**

Kathryn Young

**Organisation**

allam Land Management

**stcode)**

**Telephone number**

## Part B – Your Representation

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

**Q1) To which main Modification does this representation relate?**

MM37

### **Legal Compliance and soundness**

**Q2) Do you consider the Local Plan is ...**

Legally Compliant (including Duty to co-operate)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Justified	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Positively Prepared	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Consistent with national policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

### Q3) Please specify the reasons for your answer

In order to ensure choice and flexibility in the housing market and for the policy to be in line with national planning policy it is recommended that the current draft policy is **replaced** with the following wording:

***“In order to support sustainable development, and preserve and protect the countryside including the best and most versatile land, development outside settlement boundaries requires appropriate management. This policy aims to balance preserving the character of the areas outside settlement boundaries with supporting development and the rural communities within it.***

***4.3 Development considered to be acceptable in principle in areas outside settlement boundaries 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 of Policies E7 and INF10, replacement dwellings in the countryside (Policy H24), rural worker’s dwelling 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. There may be unforeseen circumstances that could constitute unavoidable development outside settlement boundaries at points in time such as the council being unable to demonstrate a deliverable housing and employment land supply.***

***4.4 Should the development be considered as inappropriate outside settlement boundaries, then a further test will be applied that considers the developments impact on a number of factors.***

**Test A:**

***Through the presumption in favour of sustainable development in the NPPF and the policy in Part 1 of the plan sites will be considered favourable where it can be demonstrated that the benefits of development would significantly and demonstrably outweigh the harm.”***

***4.5 Where appropriate the consideration of landscape character and quality will be undertaken by using the factors set out in the GLVA 3<sup>rd</sup> Edition (or further additions) which form the basis of an LVIA:***

- Landscape quality (condition)***
- Scenic quality***
- Rarity***
- Representativeness***
- Conservation interest***
- Recreation value***
- Perceptual aspects***
- Cultural associations”***

**Suggested Change**

**Q4) If relevant, please set out the changes you consider necessary to make the Main Modification legally compliant and/or sound. Any revised wording of the policy or text would be helpful. Please be as precise as possible.**

The current draft policy is **replaced** with the following wording:

***“In order to support sustainable development, and preserve and protect the countryside including the best and most versatile land, development outside settlement boundaries requires appropriate management. This policy aims to balance preserving the character of the areas outside settlement boundaries with supporting development and the rural communities within it.***

***4.3 Development considered to be acceptable in principle in areas outside settlement boundaries 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 of Policies E7 and INF10, replacement dwellings in the countryside (Policy H24), rural worker’s dwelling 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. There may be unforeseen circumstances that could constitute unavoidable development outside settlement development boundaries at points in time such as the council being unable to demonstrate a deliverable housing and employment land supply.***

***4.4 Should the development be considered as inappropriate outside settlement boundaries, then a further test will be applied that considers the developments impact on a number of factors.***

**Test A:**

***Through the presumption in favour of sustainable development in the NPPF and the policy in Part 1 of the plan sites will be considered favourable where it can be demonstrated that the benefits of development would significantly and demonstrably outweigh the harm.”***

***4.5 Where appropriate the consideration of landscape character and quality will be undertaken by using the factors set out in the GLVA 3<sup>rd</sup> Edition (or further additions) which form the basis of an LVIA:***

- Landscape quality (condition)***
- Scenic quality***
- Rarity***
- Representativeness***
- Conservation interest***
- Recreation value***
- Perceptual aspects***
- Cultural associations”***

*(Continue on a separate sheet if necessary)*

### **Sustainability Appraisal**

**Q5) The revised Sustainability Appraisal has been updated to include the appraisal of the Main Modifications and Additional Modifications. Please provide any comments on the Sustainability Appraisal below:**

Not applicable.

*(Continue on a separate sheet if necessary)*

### **Hearing session appearance**

**Q6) Any issues raised on the Main Modifications will be considered as written representations by the Inspector. Further hearing sessions will only be scheduled exceptionally. However please indicate whether you wish to appear at an examination session if necessary?**

Yes



No

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